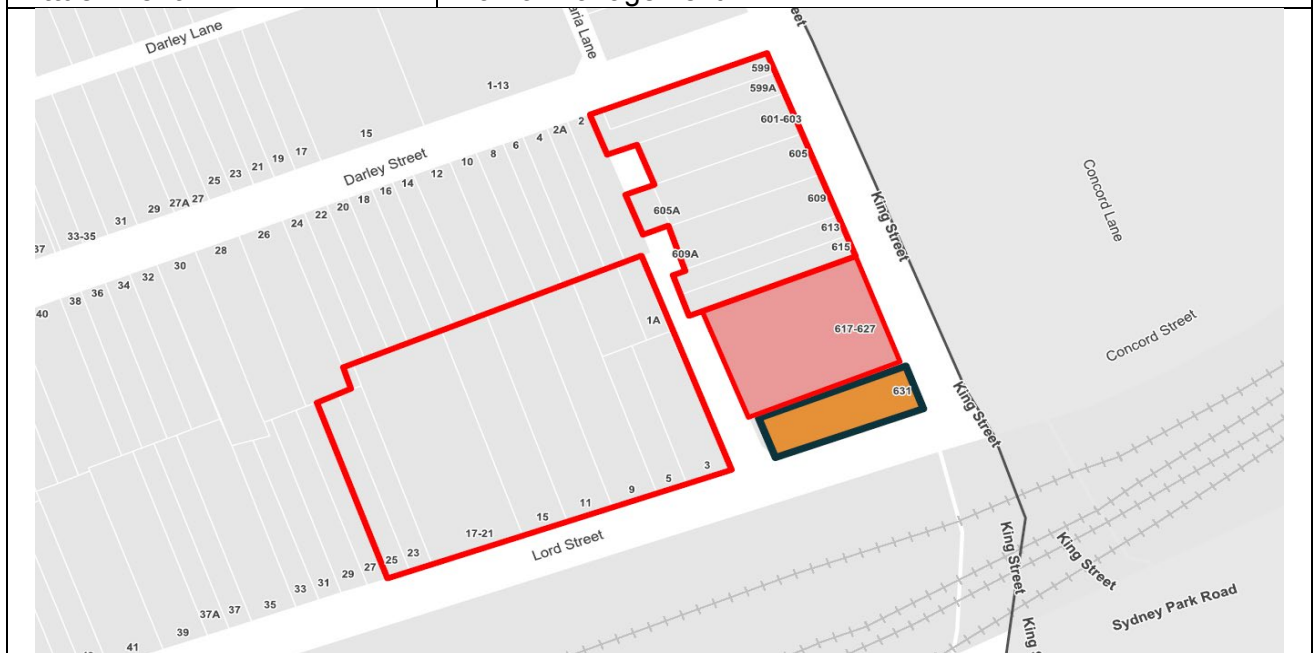




DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201900186.01
Address	631 King Street, Newtown
Proposal	Section 8.2 review application of DA201900186. The review seeks approval for a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel
Date of Lodgement	20 December 2019
Applicant	Elaine Richardson Architect
Owner	SPH Partner Pty Limited
Number of Submissions	4
Value of works	\$200,000
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10% (FSR)
Main Issues	Accessibility; FSR; Acoustic Impacts; Amenity
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standard
Attachment D	Heritage Impact Assessment
Attachment E	Acoustic Report
Attachment F	Plan of Management



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

3. Executive Summary

This report is an assessment of an application submitted to Council for a review under Section 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The review is of a proposal for a new raised and covered deck on the rooftop level of the Sydney Park Hotel, including new toilets to be used in conjunction with the existing premises at 631 King Street, Newtown. The application was notified to surrounding properties and 4 submissions received.

The original Development Application (DA) submitted under DA201900186 was recommended for approval by Council assessment staff, subject to the imposition of a condition of consent restricting the operation of the rooftop on a trial basis. Notwithstanding, the Inner West Local Planning Panel (IWLPP) at their meeting on 29 October 2019 refused the application on the following grounds:

1. *The design has not been resolved as the proposal requires a disabled lift to the roof terrace, in accordance with Part 2.5 – Equity of Access and Mobility, Marrickville Development Control Plan 2011.*
2. *The location of the lift currently proposed by late submission could not be fully assessed because of its impact on the Heritage Item and there being no Heritage Impact Statement as required under Clause 5.10 - Heritage Conservation, Marrickville Local Environmental Plan 2011.*

To address the above, the proposal has been revised to include the provision of a lift to provide equitable access to the proposed rooftop terrace. Further, it is considered the location of the lift is satisfactory from a heritage conservation perspective, subject to conditions relating to design amendments to the rear elevation of the building.

The main issues that have arisen from the application include:

- A breach to the floor space ratio development standard of 15.5%;
- Heritage conservation impacts resulting from the revisions to the proposal; and
- Potential acoustic and amenity impacts to nearby residents arising from the use of the rooftop space.

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), *Marrickville Local Environmental Plan 2011* (MLEP 2011) and *Marrickville Development Control Plan 2011* (MDCP 2011).

The impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered acceptable given the context of the site and the desired future character of the precinct or can be effectively managed by conditions of consent. The application is therefore recommended for approval.

2. Proposal

Approval is sought to erect a new raised and covered deck on the rooftop level of the existing hotel, including new toilets to be used in conjunction with the hotel. Specifically, the work/uses proposed are as follows:

Ground floor

- Minor internal demolition works and re-configuration of the existing gaming area located within the north-western corner of the premises to facilitate provision of a lift;
- Construction of a new lift within the existing gaming area located in the north-western corner of the premises;
- Provision of a new gaming area on the western side of the premises. This area is to be serviced by new security louvres to allow for ventilation and privacy, which will be externally visible on the building's western elevation (rear laneway); and
- Replacement of existing metal door servicing the south-western corner of the premises and replacement with a new shopfront window and swing door.

Rooftop

- Provision of a covered deck on the rooftop, which includes lift access, a unisex accessible toilet, two unisex ambulant toilets, sink/ice machine area, structural supports and an acoustically treated and fire rated wall on its northern side. A new fire rated door and step is proposed to service the existing fire stairs on the northern side of the deck;
- Upgrading of the existing stairwell on western side of the building that will service the proposed rooftop deck, including the provision of new handrails, tactile indicators and sealing up of an existing opening; and
- Provision of a covered roof over the deck, which includes a solar photovoltaic system.

Key amendments of the subject proposal compared to the application made under DA201900186 include:

- Reconfigurations to the ground floor as described above to accommodate lift access to the proposed rooftop deck;
- A minor reduction in additional gross floor area (GFA) of 4sqm;
- Lowering of the proposed roof height of the deck by approximately 380mm;
- Lowering of the floor level of the rooftop deck by approximately 350mm;
- Provision of a unisex accessible toilet and unisex ambulant toilets to service the rooftop deck; and
- Restriction of the use of the rooftop deck on Wednesdays from 10:00am-6:00pm.

The covered deck is proposed to serve as an extension to the existing pub operations on the ground floor, with its main function being as a dining space. In this regard, staff and guests can obtain food and drinks at ground level and bring them to the rooftop for consumption. The application information does not indicate that the proposed rooftop is to be used for the purposes of private functions or events.

The existing first floor is currently being used as hotel accommodation, which is operated by the premises. No amendments under this proposal are proposed to the first floor.

The rooftop is proposed to be limited to a maximum of 100 patrons at any time and to operate from 10.00am to 6.00pm Mondays to Wednesdays, 10.00am to 10.00pm Thursdays to Saturdays and 12.00pm to 9.00pm Sundays and Public Holidays.

3. Site Description

The subject site is located on the western side of King Street at the intersection of King Street and Lord Street, Newtown. The site consists of 1 allotment and is generally rectangular in shape with a total area of 321 square metres and is legally described as Lot 1 in DP 956255.

The site has a frontage to King Street of 10.19 metres and a secondary frontage of approximate 33.575 metres to Lord Street. The subject is bounded by an unnamed laneway at its rear.

The site contains a two storey building containing a hotel known as the Sydney Park Hotel. The surrounding streetscape consists of three to four storeys mixed use commercial and residential buildings fronting King Street and low density residential dwellings to the west fronting Lord Street. St Peters Railway Station and a rail corridor are to the south of the site. The site is adjoined by 617-623 King Street, which contains a three part four storey shop top housing development.

The subject site is listed as a local heritage item under MLEP 2011, namely St Peters Hotel (I159) and is located within the King Street and Enmore Road heritage conservation area (C2).

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
200000748	To continue the extended hours of operation of the hotel and to provide live entertainment	Approval – 7 February 2001
200300468	To erect a canopy over part of the roof of the Hotel	Approval – 28 October 2003 (lapsed 28 October 2008)
200700150	To demolish part of the premises and carry out alterations and additions to the Sydney Park Hotel including the creation of an outdoor area for smoking	Deferred Commencement – 7 November 2007 (made active 6 December 2007)
201200259	To fit-out and use an area at the rear of the hotel fronting Lord Street as a takeaway coffee outlet	Approval – 13 March 2013
200000748.02	Application under Section 4.55 of the Environmental Planning and Assessment Act to modify Determination No.200000748 dated 7 February 2001 to extend the hours of operation of the Sydney Park Hotel to 5:00am to 3:00am Mondays to Saturdays and 10:00am to 12:00am Sundays	Deemed Refusal – 4 December 2018 (under appeal to LEC)
DA201800353	To construct a roof deck with an associated awning and new bathroom facilities on the roof of the Sydney Park Hotel.	Withdrawn – 22 March 2019
DA201900186	To erect a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel.	Refused by IWLPP – 29 October 2019

4(b) Application history

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

Date	Discussion / Letter / Additional Information
20 December 2019	Application lodged.
23 December 2019 to 29 January 2020	Application notified.

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:

- *State Environmental Planning Policy (Infrastructure) 2007*; and
- *Marrickville Local Environmental Plan 2011 (MLEP 2011)*.

The following provides further discussion of the relevant issues:

5(a)(ix) *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)*

Rail Corridors (Clause 85-87)

SEPP Infrastructure provides guidelines for development immediately adjacent to rail corridors. The development involves the construction of a covered, rooftop deck on an existing building adjacent to the rail corridor. Given the separation distances between the corridor and the rooftop deck, it is considered the proposal will not impact the rail corridor or result in safety impacts.

Development with frontage to classified road (Clause 101)

The site has a frontage to King Street, which is deemed a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) 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.

The development would not affect the safety, efficiency and ongoing operation of the classified road and is acceptable in this regard, as it does not proposed any new vehicular crossings from King Street.

5(a)(x) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

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

- Clause 1.2 – Aims of the plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition

- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation

The following table provides an assessment of the application against the development standards:

Standard	Existing	Proposal	Variation	Complies
Height of Building Maximum permissible: 14m	12.7m	12.9m (lift overrun)	N/A	Yes
Floor Space Ratio Maximum permissible: 1.5:1 or 481.5sqm	1.67:1 538.68sqm	1.71:1 or 551.68sqm (13sqm additional)	70sqm or 14.53%	No

(ix) Clause 1.2 – Aims of the plan

The proposal is considered consistent with the relevant aims of the MLEP 2011 as follows:

- Subject to conditions, the proposal will conserve the cultural heritage of Marrickville; and
- Subject to conditions, it is considered the proposal will promote a high standard of design in the private and public domain.

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

The property is zoned B2 – Local Centre under the provisions of MLEP 2011. Commercial premises (including a *Pub*) are permissible with consent within the zone.

The development is considered acceptable having regard to the objectives of the B2 – Local Centre zone.

(xi) Clause 2.7 – Demolition

Minor demolition works are proposed to facilitate the development, which are permissible with consent. Standard conditions are recommended to manage impacts, which may arise during demolition.

(xii) Clause 4.3 – Height of buildings

A maximum building height of 14 metres applies to the property as indicated on the Height of Buildings Map that accompanies MLEP 2011. The proposed development has a maximum building height of 12.9 metres, which complies with the height development standard.

(xiii) Clause 4.4 – Floor Space Ratio

A maximum floor space ratio (FSR) of 1.5:1 applies to the land, as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The existing building represents a breach to the FSR development standard of approximately 57.18sqm or 11.8%. The proposal results in a minor increase in GFA of 13sqm, mainly resulting from the provision of amenities on the rooftop deck, which increases

the breach to the standard by 70sqm or 14.53%. As such, the development has a GFA of 551.68sqm, which equates to a FSR of 1.71:1.

The development exceeds the maximum floor space ratio development standard prescribed under Clause 4.4 of MLEP 2011. The application was accompanied by a written submission in relation to the contravention of the development standard in accordance with Clause 4.6 of MLEP 2011, which is discussed further below.

(xiv) Clause 4.5 - Calculation of floor space ratio and site area

The proposal has been calculated in accordance with the relevant provisions of this clause.

(xv) Clause 4.6 - Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.4 - Floor space ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of Marrickville Local Environmental Plan 2011 by 14.53% (70sqm).

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of MLEP 2011 below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of MLEP 2011 justifying the proposed contravention of the development standard, which is summarised as follows:

- The additional bulk and scale resultant from the variation is less than and complementary with surrounding, mixed used developments, which are encouraged by the desired future character of the B2 Local Centre zone;
- The proposed GFA on the rooftop deck is completely under the LEP maximum building height of 14m;
- The additional GFA on the rooftop deck does not encompass its entirety, but a small extent;
- The additional GFA proposed will not be readily visible from the public domain and given its location, it is considered it will have an acceptable impact on the heritage significance of the subject site;
- The additional GFA does not effect the streetscape appearance of the building, particularly when viewed at pedestrian level from King Street; and
- The additional GFA is for amenities, which will further support the function and improve the amenity of the existing hotel.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B2 – Local Centre, in accordance with Clause 4.6(4)(a)(ii) of MLEP 2011 for the following reasons:

- The proposal supports an existing use which serves the needs of people who live in, work in and visit the local area; and
- The proposal provides increased employment opportunities in a location that is readily accessible by public transport.

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of MLEP 2011 for the following reasons:

- The additional bulk and scale resultant from the additional GFA does not result in any unacceptable amenity impacts on the surrounds. In addition, it is considered it has a satisfactory impact on the public domain and is sympathetic to the heritage significance of the building; and
- The additional bulk and scale is considered acceptable having regard to the scale of existing, mixed used developments in the immediate context and the desired future character of the zone.

The concurrence of the Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of MLEP 2011. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended the Clause 4.6 exception be granted.

(xvi) Clause 5.10 - Heritage Conservation

The subject site is listed as a local heritage item under the MLEP 2011, namely the St Peters Hotel, including interiors (item no. I159). In addition, the subject site is located within the vicinity of a State listed heritage item under the MLEP 2011, namely the St Peters Railway Station group, including interiors (item no. I272). Further, the site is located within a Heritage Conservation Area (HCA) under the MLEP 2011, namely the King Street and Enmore Road HCA (C2).

