



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201900071
Address	20 Swain Street, Sydenham (General Gordon Hotel)
Proposal	To reconstruct the Hotel, consolidate existing operational consents relating to the premises and provide for a trial period for extended trading between the hours of 10:00am to 3:00am Mondays to Saturdays including Public Holidays and 12 noon to 10:00pm Sundays
Date of Lodgement	4 March 2019
Applicant	White and Partners (Investments) Pty Ltd
Owner	Trustee for General Gordon Hotel Head Trust
Number of Submissions	Two
Value of works	\$1,950,616
Reason for determination at Planning Panel	Heritage Item
Main Issues	Heritage and Acoustic Impacts
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development



LOCALITY MAP

Subject Site		Objectors		N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of a development application (DA) submitted to Council to reconstruct the General Gordon Hotel (the Hotel), consolidate existing operational consents relating to the premises and renew the extended trading hours at 20 Swain Street, Sydenham.

A fire event on 31 July 2018 significantly damaged the Hotel, which caused the collapse of the roof and destruction of the interior. All that remains are parts of the heritage façade and some internal walls. Council subsequently issued a Repair Order on 1 February 2019 for all the structural work necessary to support extant fabric of the building, which includes reconstruction of internal floors and support beams for the walls and roof.

The proposal will allow for the re-establishment of the licensed premises through a like-for-like replacement of the Hotel building.

The internal fit-out for the majority of the Hotel will be undertaken in accordance with the alterations and additions approved in DA201700460, which predominately relate to the later additions at the rear of the Hotel. The demolition and preparatory associated with these approved works were underway at the time of the fire event. The Applicant has now lodged a concurrent Section 4.55 modification application seeking to modify the approved works (DA201700460.02).

The DA is referred to the Inner West Planning Panel (IWPP) for determination as the site is listed as a Heritage Item under Marrickville Local Environmental Plan 2011 (MLEP 2011).

The application was notified to the surrounding properties and two submissions were received in objection, primarily on the grounds of noise impacts and the extended hours of operation.

The key assessment issue relates to the heritage impacts associated with the reconstruction of the building to its original form to allow its continued historic use as a Hotel. The proposal aims to conserve the extant fabric of the building and retain the established heritage significance of the Hotel. Council's Heritage and Urban Design Advisor considers the proposal is acceptable in terms of heritage impacts.

The key issue raised in the public submissions relates to the extended hours of operation of the Hotel and noise impacts to nearby residential properties. Council's Environmental Health Officer supports the proposal, subject to the imposition of appropriate noise conditions. These conditions have been included in the recommendation of this report to protect the amenity of the surrounding area. It is also recommended that the extended hours of operation are subject to a one-year trial period to allow Council to review the performance of the Hotel.

The application is therefore recommended for approval subject to conditions.

2. Proposal

The proposal seeks consent to reconstruct the building to its original form prior to the fire event to allow its continued historic use as a Hotel. The key aspects of the proposal are described below.

Proposed building works

Table 1 provides a summary of the key building works.

Table 1 – Proposed building works

Level	Building Work
Ground	<ul style="list-style-type: none"> • reconstruction and restoration of the heritage facade and awning at all street frontages • lowering of the main entry and main entry door for level street access at the Swain Street frontage • provision of a new lift to serve the ground and first floor • relocation of the main stair to accommodate the lift and achieve a single stair access from the first floor • reconfiguration of the toilets from the original layout • refurbishment of the front bar including a bottle shop • demolition of extant internal walls and floor slabs and extant fire place in the proposed bistro • relocation of the smoker’s terrace to the public bar to be replaced with waste room and gas metering • minor alterations to the lower roof fronting Swain Street.
First	<ul style="list-style-type: none"> • provision of eight hotel rooms including ensuites • access via a fire isolated stair and lift.

Existing Development Consents

The Hotel has been subject to multiple overlapping development consents over the years. The Applicant is proposing to consolidate the existing applicable development consents into a single comprehensive development consent. The DA therefore seeks approval to:

- delete the operational conditions in DA 201700460 in order to remove conflicting operational conditions relating to the Plan of Management (conditions 1 and 7), acoustic assessment (condition 6) and the smoker’s terrace (condition 8)
- surrender development consent DA20100039 and DA200500777.

Number of Employees

The estimated total number of employees is seventeen (17) comprising seven full-time and ten part-time staff.

Hours of Operation

The proposal seeks to renew the extended hours of operation under DA200500777.01 for a further two year trial period:

- Mondays to Saturdays (including Public Holidays): 10:00am to 3:00am the following day
- Sundays: 12 midday to 10:00 pm

Car Parking

The proposed development includes no off-street car parking spaces.

Deliveries and Unloading

The Statement of Environmental of Effects (SEE) submitted with the DA states “*service and waste collection vehicles will park outside the Hotel on the Swain Street frontage, consistent with the current on-street loading zones and basement access points for the Hotel.*”

Waste Management

A waste storage area will be provided at the northeast corner of the Hotel adjacent to Swain Street. The waste management arrangements have been assessed under the concurrent modification application (DA2001700460.02).

Signage

The architectural plans submitted with the DA indicate the following external signage:

- 1 x wall sign on the parapet at Gleeson Avenue with the words “General Gordon Hotel”
- 1 x wall sign at Burrows Road with the words “General Gordon Hotel”
- 9 x timber framed posters on the building façade below the awning.

3. Site Description

The site is known as 20 Swain Street, Sydenham and the legal description of the land is Lot 1 in Deposited Plan 630174. The site is irregular in shape with an area of approximately 1,046sqm.

The site is bound by Burrows Avenue to the northwest, Swain Street to the northeast and Gleeson Avenue to the southwest and residential/commercial development to the south.

The former Hotel on the site is listed as a heritage item under Schedule 5 of the Marrickville Local Environment Plan (LEP 2011) - I290. However, the fire event resulted in the complete loss of internal fabric and the destruction of the roof and first floor. A large portion of the external walls of the Hotel remain.

Surrounding Area

The adjoining property to the southeast at 18 Swain Street contains a single storey semi-detached shop and residence. The properties to the southeast and south along Swain Street contain single storey detached dwelling houses.

The adjoining property to the south at 11 Gleeson Avenue contains a shop at the ground floor and boarding house comprising six rooms above.

Land to the north across Burrows Road contains the Sydenham Railway Station. Land to the southwest across Gleeson Avenue contains single dwellings.

Refer to **Figure 1**.



Figure 1 – Aerial view of the site showing the existing context

4. Background

4(a) Site history

Table 3 outlines the relevant development history of the subject site.

Table 3 – Summary of Development History

Application	Proposal	Status/Decision & Date
Determination No. 9150	To extend the hours of operation of the hotel by one hour on Mondays and Saturdays.	Approved - 17 August 1983
Determination No. 9306	To erect an illuminated projecting circular wall sign having a diameter of 1.5 metres on the existing two storey brick hotel premises	Approved - 19 December 1983
Determination No. 9472	To continue the extended hours of operation of the General Gordon Hotel by one hour on Mondays and Saturdays	Approved - 2 May 1984
Determination No. 13998	To subdivide the existing allotment at 20-22 Swain Street, Sydenham into two (2) separate allotments	Approved - 9 October 1991
Modified Determination No. 9472	To continue the extended hours of operation of the General Gordon Hotel by one hour on Mondays and Saturdays	Approved - 16 October 1995
Modified Determination No. 9472	To continue the extended hours of operation of the existing hotel.	Approved - 28 May 1996
Modified Determination No. 9472	To continue the extended hours of operation of the existing hotel	Approved - 14 May 1997
Modified Determination No. 9472	To continue the extended hours of operation of the existing hotel to between the hours of 10.00am to 3.00am the following day Mondays to Saturdays and 12 noon to 10.00pm on Sundays.	Approved - 2 September 1998
DA200500777	To continue extended trading hours of the Hotel for a four year trial as follows: <ul style="list-style-type: none"> 10.00am and 3.00am (the following day) Mondays to Saturdays including Public Holidays; and 12.00 noon and 10.00 pm Sundays. 	Approved - 7 February 2006
DA201000039	To demolish part of the premises including demolition of part of the residential dwelling to the southern end of the site and to carry out alterations and additions to the Hotel including the provision of a beer garden and to erect associated signage. The consent also allowed for extended trading hours for a 12 month trial period as follows: <ul style="list-style-type: none"> for the outdoor beer garden area between 10.00am and 12.00 midnight 	Approved - 7 July 2010

	<p>Mondays to Sundays including Public Holidays;</p> <ul style="list-style-type: none"> for the remainder of the premises between 10.00am and 3.00am (the following day) Mondays to Saturdays and between 10.00am to 12.00 midnight Sundays and Public Holidays. <p>The consent was not implemented and has since lapsed.</p>	
DA200500777.01	To continue the extended trading hours noted above for a further one (1) year trial period.	Approved - 17 July 2017
DA201700460	To demolish part of the premises and carry out ground floor alterations and additions to the General Gordon Hotel. The fire occurred during preparatory work and initial demolition approved under this development consent.	Approved - 26 March 2018
DA201700460.01	To delete Condition 31 and Condition 41 in relation to the upgrade of the footpath and kerbing adjacent to the Hotel and the stormwater drainage system.	Withdrawn
DA201700460.02	To modify the alterations and additions for the fit-out of the Hotel following the fire event and reconstruction of the Hotel to its original form.	Under Assessment

Surrounding properties

Not applicable

4(b) Application history

Table 4 outlines the relevant history of the subject application.

