



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201900268
Address	199 Enmore Road, Enmore
Proposal	To extend the trading hours of the licensed premises known as the Sly Fox
Date of Lodgement	6 August 2019
Applicant	Urban & Co. Design Pty Ltd
Owner	Wonarla Pty Ltd
Number of Submissions	14
Value of works	Nil
Reason for determination at Planning Panel	Number of submissions exceed Officer delegation
Main Issues	Hours of operation, noise and amenity
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Acoustic Report
Attachment C	Plan of Management
Attachment D	Bump Productions letter



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to extend the trading hours of the licensed premises known as the Sly Fox to allow 24 hours a day, 7 days a week trading at 199 Enmore Road, Enmore. In addition, the application seeks consent for amplified music during the extended hours. The application was notified to surrounding properties and 14 submissions were received during the notification period. A significant number of submissions were received ostensibly in support of the application through an online petition very close to the finalisation of this assessment.

The main issues that have arisen from the application include:

- Acoustic impacts, particularly those arising during early morning hours (after midnight); and
- The increased amenity impact associated with the proposed hours of operation.

Given the above concerns relating to the potential acoustic impact of the proposed hours of operation and the proximity of residential premises, the modification to operate 24 hours a day, 7 days a week is not considered acceptable.

Notwithstanding this, it is recommended that a trial period for trading after midnight in accordance with the Marrickville DCP (see section 5(c) of this report) be given to allow the operator to demonstrate good management and any impacts monitored.

2. Proposal

The application seeks Council's approval to extend the trading hours of the Sly Fox to 24 hours a day, 7 days a week including the removal of the existing noise restrictions on the site which prohibit amplified music after 3.00am.

3. Site Description

The subject site is located on the northern side of Enmore Road, between Cambridge Street and Liberty Street, Enmore. The site has a total area of 270sqm and is legally described as Lot 1 in Deposited Plan 82870.

The site has a frontage to Enmore Road of 11 metres and a secondary frontage of approximately 25 metres to Cambridge Street. The site has access to Cavendish Lane at its rear boundary.

The site supports a three storey hotel premises. The adjoining properties support a mix of commercial and residential properties.

The subject site is listed as a heritage item under *Marrickville Local Environmental Plan 2011*, namely 'Sly Fox Hotel, including interiors' (Item No.I36). The property is located within the King Street and Enmore Road Heritage Conservation Area (Area No.C2).

In accordance with Development Consent No.17889, the hotel is permitted to trade between the hours of 9.00am and 10.00pm Mondays, Tuesdays and Wednesdays, 9.00am to

11.00pm Thursdays, Fridays and Saturdays, 12.00pm to 10.00pm Sundays and 9.00am to 10.00pm on Public Holidays.



Image 1: Site Photo

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
No. 17889	To carry out refurbishment works to a hotel and a 6 month trial period for the Public Bar being permitted to trade from 5:00am to 3:00am the following day Mondays to Saturdays and 10:00am to 12.00 midnight Sundays and the Saloon Bar (gaming room) being permitted to operate 24 hours a day, seven days a week.	Approved 8 October 1998.
No. 200200705	To continue the trading hours of the	Approved 4 December

	hotel the same as those approved under Determination No. 17889	2002. The consent was time limited for two (2) years and expired on 4 December 2004.
No. 200500584	To continue the trading hours of the hotel the same as those approved under Determination No. 17889	Approved 2 November 2005. The consent was time limited for four (4) years and expired on 2 November 2009.
No. 200600202	To carry out alterations to the ground floor level of the Sly Fox Hotel and a 12 month trial period to extend the hours of operation of the hotel to 24 hours a day seven days a week excluding the period from 12.00 midnight on Sundays to 5.00am on Mondays	Approved 2 August 2006.
No. 200700601	To carry out alterations to the premises to refurbish the first floor level of the hotel to create additional bar area and an outdoor smoking deck and to use the premises as a Place of Public Entertainment	Deferred Commencement Consent approved on 2 July 2008. Consent became operative on 23 March 2010.
No. 201500436	To demolish part of the premises and carry out alterations and additions to the first and second floors of the premises and use as hotel accommodation	Withdrawn
No.200500584.01	To modify Determination No.200500584 dated 5 November 2005 to modify conditions so as to permit amplified music to be played 24 hours per day 7 days a week in the Hotel	Withdrawn as Consent No.200500584 was time limited to a period of 4 years.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
6 August 2019	Application lodged with Council
30 August 2019	Site inspection undertaken
14 October 2019	Request for additional information sent to applicant (detailed below)
22 October 2019 to 15 November 2019	Additional information submitted to Council at the request of Council Officers

The initial application did not contain sufficient information to make an informed assessment of the application. Specifically the application did not contain a Plan of Management detailing how the premises would be managed or an acoustic report which demonstrated how the premises could operate during late night hours without impacting on nearby residences.