A revised Heritage Impact Statement (HIS) accompanied the application prepared by Weir Phillips Heritage. The HIS concluded that the proposal will have an acceptable impact on heritage significance of the item and it satisfies the relevant provisions under Clause 5.10 *Heritage Conservation* of the MLEP 2011 and Part 8 Heritage of the MDCP 2011.

Notwithstanding, upon assessment of the revised proposal, concern was raised with respect to the proposed louvres servicing the existing and new gaming areas, which are considered un-proportionately oversized; when compared with other external openings on the building. In addition, confirmation of the material and finishes selection for the western and southern elevations is required to confirm their compatibility with the item. Further, confirmation is required regarding whether glazing is proposed to be placed behind the privacy louvres.

It is considered the above matters are not fatal to the application and can be satisfactorily dealt with via consent conditions, which have been included in the recommendation.

Overall, subject to conditions, it is considered the proposal will have a satisfactory impact in terms of heritage conservation and satisfies the relevant provisions of Part 5.10 of the MLEP 2011 and Part 8 of the MDCP 2011.

5(b) Draft Environmental Planning Instruments

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

- *Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)*

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 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 Draft LEP Amendment contains two matters affecting the subject site being the following:

- That all land reserved on the Land Reservation Acquisition Maps be zoned commensurately on the Land Zoning Map for the property; and
- Change of the heritage item name listing of hotel (heritage item I159) to Sydney Park Hotel (from St Peters Hotel which is the hotel’s former name).

The above amendments are “house-keeping” amendments only and do not materially impact the current proposal.

Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

5(c) Development Control Plans

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

Part	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	No – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.16 – Energy Efficiency	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 5 – Commercial and Mixed Use Development	Yes – see discussion
Part 8 – Heritage	Yes – refer to LEP discussion
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

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

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

The revised proposal includes the provision of a passenger lift, which allows for accessible access to the proposed rooftop area. In addition, an accessible toilet and two, unisex ambulant toilets are proposed to service the rooftop deck. Further, upgrades are proposed to the existing fire stairs, to improve their functionality.

Based on the revisions, it is considered the proposal meets the relevant provisions of Part 2.5 of the MDCP 2011, as satisfactory equitable access is provided to the new parts of the premises, in addition to the provision of appropriate sanitary facilities.

(ii) Acoustic and Visual Privacy (Part 2.6)

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

The proposed roof top deck is surrounded by residential properties, including on its northern side, which includes a mixed used building that contains balconies.

Specific provisions under Part 2.6 require consideration of potential impacts in terms of noise or the loss of amenity resulting from commercial development. In this regard, an Acoustic Assessment undertaken by Day Design Pty Ltd accompanied the application, which concluded the proposal can satisfy the relevant noise requirements, subject to the following:

- The provision of a solid sound barrier on the western, northern and eastern sides of the rooftop deck;
- The provision of a acoustically treated door to service the fire exit on the northern side of the rooftop deck;
- Installation of sound absorptive panels on the underside of the proposed roof;
- Limiting the number of patrons on the rooftop deck to 100;
- Restricting the use of rooftop area to 10:00PM between Thursdays and Saturdays; and
- Restriction on the proposed audio system in terms of its location. In addition, it proposed only background music is to be played from the system.

The recommendations of the acoustic assessment are included as conditions in Attachment A. In addition, a Plan of Management (POM) accompanied the application, which support the above limitations placed on the use of the rooftop deck. A condition of consent has been included in the recommendation requiring the adoption of the aforementioned POM.

Given the above, the development is considered acceptable having regard to the objectives and controls contained within Part 2.6 of MDCP 2011. The application has demonstrated compliance with the relevant acoustic criteria and will not adversely impact the acoustic amenity of nearby residents.

In terms of visual privacy impacts, given the provision of the above-mentioned measures, the proposed rooftop deck will be closed entirely on its northern side, which is closest to existing balconies servicing the mixed used development at 617-623 King Street, Newtown. This will ensure visual privacy for the users of the nearby balconies, as demonstrated in figure 1 below.

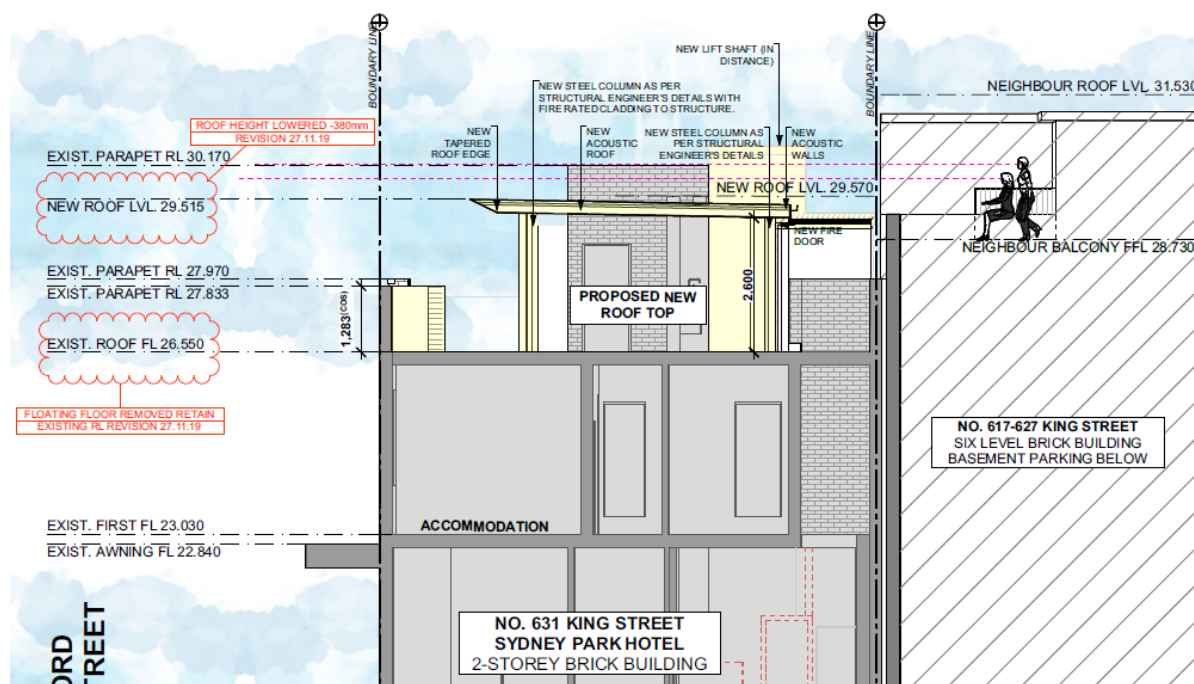


Figure 1: Extract from plans showing the relationship of the awning and rooftop to neighbouring balconies

(iii) Plan of Management (Part 5.3.1.1)

A Plan of Management (POM) was submitted with the application, which is generally acceptable having regard to the requirements of Part 5.3.1.1 of MDCP 2011, and is considered suitable to manage the proposed use and minimise impacts on the surrounding area.

The POM includes provisions for security staff, including on Friday and Saturday nights, to manage any potential incidents, which may occur on the rooftop deck. In addition, the rooftop deck is to be serviced by CCTV cameras to allow for its surveillance. It considered these measures are appropriate to manage any incidents of anti-social behaviour if they arise and are also in addition to existing measures the premises must adhere to which are required by previous consents. The aforementioned measures will be secured by consent condition, which has been included in the recommendation.

(iv) Hours of Operation (Part 5.3.1.4)

Part 5.3.1.4 of MDCP 2011 contains objectives and controls relating to appropriate hours of operation for commercial uses. Provisions within the aforementioned part outline proposed hours, which extend beyond traditional hours, are not to unreasonably affect the amenity of nearby residential properties, particularly acoustic amenity.

The following hours of operation are proposed for the rooftop deck:

Day	Proposed Hours of Operation
Mondays and Wednesdays	10.00am to 6.00pm
Thursdays to Saturdays	12.00pm to 10.00pm
Sundays & Public Holidays	12.00pm to 9.00pm

As discussed under the assessment of DA2019000186, a review of the operational hours of nearby commercial uses was undertaken as follows:

Address	Determination No.	Date of Approval	Approved Use	Trading hours
597 King Street	200000045	9 June 2000	Hotel (Botany View Hotel)	10.00am to 12.00 midnight Mondays to Saturdays and 10.00am to 10.00pm Sundays
599a King Street	200900474	26 May 2010	Laundromat	7:30am to 6:00pm Mondays to Fridays and 7:30am and 8:00pm Saturdays only.
9/605 King Street	201500705	1 June 2016	Café / Restaurant	7.00am to 10.30pm Monday to Saturday and 7.00am to 10.00pm on Sundays
609 King Street	13051	1 May 1990	Chiropractic Surgery	8.00am to 6.00pm Mondays to Wednesdays, Fridays and Saturdays and 8.00am to 9.00pm Thursdays only.
613 King Street	10100	2 October 1985	Shop and picture gallery	8.30am to 5.30pm Mondays to Fridays and 10.00am to 5.00pm Saturdays and Sundays
615 King Street	200800502	11 March 2011	Retail Shop	7:00am to 11:00pm Mondays to Sundays
27/617-623 King Street	201000271	30 July 2010	Bridal Shop	11.00am to 6.00pm Mondays, Tuesdays, Wednesdays and Fridays and 1:00pm to 9:00pm Thursdays and Saturdays and 1:00pm to 6:00pm Sundays
28/617-623 King Street	201000462	5 November 2010	Retail Shop	8:30am to 8:00pm Mondays to Wednesdays and Fridays, 8:30am to 9:00pm Thursdays, 8:30am to 6:00pm Saturdays and Sundays
631 King Street	200000748	7 February 2001	Hotel (Sydney Park Hotel)	5.00am to 12.00am Mondays to Saturdays and 10.00am to 10.00pm Sundays

Based on the review above, it is considered the proposed hours of operation for the rooftop deck are inconsistent with nearby uses. In addition, notwithstanding the acoustic mitigation measures and proposed operational arrangements, it is considered the nature of the use and its location relative to the balconies of the adjoining mixed-use building could still result in amenity impacts on the surrounds. It is considered these impacts are likely to occur on Thursday to Saturdays, when the rooftop deck is open later and is likely to be utilised by a higher amount of patrons.

Therefore, it is considered appropriate to adopt an ongoing operational assessment by imposing a trial period condition, to allow for the performance of the rooftop deck to be monitored. In this regard, it is recommended the core hours of operation should be limited as follows:

Day	Core Hours
Mondays to Saturdays	10.00am to 6.00pm
Sundays	12.00pm to 6.00pm

The trial hours of operation should be limited to a period of 12 months and as follows:

Day	Trial Hours (12 months)
Thursdays to Saturdays	6:00pm to 10.00pm
Sundays	6:00pm to 9.00pm

The restricted trading hours of the rooftop deck included in the recommendation aim to balance reasonable operation of the premises with protection of the acoustic privacy and amenity for the surrounding residents. Further, it allows for appropriate ongoing monitoring of any impacts, which may arise as a result of its operation, which can be reviewed upon the expiration of the trial period.

5(d) The Likely Impacts

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

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

Provided that any adverse effects on adjoining properties are minimised, 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 the relevant provisions of the MDCP 2011. In response, 4 submissions were received.

The following issues raised in submissions have been discussed in this report:

- Acoustic Privacy, Noise and Noise Assessment – refer to Section 5(c)(ii);
- Management Procedures – refer to Section 5(c)(iii); and
- Hours of Operation – refer to Section 5(c)(iv).

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

Issue: Safety and Security

Comment: Concerns were raised regarding potential safety and security of the balconies that service apartments directly north of the proposed rooftop deck. As discussed within this report, security measures are outlined with the POM, including the requirement for security and general staff to patrol the rooftop deck on a regular basis. In addition, CCTV cameras are proposed to service the deck to allow for its ongoing surveillance.

Issue: Smoke/Littering impacts

Comment: Having regard to the enclosed design of the rooftop deck, whereby it is only open on its southern side (Lord Street), it is considered any impacts caused by the above mentioned items will be contained within the deck area itself.

Further, the POM includes provisions regarding the appropriate ongoing disposal and management of litter within and in the immediate surrounds of the premises.

Issue: Highlighting of the key amendments of the subject proposal versus the proposal made under DA201900186

Comment: The architectural plans and supporting documentation highlight key differences between the proposals. This matter is also addressed above under Section 2 above.

Issue : Consideration of all previous submissions made under previous applications

Comment: Under s4.15 of the EP&A Act, consideration is only required of submissions made against a specific application. In any event, the general amenity concerns and impacts raised in submissions provided under DA201900186 are addressed within 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.

6. Referrals

6(a) Internal

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

- Heritage Advisor
- Environmental Health Officer
- Building Surveyor

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal. The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1000.00 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 *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development is unlikely to 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. The applicant has made a written request pursuant to Clause 4.6 of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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 Section 8.2 Application No. 201900186.01 to erect a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel at 631 King Street Newtown, subject to the conditions listed in Attachment A below/for the following reasons.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

1. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the Environmental Planning and Assessment Act and in accordance with the relevant current contributions plan:

“Marrickville Section 94/94A Contributions Plan 2014”

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$1000.00

*Indexing of the Section 7.12 contribution payment:

Former Ashfield LGA & Former Marrickville LGA:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either in cash; by unendorsed bank cheque (from an Australian Bank only); via EFTPOS (Debit only); or credit card (to a maximum of \$10,000 - Note: A 1% credit card transaction fee applies to all credit card transactions). It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions.

2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

3. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,152.50
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 the 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.

General Conditions

4. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Sheet 1, Rev. C	Site Plan	27.11.2019	Elaine Richardson Architect
Sheet 3, Rev. C	Ground Floor Plan	27.11.2019	Elaine Richardson Architect
Sheet 4, Rev. C	Roof Terrace Floor Plan	27.11.2019	Elaine Richardson Architect
Sheet 5, Rev. C	Roof and Stormwater Plan	27.11.2019	Elaine Richardson Architect
Sheet 6, Rev. C	South Elevation	27.11.2019	Elaine Richardson Architect
Sheet 8, Rev. C	East and West Elevations	27.11.2019	Elaine Richardson Architect
Sheet 9, Rev. C	Long Section	27.11.2019	Elaine Richardson Architect
Sheet 10, Rev. C	Cross Section	27.11.2019	Elaine Richardson Architect
Sheet 10, Rev. C	Schedule of Finishes	27.11.2019	Elaine Richardson Architect
130272.2P	Plan of Management	May 2019	Sydney Park Hotel

D2017-SPH: Rev 2	BCA report	25.05.2019	Technical Inner Sight
6534-1.1R Rev D	Environmental Noise Assessment	17.12.2019	Day Design P/L
J3146	Heritage Impact Statement	December 2019	Weirs Phillip
	Clause 4.6 Variation	-	Andrew Martin Planning
Issue C	Statement of Environmental Effects	December 2019	Elaine Richardson Architect

As amended by the conditions of consent.