Table 4 – Summary of application history

Date	Discussion / Letter / Additional Information
13 February 2019	A pre-DA meeting was held with Council officers to discuss the approval pathway to permit the reconstruction of the Hotel.
2 May 2019	Council issued email correspondence to the Applicant requesting a response to the heritage issues and additional information in relation to the Plan of Management, location of a smoker's terrace, gaming room details and the architectural plans.
18 June 2019	The Applicant provided a response to the request for additional information, including: <ul style="list-style-type: none"> summary description responding to the issues raised updated Plan of Management heritage response updated drawings.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55-Remediation of Land
- State Environmental Planning Policy No. 64-Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- Marrickville Local Environmental Plan 2011

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55-Remediation of Land

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

The site has accommodated a hotel since its construction in 1932. The site has not be used for any known potentially contaminating activities and the concrete slabs will be reconstructed to the existing levels. It is considered that no further contamination investigation is warranted. The proposal is acceptable in terms of the requirements under SEPP 55.

5(a)(ii) State Environmental Planning Policy No. 64-Advertising and Signage (SEPP 64)

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) specifies aims and objectives and assessment criteria for signage as addressed below.

The elevation plans submitted with the DA indicate the following signage:

- 1 x wall sign on the parapet at Gleeson Avenue with the words “General Gordon Hotel”
- 1 x wall sign at Burrows Road with the words “General Gordon Hotel”
- 9 x timber framed posters at footpath level below the awning.

Pursuant to the definitions contained in Clause 4 of SEPP 64, the signs are defined as “*business identification sign*” which is defined as follows:

“business identification sign means a sign:

(a) *that indicates:*

(i) *the name of the person, and*

(ii) *the business carried on by the person,*

at the premises or place at which the sign is displayed, and

(b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*

but that does not include any advertising relating to a person who does not carry on business at the premises or place.”

In accordance with Clause 9 of SEPP 64, the provisions of Part 3 of the SEPP do not apply to the DA. Notwithstanding, the proposed signage is acceptable in terms of the requirements under SEPP 64 because it:

- is consistent with the original heritage signage of the Hotel
- is appropriately sized and in proportion with the building design
- does not add to visual clutter
- does not protrude above the awning or over the road
- maintains traffic and pedestrian safety.

Council's Heritage and Urban Design officer raises no concerns in relation to the proposed signage.

The proposed signage is satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

5(a)(iii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development with frontage to classified road (Clause 101)

The site has a frontage to Gleeson Avenue, a classified road. Under Clause 101 (2) of *State Environmental Planning Policy (Infrastructure) 2007* ('Infrastructure SEPP'), the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development. Vehicular access is not proposed as there is no scope for parking on the site due to the constraints imposed by the footprint of the existing Hotel building. The proposal is acceptable having regard to the requirements of the Infrastructure SEPP.

Impact of road noise or vibration on non-road development (Clause 102)

Where a development is proposed adjacent to a site with daily traffic volumes in excess of 40,000, the provisions of the Infrastructure SEPP must be taken into account.

The proposed hotel rooms at the first floor will be subject to road noise and vehicle emissions. Due to the high levels of local traffic it is appropriate to establish noise intrusion criteria to safeguard internal residential acoustic amenity. A Noise Intrusion Assessment (NIA), prepared by Resonate, dated 15 February 2019 was submitted with the DA.

The NIA includes recommendations in relation to construction elements to minimise sleep disturbance for the occupants of the Hotel rooms. Subject to the implementation of these construction treatments, the proposal will comply with the noise criteria established in the Infrastructure SEPP. Conditions to this effect are included in the recommendation of this report.

5(a)(iv) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio

- Clause 5.10 - Heritage Conservation
- Clause 6.3 - Development in areas subject to aircraft noise

(vii) Aims of Plan (Clause 1.2)

The proposal is consistent with the relevant Aim (g) of the Plan in relation to heritage because it will reconstruct the building to its original form to allow the continued historic use of the site as a Hotel.

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

The site is zoned B1 Neighbourhood zone under the *MLEP 2011*. The proposal constitutes a 'pub' under MLEP 2011, which is defined as a:

“..licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises”

The development is permissible with consent in the B1 zone. The development is also consistent with the relevant objective of the B1 zone as it will allow the continued operation of the building as a Hotel to serve the local community.

(ix) Height (Clause 4.3)

The site is located in an area where the maximum height of buildings is 11m as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a height of 10.99m, which complies with the height development standard.

(x) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.2:1 applies to the subject site as indicated on the FSR Map that accompanies MLEP 2011. The property has a site area of 1,047sqm. The development has a gross floor area (GFA) of 1,033.5sqm and an FSR of 0.98:1, which complies with the FSR development standard.

(xi) Heritage Conservation (Clause 5.10)

The site is listed as a Heritage Item in Schedule 5 of the MLEP 2011 (I290). The site is also in the vicinity of the following Heritage Items:

- State listed Sydenham Railway Station Group, including interiors at Gleeson Avenue, Sydenham (I286);
- St Peters Town Hall, including interiors at 39 Unwins Bridge Road, Sydenham (I291); and
- Gothic and italianate house-“Carthness”, including interiors at 41 Unwins Bridge Road, Sydenham (I292).

Clause 5.10(4) requires Council to consider the effect of the proposed development on the heritage significance of the item.

The heritage issues are addressed in **Section 5(c)** under the subheading 'Heritage'.

(xii) Development in Areas Subject to Aircraft Noise (Clause 6.3)

Clause 6.5(2) requires Council to consider whether the proposal would result in the increase in the number of people affected by aircraft noise and its location in relation to the criteria in Table 2.1 of *Australian Standard AS 2021:2015 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* (AS 2021:2015).

The site is located near Kingsford Smith Airport and is within the 30-35 ANEF contour and therefore Council must be satisfied the development will satisfy the indoor sound design levels under AS 2021:2015.

The NIA submitted with the DA concludes the development complies with the requirements in AS 2021:2015, subject to the implementation of construction elements and acoustic compliance for the external walls, roof and ceiling and glazing. A condition to this effect is included in the recommendation of this report.

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 DA has been assessed against the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011). The proposal complies with the requirements in MDCP 2011 referred to in **Table 5**. The key issues are addressed below.

Table 5 – Marrickville Development Control Plan 2011

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.12 – Signs and Advertising	Yes
Part 2.16 – Energy Efficiency	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 5 – Commercial and Mixed Use Development	Yes
Part 8 – Heritage	Yes
Part 9 – Strategic Context	Yes

Equity of Access and Mobility (Part 2.5)

A Disability Access Report (DAR), prepared by Cheung Access Pty Ltd, dated 18 February 2019, accompanies the DA.

The proposed works will improve disabled access by:

- lowering of the main entry and main entry door for level street access
- providing a new accessible lift with a compliant access pathway from Swain Street to the ground level and the first floor
- an accessible hotel room at the first floor
- an internal access ramp at the ground floor
- providing an accessible toilet at the ground floor.

The Applicant's DAR concludes that the proposal is capable of complying with the *Performance Requirements of the Disability (Access to Premises-Buildings) Standards 2010* and Part D3, E3.6, F2.4 of the *Building Code of Australia (BCA) (2016)* through a combination of the deemed-to-satisfy provisions and performance-based solutions, and the intent and objects of the *Disability (Access to Premises- Buildings) Standards (2010)*.

Council's Building Surveyor recommends that all requirements in the DAR are imposed as conditions on any consent. A condition to this effect is included in the recommendation of this report.

Acoustic Impacts (Part 2.6)

An Environmental Noise Assessment (ENA), prepared by Resonate, dated 26 February 2019 was submitted with the DA. The ENA adopts the noise emission criteria in the *NSW Environmental Protection Authority Noise Policy for Industry (NPI) (2017)* and the Office of Liquor, Gaming and Racing (OLGR) acoustic guidelines.

The ENA provides an assessment of the potential acoustic impacts associated with the new mechanical plant and the use of a smoker's terrace at the Swain Street frontage of the site. The potential acoustic impacts associated with the mechanical plant are considered in the concurrent modification application relating to the approved works.

The proposed smoker's terrace will have a pivot window orientated to Burrows Road and sliding windows facing Swain Street. The windows will be open when the hotel is in operation.

The closest residential receiver is located approximately 17 m to the northeast at No. 11 Swain Street (refer to **Figure 1**).

The report concludes that subject to incorporating appropriate acoustic measures in the construction of the building, the proposed development can comply with the prescribed acoustic requirements.

Council's Environmental Health Officer recommends the use of the smokers terrace be limited to a one year trial period as follows:

- 10:00am – 12 midnight Monday to Saturday
- 12 midday to midnight Sunday

This is consistent with previous determinations on the site.

It was also recommended that at the end of the trial period the hours of operation of the smoker's terrace are to revert back to 10:00am 10:00pm with the option for the Applicant to lodge a application seeking a further trial period for extended hours of operation.

Council's Environmental Health Officer also recommends the following restrictions to the use of the smoker's terrace:

- no entertainment in the form of amplified music at any time
- provision of an air-lock entry fitted with self-closing device
- maximum number of patrons restricted to twenty (20) persons at any time
- windows of the smoking area are to be closed at midnight.

Conditions to this effect are included in the recommended development consent to ensure adequate amenity is maintained for nearby residential development.

Hours of Operation

This DA seeks approval to renew the extended hours of operation granted under Modified Determination DA2005777.01 for a further two year trial period.