Council Officers made numerous requests for the information to allow an assessment to take place from 14 October 2019 until 15 November 2019.

An amended Acoustic Report was submitted to Council on 29 October 2019 in response to concerns raised regarding the likely impact of amplified music on the surrounding residential properties. The acoustic report including testing between 2:00am and 3:00am on one occasion.

The acoustic report did not include pre- and post-midnight levels at which music could be played and acoustic compliance could be achieved at a nearby residence. At the request of Council Officers this information was provided on 15 November 2019.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Marrickville Local Environmental Plan 2011*

The following provides further discussion of the relevant issues:

5(a)(vii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

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

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

- Clause 2.3 - Zone objectives and Land Use Table
- Clause 5.10 - Heritage Conservation

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

The site is zoned B2 – Local Centre under the *MLEP 2011*. The use categorised as a type of food and drink premises which is permitted with consent within the zone. The development is consistent with the objectives of the B2 – Local Centre zone subject to the imposition of appropriate conditions of consent.

(ii) Clause 5.10 – Heritage Conservation

The application seeks to modify the hours of operation only with no building works. It is considered that the proposed hours of operation will not alter the heritage significance or original fabric of the heritage item and will not impact the surrounding heritage conservation area. As such, the development is considered acceptable having regard to Clause 5.10 of *MLEP 2011*.

5(b) Draft Environmental Planning Instruments

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

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

5(c) Development Control Plans

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

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.8 – Social Impact	Yes
Part 5 – Commercial and Mixed Use Development	No – see discussion

The following provides discussion of the relevant issues:

(i) Acoustic Privacy (Part 2.6)

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

The application includes an Acoustic Report, prepared by Wilkinson Murray dated 5 August 2019, to investigate the noise impacts of the 24 hours, 7 days a week trading hours. The report concludes that noise from amplified music would unlikely be audible during the extended trading hours.

The application was referred to Council's Environmental Health Officer who raised concern regarding the likely acoustic impact of the extended hours, specifically given the report suggests that amplified music has the potential to be audible inside the most affected premises (shop top housing and dwellings at 2A Cavendish Street and Cavendish Lane) to the rear of the site. The acoustic report did not make recommendations as to how the extended hours could operate without impacting on nearby residential premises.

Concern was previously raised by Council during the assessment of Development Application No.200500584.01 regarding the use of manual noise limiters for amplified music. The Acoustic Report originally submitted as part of the current application does not address

these previous concerns relating to the automation of the noise limiters and does not provide detail as to what noise levels the limiters are to be set at (pre- and post-midnight) to achieve inaudibility inside 2A Cavendish Street and Cavendish Lane.

The Acoustic report was initially based on testing carried out between 12:30am to 1:45am on Sunday 10 February 2019, Friday 12 July 2019 and Monday 15 July 2019.

An amended Acoustic Report was submitted to Council on 29 October 2019 which did not address the previous concerns relating to the noise limiters and did not conduct appropriate acoustic testing between 3.00am and 6.00am.

The amended Acoustic Report has finding based on one night of testing on Friday 18 October 2019 between 2:00am and 3:00am. No details of the noise levels set for music in the premises pre- and post-midnight were provided when acoustic compliance is said to have been reached.

At the request of Council Officers for pre- and post-midnight noise levels the applicant provided a letter from 'Bump Productions' with post midnight noise levels. It should be noted that 'Bump Productions' are not an acoustic consultant and did not conduct the acoustic testing. It is unclear why the noise levels were provided by 'Bump Productions' rather than Wilkinson Murray who carried out the acoustic testing.

Given the potential and unresolved acoustic impact of the extended trading hours on the surrounding residential premises, particularly post midnight, it is not considered appropriate to allow 24 hours, 7 days a week trading. However, Council acknowledges that the Sly Fox is an existing licensed premises which has been trading for many years on an established "strip" where other operators have approval for late trading (see "Hours of Operation" discussion below). If the applicant had been able to supply an acoustic assessment of a satisfactory standard, including accurate measurements and recommendations to mitigate impacts, extended trading may have been within the contemplation of this recommendation.

However, based on the acoustic information provided by the applicant, and in order to protect the amenity of the adjacent residential properties and having regard to the DCP, it is considered appropriate to permit the following operating hours:

"Base" hours

- 9:00am to 12:00midnight Monday to Saturday,
- 12:00midday to 10.00pm Sundays
- 9:00am to 10:00pm on Public Holidays

4-year time limited trial period for additional hours:

- 12:00midnight to 3:00am Monday to Saturday

The trial period will allow the operator to demonstrate good management and, subject to the imposition of conditions recommended by Council's Environmental Health Officer, without unacceptably impacting the acoustic amenity of residents within the vicinity. A longer than ordinary trial is considered acceptable given that the applicant is already trading on the site and has established management and acoustic controls for the use.