5. Design change

Prior to the issue of a Construction Certificate, amended plans must be submitted to the satisfaction of Council, which include the following amendments/information:

- a) The proposed openings on the western elevation are to be reduced in size as much as practical;
- b) Confirmation is required of whether glazing is proposed to be located behind the security/privacy louvres servicing the western elevation; and
- c) Revision of the material and finishes schedule to highlight the materials, finishes and colours of all new work, including the lift shaft, shopfront, security/privacy louvres and any other items.

6. Noise – Consultant’s Recommendations

The recommendations contained in acoustic report prepared by Day Design Pty Ltd, reference 6534-1.1R Rev D dated 17 December 2019 must be implemented.

7. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the Marrickville Development Control Plan 2011.

8. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

9. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

Prior to any Demolition

10. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining 617-623 King Street to the Certifying Authority’s satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

11. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

12. Asbestos Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide an asbestos survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate asbestos removal and disposal methods in accordance with the requirements of SafeWork NSW. A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

Prior to Construction Certificate**13. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

14. BCA compliance

Prior to the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction illustrating the recommendations within the BCA Compliance Assessment dated 22 May 2019 by Technical Inner Sight being incorporated into the development.

15. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

During Demolition and Construction**16. Construction Hours – Class 2-9**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a) 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

8:00am to 12:00pm, Monday to Saturday; and
2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

17. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

Prior to Occupation Certificate

18. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant 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. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

19. Acoustic Report – Compliance

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a) Conditions of development consent; and
- b) Recommendations of acoustic report prepared by Day Design Pty Ltd, reference 6534-1.1R Rev D dated 17 December 2019 must be implemented.

On-going**20. Existing consents relating to the hotel**

The conditions of this consent do not preclude the conditions of any other valid and current development consent relating to this property in relation to the operations of the venue.

21. Trial Hours

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

Day	Hours
Mondays to Saturdays	10.00am to 6.00pm
Sundays	12.00pm to 6.00pm

- b) For a period of not more than 12 months from the issue of the Final Occupation Certificate for the rooftop area approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
Thursdays to Saturdays	6:00pm to 10.00pm
Sundays	6:00pm to 9.00pm

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

22. 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.

23. 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.

24. Licensed Premises – Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the 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.

25. Complaints Register

A complaints register shall be maintained and provided to Council Officers, Environmental Protection Authority Officers and Police Officers upon their request. The complaints register is to include:

- Contact details of all complainants
- Time and date the complaint is received
- Description of the complaint
- Description of the activities occurring which gave rise to the complaint
- Action taken to resolve the issue/complaint.

26. Additional Management Controls

- a) No live music or entertainment is to be provided within the rooftop area at any time.
- b) Any amplified music on the rooftop must be restricted to background music only and in accordance with the levels prescribed in Section 7.0 of the acoustic report prepared by Day Design P/L
- c) The number of patrons using the rooftop is restricted to a maximum of 100 patrons at any one time.
- d) No glass is to be utilised in the rooftop area at any time.
- e) Deliveries shall occur during daytime between 7.00am and 6.00pm.
- f) Rubbish, including used glass bottles, shall not be disposed of within the bins after 10.00pm.
- g) The staff and security must ensure that patrons do not loiter outside neighbouring properties on King Street or within the rear lane.

27. Security

The venue must employ the services of one (1) licensed security guard in connection with the rooftop use and from 7.00pm until 15 minutes after the last person leaves the rooftop Fridays and Saturdays. This security requirement is in addition to any security required by other development consents for the ground floor hotel use.

28. Incident Register

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises

29. Crime Scene Preservation

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, the following is adhered to:

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

30. CCTV

- a) The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements
- b) The system must record continuously from opening time until one hour after the last person (including employees/contractors) have left the premises.
- c) Recording must be in digital format and a minimum of 15 frames per second

- d) Any recorded image must specify the time and date of the recorded image; and the system's camera 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 the toilets) on the premises.
- e) The Licensee must also keep all recordings made by the CCTV system for at least 30 days and 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 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 recording.

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*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. 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 must be undertaken before occupation of the site.

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 must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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.

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
- b) Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005
- c) Skin Penetration - Public Health Regulation 2012.
- d) Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012
- e) Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005

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.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

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.

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 Corporation	Payments 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.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and	www.waterrating.gov.au

Standards (WELS)

WorkCover Authority of NSW

13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development

631 KING STREET
 NEWTOWN, NSW 2042

Client: Ray Reilly

of Rev C

ELAINE RICHARDSON ARCHITECT

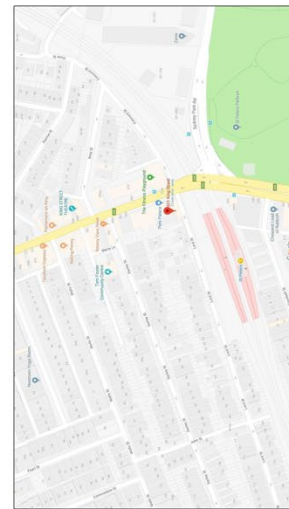


PROPOSED ROOF DECK AT
 ADDRESS: 631 KING STREET,
 NEWTOWN NSW 2042

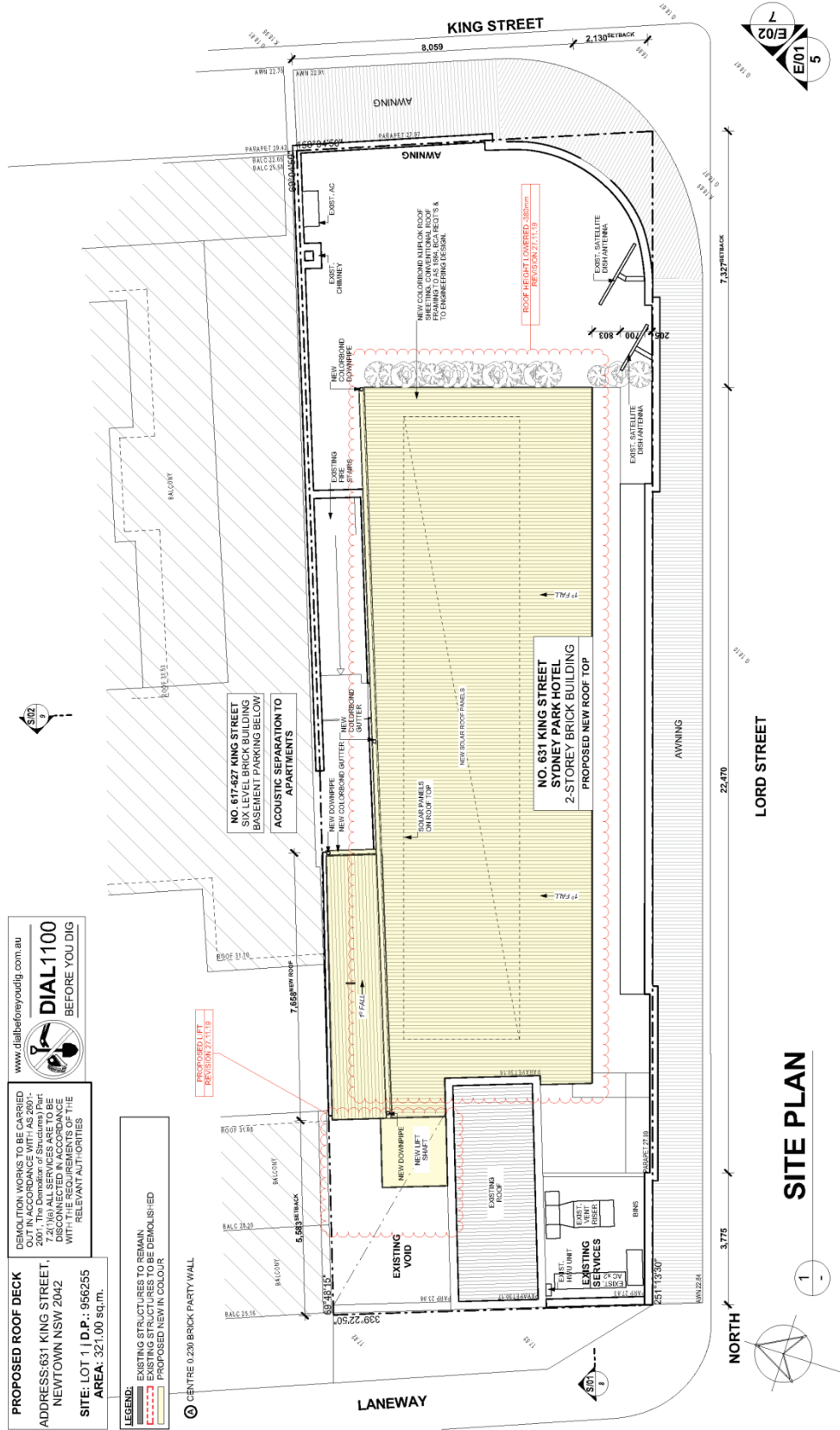
SITE: LOT 1 | D.P. : 956255
AREA: 321.00 sq.m.

Page No:	Description
	Cover Page
1	Site Plan
2	Site Analysis Plan
3	Ground Level Floor Plan
4	Roof Terrace Floor Plan
5	Roof Plan & Stormwater Drainage Plan
6	South Elevation (Lord Street)
7	South Elevation (Lord Street)
8	East (King Street) & West (Laneway) Elevations
9	Longitudinal Section
10	Cross Section
11	Shadow Analysis Plan 21st June 9am
12	Shadow Analysis Plan 21st June 10am
13	Shadow Analysis Plan 21st June 11am
14	Shadow Analysis Plan 21st June 12m
15	Shadow Analysis Plan 21st June 1pm
16	Shadow Analysis Plan 21st June 2pm
17	Shadow Analysis Plan 21st June 3pm
18	Schedule of Materials and Finishes

DEVELOPMENT APPLICATION
 INNER WEST COUNCIL



PROJECT LOCATION PLAN



PROPOSED ROOF DECK
 DEMOLITION WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE DEMOLITION OF STRUCTURES PART 7.2(1)(b) ALL SERVICES ARE TO BE DISCONNECTED AND REMOVED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT AUTHORITIES
 www.dialbeforeyoudig.com.au
DIAL1100
 BEFORE YOU DIG

DEVELOPMENT APPLICATION
 ELAINE RICHARDSON ARCHITECT

ADDRESS: 631 KING STREET, NEWTOWN NSW 2042
 SITE: LOT 1 I.D.P.: 956255
 AREA: 321.00 sq.m.

LEGEND:
 EXISTING STRUCTURES TO REMAIN
 EXISTING STRUCTURES TO BE DEMOLISHED
 PROPOSED NEW IN COLOUR

NO. 631 KING STREET SYDNEY PARK HOTEL 2-STOUREY BRICK BUILDING PROPOSED NEW ROOF TOP

NO. 617-627 KING STREET SIX LEVEL BRICK BUILDING BASEMENT PARKING BELOW ACOUSTIC SEPARATION TO APARTMENTS

NEW COLOURBOND IRON ROOF FRAMING TO AS 1562, LGA RCOT'S A TO ENGINEERING DESIGN
 NEW SOLAR ROOF PANELS
 NEW COLOURBOND GUTTER
 NEW DOWNPIPE
 NEW COLOURBOND DOWNPIPE
 EXISTING FIRE SPIGOTS
 EXISTING SATELLITE DISH ANTENNA
 EXISTING SATELLITE DISH ANTENNA
 EXISTING SERVICES
 EXISTING VOID
 NEW COLOURBOND ROOF DECK
 NEW COLOURBOND PARTY WALL
 CENTRE 0.220 BRICK PARTY WALL

PROPOSED ROOF DECK
 LOT 1 DP: 956255
 631 King Street
 Newtown, NSW 2042

Client: Ray Reilly
 LGA: Inner West Council
 Date: 05.06.2018
 Design: Proposed Roof Deck
 Job No: TBC
 Sheet Size: A3
 Sheet No: 1 of 5

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

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 Surry Hills NSW 2010
 t 0419 261 231
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 Licence No: 7520

Plot Date: Monday, December 16, 2019

North Arrow
 Scale: 1:100

LANEWAY
 KING STREET
 LORD STREET

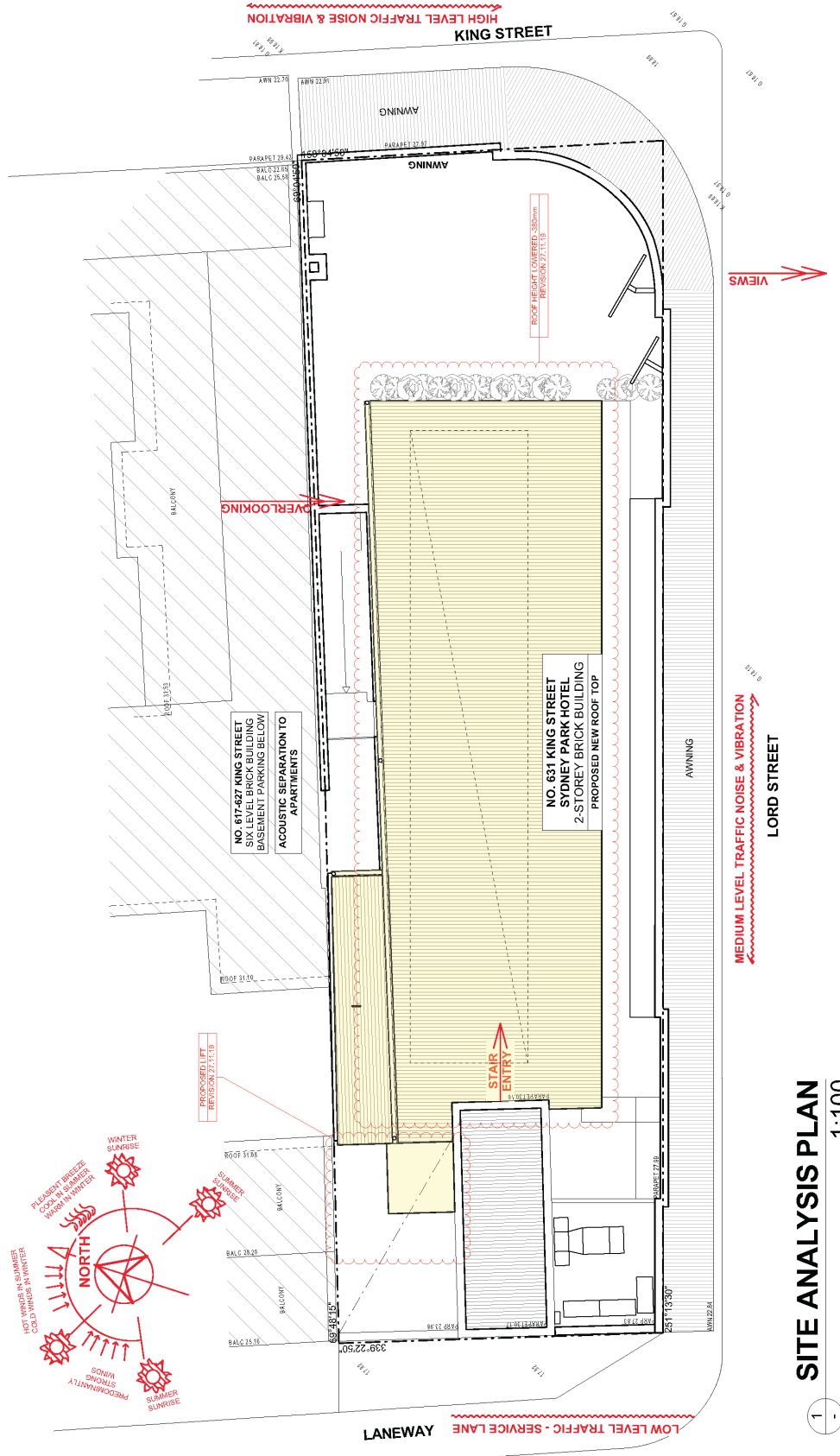
AWNING
 AWNING
 AWNING

NEW COLOURBOND IRON ROOF FRAMING TO AS 1562, LGA RCOT'S A TO ENGINEERING DESIGN
 NEW SOLAR ROOF PANELS
 NEW COLOURBOND GUTTER
 NEW DOWNPIPE
 NEW COLOURBOND DOWNPIPE
 EXISTING FIRE SPIGOTS
 EXISTING SATELLITE DISH ANTENNA
 EXISTING SATELLITE DISH ANTENNA