Council's Hotel Trading Hours Policy includes a merit based assessment of each application for the extension of hotel trading hours, the preparation of a management plan and a time limited consent to enable review of effectiveness of any management plan and to assess any impacts of trading hours on the amenity of the surrounding area.

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

- (i) *Initial Application*
An application for extended trading hours of a hotel considered suitable for approval would be subject to an initial one (1) year trial period.
- (ii) *Second Application*
Subject to the satisfactory conduct of the hotel premises during that initial trial period, an application for a continuation of the extended trading hours approved in the initial trial period may be granted for a trial period of two (2) years.
- (iii) *Third and Subsequent Applications*
Subject to the satisfactory conduct of the hotel premises during that second (or subsequent) trial period, an application for a continuation of the extended trading hours approved in the second (or subsequent) trial period may be granted for a trial period of four (4) years."

As detailed in **Table 3**, the Hotel had several previous trial periods for extended trading hours until 3:00am.

On 7 February 2006, Council granted consent to continue the extended hours of operation until 3:00 am for a 4 year trial period (DA200500777).

On 7 July 2010, Council granted consent for alterations and additions, including a new beer garden. The consent allowed extended trading until 3:00am for a trial period of one year. It was required for the outdoor beer garden to be closed at 12 midnight. That consent was not implemented and has since lapsed.

On 17 July 2017 Council granted consent to continue the extended hours of operation to 3:00am for a further one year trial period (DA200500777.01).

Given the impacts of the Hotel will remain relatively unknown until such time that the use has commenced and the operation can be reviewed, it is considered appropriate that the core hours of operation be restricted to:

- 10.00am to 10.00pm Mondays to Sundays including Public Holidays for the outdoor dining terrace and the smokers terrace at Swain Street
- 10.00am to 12.00 midnight Mondays to Saturdays and 10:00am to 10:00pm Sundays and Public Holidays for the remainder of the premises.

These hours of operation are the same as the core hours granted by Council under DA201000039 for alterations and additions to the Hotel, including the provision of a beer garden and outdoor gaming area. It is also considered appropriate that an initial twelve (12) month trial period be imposed for extended hours of operation in accordance with Council’s adopted Hotel Trading Hours Policy as follows:

- 10.00am to 12.00 midnight Mondays to Sundays including Public Holidays for the outdoor dining terrace and the smokers terrace at Swain Street
- 10.00am to 3.00am the following day Mondays to Saturdays and between the hours of 12 midday to 10:00pm Sundays including Public Holidays for the remainder of the premises.

Conditions to this effect are included in the recommendation of this report.

Community Safety (Part 2.9) & Plan of Management (Part 5.3.1.1)

A Plan of Management (PoM), prepared by Design Collaborative, dated June 2019 was submitted with the DA. The POM has been updated and supercedes previous POMs for the operation of the Hotel. It sets out the operational and policy aspects of the hotel, safety and security measures and outlines procedures for handling noise complaints and other complaints. The matters contained in the POM are effective for managing the potential issues that may arise from the proposed use of the premises.

A condition requiring the use of the premises to comply at all times with the POM is included in the recommendation of this report.

(i) Car Parking

The site is located in Parking Area 1 under Part 2.10 of MDCP 2011. The parking rates are constrained because it is in a highly accessible area proximate to Sydenham Railway Station and local bus services.

Based on 15 staff and eight hotel rooms, the proposal will generate a parking demand of five car spaces in accordance with the parking rates in MDCP 2011 (refer to **Table 7**). The proposed development does not include the provision of any car spaces on the site and fails to comply with the car parking requirements of MDCP 2011.

Table 7 - Car and Bicycle Parking Control Compliance

Component	Control	Required	Proposed	Complies
Car Parking	<u>Proposed Hotel accommodation at first floor</u> - 1 per 5 staff for staff + 1 per 5 units for residents (guests)	0 staff + 2 for guests = minimum 2 spaces		
	<u>Pub at ground floor</u> - 1 per 6 staff	17 staff = 2.8 or 3 spaces TOTAL = 5 spaces	Nil	No

Component	Control	Required	Proposed	Complies
Bicycle	<p><u>Proposed Hotel accommodation at first floor</u> - 1/ 20 units or rooms for staff and patrons</p> <p><u>Pub at ground floor</u> - 1/25m² GFA bar area for staff + 1/ 100m² GFA other areas for patrons*</p>	<p>8 rooms = 0.4 spaces</p> <p>168m² bar area = 2.7 spaces + 416m² for other areas (bistro, gaming & outdoor dining terrace) = 4.2 spaces TOTAL = 7 spaces</p>	Nil	No

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

The Applicant's SEE contends there will be no additional parking impact due to the decrease in gross floor area (GFA) from the original building.

However, the proposal introduces new hotel rooms at the first floor that will generate additional parking demand on the site. Part 2.10 of MDCP 2011 contemplates a lower parking rate in certain circumstances, including constrained sites and proximity to high frequency public transport.

The non-compliance with car parking requirements is acceptable because:

- the existing Hotel is an established building with little area on the site available for the provision of any off-street parking and any changes to the original footprint/layout would have a detrimental impact on the heritage significance of the site
- alternate modes of transportation to the premises are available, including Sydenham Railway Station located opposite the site and public buses, which frequently run along Gleeson Avenue in front of the site and Sydenham Station
- Council has waived the car parking requirements under previous applications based on more onerous floorspace criteria
- the proposed development is not considered to result in a significant intensification in traffic movements in the area.

(ii) Bicycle Parking

The proposal is required to provide seven bicycle spaces on the site. The proposed development does not include the provision of any bicycle spaces on the site.

The Applicant's SEE contends the two on-street bicycle parking racks near the new Swain Street entrance will be sufficient to accommodate for parking of four bicycles to meet the bicycle parking demand generated by the Hotel.

As discussed above, the site is constrained by the existing building with little area available for the provision of any bicycle parking spaces external to the building. Given the nature of the proposed development, the activities undertaken at the venue, and the proximity of the site to alternative modes of transport, this non-compliance is considered to be acceptable in this instance.

The proposal is therefore acceptable in terms of bicycle parking.

(iii) Delivery and Service Vehicles

Part 2.10.16 sets out the vehicle service and delivery area requirements for large commercial development. As the proposed development does not meet the minimum requirements, it is not required to provide a service area for the loading/unloading of goods.

Due to the existing building constraints, the Hotel does not include the provision of a dedicated service area for the loading/unloading of goods. Deliveries and loading/unloading of kegs will be undertaken from Gleeson Avenue directly into the basement via the keg chute, which is the existing arrangement currently in place for the premises. There is sufficient area along the Swain Street and Gleeson Avenue frontages of the site to cater for a delivery vehicle to service the property without causing an inconvenience to the public.

The waste arrangements include three general waste and two recycled collections a week between 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm Saturday.

To ensure that the proposed development has minimal impact on the locality with regard to deliveries and the unloading of goods to the site, a condition is included in the recommendation requiring that all deliveries and associated loading/unloading activities to be carried out between the hours of 9:00am to 5:00pm Mondays to Fridays and in such a manner so as to not cause an inconvenience to the public.

Heritage (Part 8)

As stated previously the site is listed as a Heritage Item: General Gordon Hotel, including interiors, in Schedule 5 of MLEP 2011 (I290).

Following a fire event in July 2018 all that remains are parts of the heritage façade and some internal walls. A Statement of Heritage Impact (SHI), prepared by NBR Architecture, dated 22 February 2019 was submitted with the DA.

The SHI states the aim of the proposal is to construct new elements to replace the original fabric, in keeping with the original design intent of the building, and in such a manner that retains its heritage significance.

The building works are aimed at returning the building to its historic use as a pub and restoring its appearance to that of a historic building of cultural importance to the local area.

The key heritage works include:

- installation of new door and window joinery on the ground floor, which interprets the original joinery based on historical research
- conservation of the extant façade and reinstatement of missing elements to match the original including signage, tiles, bricks, joinery, awning and detailing
- a new external colour scheme for the building, based on paint scrapes and historical research.

The SHI concludes the proposed works will have an acceptable impact on the heritage significance of the site, subject to requirements in relation to archival recording, an Interpretation Strategy and adoption of a historic paint scheme for the façade.

Council's Heritage and Urban Design Advisor concurs the proposal will result in a positive heritage outcome because it will:

- re-instate the hotel accommodation at the first floor consistent with the original layout
- salvage and reuse bricks and tiles to match the original façade details
- reconstruct the door and window joinery to match the design prior to the fire.

Council's Heritage and Urban Design Advisor recommends an archival recording and Heritage Interpretation Plan (HIP) for the site. Conditions to this effect are included in the recommendation of this report.

5(d) The Likely Impacts

The assessment of the DA demonstrates that, subject to the recommended conditions, the proposal will not have a significant adverse impact on the amenity of the surrounding area. It is recommended that the extended hours of operation to 3:00am are subject to a one year trial period to allow Council to review the performance of the Hotel.

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

The site is suitable to accommodate the proposed development because it is:

- capable of accommodating the building in its original form to allow its continued historic use as a Hotel
- in a highly accessible area with has good access to Sydenham Railway Station and public bus stops

5(f) Any submissions

The DA was notified in accordance with MDCP 2011 for a period of 14 days to surrounding properties. Two submissions were received by nearby residents during the public notification period. The key concerns relate to the extended hours of operation and associated noise impacts. These issues have been addressed in **Section 5** and/or by way of condition in the recommendation of this report.

5(g) The Public Interest

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

The proposal is not contrary to the public interest as it will reconstruct the building to its original form to allow its continued historic use as a Hotel.

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 and summarised in **Table 8**.