(ii) Social Impact Assessment (Part 2.8)

A Social Impact Assessment (SIA) was not sought for the proposed extended trading hours given the application seeks to continue the historically approved range of trading hours.

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

5.3.1.1 Plan of Management

The existing pub is located in close proximity to a number of residential properties. Control 70 requires a Plan of Management (POM) when a commercial use is proposed in proximity to a residential land use and Council considers it may unreasonably impact on the amenity of surrounding residences.

At the request of Council officers, the applicant provided a POM, with provisions relating to hours of operation, amenity, security measures, garbage collection, deliveries and exiting patron noise management. The POM was reviewed by Council Health Officers and is not considered sufficient. A condition of consent is recommended for an updated POM to be submitted to Council and complied with.

5.3.1.4 Hours of Operation

In accordance with Determination No. 201500077 dated 24 June 2015, the general hours of operation are restricted to between 10.00am to 12.00 midnight, Mondays to Saturdays, including Public Holidays and 12:00pm midday to 10.00pm on Sundays (excluding the courtyard/outdoor dining area).

The application seeks consent to extend the trading hours of the hotel to 24 hours a day, 7 days a week. The existing hotel is located in close proximity to a number of residential properties. As discussed above, the applicant has failed to demonstrate that the proposed late night trading will be able to be carried out without an unreasonable acoustic impact on the surrounding residential properties post 3:00am. It is also noted that the amenity impacts of the premises on the surrounding area are likely to increase post 3:00am.

The subject site is located in close proximity to a number of other licensed premises including the Warren View Hotel, The Duke of Edinburgh Hotel, The Queen Victoria Hotel and The Hideaway Bar. The Warren View Hotel and Duke of Edinburgh Hotel are permitted to trade until 2.00am and The Queen Victoria Hotel is permitted to trade until 3.00am. It would not be considered appropriate to permit the subject premises to operate beyond the hours of the surrounding premises, particularly given the application has not demonstrated that it will not impact the surrounding residential properties.

As discussed above, in light of the neighbouring development, including the other late trading premises and the residential neighbours in close proximity to the Sly Fox, it is considered appropriate to permit the following operating hours:

“Base” hours

- 9:00am to 12:00midnight Monday to Saturday,
- 12:00midday to 10.00pm Sundays
- 9:00am to 10:00pm on Public Holidays

4-year time limited trial period for additional hours:

- 12:00midnight to 3:00am Monday to Saturday

5(d) **The Likely Impacts**

The assessment of the application demonstrates that, subject to the recommended conditions permitting trading hours to midnight only with a trial period until 3:00am, the proposal will have minimal impact in the locality.

Number of Staff

The POM has provided a maximum number of staff to be working on the site at any time. In accordance with the POM and previous consents for the premises, a condition of consent has been imposed which requires a minimum of two (2) licensed security guards be provided.

Number of Patrons

No change to the existing number of patrons permitted on the site is proposed.

Waste Collection

No change to the existing waste collection arrangements are proposed.

Loading/Unloading

No changed to the existing loading/unloading arrangements are proposed.

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

Provided that any adverse effects on adjoining properties are minimised and subject to a trial period for post-midnight trading, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. A total of 14 submissions were received during the notification period.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Noise

Comment:

Concern was raised in a number of objections regarding the increased noise impacts on the surrounding residential properties of both the internal amplified music and patrons exiting and entering the premises as a result of the proposed hours. It is considered that the internal amplified music is likely to have an unreasonable impact on the surrounding residential properties and as such, the hours of operation have been limited to midnight.

It is considered that appropriate external patron noise mitigation measures have been included in the Plan of Management submitted with the application and these have been included as a condition of consent.

Issue: Anti-Social Behaviour

Comment:

Concern was raised in a number of submissions regarding the increased anti-social behaviour of patrons existing and entering the premises as a result of the proposed hours, particularly given the proximity of the premises to residential properties, schools and aged care facilities. The issues raised included the safety of both persons and properties in the surround areas, lack of security and police presence around the premises, lack of an internal smoking area and disregard of lockout laws imposed in other areas of Sydney.

It is considered that appropriate security measures have been included in the Plan of Management submitted with the application to maintain the safety of the surrounding area during the permitted hours of consent.