PROPOSED NEW ROOF TOP

EXISTING VOID
 NEW COLOURBOND PARTY WALL
 CENTRE 0.220 BRICK PARTY WALL

EXISTING STRUCTURES TO REMAIN
 EXISTING STRUCTURES TO BE DEMOLISHED
 PROPOSED NEW IN COLOUR



SITE ANALYSIS PLAN
1:100

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DEVELOPMENT APPLICATION

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

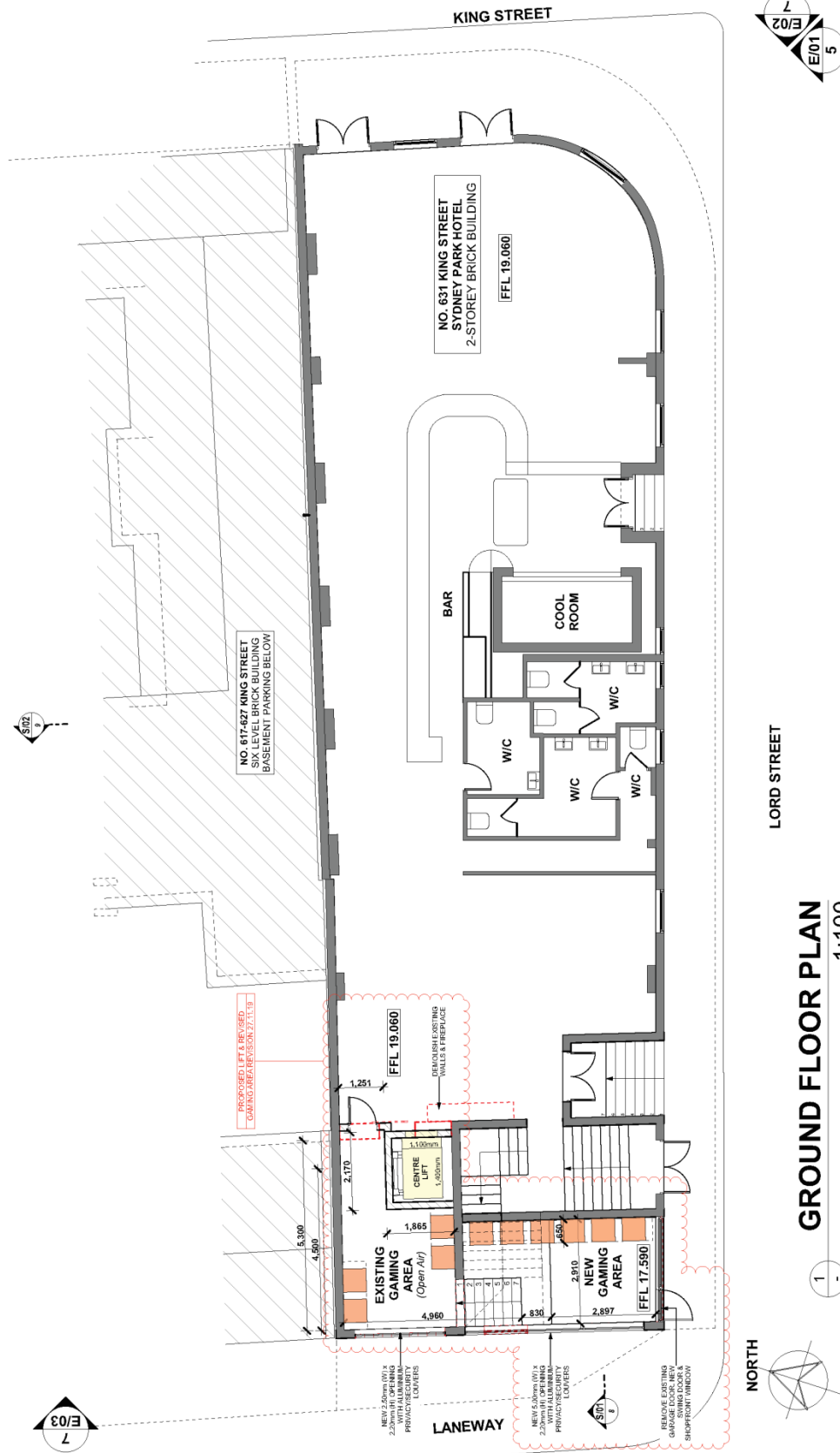
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Rev	Date	Description
A	22.08.2018	Development Application
B	27.11.2018	Final Design & B.I. Coordn.

Proposed: Proposed Roof Deck
Lot:1 DP:956255
631 King Street
Newtown, NSW 2042

Client: Ray Reilly
LGA: Inner West Council
Date: 05.06.2018
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No: 2 of 2

Plot Date: Monday, December 16, 2019



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

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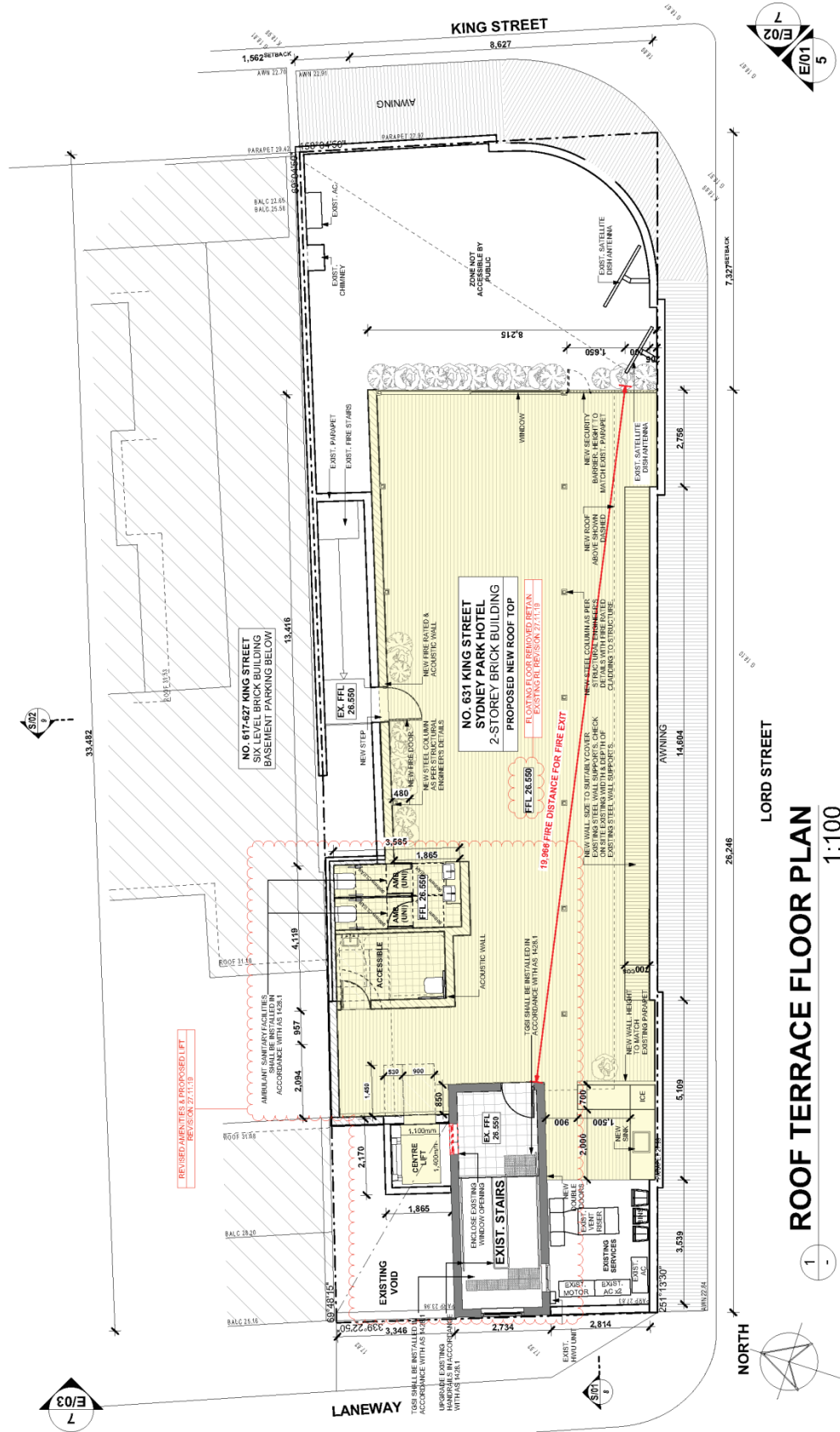
Development Application

Proposed: Proposed Roof Deck

Lot: 1 DP: 956255
631 King Street
NEWTOWN, NSW 2042

Client: Ray Reilly
LGA: Inner West Council
Date: 06.06.2018
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No: 3 of 7

Plot Date: Monday, December 16, 2019



ROOF TERRACE FLOOR PLAN
1:100

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DEVELOPMENT APPLICATION

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

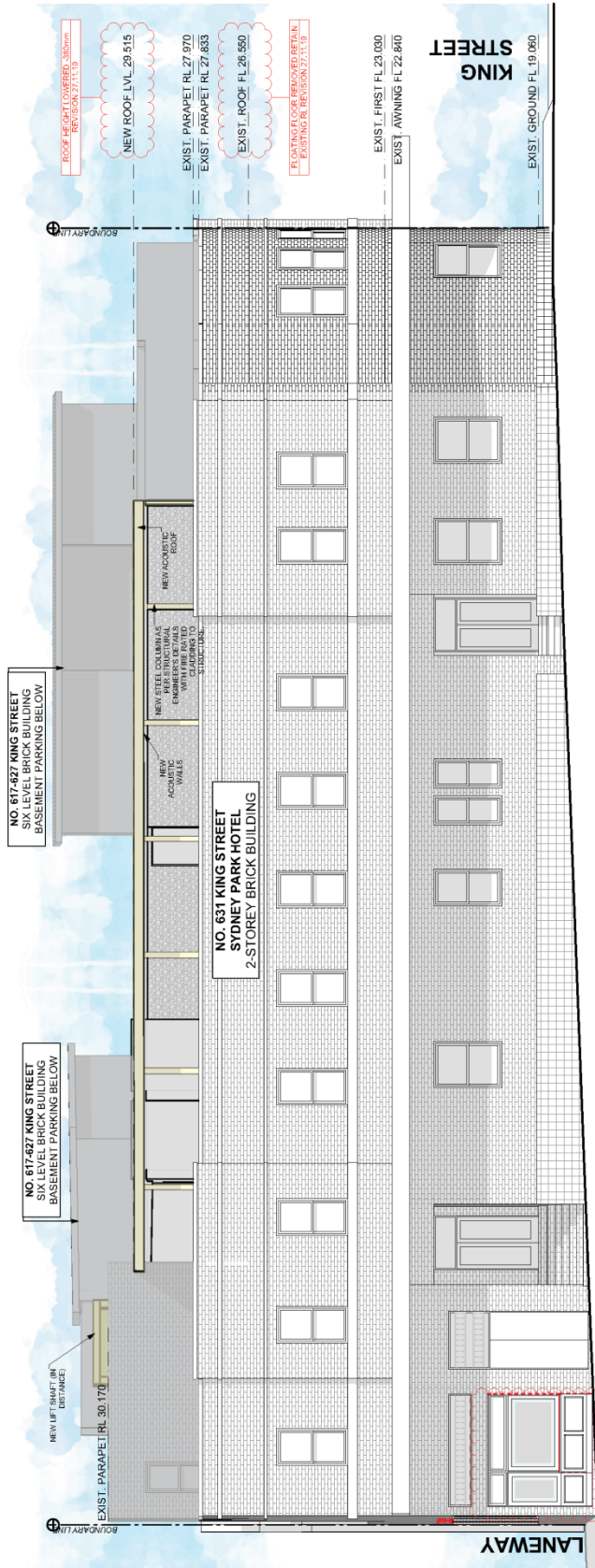
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Rev	Date	Description
A	22.03.2018	Development Application
B	19.10.2018	City of Bayside Area 3 Site Approved
C	27.11.2019	Revised Foundation & L.P. Layout

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

Client: Ray Reilly
LOA: Inner West Council
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No: 4 of 5