Table 8 - Summary of comments provided by Council Officers

Council Officer	Council Response
Building Surveyor	No concerns were raised by Council's Building Surveyor, subject to compliance with the recommendations in the BCA Assessment Report, prepared by Concise Certification, dated 15 February 2019. Conditions to this effect are included in the recommendation of this report.
Environmental Health Officer	Council's Environmental Health Officer considers the key issues to be noise from the smoker's terrace and internal acoustic amenity impacted by aircraft, road and rail noise. No objection was raised subject to the imposition of appropriate noise

	conditions. Conditions to this effect are included in the recommendation of this report.
Heritage and Urban Design Advisor	Council's Heritage and Urban Design Advisor considers the proposed changes will have a positive heritage outcome as it will largely retain the original layout and allow for the continued historic use of the site as a Hotel. A requirement for an archival recording and a Interpretation Strategy are included in the recommendation of this report.
Development Engineer	No concerns were raised by Council's Development Engineer, subject to the imposition of standard engineering conditions on any consent granted.

6(b) External

The application was referred to the Newtown Local Area Command of the NSW Police Service and no objection was raised subject to the imposition of the conditions outlined in **Table 9**.

Table 9 – Recommended NSW Police Service conditions

Recommended Condition	Council comment
<i>Hours of Operation</i>	
<ul style="list-style-type: none"> The hours of operation must be restricted to between the hours of 10.00am to 12.00 midnight Mondays to Saturdays and 12noon to 10.00pm Sundays. For a period of not more than twelve (12) months from the date of consent, the hours of operation must be restricted to between the hours of 10.00am to 3.00am (the following day) Mondays to Saturdays and 12:00noon to 10.00pm Sundays, excluding external areas. 	<p>In accordance with Council's adopted Hotel Trading Hours Policy it is considered appropriate that an initial twelve (12) month trial period be imposed on extended hours of operation as follows:</p> <ul style="list-style-type: none"> 10.00am and 12.00 midnight Mondays to Sundays including Public Holidays for the outdoor dining terrace 10.00am to 3.00am (the following day) Mondays to Saturdays and between 10.00am to 12.00 midnight Sundays and Public Holidays for the remainder of the premises.
<i>CCTV Requirements</i>	
<ul style="list-style-type: none"> Installation of CCTV and recording requirements 	<p>The POM submitted with the DA includes the a requirement to maintain a CCTV security system. The Police have requested that the CCTV operate within specific requirements including:</p> <ul style="list-style-type: none"> record at minimum 15 frames per second operate until one hour after closing hand in to police within 24hrs of a request <p>A condition is imposed requiring the POM to be updated to include these specific requirements.</p>
<i>Noise Requirements</i>	
<ul style="list-style-type: none"> The LA10 noise level emitted from the licensed premises shall not exceed 	Noise conditions to this effect are included in the recommendation of this report.

<p>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.</p> <ul style="list-style-type: none"> Notwithstanding compliance with the above clause, 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. 	
<p><i>Security Guards</i></p>	
<ul style="list-style-type: none"> A minimum of one (1) licensed security/crowd controller is to patrol the premises from 9.00pm to 30 minutes after close on Monday, Tuesday and Wednesday nights. A minimum of two (2) licensed security/crowd controllers are to patrol the premises from 8.00pm to 30 minutes after close on Thursday, Friday and Saturday nights, or when live entertainment is being held. 	<p>The Applicant's POM includes a requirement for two security guards on a Friday and Saturday night from 8:00am to 30 minutes after close but no security guard on other nights.</p> <p>The Applicant contends it is not necessary to provide security guard on other nights due to the quieter nature of trade. Previous consents issued by Council have required one security guard each night (DA201000039) and two security guards when trading past midnight (DA200500777.01). The security guard requirements recommended by the NSW Police Service are included as a condition in the recommendation of this report.</p>
<p><i>Capacity</i></p>	
<ul style="list-style-type: none"> A maximum capacity to be determined by Inner West Council as per the Building Code of Australia (BCA) 	<p>The maximum capacity of the Hotel will be determined in accordance with the requirements under the BCA.</p>
<p><i>Crimes Scene Preservation</i></p>	
<ul style="list-style-type: none"> The manager/licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, certain requirements are adhered to in relation to preservation of the crime scene and reporting. 	<p>The Applicant's POM includes appropriate measures to manage incident reporting and crime scene preservation.</p>
<p><i>Determination Notice</i></p>	
<ul style="list-style-type: none"> A copy of the 'Notice of Consent' must be kept on the premises and made available to authorities including Council, the Police and OLGR. 	<p>A condition to this effect is included in the recommendation of this report.</p>

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$19,506 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally 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 amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201900071 to reconstruct the Hotel, consolidate existing operational consents relating to the premises and provide for a trial period for extended trading between the hours of 10:00am to 3:00am Mondays to Saturdays including Public Holidays and 12 noon to 10:00pm Sundays at 20 Swain Street, Sydenham subject to the conditions listed in **Attachment A** below/for the following reasons.

Attachment A – Recommended conditions of consent

GENERAL

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

Plan and Revision No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA2-100 Issue A	Existing Ground Floor/Extant Demolition Plan	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-101 Issue A	Basement Plan	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-102 Issue B	Ground Floor Plan	23 May 2019	Anthony Vavayis+Associates	18 June 2019
DA2-103 Issue A	Level 1 Plan	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-104 Issue A	Roof Plan	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-105 Issue A	Elevation – Burrows Road	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-106 Issue A	Elevation Gleeson Avenue	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-107 Issue A	Elevation – Swain Street	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-108 Issue A	Street Elevations	23 May 2019	Anthony Vavayis+Associates	18 June 2019
DA2-109 Issue A	Elevations	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-110 Issue A	Burrows Avenue Facade Section	28 February 2019	Anthony Vavayis+Associates	4 March 2019
DA2-111 Issue A	Gleeson Avenue Detail Section	28 February 2019	Anthony Vavayis+Associates	4 March 2019

and details submitted to Council on 4 March 2019 and 18 June 2019 with the application for development consent and as amended by the following conditions.

2. The operation of the premises complying at all times with the approved Plan of Management, prepared by Design Collaborative Ref: 170922.12P, dated June 2019. The Plan of Management as approved is not to be further amended without the prior written approval of 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.
3. (i) The area to be used for the hotel approved in this consent being restricted to the ground floor, and
(ii) The first floor used solely as hotel accommodation comprising 8 hotel rooms.
4. Occupancy in the hotel rooms on the first floor of any one room or a combination of rooms by any individual shall not occur for more than a combined total of 56 days per year whether consecutive or not.
5. An occupancy register must be kept by the management of the hotel complex for the duration of its operation recording the identification details of each individual that occupies each unit including:
 - a) Details of the unit occupied,
 - b) The name of the occupier,
 - c) The address of the occupier,
 - d) The phone number of the occupier,

- e) The email address of the occupier,
 - f) The duration of stay in a room by the occupier.
6. A 24 hour telephone number being made available including the proprietor's name at each exit from the building. The phone number, the proprietor's name and notation that a copy of the Plan of Management is available to be viewed at the premises being distributed to the residents/property owners within 50 metres of the premises and for them to be able to register complaints when they have concerns with noise from the hotels operations. A complaints register shall be maintained at all times on the premises and made available for inspection upon request from a Council officer or a member of the NSW Police Force.
7. Signs are to be installed within the bar premises at the exit from the building which state that:
- a) There are dwellings within close proximity of the premises;
 - b) Patrons are requested to enter and leave the premises in a quiet and orderly manner; and
 - c) No glass or bottles are to be taken from the premises.

All windows and doors along the Gleeson Avenue, Burrows Avenue and Swain Street elevations of the building being maintained at all times with no roller shutters being installed across the doors or windows.

8. 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.
9. The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am. For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

10. No live entertainment is permitted within the premises, and no amplified music is to be played within the hotel between 12 midnight to 3:00am the following day Monday to Saturday and after 10:00pm on Sundays and Public Holidays.
11. There is to be no amplification from any gaming machines on any part of the outdoor area at any time. Machines located within an approved outdoor gaming/smoking area must not be visible from the public domain and must not dispense coins, but be cashless.
12. No amplified or background music is permitted in the terrace on any part of the outdoor terrace area at any time. There is to be air lock entry from the outdoor terrace area into the main bar fitted with a self-closing device.
13. The number of patrons using the outdoor terrace area is restricted to twenty (20) persons at any one time.
14. All external windows and doors are to be closed between 10:00pm and 10:00am Monday to Sunday.

15. External doors leading from internal areas to the outdoor dining terrace and gaming room areas remaining closed when those areas are operating, except for patron ingress and egress.
16. Any proposed lighting of the outdoor dining terrace and the outdoor deck adjoining the gaming room being designed, located and shielded to eliminate direct vision from residences in the area and to ensure that no injury is caused to the amenity of the surrounding area by light overspill. Details of any lighting system being submitted to the Council's satisfaction prior to installation.
17. The proprietors of the hotel being responsible at all times to ensure the orderly dispersal of patrons from the hotel.
18. A minimum of one (1) licensed security/crowd controller is to patrol the premises from 9.00pm to 30 minutes after close on Sunday, Monday, Tuesday and Wednesday nights. A minimum of two (2) licensed security/crowd controllers are to patrol the premises from 8.00pm to 30 minutes after close on Thursday, Friday and Saturday nights.