Issue: LitterComment:

Concern was raised in a number of submissions regarding increased litter in the streets surrounding the premises as a result of the proposed hours. It is considered that appropriate measures have been included in the Plan of Management submitted with the application to minimise the amount of patron litter outside of the premises. In addition, a condition of consent has been imposed which requires litter patrols be undertaken around the site at least once a day.

Issue: Unauthorised Operating HoursComment:

Concern was raised in a number of submissions regarding the existing operation of the premises outside of the approved trading hours including amplified music being played outside of the approved hours. This application seeks to rectify this matter and Council's Monitoring team are aware of the breaches to the approved consent.

Issue: ParkingComment:

Concern was raised in a number of submissions regarding the increased demand for on-street parking as a result of the proposed hours. The premises is identified as being within 'Parking Area 1' within MDCP 2011. Within Area 1, the parking provision for pubs is determined based on the number of staff only and therefore the proposed increase to the trading hours will not alter compliance with Council's parking requirements.

Issue: Notification ProcessComment:

Concern was raised in a submission regarding the number of properties that were included the notification process. The application was notified in accordance with the notification requirements of MDCP 2011.

After the notification period, the applicant commenced several online petitions which generated an additional 172 submissions to Council and approximately 1480 signatories through an applicant-led petition. A review of the 'change.org' petition currently shows over 6000 signatories at the time of preparing this report.

The submissions received by Council following this petition generally support licensed premises however many of the comments made do not directly relate to the planning merits of the current application.

The applicant has supplied a copy of the responses to their online petition. The petition does not relate to the current application and was not conducted by Council. The petition relates to licensing laws and calls for community support in preventing Inner West Council from “shutting down the Sly Fox”.

Liquor licenses are controlled by State Government through the Office of Liquor and Gaming and are not controlled by Council.

Council has not issued any statutory orders or similar proceedings to close the Sly Fox, but the applicant has suggested that if their application is unsuccessful the business will become financially unviable. This may well be a factor for the Panel's consideration as an “economic impact” under section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

However, it is Council's planning assessment that the pub is trading on the site at present under its approved hours, and that economic benefits any extended hours must be weighed in the balance with the other matters for consideration under s4.15 including environmental impacts and the effects on neighbouring land, especially the neighbouring residential properties. The applicant has not satisfactorily demonstrated that the most severe of the acoustic impacts can be adequately mitigated and therefore Council recommends a more restrictive range of trading hours than the applicant seeks and a trial period in order to monitor the impacts.

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.

Subject to the recommended trading hours including a trial period, the proposal is not considered contrary to the public interest.

6 Referrals

6(a) Internal

Environmental Health Officer – Refer to Part 5(c) of this report.

6(b) External

NSW Police – The application was referred to the NSW Police Force who raised an objection to the proposed trading 24 hours a day, 7 days a week given the potential unreasonable amenity impact on the neighbourhood and recommended that the approved hours be no later than other licensed premises in the surrounding area.

The application is recommended for limiting trading hours to those of surrounding licenses premises subject to a trial period.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011 subject to appropriate conditions of consent, particularly those seeking to mitigate acoustic impacts and impose a trial period on the late night trading hours.

Subject to these conditions, the development will not result in unacceptable impacts on the amenity of the adjoining properties and is considered to be in the public interest.

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 approve Development Application No. DA201900269 to extend the trading hours of the Hotel at 199 Enmore Road, Enmore subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Conditions of Consent

General Conditions

1. Trial Hours

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

Day	Hours
Monday to Saturday	9.00am to 12.00am
Sunday	12.00pm to 10.00pm
Public Holidays	9.00am to 10.00pm

- b) Notwithstanding the above, a trial period of not more than 4 years from the date of this consent, the premises may operate according to the following extended hours:

Day	Hours
Monday to Saturday	9.00am to 3.00am
Sunday	12.00pm to 10.00pm
Public Holidays	9.00am to 10.00pm

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

2. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Wilkinson Murray, reference SF281019 RL dated 28 October 2019 must be implemented.

3. Licensed Premises – Plan of Management

Within the first thirty (30) days of the granting of this consent, the Certifying Authority must be provided with a Plan of Management for the operation of the licensed premises that addresses the following:

- Compliance with the relevant conditions of approval,
- Minimise the potential impact of the operation of the premises on nearby residents,
- Effectively minimise and manage anti-social behaviour,

- d) Minimise noise emissions and associated nuisances,
- e) Effectively manage and respond to resident complaints,
- f) Ensure responsible service of alcohol and harm minimisation, and
- g) Patron conductivity and security.

4. Litter Patrols

The proprietor(s) of the hotel must conduct litter patrols within a 30 meter vicinity of the site at least one a day, with the minimum being at the conclusion of the operating hours.