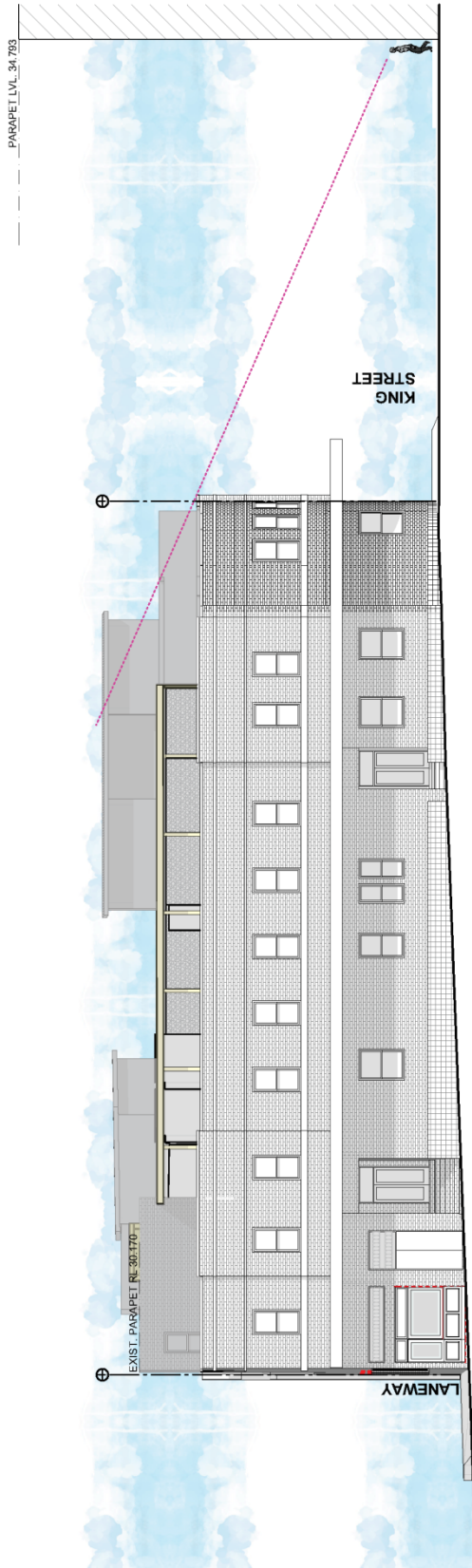
Plot Date: Monday, December 16, 2019



SOUTH ELEVATION (Lord Street)
1:100

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Rev	Date	Description	Rev	Date	Description	Rev	Date	Description	Rev	Date	Description	
A	25.03.2018	Development Application										
B	17.10.2018	DA - B52 Area 3 Site Approved										
C	27.11.2019	Revised Elevation & L.P. Layouts										



SOUTH ELEVATION (Lord Street)
1:150

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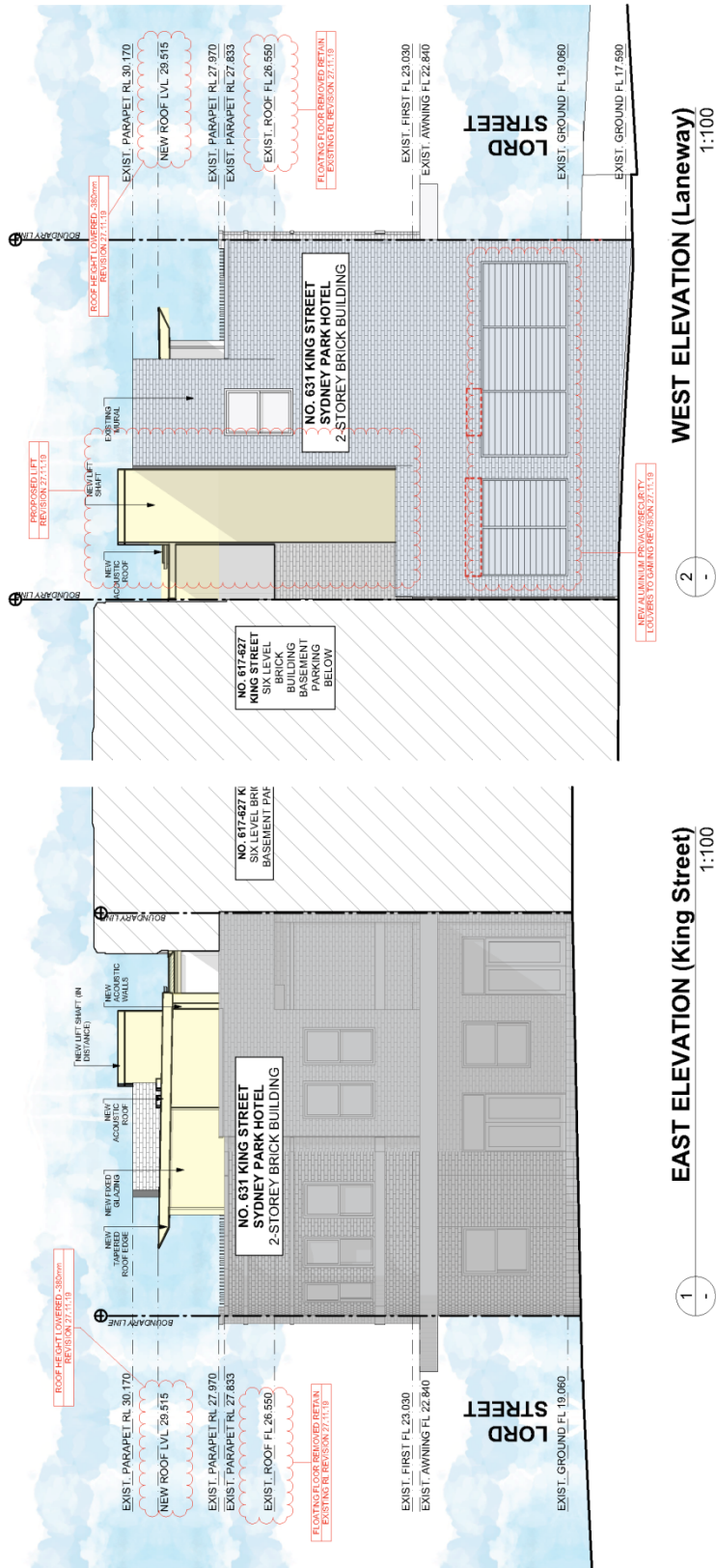
DEVELOPMENT APPLICATION	
Soil Classification:	TBC
Slab Classification:	TBC
Wind Speed Class:	NZ

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Rev	Date
A	21.09.2018 Development Application
B	19.12.2018 DC, 1053 Area 3, 2nd Floor, 70 Buckingham Street, Surry Hills, NSW
C	16.12.2018 DC, 1053 Area 3, 2nd Floor, 70 Buckingham Street, Surry Hills, NSW

Proposed: Proposed Roof Deck	Client:
Lot:1 DP:956255 631 King Street Newtown, NSW 2042	Ray Reilly

LGA:	Inner West Council	Date:	05.06.2018
Design:	Proposed Roof Deck	Job No.:	TBC
Sheet Size:	A3	Sheet No.:	7 of 7

Plot Date: Monday, December 16, 2019



EAST ELEVATION (King Street)
1:100

WEST ELEVATION (Laneway)
1:100

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DEVELOPMENT APPLICATION

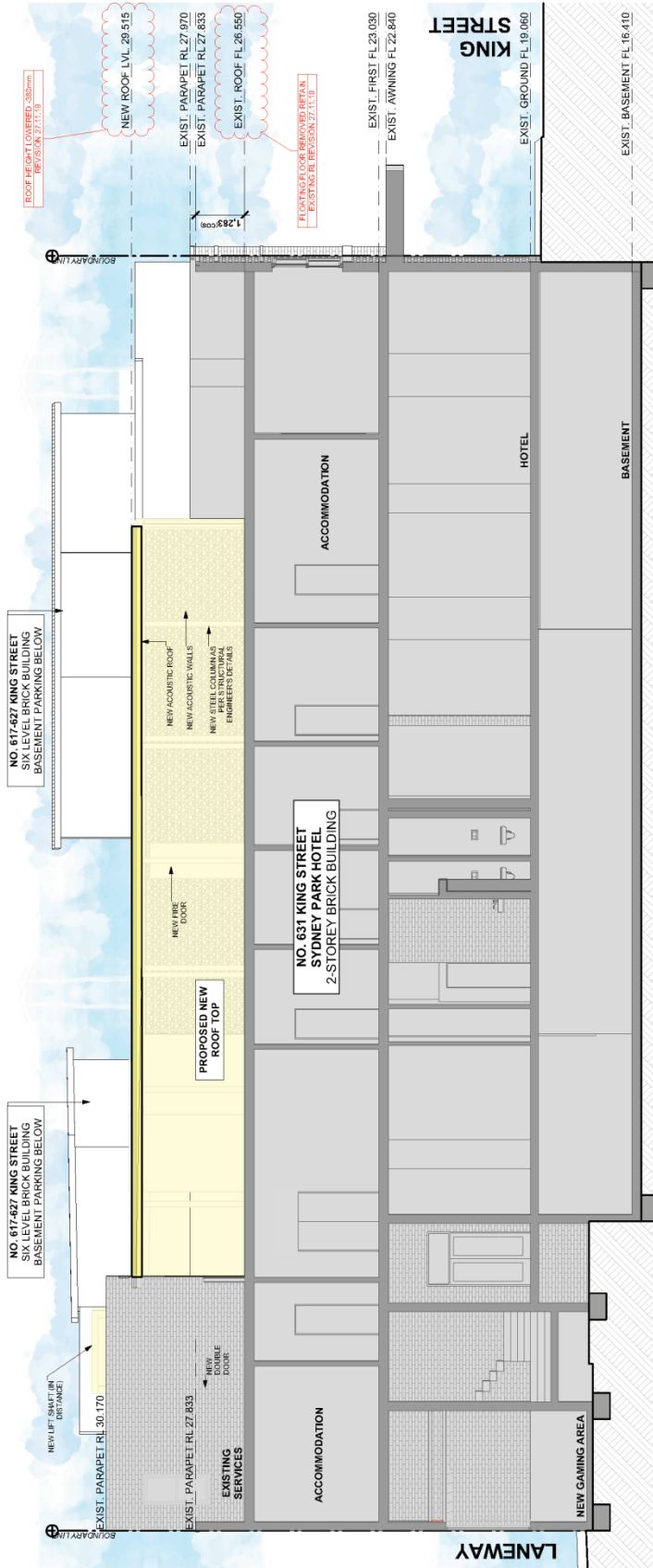
Soil Classification:	TBC
Slab Classification:	TBC
Wind Speed Class:	N2

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Proposed: Proposed Roof Deck
 Lot: 1 DP: 956255
 631 King Street
 Newtown, NSW 2042

Client:	Ray Reilly
LGA:	Inner West Council
Date:	05.08.2018
Design:	Proposed Roof Deck
Job No:	TBC
Sheet Size:	A3
Sheet No.:	8 of

Plot Date: Monday, December 16, 2019



LONGITUDINAL SECTION
1:100



Dimensions shown in metres, in preference to scaling this drawing. Do not assume if it is not AS1.

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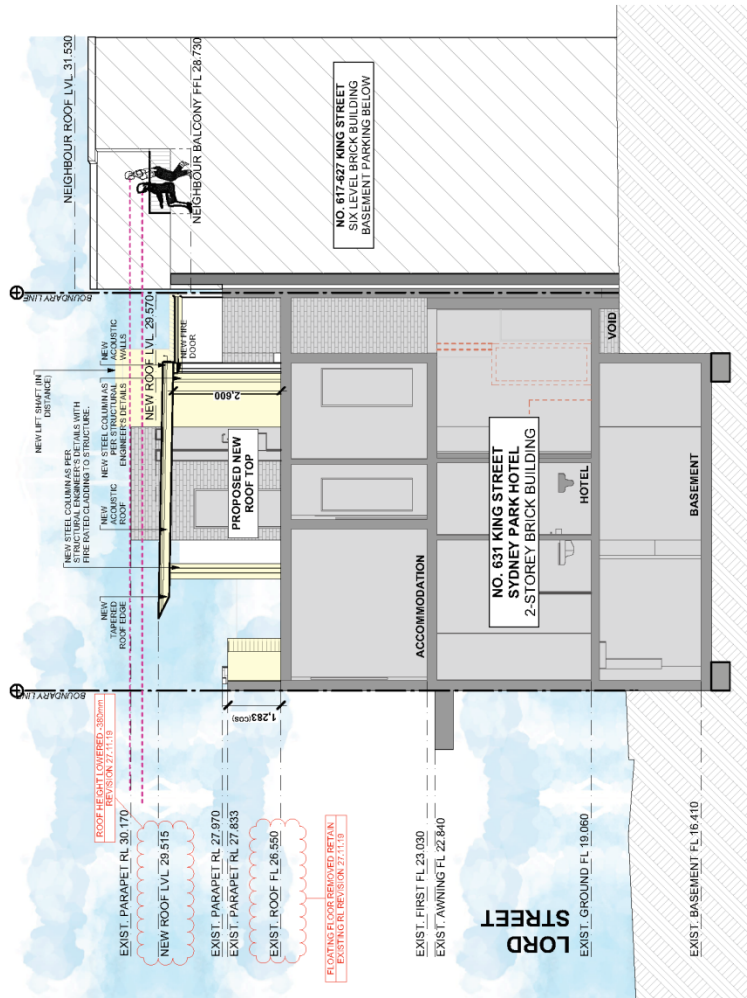
DEVELOPMENT APPLICATION

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

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 A 25.06.2018 Development Applications
 B 19.10.2018 DA - 882 Area 6 ERM Removal
 C 27.03.2019 Revised Architecture & PL Conditions
 Date of Amendment

Proposed: Proposed Roof Deck
 Lot:1 DP:956255
 631 King Street
 NEWTOWN, NSW 2042

Client: Ray Reilly
 LGA: Inner West Council
 Design: Proposed Roof Deck
 Job No: TBC
 Sheet Size: A3
 Sheet No: 9 of 9
 Plot Date: Monday, December 16, 2019