All licensed security guards are to wear identifying uniforms with the word "security" located in a prominent position on the front and rear of their uniform. This writing must be clearly visible with the rear of the uniform being clearly identifiable through the CCTV footage. If the licensed security guard is wearing a reflective vest the word "security" must be located in a prominent position on the front and rear of their uniform and not covered by any reflective vest. This writing must be clearly visible with the rear of the uniform being clearly identifiable through the CCTV footage.

19. The security guards being engaged by the proprietors of the hotel to carry out regular patrols of the immediate surrounding area to ensure that patrons of the hotel do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood and check the ages and levels of intoxication of those seeking entry to the premises.
20. The proprietors of the hotel must install and maintain a Closed Circuit TV security system on the premises in accordance with the following requirements:
 - a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times);
 - b) recording must be in digital format and at a minimum of 15 frames per second; and
 - c) any recorded image must specify the time and date of the recorded image.The CCTV system's cameras must cover the following areas:
 - d) The CCTV system's cameras must cover the following areas:
 - e) all entry and exit points on the premises;
 - f) the footpath immediately adjacent to the premises; and
 - g) all publicly accessible areas (other than the toilets) on the premises.

The licensee must also:

- a) keep all recordings made by the CCTV system for at least 30 days;
 - b) ensure that at least one member of staff is on the premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage; and
 - c) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
21. The operator of the premises being responsible at all times to ensure that regular litter patrols are carried out on a daily basis to Council's satisfaction in the vicinity of the subject premises to collect, and dispose of, in an approved manner, any litter dropped by patrons of the facility.
 22. 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. The windows are not to be painted with advertisements and no flashing lights are to be installed on the premises.

23. The proposed advertising structures and associated advertisements being properly and safely maintained at all times.
24. Any advertisement to be displayed being only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.
25. The signage must:
 - a) not flash, move, be animated, or be decorated with rotating or flashing lights at any time without the consent of Council;
 - 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;
 - e) comply with the requirements of the Roads and Maritime Services Authority; and
 - f) not be illuminated beyond the approved hours of operation.

No storage of goods or equipment external to any building on the site being permitted.
26. 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.
27. All loading and unloading in connection with the use being carried out between the hours of 9.00am to 5.00pm Mondays to Fridays and in such a manner as not to cause inconvenience to the public.
28. All machinery being installed in accordance with the manufacturer's specifications and being maintained at all times if in use.
29. (i) The hours of operation being restricted to the following:
 - a) between the hours of 10.00am to 10.00pm Mondays to Sundays including Public Holidays for the outdoor dining terrace and the smokers terrace at Swain Street;
 - b) between the hours of 10.00am to 12.00 midnight Mondays to Saturdays and between the hours of 10.00am to 10.00pm Sundays and Public Holidays for the remainder of the premises.(ii) For a period of not more than twelve (12) months from the date of issue of a final Occupation Certificate for this development consent, the hours of operation being restricted to the following:
 - a) between the hours of 10.00am to 12.00 midnight Mondays to Sundays including Public Holidays for the outdoor dining terrace and the smokers terrace at Swain Street; and
 - b) between the hours of 10.00am to 3.00am the following day Mondays to Saturdays including Public Holidays and between the hours of 12 midday to 10.00pm Sundays for the remainder of the premises.(iii) Bar service is to cease 30 minutes before closing time.
- (iv) A continuation of the extended hours will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.
30. A copy of the 'Notice of Consent' must be kept on the premises and made available, along with the Liquor license and the authorised Plan of Management for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authority Officers.

31. The developer liaising with the Sydney Water Corporation, Energy Australia, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
32. All trade waste being stored within the site boundaries and contained in such a manner so as not to cause a nuisance.
33. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
34. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before occupation of the site.
35. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
36. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

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.

37. 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.

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.
38. All demolition work shall:
 - a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
 - b) Where asbestos is to be removed it shall 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.

39. Where any loading, unloading or construction is to occur from a public place, Council's Technical Services Division shall be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
40. All services in the building being demolished are to be disconnected in accordance with the requirements of the responsible authorities before work commences.
41. A waste management plan shall be prepared in accordance with Marrickville Development Control Plan No. 27 - Waste Management and submitted to and accepted by the PCA before work commences.
42. 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.

43. 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'.
44. A Soil and Water Management Plan shall be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document 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.

45. The person acting on this consent shall be 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 18 Swain Street and 11 Gleeson Avenue 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 shall be forwarded to the PCA before work commences.
46. All wastewater arising from the development being directed to the Sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The person acting on this consent is advised that pre-treatment of wastewater may be a requirement of the corporation prior to the discharge to sewer. Details of the Corporation's requirements should be obtained prior to the commencement of work.
47. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

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

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

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

48. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

49. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.
50. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
51. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

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

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

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 the Construction Certificate.

52. The premises are to be designed, constructed and operated in accordance with the:

- a) Food Act 2003
- b) Food Regulation 2010
- c) Australia and New Zealand Food Standards Code
- d) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- e) Australian Standard AS 1668 Part 1 – 1998
- f) Australian Standard AS 1668 Part 2 – 2012; and
- g) Building Code of Australia

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

53. Details of the acoustic measures to be employed to achieve compliance with Condition 7 must be provided prior to the issue of a Construction Certificate. Such measures must be in accordance with the approved acoustic report and plans.

54. Prior to the issue of a Construction certificate, detailed drawings must be provided showing the materials proposed for the Swain Street entry and door, e.g. will proportions match existing, soffit treatment, tile finish to the foyer, terrazzo treads, etc to the satisfaction of Council's Heritage Specialist.

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

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

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

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

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

- a) Development Application number and the Condition of Consent number must be noted
- b) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- c) Floorplans of the internal layout and directional details of photographs taken.
- d) Coloured photographs of:
 - each elevation,

- each structure and landscape feature;
- internal images and significant architectural detailing;
- views to the subject property from each street and laneway or public space.

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

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

56. A Heritage Interpretation Plan must be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate. The HIP is to be prepared by a suitably qualified and experienced heritage practitioner or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.

The interpretation plan must detail how information on the history and significance of the General Gordon Hotel will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Where appropriate and in keeping with the new refurbishments and architectural character of the building, the interpretation plan could also include the re-use of salvaged fabric, for example damaged bricks, and architectural devices which creatively interpret the fire.

57. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
58. A levy of \$19,506 has been assessed as the contribution for the development under Section 7.12 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 7.12 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 7.12 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 7.12 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. DC002653)

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.

59. Evidence of payment of the building and construction industry Long Service Leave Scheme shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) before the issue of a Construction Certificate. The required payment of \$2,625 can be made at the Council Offices. This fee has been based on an estimated cost of works of \$750,000.

NB: The required payment referred to above is based on the estimated cost of building and construction works as stated on the development application and the current long service levy rate, set by the Long Service Payments Corporation, of 0.35% of the cost of the building and construction work.

The payment is required to be paid before the issue of a Construction Certificate and the required payment may change if the estimated cost of works has increased at that time or the levy rate has changed. In such circumstances the necessary payment will need to be re-calculated. For more information on how and where payments can be made contact the Long Services Payments Corporation.

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

60. The recommendations contained in the Noise Intrusion Assessment (NIA), prepared by Resonate S190074RP1 Rev 0, dated 15 February 2019 being incorporated into the development with plans and details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
61. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
62. The recommendations contained in the Disability Access Report, prepared by Cheung Access and dated 18 February 2019 being incorporated into the development with plans and details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
63. Detailed construction drawings are to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate demonstrating compliance with the access requirements of the Building Code of Australia 2016, Australian Standard 1428.1-2009 and the Disability (Access to Premises - Buildings) Standards 2010.
64. The recommendations contained in the BCA Access Report prepared by Concise Certification and dated 15 February 2018 being incorporated into the development with plans and details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

65. Areas and compartments occupied by persons for any purpose and not naturally ventilated must be provided with a system of mechanical ventilation or air-conditioning system complying with AS 1668 Parts 1 and 2 'The use of mechanical ventilation and air-conditioning in buildings', in accordance with Part F4.5 of the Building Code of Australia. Details of the system must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To safeguard occupants from illness or loss of amenity due to a lack of air freshness.

66. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit	\$32,600
Inspection Fee	\$230.65

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

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

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

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

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

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

67. The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Plans C01 and C02 by Greenview Consulting, dated on 20/2/19, including the following amendments:

- OSD overflow slots shall be calculated to allow peak flow to leave the OSD tank. Calculations must be shown in the drawings.
- Planter receiving the overflow from the OSD shall be designed to allow water to leave the planter in a controlled manner. Weir/s or discharge pit shall be included in the planter design to control the outflow from the planter in case of OSD outflow pipe blockage. Details must be included in the plans.
- Orifice sizes shall be included in the plans. Details of the orifice plate and mesh shall be included in the OSD details.
- Pipe sizes shall be shown in the plans.

- Eaves and Gutters shall be calculated to cater 100yr ARI storm event. Detailed calculations shall be included in the plans.
68. In order to provide satisfactory vehicular and pedestrian access the following works shall be undertaken at no cost to Council:
- a) All damaged footpaths along the Gleeson Avenue and Burrows Road frontages of the site shall be reconstructed.
 - b) The paving scheme on the Burrows Avenue frontage shall be extended along for the full length of the Swain Street frontage of the site.
 - c) The and removal of all redundant vehicular crossings to the site (Swain Street).
 - d) New kerb along the Swain Street frontage of the site, including a lintel where the existing pit is located.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate.