5. Noise General

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

6. Noise – Licensed Premises (7am – 12midnight)

The LA10 noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

7. Noise – Licensed Premises (12midnight – 7am)

The LA10 noise level emitted from the premises, measured between the hours of midnight and 7am, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

8. Noise – Licensed Premises – Amplified Music – Noise Limiters

All noise limiters to be set at a maximum internal noise levels of 77 dB(A) and 96dB(C) when measured at the centre of the main dance floor at all times.

All noise limiters to be set at a maximum internal noise levels of 73 dB(A) and 87 dB(C) when measured at the centre of entrance area at all times.

The number of patrons using the gaming area and public bar is restricted to 180 persons at any time.

9. Noise – Licensed Premises/Entertainment Venues – First Acoustic Report

During the first sixty (60) days of entertainment being provided at the premises, the following acoustic measures must be undertaken:

- a) A suitably qualified acoustic consultant must be appointed to:
 - i. measure and verify the noise emanating from the premises; and
 - ii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
- b) The noise measurements must be:
 - i. undertaken without the knowledge of the applicant, manager or operator of the premises;
 - 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 the Certifying Authority within four (4) weeks of testing.
- c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
 - i. submitted to Certifying Authority with the noise measurements;
 - ii. implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.
 - iii. 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.

10. Noise – Licensed Premises/Entertainment Venues – Second Acoustic Report

After the first 12 months of entertainment being provided at the premises but before the first 18 months of entertainment being provided, the following acoustic measures must be undertaken:

- d) A suitably qualified acoustic consultant must be appointed to:

- iii. measure and verify the noise emanating from the premises; and
 - iv. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
- e) The noise measurements must be:
- iv. undertaken without the knowledge of the applicant, manager or operator of the premises;
 - v. 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
 - vi. Submitted to the Certifying Authority within four (4) weeks of testing.
- f) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
- iv. submitted to Certifying Authority with the noise measurements;
 - v. implemented to the acoustic consultant's satisfaction before the end of the first 18 months of public entertainment provided on the premises.
 - vi. 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.

11. Commercial Waste/Recycling Collection

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

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

12. Maximum Number of Persons

The maximum number of persons (including staff) permitted on the premises at any one time is 139 at the ground floor level and 97 persons on the first floor level.

13. Security Personnel

A minimum of two (2) licensed security guards must be employed by the hotel to control the dispersal of patrons from the hotel and to carry out regular patrols of the immediate surrounding area between 10.00pm and the end of operation the on a daily basis.

14. Loading/Unloading

All loading and unloading in connection with the use being carried out in such a manner as not to cause inconvenience to the public.

15. Storage of Goods

No storage of goods or equipment external to any building on the site being permitted.

16. Display of Signs

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.

17. Patron Signage

Signs must be appropriately located within the hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the hotel.

18. Patron Dispersal

The proprietors of the hotel being responsible at all times to ensure the orderly dispersal of patrons from the hotel.

19. Complain Register

- a) Adjoining residents are to be advised in writing by the Hotel of where they can direct complaints and the name of officer attending to any complaints received. This will ensure that that on-going problems such as litter, noise from patrons etc are investigated by Management and that residents are kept informed on the progress of any complaints; and
- b) Hotel Management is to ensure that all staff is aware of all complaints received from adjoining residents and the measures to be implemented to minimise any disturbance to the amenity of the locality. Details, including a log of all complaints being kept by the Hotel

Management and strategies implemented by Hotel Management to address complaints are to be submitted to Council at the end of the four year period of the consent.

20. Trade Waste

All trade waste being stored within the site boundaries and contained in such a manner so as not to cause a nuisance.

21. Crime Scene Preservation

The 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, the following is adhered to:- a) The licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred and retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police. b) The licensee and/or staff make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and c) The licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

22. OMCG and Declared Organization

1. The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:

- a) the name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlands, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the Crimes (Criminal Organisation Control) Act 2009;
- b) the colours, club patch, insignia or logo of any such organisation, or
- c) the "1%" or "1%er" symbol, or
- d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point 1 (a).

2. Any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.

23. Incident Register

1. The licensee must always maintain an incident register in the form and manner required under section 56 of the Liquor Act 2007 the venue is open and operating for the sale or supply of liquor.
2. The licensee must record in the register the details of any of the following incidents and any action taken in response to any such incident:
 - a) Any incident involving violence or anti-social behaviour occurring on the premises;
 - b) Any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises;
 - c) Any incident that results in a person being turned out of the licensed premises under section 77 of the Liquor Act 2007;
 - d) Any incident that results in a patron of the premises requiring medical assistance, and
 - e) Notwithstanding the above, any incident of a person being refused service.
3. The licensee must, if requested to do so by a police officer or inspector:
 - a) make any such incident register immediately available for inspection by a police officer or inspector, and
 - b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
4. The licensee must ensure that the information recorded in the incident register is retained for at least 3 years from when the record was made.