CROSS SECTION
1:100

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DEVELOPMENT APPLICATION

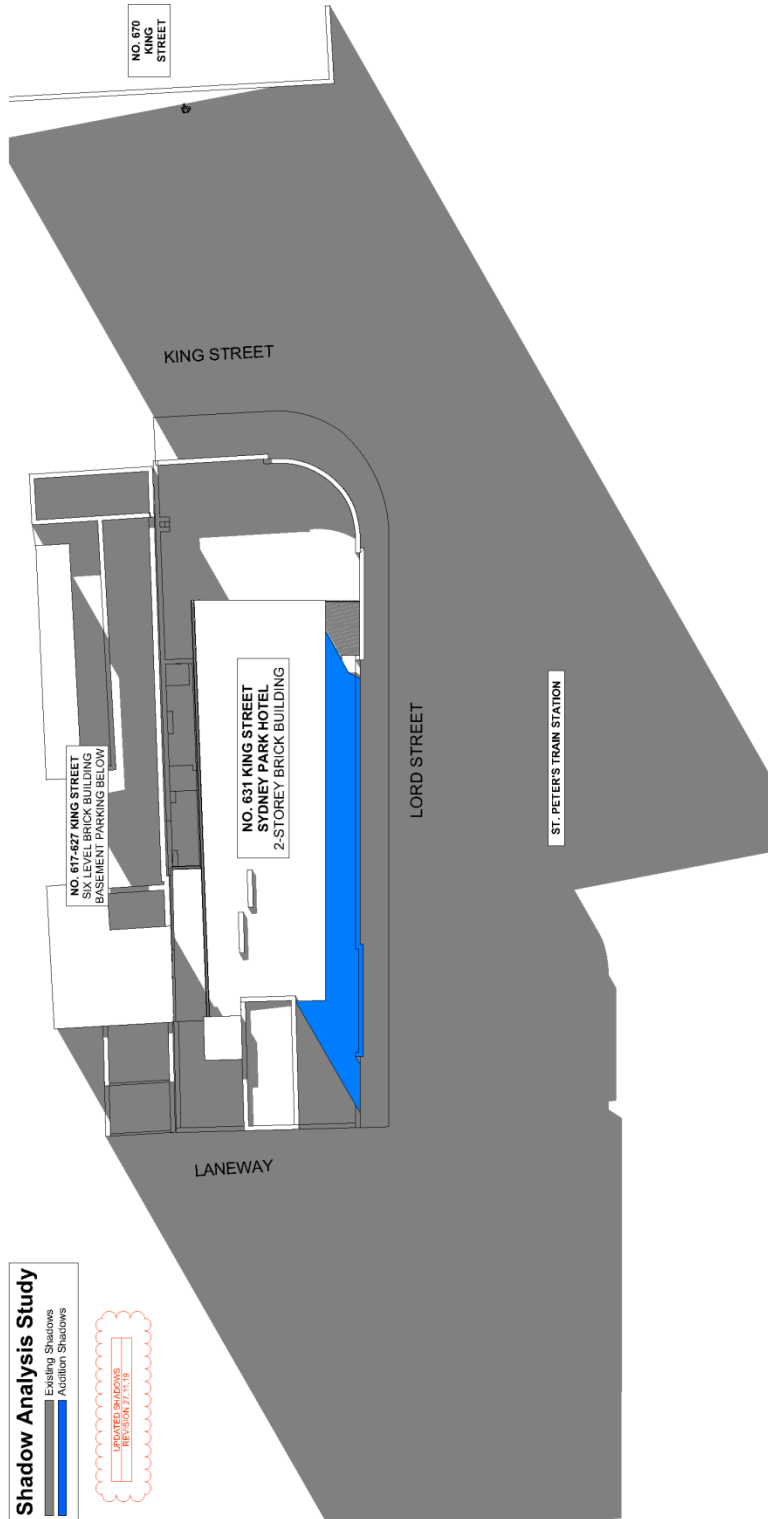
Soil Classification: TBC
Slab Classification: TBC
Wind Speed Class: N2

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

Client: Ray Reilly
Inner West Council
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No: 10 of 10

Plot Date: Monday, December 16, 2019



Shadow Analysis Study
 Existing Shadows
 Additional Shadows

REVISED
 06/05/2019

June 21st 9am
 1:200

1

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DEVELOPMENT APPLICATION

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

Rev	Date	Amendment
A	25.03.2018	Development Application
B	19.03.2018	DA - BRB Area & Site Removal
C	27.12.2018	Revised Plans to L1 Lockers

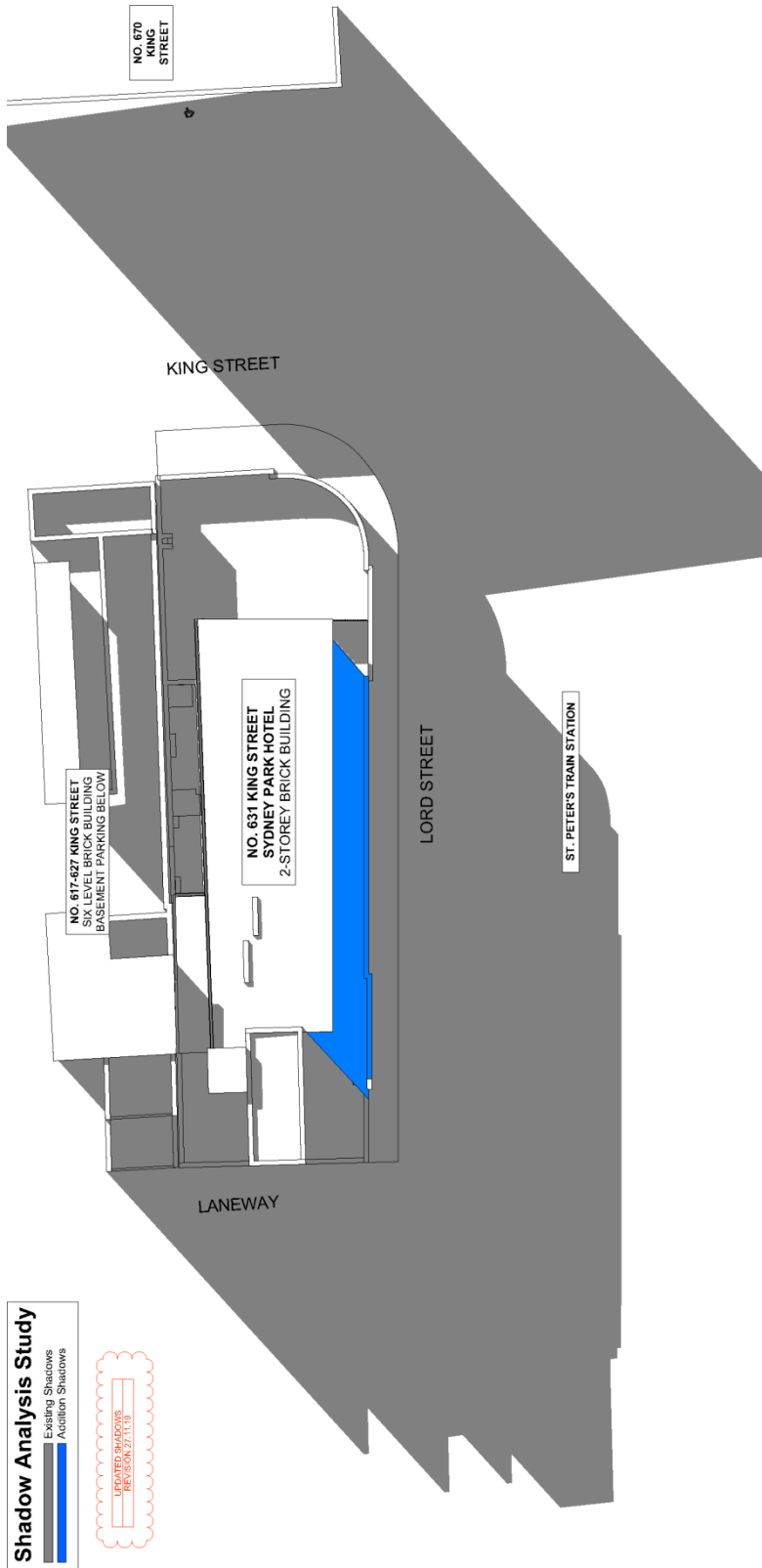
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Proposed: Proposed Roof Deck
 Lot:1 DP-956255
 631 King Street
 Newtown, NSW 2042

Client :
 Ray Reilly
 Inner West Council
 Date: 06.06.2018
 Design : Proposed Roof Deck
 Job No: TBC
 Sheet Size: A3
 Sheet No: 11 of

Plot Date: Monday, December 16, 2019





Shadow Analysis Study

- Existing Shadows
- Acdition Shadows

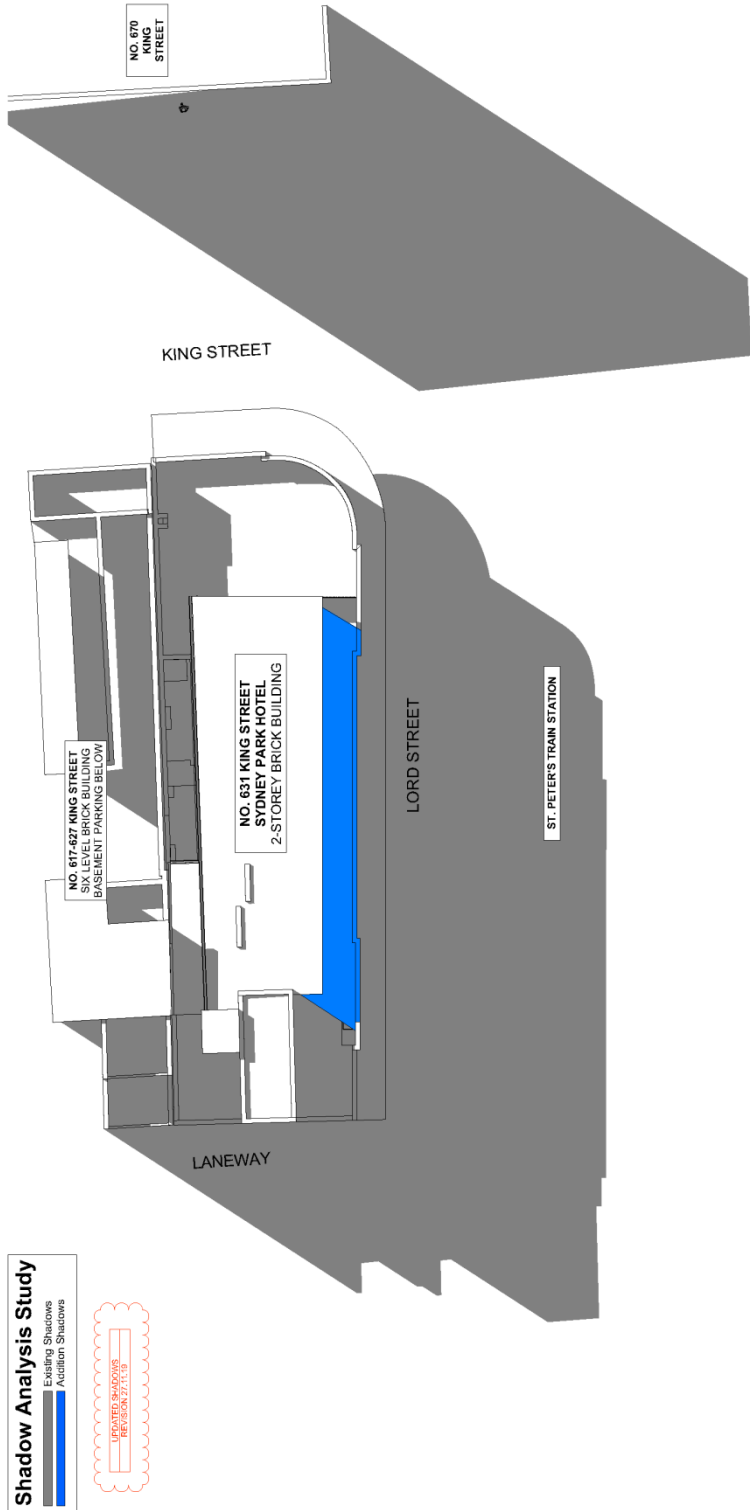


June 21st 10am
1:200



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		<p>Slab Classification: TBC</p>	<p>Wind Speed Class: N2</p>	<p>Development Application A 20.08.2018 Development Application B 19.10.2018 DA - BEO Area & Site Removal C 27.10.2019 Final Formulation K.L.H. Collins REV: 1 Date: 20/11/2019</p>	<p>Copyright © This plan is the property of Elaine Richardson Architect and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.</p>	<p>Client: Ray Reilly</p>



June 21st 11am
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DEVELOPMENT APPLICATION

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

Rev	Date	Amendment
A	20.06.2018	Development Application
B	27.11.2019	Revised Archibek A.L. 01 location

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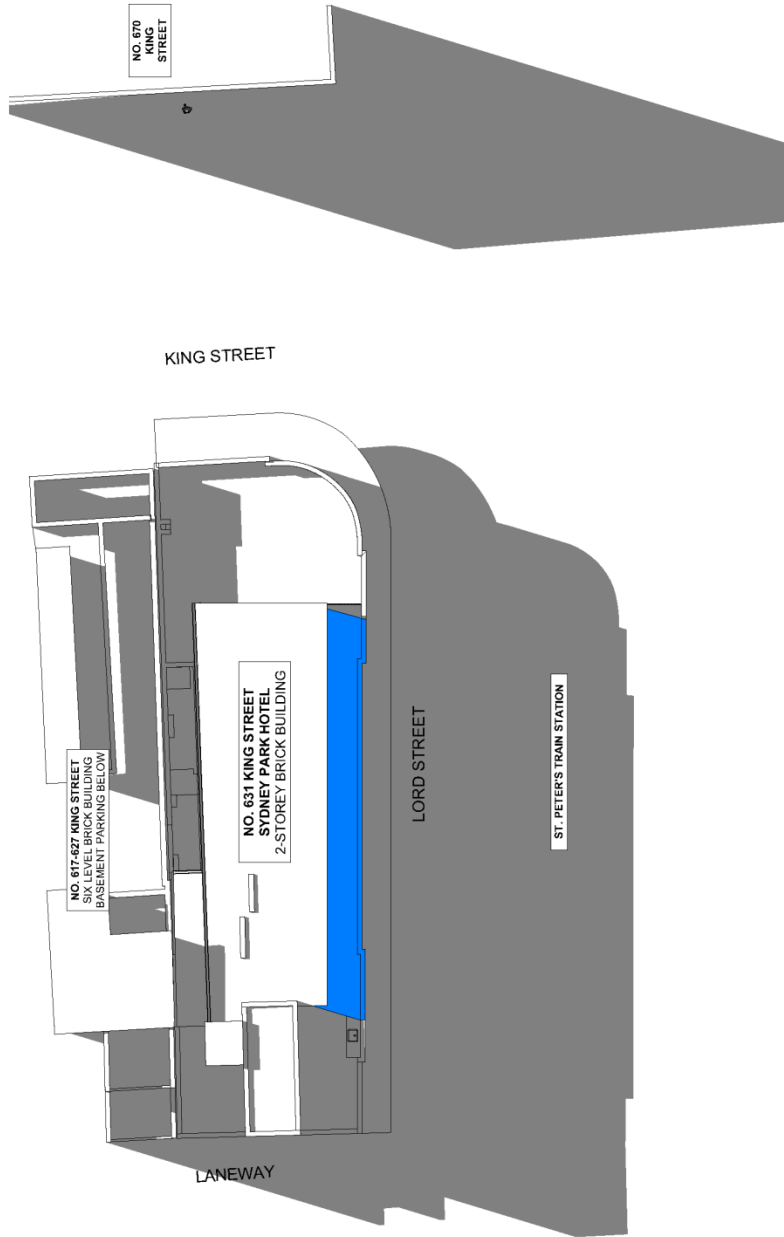
Proposed: Proposed Roof Deck
 Lot:1 DP-956255
 631 King Street
 Newtown, NSW 2042

Client: **Ray Reilly**
 LGA: Inner West Council
 Design: Proposed Roof Deck
 Job No: TBC
 Sheet No: A3
 Sheet Size: 13 of