SITE WORKS

69. The kitchen cooking and/or heating equipment must be ventilated by a system of mechanical exhaust ventilation complying with AS 1668 - Parts 1 and 2 'The use of mechanical ventilation and air-conditioning in buildings', in accordance with Clause F4.12 of the Building Code of Australia.
70. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, being 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.
71. The area surrounding the building work being reinstated to Council's satisfaction upon completion of the work.
72. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.
73. 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 Marrickville Development Control Plan No. 27 - 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.
74. 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 (c) 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) 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
 - c) 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.

75. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
 - c) at least seven (7) days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

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

76. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
77. A clear unobstructed path of travel of not less than 1000 mm is to be provided to all exits and paths of travel to exits.
78. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and

On Site Detention Code. The maximum discharge allowable to Council's street gutter is 25 litres/second.

79. Alignment levels for the site at all access locations shall match the existing back of footpath levels at the boundary. Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels.
80. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
81. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website:
www.waterrating.gov.au.
82. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

BEFORE OCCUPATION OF THE BUILDING

83. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

84. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" and Recommendations of Noise Intrusion Assessment prepared by Resonate dated 15 February 2019 (Ref: S190074RP1, Revision 0) as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried

out and a further certificate must be prepared and submitted to the Certifying Authority's/ in accordance with the requirements as set down in Part a) of this condition.

85. 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.
86. 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.
87. 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 the New South Wales Fire Brigades 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.
88. You are required under the Food Safety Standards to notify the Senior Food Surveillance & Inspection Officer, at the NSW Food Authority of your intention to operate a food premises. You can do this on line at www.foodnotify.nsw.gov.au. Alternatively you can complete the relevant forms and Council will register the information for an administrative charge.
89. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
90. The redundant vehicular crossings along the Swain Street frontage of the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
91. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath

resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

92. Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
93. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.
94. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater *drainage, re-use and quality measures* have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
95. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
96. The person acting on this consent must surrender development consent DA200500777 and development consent DA201000039 applying to the Hotel pursuant to section 4.17(5) of the EP&A Act and clause 97 of the EP&A Regulation prior to issue of an Occupation Certificate.
97. Prior to an occupation certificate being issued, the approved Heritage Interpretation Plan in Condition 55 must be implemented to the satisfaction of Council's Heritage Specialist.

ONGOING REQUIREMENTS

98. During the first sixty (60) days of trading 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.

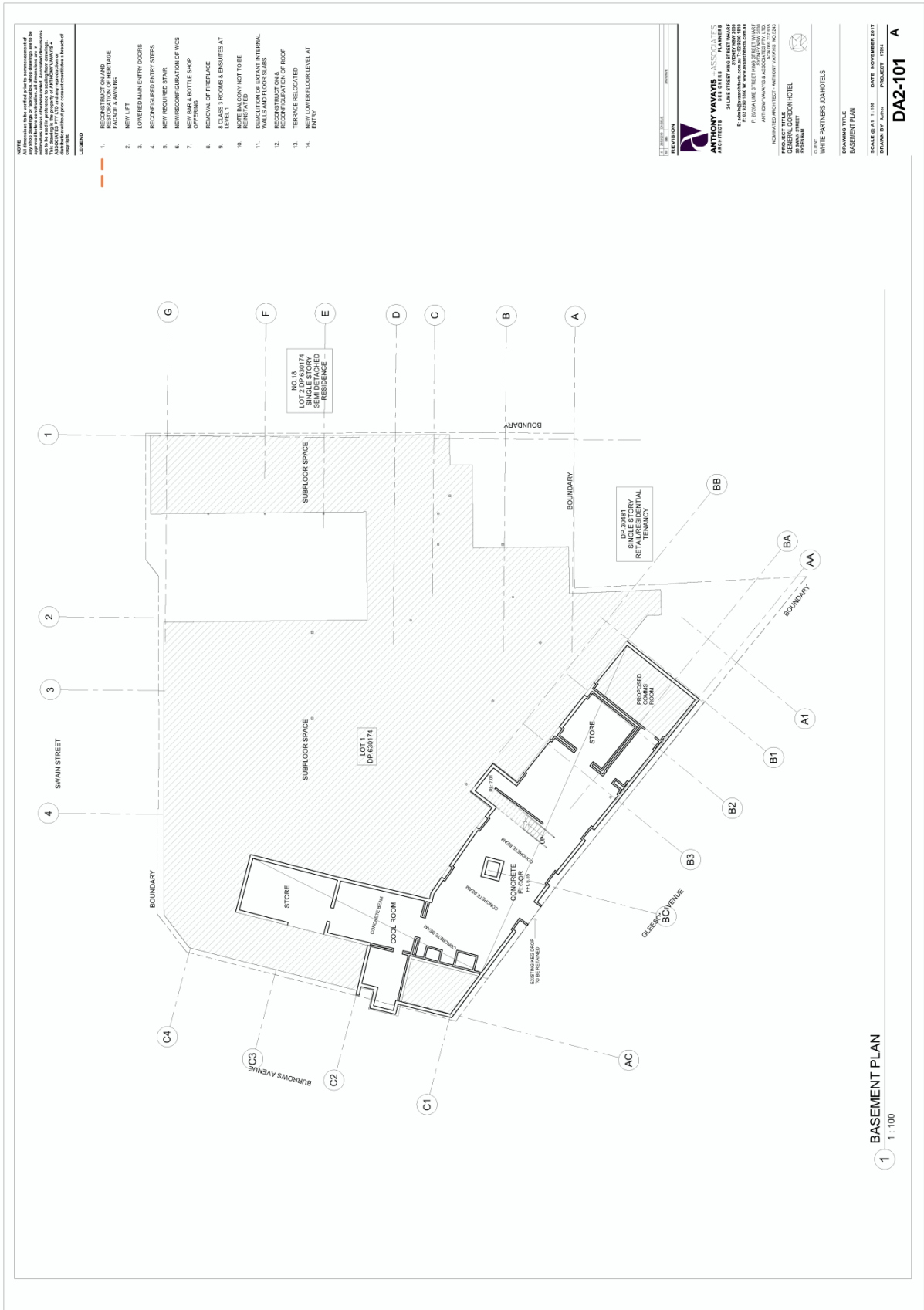
- d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.
- 99. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
- 100. A sign is to be placed above the main entry doors indicating the maximum patron capacity of the venue to be determined as per the Building Code of Australia (BCA).
- 101. A copy of the 'Notice of Consent' must be kept on the premises and made available, along with the Liquor license and the authorised Plan of Management for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authority Officers.

ADVISORY NOTES

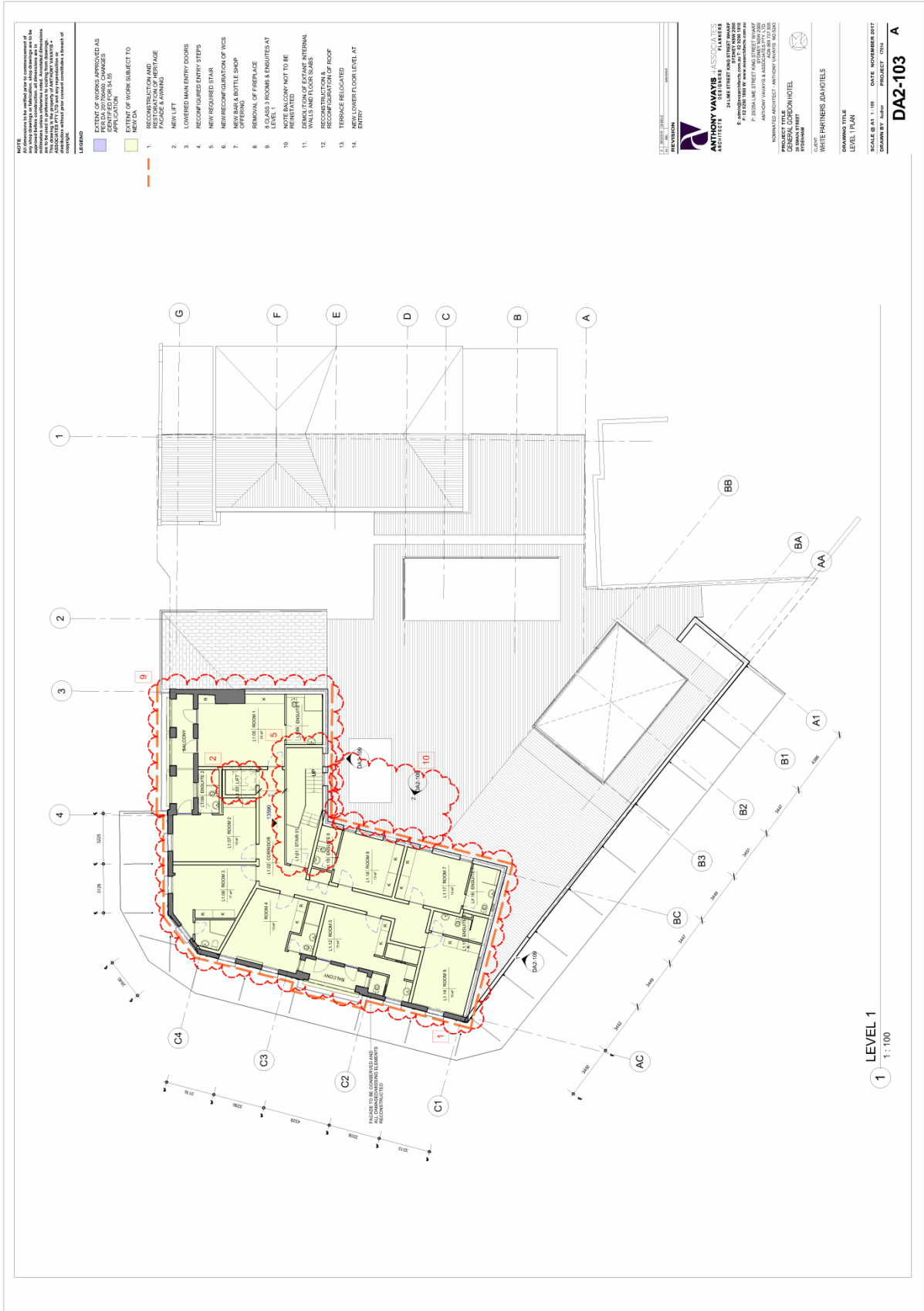
- (i) The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- (ii) A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- (iii) 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.
- (iv) The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- (v) Please be advised any natural light or ventilation gained by the window(s) within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.