24. CCTV

1. The licensee must maintain a closed-circuit television 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) recordings must be in digital format and at a minimum of 15 frames per second,

- c) any recorded image must specify the time and date of the recorded image,
- d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises,
 - (iii) all publicly accessible areas (other than toilets) on the premises.

2. The licensee must also:

- a) keep all recordings made by the CCTV system for at least 30 days, and
- b) ensure that at least one member of staff is always available on the premises at all times to ensure the system is operating, and can 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.

25. Neighbourhood Amenity

The management of the premises:

- a) Shall ensure patrons do not crowd or loiter near the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- c) Shall record in an Incident Register full details of any disturbance complaints made by a person to management or staff in respect to the manner in which the business on the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaints and any complainant details if provided.
- d) Shall respond to any disturbance complaints in a timely and effective manner. All actions undertaken by management / staff to resolve such complaints shall be recorded in the Register.

Advisory notes

Prescribed Conditions

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a) Food Shop - Food Act 2003

Food Premises Certification

The food premises design, construction and operation is 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

Food Premises Waste Storage Area

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

Mechanical Ventilation System Certification

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

- a) Building Code of Australia,
- b) Australian Standard AS 1668 Part 1 – 1998,
- c) Australian Standard AS 1668 Part 2 – 2012,
- d) Australian Standard 3666.1 – 2011,
- e) Australian Standard 3666.2 – 2011; and
- f) Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the

approved plans required to house the system must be the subject of further approval from Council.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au

NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneypwater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Acoustic Report



28 October 2019

WM Project Number: 19062
Our Ref: SF281019 RL Slyfox Noise Compliance
Email: brett@strauss.today

Brett Strauss
SLYFOX
199 Enmore Rd
ENMORE NSW 2042

Dear Brett

Re: The SLYFOX - Post-Midnight Noise Compliance Monitoring

INTRODUCTION

The SLYFOX has undertaken internal works to improve the sound transmission of the building façade. It is proposed to amend the current consent condition which requires amplified music to cease at 3.00am. Wilkinson Murray (WM) has been engaged to conduct attended measurements of the operations of the SLYFOX, located at 199 Enmore Road, Enmore at the nearest residences.

The SLYFOX is a licensed premises with live performances including live DJs and live bands. It operates on Wednesdays from 6.00pm to 3.00am, Thursdays from 6.00pm to 12 midnight, and Fridays and Saturdays from 6.00pm to 6.00am. The venue is currently approved to have music until 3.00 am before switching to a silent disco (with headphones) until 6.00 am in the morning.

The SLYFOX management is proposing to be able to have music until 6.00 am.

Wilkinson Murray has previously undertaken compliance monitoring at the 2A Cavendish Street property on Sunday 10 February 2019 between 12.30 am and 1.45 am and has conducted background noise monitoring at 14 Cavendish Street between Friday 12th July 2019 and Monday 15th July 2019. Residential receivers at 2A Cavendish Street are in WM's opinion the potentially most affected receivers.

During a phone call with an Inner West council officer, it was agreed that additional monitoring was to be done at more residential properties surrounding the premises. Wilkinson Murray advised the SLYFOX management to contact residents and try to organise access to the following properties:

- 2A Cavendish St – this property is the nearest residence located right across Cavendish Lane property to the north of the SLYFOX; It is located approximately 6 metres from the rear wall of the venue, which is the main point of music egress for that location;
- 201 Enmore Road – This property shares a common wall with the SLYFOX (western boundary of SLYFOX);
- 197 Enmore Road – This building has apartments on the first floor, with a unit located across Cambridge St, to the east of the SLYFOX; This property is located 15 metres to the venue entrance, which is the main point of music egress at that location;
- Any residential property across Enmore Rd, located to the south of the SLYFOX. These properties are located approximately 20 metres to the venue entrance, which is the main point of music egress at that location;

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Offices in Sydney, Newcastle, Wollongong, Queensland & Hong Kong

ACOUSTICS AND AIR

See the following aerial map:



Figure 1 - Site Aerial Map

Access to the following properties was obtained for an attendance during Friday night (the early hours of Saturday 19th October 2019 between 2.00am and 3.00am.