Plot Date: Monday, December 16, 2019

Shadow Analysis Study

Existing Shadows
Additional Shadows



June 21st 12Noon
1:200

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DEVELOPMENT APPLICATION

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

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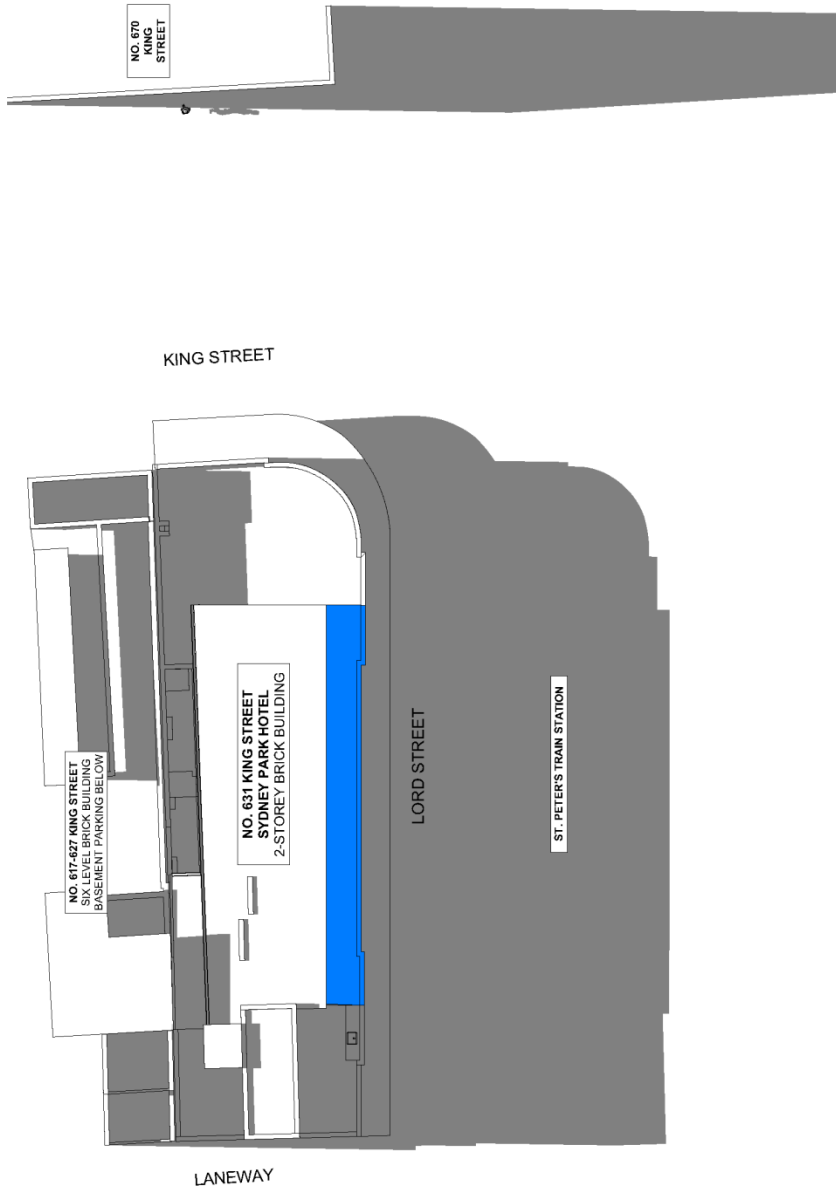
Proposed: Proposed Roof Deck
Lot: 1 DP:956255
631 King Street
Newtown, NSW 2042

Client: **Ray Reilly**
LGA: Inner West Council Date: 06.06.2018
Design: Proposed Roof Deck
Job No: TBC Sheet Size: A3 Sheet No: 14 of 14

Plot Date: Monday, December 16, 2019

Shadow Analysis Study

Existing Shadows
 Addition Shadows



June 21st 1pm
 1:200

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DEVELOPMENT APPLICATION

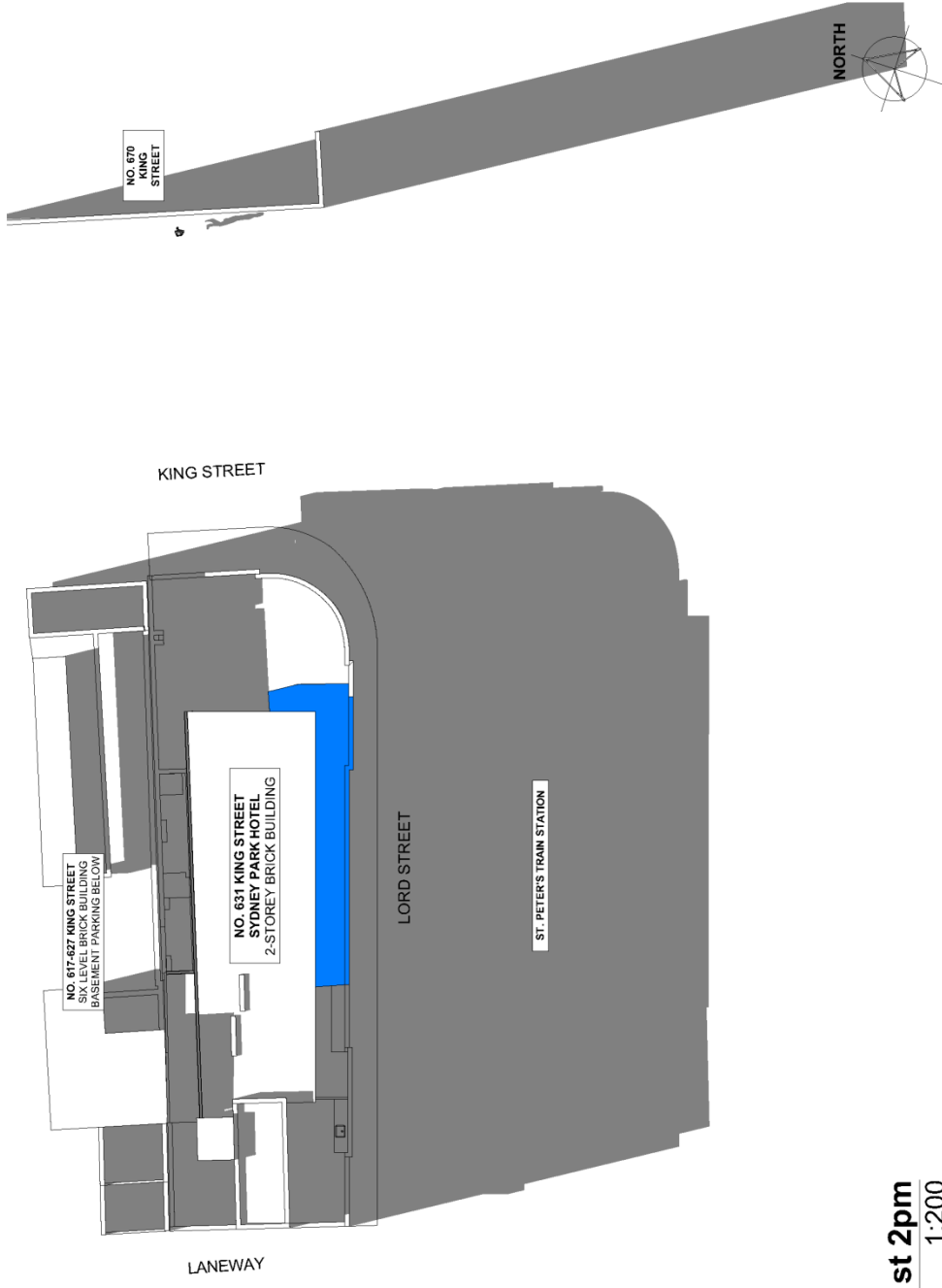
Soil Classification:
 TBC
Slab Classification:
 TBC
Wind Speed Class:
 N2

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Proposed: Proposed Road Deck
 Lot: 1 DP: 956255
 631 King Street
 Newtown, NSW 2042

Client: Ray Reilly
 Inner West Council
 Date: 05.06.2018
Design: Proposed Roof Deck
 Job No: TBC Sheet Size: A3 Sheet No: 15 of

Plot Date: Monday, December 16, 2019



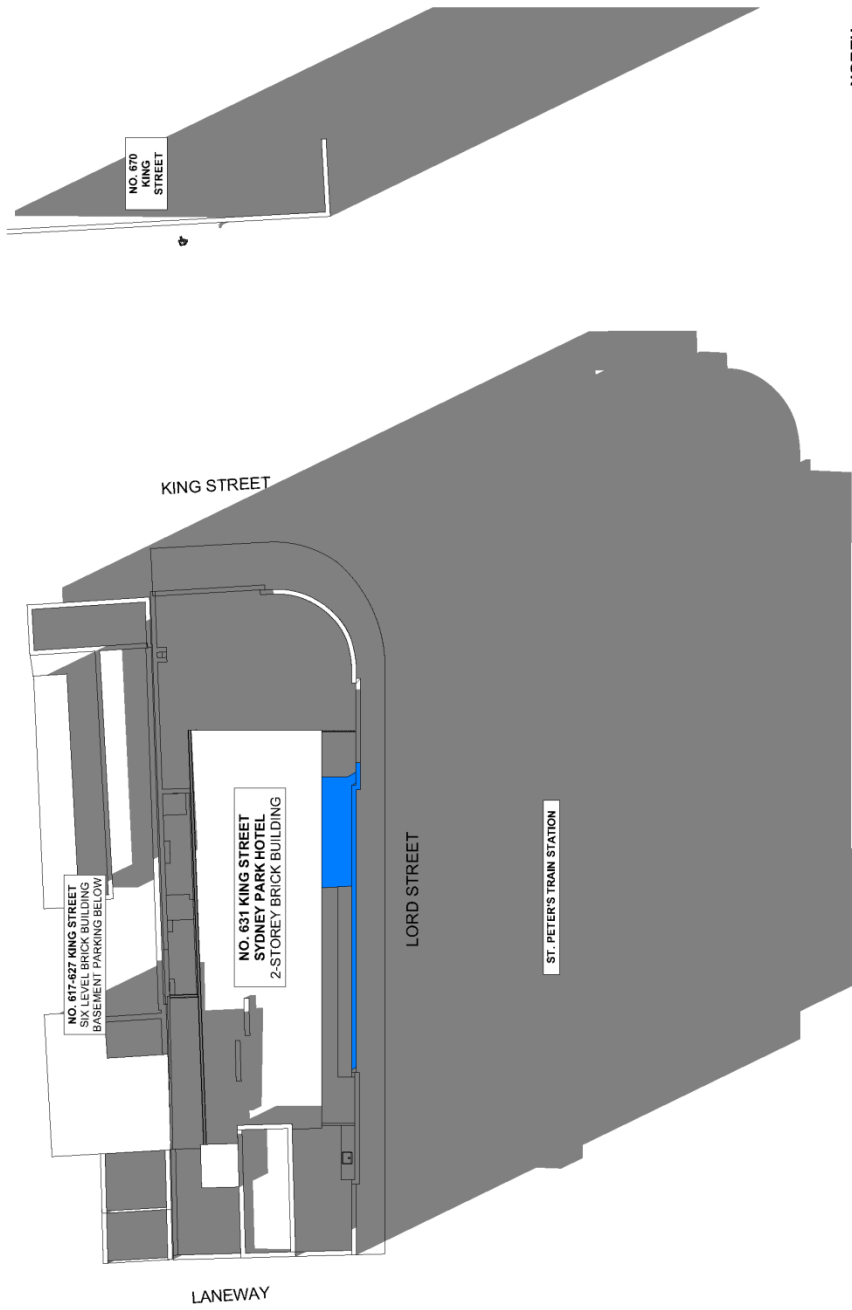
Shadow Analysis Study
 Existing Shadows
 Addition Shadows



June 21st 2pm
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Rev	Date	Amendment									
A	18.06.2018	Development Application									
B	19.05.2019	DP: 956255 & Site Removal									
C	27.12.2019	Revised Application & LPA Location									



Shadow Analysis Study
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 Addition Shadows



June 21st 3pm
 1:200

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DEVELOPMENT APPLICATION

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

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Rev	Date	Amendment
A	22.08.2018	Development Application
B	27.11.2018	Revised Application & L.P. Conditions

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

Client: Ray Reilly
 LGA: Inner West Council
 Date: 05.08.2018
 Design: Proposed Roof Deck
 Job No: TBC
 Sheet Size: A3
 Sheet No: 17 of

Plot Date: Monday, December 16, 2019



Attachment C- Clause 4.6 Exception to Development Standard



CLAUSE 4.6 REQUEST FOR VARIATION TO

CLAUSE 4.4 FLOOR SPACE RATIO

OF

MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011

(2011)

Clause 4.6 – Request for Variation - FSR
631 King Street, Newtown
Sydney Park Hotel



1.0 Introduction

- Andrew Martin Planning has been engaged by the applicant to prepare a Clause 4.6 Variation Request to Clause 4.4 FSR of the MLEP 2011. The Clause 4.6 request is submitted to Inner West Council to accompany a Development Application for roof top amenities that results in a variation to the prescribed numerical FSR control.
- The subject site is No. 631 King Street, Newtown, legally described as Lot 1 DP 956255. It is occupied by the Sydney Park Hotel (SPH).
- The proposal consists of roof activation of the hotel which includes new enclosed amenities and wash area.
- In a previous DA lodged with Council (subsequently withdrawn), Council staff estimated that additional GFA associated with the amenities would result in a non-compliance with the FSR for the site. Insufficient information had been lodged to fully assess this matter and no variation request was lodged with the DA. Under the provisions of the EP&A Act Council could not statutorily be satisfied that any variation could be supported. The DA was to be refused based on this issue together with other grounds.
- The applicant has reviewed the Gross Floor Area of the existing building and the subject proposal and found that the existing and proposed GFA exceeds the numerical maximum.
- This is a written request to vary clause 4.4 (floor space ratio) of Marrickville LEP 2011 - a *development standard* pursuant to the provisions of Clause 4.6 of MLEP 2011.
- The relevant maximum floor space ratio control is 1.5:1. The existing FSR is 1.67:1. The proposal seeks approval for an additional 21.95sqm (new amenities), resulting in a total GFA variation of 57.18sqm in total. In isolation the proposed additional 17.55sqm results in 5.46% variation (FSR of 1.73:1).
- The relevant Floor Space Ratio control is a *development standard* for the purposes of the *EP & A Act 1979*.
- This request to vary the floor space ratio development standard considers the judgment in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* ("Initial Action").
- The relevant case law confirms that the consent authority does not need to be directly satisfied that compliance is unreasonable or unnecessary and sufficient environmental planning grounds exist, but rather that it "*only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed*".
- The objectives of Clause 4.6 1(a) is to provide an appropriate degree of flexibility in applying certain development standards to particular development. The intent is to achieve better outcomes for and from development by allowing flexibility in particular circumstances in accordance with Clause 4.6 1(b).
- The relevant plans relied upon are those identified as the plans prepared by Elaine Richardson Architect (GFA Calculations) dated 07.05.19.