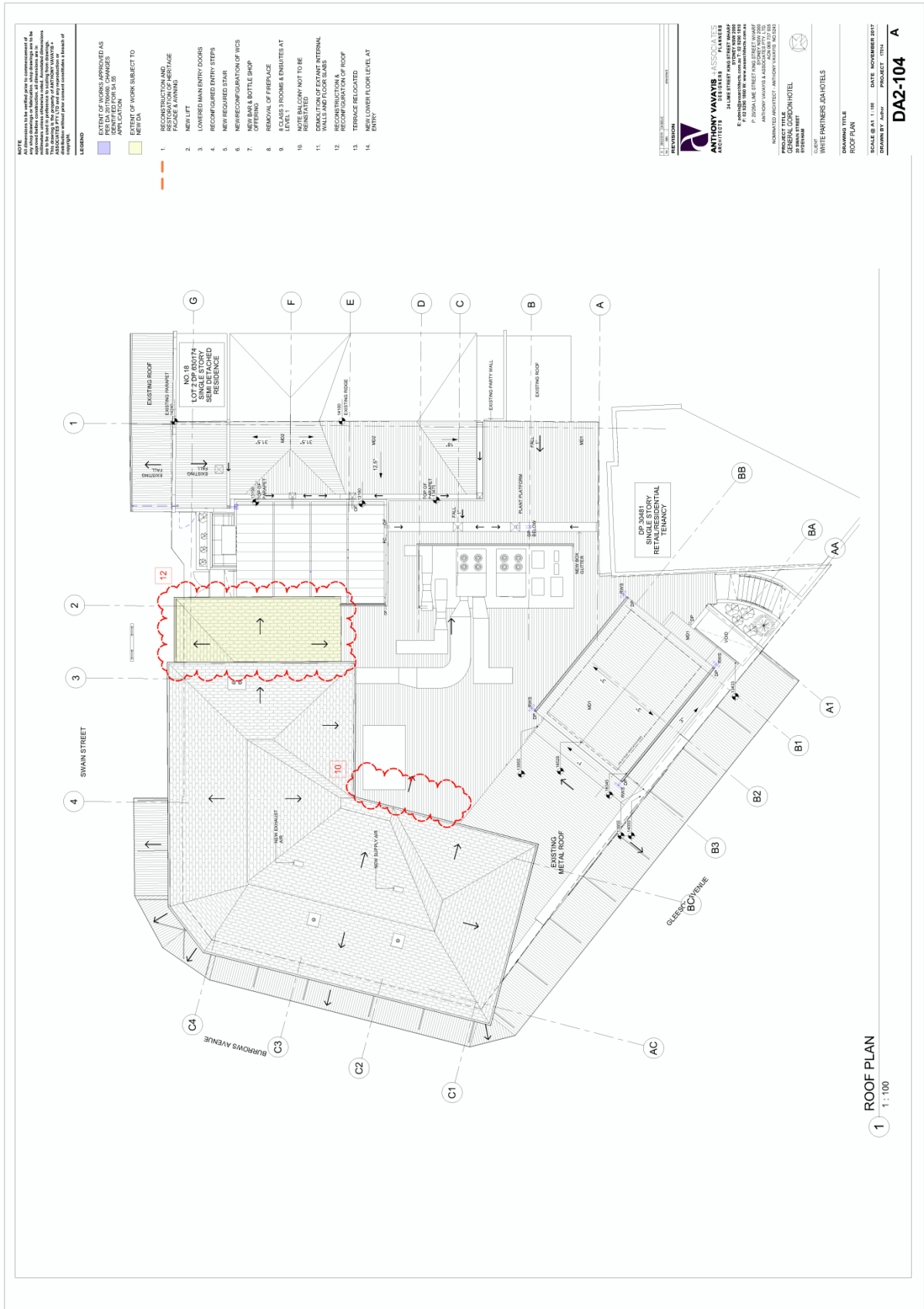
Attachment B – Plans of proposed development