CRITERIA

The Liquor & Gaming NSW criteria relate to noise generated by patrons and by music at residential receivers. The requirements are set out below:

- *The L_{10} noise level emitted from the premises shall not exceed 5dB above the background L_{90} sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between the hours of 7.00 am to 12.00 midnight when assessed at the boundary of the nearest affected residential premises.*
- *The L_{10} noise level emitted from the premises shall not exceed the background L_{90} sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) after midnight when assessed at the boundary of the nearest affected residential premises.*
- *After midnight, noise emissions from the Place of Public Entertainment are to be inaudible within any habitable rooms in nearby residential properties.*

MEASUREMENTS CONDUCTED ON SATURDAY 19/10/2019

Wilkinson Murray was advised that access to the following properties had been obtained:

- 2A Cavendish St;
- Unit 2 at 197 Enmore Road;

WM was advised that there are two noise limiter settings that can currently be used by SLYFOX management, although further limits could be included if required:

- A "Pre-Midnight Setting"; This setting is to be used at all times before midnight;
- A "DA Setting" which is to be used after midnight and which was initially set to ensure music noise was inaudible for any receiver after midnight.

Before the start of the measurements, WM was advised that the noise limiter setting was on the Pre-Midnight Setting. It was agreed that if at any time music noise was audible at a receiver's property, the music system would have to be set to the DA Setting.

The following observations were made at each of the following receivers' locations:

Unit 2 at 197 Enmore Road, Enmore:

The apartment was vacant at the time of the measurements. Measurements were conducted in the bedroom and the living room both facing Cambridge St and the SLYFOX with windows open and with windows closed. The background noise was dominated by traffic noise and people talking in the street, including patrons. Music noise was inaudible in both the bedroom and the living room, with windows open and with windows closed.

Background noise levels measured in Unit 2 are shown in the following table:

19062 / SLYFOX

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Wilkinson Murray

Table 1 Noise Levels in Unit 2 – 197 Enmore Road

Location	Frequency (Hz)										Noise limiter setting	Comment regarding noise from SLYFOX
	31.5	63	125	250	500	1K	2K	4K	8K			
Bedroom (window open)	47	40	41	39	32	33	28	19	14	Pre-midnight setting	Inaudible	
Bedroom (window closed)	41	35	38	36	29	30	24	16	13	Pre-midnight setting	Inaudible	
Living Room (window open)	53	49	42	44	42	43	39	30	20	Pre-midnight setting	Inaudible	
Living Room (window closed)	44	42	42	42	31	28	22	17	13	Pre-midnight setting	Inaudible	

2A Cavendish Street, Enmore:

WM was given access to one of the units located directly across Cavendish Lane to the north of SLYFOX. Measurements were conducted internally and externally, towards Cavendish Lane. Background noise levels externally were dominated by distant traffic (generally from Enmore Road).

Initially, the Pre-Midnight Setting was still active on the noise limiter. The noise from the SLYFOX was inaudible internally. Externally, in the rear courtyard facing Cavendish Lane, it was sometimes inaudible and sometimes barely audible. WM asked management to switch the noise limiter to the DA Setting, which was initially set to achieve compliance after midnight. The noise contribution from SLYFOX was then inaudible, internally and externally.

Background noise levels measured at 2A Cavendish St are shown in the following table:

Table 2 Noise Levels in Unit 2 – 2A Cavendish

Location	Frequency (Hz)										Noise limiter setting	Comment regarding noise from SLYFOX
	31.5	63	125	250	500	1K	2K	4K	8K			
Internally (windows and door open)	39	31	34	33	28	29	20	15	13	Pre-Midnight setting	Inaudible	
Externally	50	51	43	39	37	36	31	22	15	Pre-Midnight setting	Barely audible at times	
	51	50	43	40	38	38	32	23	16	DA Setting	Inaudible	

Residences across Enmore Road:

WM was not given access to any residence located across Enmore Road and facing the SLYFOX.

Measurements were conducted at the façade of the nearest building facing the SLYFOX at the façade of 206 Enmore Road, Enmore.

Background noise levels were much higher than at the two previous locations, dominated by traffic on Enmore Road and people talking from outside the venue, including SLYFOX patrons smoking outside the venue on Enmore Road.

Patrons and Music noise from inside the venue was inaudible at all times.

19062 / SLYFOX

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Wilkinson Murray

Background noise levels measured at that location are shown in the following table:

Table 3 Noise Levels Enmore Road

Location	Frequency (Hz)									Noise limiter setting	Comment regarding noise from SLYFOX
	31.5	63	125	250	500	1K	2K	4K	8K		
Externally	58	55	53	53	54	51	47	40	30	DA Setting	Inaudible

201 Enmore Road:

WM was not given access.

DISCUSSION

Based on the results of the measurements conducted in the night / early morning of Friday 18th / Saturday 19th October 2019, WM is of the opinion that the venue is capable of meeting the applicable Liquor and Gaming NSW acoustic requirements until 6.00 am in the morning as proposed by SLYFOX, provided the noise limiter is used at all times with the established pre-midnight and after midnight (DA Setting).

We note that during this survey and previous surveys around the venue no mechanical plant associated with the venue would exceed the background noise level at any residential receiver.

We trust this information is sufficient. Please contact us if you have any further queries.

Yours faithfully

WILKINSON MURRAY



Remi Larmandieu

Project Engineer

Quality Assurance

Wilkinson Murray operates a Quality Management System which complies with the requirements of AS/NZS ISO 9001:2015. This management system has been externally certified by SAI Global and Licence No. QEC 13457 has been issued.

AAAC

This firm is a member firm of the Association of Australasian Acoustical Consultants and the work here reported has been carried out in accordance with the terms of that membership.

Attachment C – Plan of Management



Plan of Management: SLY FOX
199 Enmore Road, Enmore

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Operational Details	
Hours of Operation	<p>Current</p> <ul style="list-style-type: none"> Monday to Saturday: 5am to 3am Sunday: 10am to 12am Saloon Bar: 24 hours 7 days a week <p>Proposed</p> <ul style="list-style-type: none"> Monday to Sunday: 24 hours 7 days a week
Signage	Existing approved signage is located internally and externally on the site.
Staffing and Organisation Overview	<p>Types of staff:</p> <ul style="list-style-type: none"> Management Bar Staff Security
Liquor Licences and/or entertainment approvals	Liquor Hotel Licence: LIQH400102097
Car Parking and Loading	<ul style="list-style-type: none"> The site cannot accommodate any level of carparking due to the nature of the built form. The current hotel is built boundary to boundary and at present has no onsite provision for carparking or loading. The site is well serviced by public transport. Enmore Road is a major bus corridor servicing the 355, 423, 426, 428, m30, L23 and L28 routes and there are bus stops located immediately outside the subject property. The site is approximately 500m away from Newton Rail station which services the inner west and southern heavy rail lines. Loading and unloading at the site will take place in accordance with existing provisions.
Managing customers or patrons	<ul style="list-style-type: none"> The operation of the premises will continue to comply at all times with the "Management Plan for Sly Fox Hotel", prepared by Adams Molloy Solicitors and dated March 2003. Signs are appropriately located advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the hotel. The proprietors are responsible at all times to ensure the orderly dispersal of patrons from the hotel.



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	<ul style="list-style-type: none"> ○ A minimum of two (2) licensed security guards are employed to control the dispersal of patrons and to carry out regular patrols of the immediate surrounding area.
Security details	<ul style="list-style-type: none"> ○ Security staff ○ Internal and external security cameras
Noise and Vibration Impact Assessment	<ul style="list-style-type: none"> ○ All windows are acoustic 30mm thick with a 20cm air lock in between. ○ Entry into Sly Fox comprises double doors which are 2m apart so that when the doors open, noise does not spill directly into the street. ○ It was recently determined that the existing stage in Sly Fox was connected to the building and putting energy into the building. As such, the entire stage was demolished and a new stage constructed that does not connect with the building walls. The stage is also filled with six tonnes of sand making it a solid object. ○ The front doors have recently had acoustic seals added on all sides including along the bottom and top edge of the door to provide for full soundproofing. ○ All other doors (fire escape/side door) in the venue have recently had acoustic seals added. ○ All main speakers have been moved from their locations and hung from a steel bracket that is connected to acoustic springs, therefore eliminating any energy or vibrations going into the building.
Schedule of proposed entertainment	<ul style="list-style-type: none"> ○ Cocktail Bar ○ DJ Area ○ Live Music
Waste Management	The existing provision for bins will be utilised in the storeroom on the ground floor.
Toilet Arrangements	Adequate male and female bathrooms are provided on site in accordance with BCA provisions.
Proposed installation of machinery/equipment	No additional machinery or equipment is proposed to be installed.



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Attachment D- Bump Production Letter



October 19th 2019

Dear Sir / Madam

Sly Fox sound levels.

This is to confirm that on the 19th October 2019, the audio system processing had been programmed in accordance with the noise testing that was conducted at Sly Fox on the above date. This has been implemented on the "Late DJ" or "DA Compliance" setting on the control remote with all user volume controls set to their maximum level.

This gives the following maximum sound levels in the venue:

At centre of the main dance floor:

77.5 dbA

96.5 dbC

At center of entrance area:

73.1 dbA

87.4 dbC

All processor outputs are individually limited to avoid any increase in level and the processor is password protected to prevent any unauthorised adjustments being made.

Regards

Ian Duly

Senior systems engineer

Bump Productions/TAVSA

19 McCauley Street

Alexandria NSW 2015

Ph: 02 9699 1166

Mobile: 0424092306

www.bump.com.au