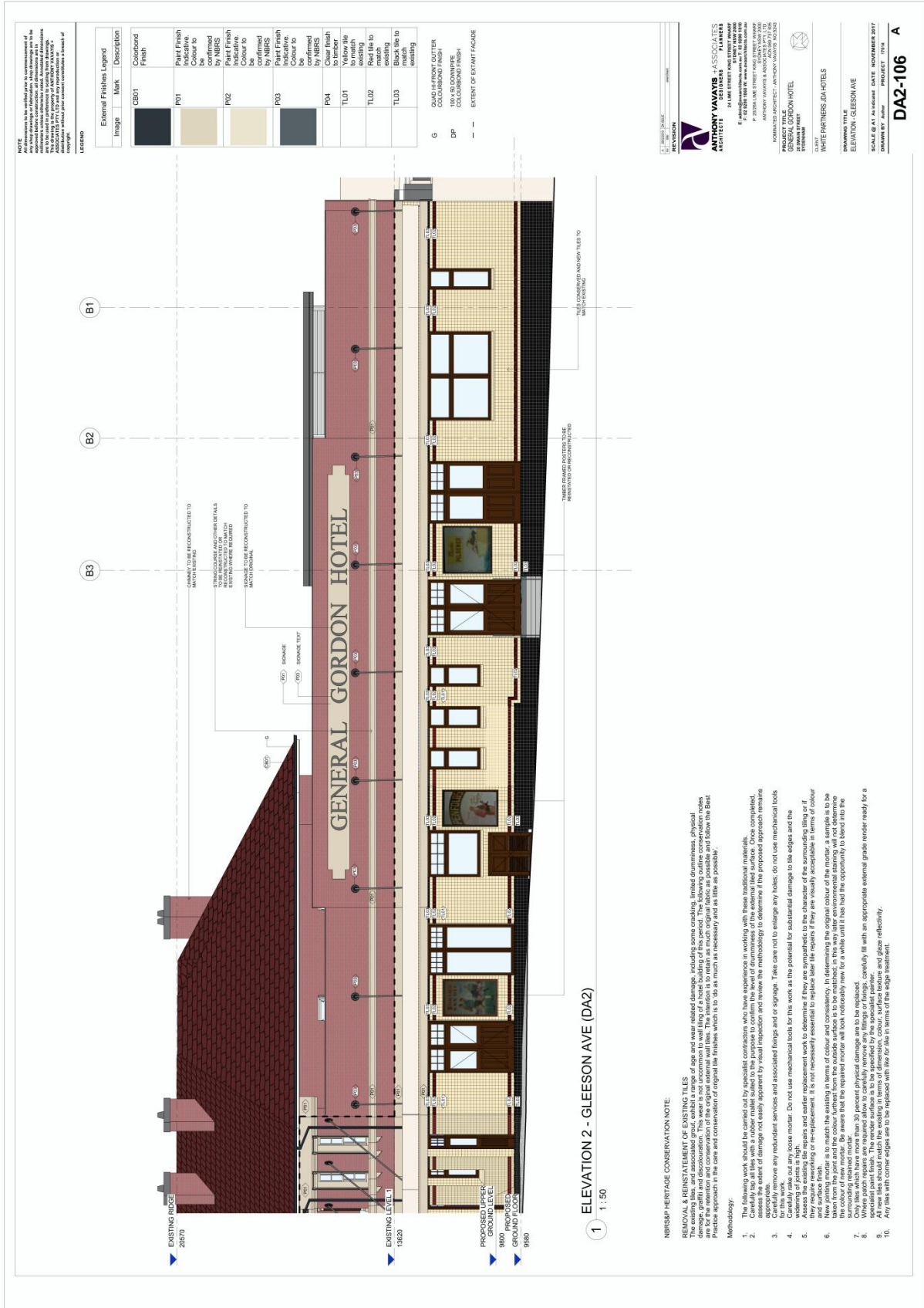




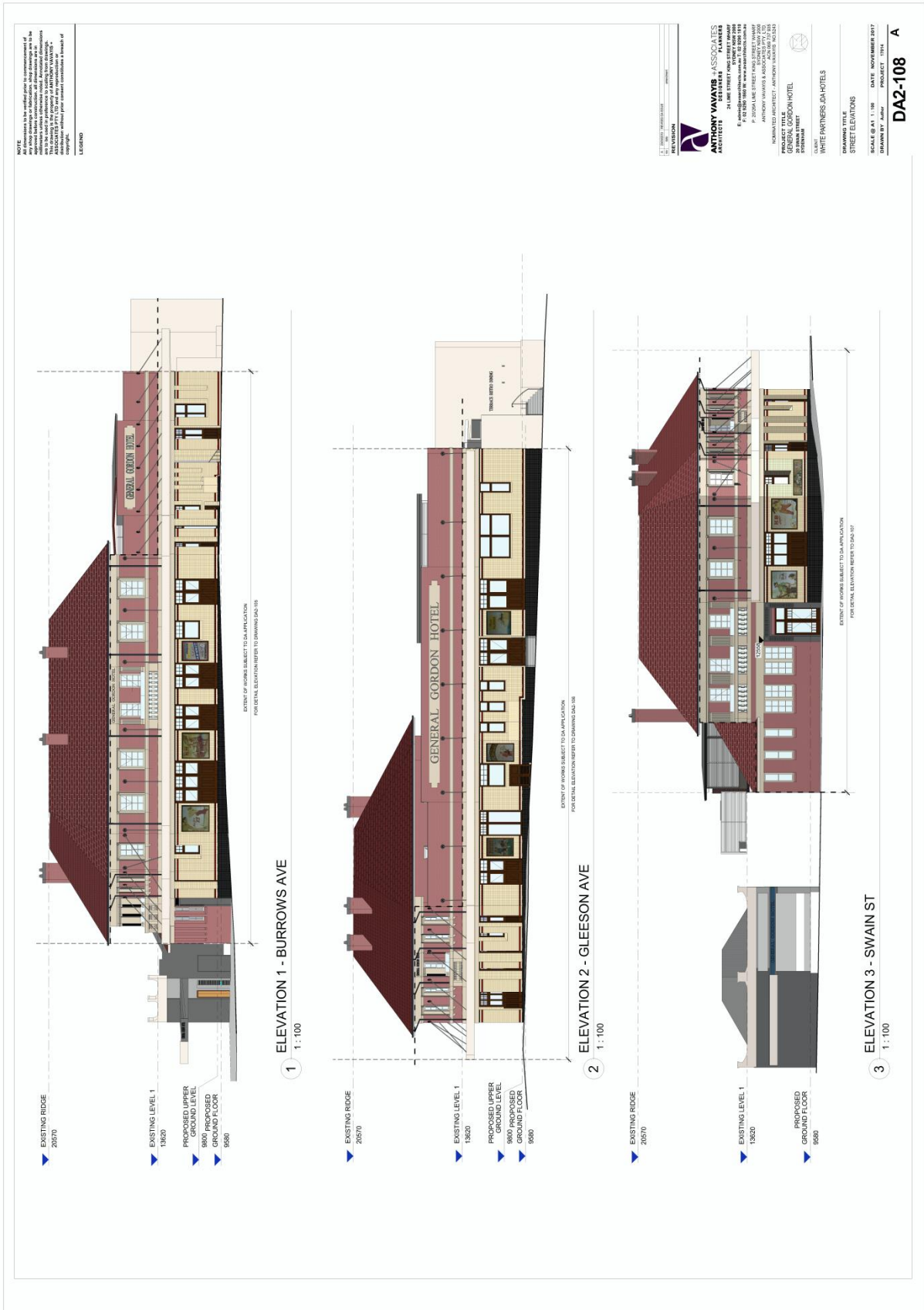












NOTE
 The information contained in this document is for the use of the Council and is not to be used for any other purpose. It is the responsibility of the Council to ensure that the information is used in accordance with the relevant legislation and that the Council is not liable for any loss or damage arising from the use of this information. The information is provided as a guide only and is not intended to constitute a contract. The Council is not responsible for any loss or damage arising from the use of this information. The information is provided as a guide only and is not intended to constitute a contract. The Council is not responsible for any loss or damage arising from the use of this information.

LEGEND

1 1:50
PROPOSED ELEVATION A

2 1:50
PROPOSED ELEVATION B

3 1:50
PROPOSED ELEVATION C

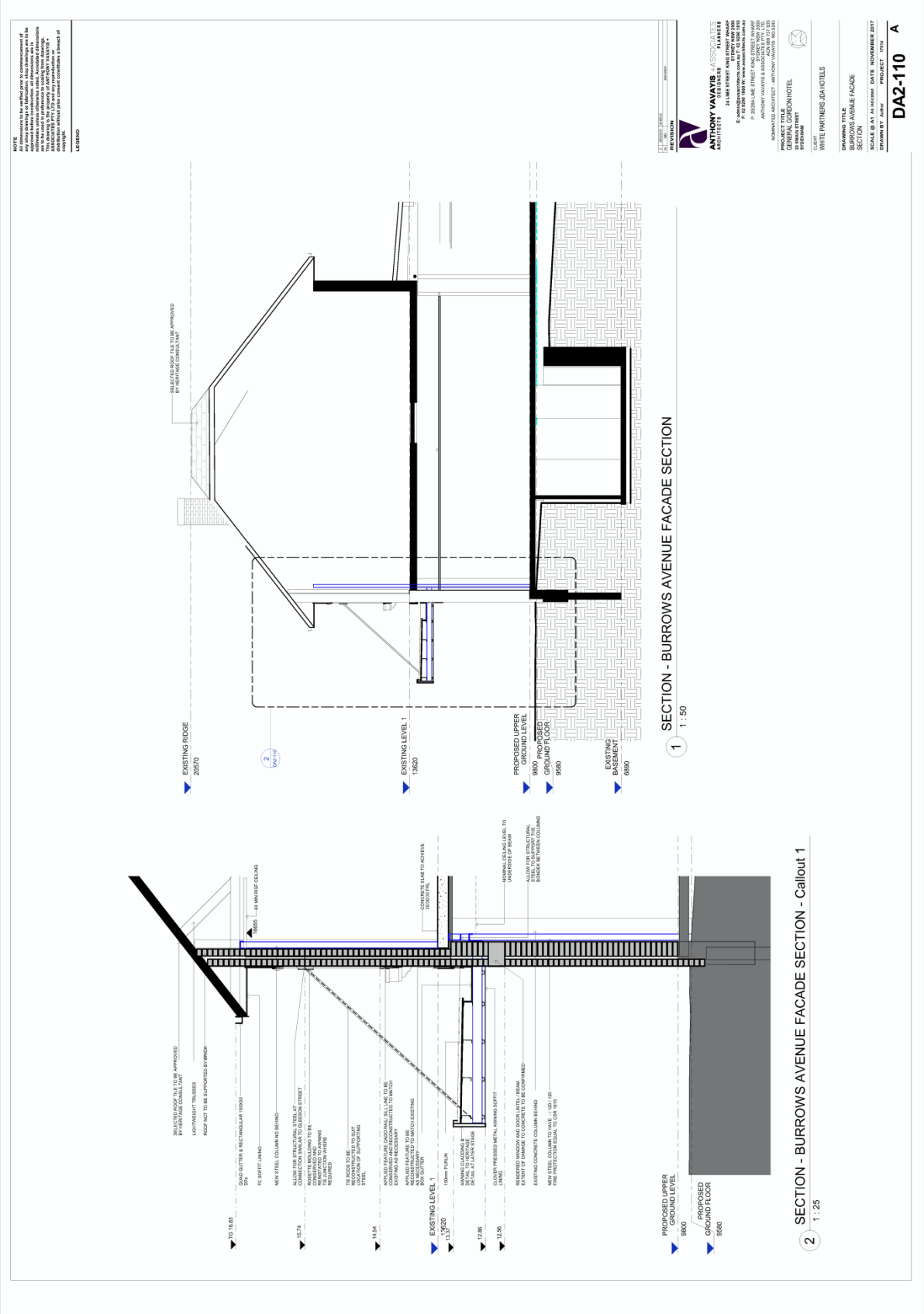
ANTHONY VAVAYIS ARCHITECTS
 ARCHITECTS
 24 LAKE STREET KING STREET MARKET
 SYDNEY NSW 2010
 P. 02 9550 1111
 F. 02 9550 1112
 WWW.AVARCHITECTS.COM.AU
 ANTHONY VAVAYIS & ASSOCIATES PTY LTD
 10/100 WILSON STREET SYDNEY NSW 2010
 ANTHONY VAVAYIS ARCHITECTS INCORPORATED
 10/100 WILSON STREET SYDNEY NSW 2010

CLIENT
 WHITE PINKINERS JAHOTELS

DRAWINGS TITLE
 ELEVATIONS

SCALE @ A1: 1:10 **DATE:** NOVEMBER 2017
DRAWN BY: JAHOTEL **PROJECT:** 10114

DA2-109 **A**



NOTE

All work shown on this drawing is to be carried out in accordance with the provisions of the Building Act 2006 and the Building Regulations 2006. The client is responsible for ensuring that all work is carried out in accordance with the provisions of the Building Act 2006 and the Building Regulations 2006. The client is also responsible for ensuring that all work is carried out in accordance with the provisions of the Building Act 2006 and the Building Regulations 2006.

LEGEND

ANTHONY WATVIS ASSOCIATES ARCHITECTS
 24 LAKE STREET PONCE STREET WARRAWONG
 E: ANTHONY@ANTHONYWATVIS.COM.AU T: 92 52 06 11 00
 P: 303A LAKE STREET PONCE STREET WARRAWONG
 ANTHONY WATVIS & ASSOCIATES PTY LTD
 INCORPORATED ARCHITECT ANTHONY WATVIS REG 123
 2019/19000000
GENERAL GARÇON HOTEL
 303A LAKE STREET WARRAWONG NSW 2120
 CLIENT: WHITE PARTNERS JAHOTELS
 DRAWING TITLE: GLEESON AVENUE DETAIL
 SECTION
 SCALE @ A1: 1:20 DATE: NOVEMBER 2017
 DRAWN BY: JAHOTELS PROJECT: 1014
DA2-111 A