2.0 Development Standard to be Varied – Floor Space Ratio

The relevant *development standard* to be varied is the 1.5:1 floor space ratio control under Clause 4.4. Clause 4.4 of MLEP relevantly provides:

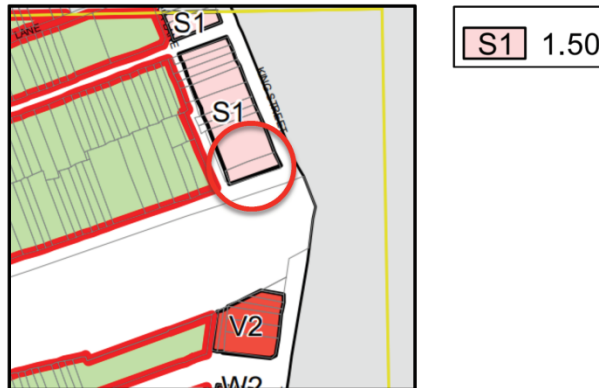
- (1) *The objectives of this clause are as follows:*
- to establish the maximum floor space ratio,*
 - to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
 - to minimise adverse environmental impacts on adjoining properties and the public domain.*

Clause 4.6 – Request for Variation - FSR
 631 King Street, Newtown
 Sydney Park Hotel

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The relevant floor space ratio map is identified below:

The subject site is mapped “S1” – 1.5:1



3.0 Nature of Variation Sought

The requested variation is as follows:

Site area: 321sqm
 Permissible GFA: 481.5sqm

Existing GFA: 538.68sqm
 Exceedance: 57.18sqm or 11.8%

New GFA: +17.55sqm

Total proposed GFA: 556.23sqm
 Total Variation: 74.73sqm or 15.5%

The following plans show the site plan and roof level plan of the development:

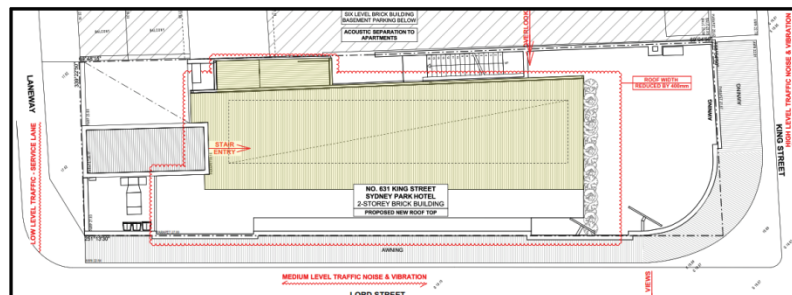


Figure A: Extract of Site Plan (Source: Elaine Richardson, 2019)

Clause 4.6 – Request for Variation - FSR
 631 King Street, Newtown
 Sydney Park Hotel

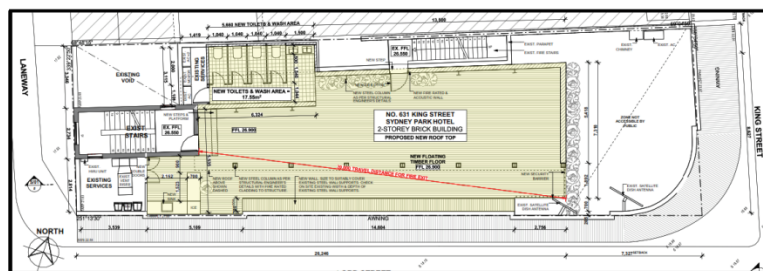


Figure B: Extract of Roof Level Plan (Source: Elaine Richardson, 2019)

4.0 Floor Space Ratio – Development Standard

A development standard is defined in S 1.4 of the *Environmental Planning and Assessment Act 1979* (“EPA Act”) to mean:

“provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.”

The 1.5:1 maximum floor space ratio standard is a development standard as defined under the *EP&A Act 1979*.

Clause 4.6 – Request for Variation – FSR
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5.0 Clause 4.6 of Marrickville Local Environmental Plan 2011

The following provides a response to relevant Clause 4.6 provisions:

Clause 4.6(2) provides that:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The FSR development standard is not expressly excluded from the operation of cl 4.6 and accordingly, consent may be granted.

Clause 4.6(3) relates to the making of a written request to justify the contravention of a development standard and states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard. (our emphasis)*

The proposed development does not comply with the FSR development standard pursuant to cl 4.4 of the MLEP 2011. However, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as detailed further in this written request.

Sufficient environmental planning grounds exist to justify contravening the development standard as detailed in Section 7 below.

Clause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*

Sections below of this written request address the matters required under cl4.6(4)(a) of the MLEP 2011 and cl4.6(4)(b).

Clause 4.6(5) provides that:

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*

Clause 4.6 – Request for Variation – FSR
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(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

(b) *the public benefit of maintaining the development standard, and*

(c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Sections below of this written request addresses the matters required under cl4.6(5) of the MLEP. Clauses 4.6(6) and (8) are not relevant to the proposed development and cl 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

5.0 Relevant Decisions

Initial Action

In the Judgment of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* ('Initial Action'), Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. For example, a building that exceeds a development standard that has adverse amenity impacts should not be assessed on the basis of whether a complying development will have no adverse impacts. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives of the zone and the objectives of the development standard. The relevant test is whether the environmental planning grounds relied upon and identified in the written request are "sufficient" to justify the non-compliance sought.

In addition, Preston CJ ruled that cl4.6 does not directly or indirectly establish a "test" that a development which contravenes a development standard results in a "*better environmental planning outcome*" relative to a development that complies with the development standard. There is no provision in LCLEP clause 4.6 that requires a development that contravenes a development standard to achieve better outcomes.

Furthermore, Preston CJ ruled that it is incorrect to hold that the lack of adverse amenity impacts on adjoining properties is not a sufficient ground justifying the development contravening the development standard, when one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts.

Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191 Moore J (herein referred to as Rebel MH").

In *Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191 Moore J* identifies the steps provided in *Initial Action* confirming what the consent authority must do in order to satisfy itself as follows:

"For me to grant development consent for this development as it contravenes the permitted maximum building height development standard, cl 4.6(4)(a) requires me to be satisfied that:

(1) *The written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of this proposed development (cl 4.6(3)(a) and cl 4.6(4)(a)(i)); and*

(2) *The written request adequately establishes sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)); and*

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(3) *The proposed development will be in the public interest because it is consistent with the objectives of the standard in question - set out in cl 4.3 of the LEP (cl 4.6(4)(a)(ii)); and*

(4) *The proposed development will be in the public interest because it is consistent with the objectives of the R4 High Density Residential Zone (cl 4.6(4)(a)(ii)).*

For the first of the above matters, Preston CJ made it clear, in Initial Action at [25], that the Court need not be directly satisfied that compliance is unreasonable or unnecessary and sufficient environmental planning grounds exist, but rather that it “only indirectly form the opinion of satisfaction that the applicant’s written request has adequately addressed those matters.”

6.0 **Clause 4.6(3)(a): Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case**

In dealing with the “unreasonable and unnecessary” Preston CJ identifies and validates the 5 options available to an applicant in *Wehbe v Pittwater Council* which can be adopted in dealing with the *unreasonable and unnecessary* test under **Cl. 4.6(3)(a)**.

Preston CJ at states as follows:

*“As to the first matter required by **cl 4.6(3)(a)**, I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe v Pittwater Council* at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”*

Based on the above the following identifies the first method identified in *Wehbe*:

“Ways of establishing that compliance is unreasonable or unnecessary

*42 An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the **objectives of the development standard are achieved notwithstanding non-compliance with the standard.** (our emphasis).*

Clause 4.6(3)(a) – UNREASONABLE AND UNNECESSARY

This clause 4.6 responds to the matters required to be demonstrated by sub-clause 4.6(3) namely:

- *that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

COMMENT:

Having considered the above the applicant relies upon the first method demonstrating that compliance is *unreasonable and unnecessary* because the objectives of the development standard are achieved notwithstanding a variation with the standard.

In dealing with the control it is necessary to identify the purpose of the FSR control and then progress to dealing with the consistency or otherwise with the FSR objectives. The

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first consideration relates to overall scale of a building given that FSR, combined with height of the development, determines the scale of a building to another building or nature feature.

The following points are made:

- The visual fit of the building in this particular instance having regard to the variations sought is acceptable and appropriate for this site being a corner site having adjoining built form equal to or bulkier than the subject proposal.
- The maximum height of the building is less than 12m and therefore, well below the 14m maximum Height of Building permissible under the LEP.
- The upper storey of the building which accommodates the proposed amenities does not consume the whole of the footplate and in fact only partially occupies the roof level floor plate.
- The additional volume of built form (ie the toilets in this case) arising from the variations will not be obvious when viewed from the public domain or private lands. This is demonstrated in the architectural plans submitted to Council and will be apparent to the assessing officer whilst under assessment.
- The built form responds to its context having regard to its site features.
- The streetscape presentation of the building is acceptable in this instance having regard to the existing adjoining development.
- The amenities allow for a necessary incidental area that supports the historical use of the site. Without the additional FSR patrons will be at a disadvantage.
- The height control contemplates are building of greater scale when compared to neighbouring sites particularly considering the corner nature of the site and height of adjoining buildings (see Fig A below);

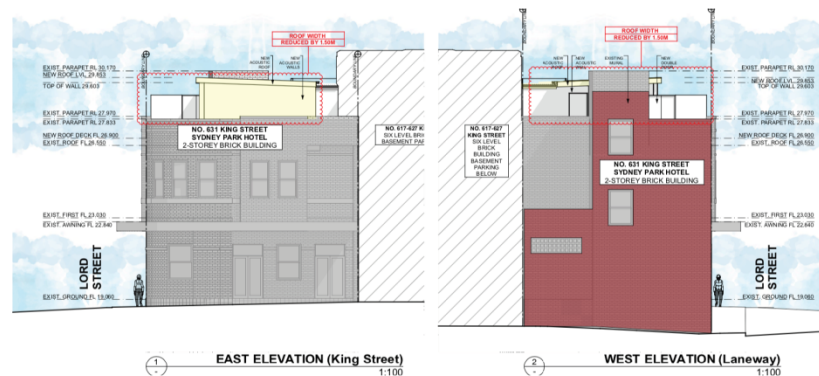


Fig A: Part plan extract

The additional GFA facilitates the amenities which provide a very subtle transition between the SPH and the 6 level adjoining development. The proposed amenities element fits with the awning roof element to provide a transition to adjoining development.

Further insight into the purpose of the standard can be obtained by investigating the objectives of the standard. The objectives in this case are weighted on the bulk and scale of the building; any environmental impacts on adjoining properties; and the public domain.

The following justification applies to the additional minor amount of FSR. The additional FSR essentially enables the development to offer a transition to the higher building to the north.

(a) to establish the maximum floor space ratio

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Comment: This is an administrative objective which does not account for Council's consideration of a cl 4.6 variation to the development standard prescribed in the LEP.

(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas.

Comment: The building easily complies with the 14m height limit for the site and there are no other controls that would prevent a greater FSR. Therefore, it is reasonable to expect some disparity between FSR and height in this case. The intent is to achieve "the desired future character" as opposed to maintaining the existing character. On this basis it is expected that adjoining development would achieve the height contemplated by the controls. As stated the additional height to the rear of the building acts a transition between the two sites to mediate the step up in height between the two properties. The additional GFA amounts to 17.55sqm of additional GFA. We also note that there would be little opportunity to demolish the subject building and rearrange the floor plates to achieve a higher slender building that complied with the GFA given the heritage constraints. This fact provides a site specific constraint that would not exist for all other land in the zone.

(c) to minimise adverse environmental impacts on adjoining properties and the public domain

The amenities are sited so that they do not overtake the existing building when viewed from the public domain. The amenities do not read as a third level given the proposed setbacks from the parapet edge facing the laneway, Lord Street and King Street. The amenities are fully enclosed and have no adverse impact on the adjoining properties. There are no impacts on the public domain as a result of the proposal.

7.0 4.6(3)(b) – SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The variation relates to floor space ratio and as such calls upon those matters considered to be environmental planning grounds relevant to the subject matter. Justification provided for the variation applies to this particular application and not environmental planning grounds that could apply to all lands zoned B2 Local Centre. As stated above there is no opportunity to demolish the building to achieve the height control with the permitted FSR due to the heritage listing. Further the amenities are ancillary and incidental to the existing use including the adaptive reuse of the roof as a licensed area.

The additional FSR occurs in two ways:

1. The existing GFA of the building currently exceeds the FSR development standard.
2. The proposed new amenities add a small amount of GFA to the total GFA of the building and only increase the non-compliance by 5.46%.

The environmental planning grounds provide justification for the additional gross floor area and consequential floor space ratio is provided as follows:

- There is an apparent disconnect between FSR and Height of Building for this site.
- The building is well below the permissible height limit for the site (being 14m) and is a heritage item thus limited potential to rearrange GFA.
- The proposal is a minor (5.46%) increase over the existing GFA and FSR for site.
- The proposal does not result in an undue overshadowing of neighbouring properties.

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- Provides for a transition between the two existing properties to achieve the desired future character that is based on a 14m height control (appropriate for corner building to align with existing built form).
- Acoustic Report has been prepared and the recommendations contained in that report include measures to address the outdoor use of the roof level. The amenities add to the GFA of the building but do not necessarily add to the noise emissions from the site. In fact the amenities building provides a barrier to noise transfer between the two properties. The amenities are ancillary and incidental to the use of the building as a pub.
- The amenities structure does not dominate the existing built form which is overwhelmingly 2 storeys. The new amenities structure integrates with the non GFA structures (i.e. roof elements) to provide an appropriate urban form providing a transition with adjoining development.

In dealing with the sufficient environmental planning grounds Preston CJ in Initial Action considers that it is available to the applicant to also deal with the Objectives of the Act under S1.3 in order to demonstrate that grounds exist to warrant the proposed variation. Clause 1.3 of the *EP & A Act 1979* relevantly provides:

“1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,**
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,**
- (c) to promote the orderly and economic use and development of land,**
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,**
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,**
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment. (emphasis added)*

A proposed development satisfies the objectives of under S1.3 *EP&A Act 1979*.

The plans by Elaine Richardson, Architect and specifically the additional GFA shown in the figures above satisfies the objectives in bold given that:

- It offers better and proper management of the States land resources by providing a more efficient use of the land that is currently zoned for urban purposes so as to satisfy objective A.
- It provides an appropriate adaptive use of the roof space considering the pub has existed for decades and is a permissible use in the zone.
- More efficient and design responsive outcomes promoted by the development (without any significant corresponding impacts on neighbours) which is consistent with objectives (c) and (g) to promote orderly and economic use of the land.

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- It promotes the ongoing operation of a longstanding business within a heritage listed item in a manner that is respectful of the building's history while providing a viable future for the site.

Based on the above the consent authority can be satisfied that there are sufficient environmental planning grounds to warrant the variation.

Notwithstanding the above Preston CJ clarified in *Micaul and Initial Action*, that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts.

The new amenities are ancillary and incidental to the use of the building as a pub. They do not, by built form or use, significantly add to the overall GFA of the building and do not significantly impact on adjoining/adjacent properties or the public domain.

In summary, the FSR variation is considered to be in the public interest given its ability to preserve amenity but also because of its ability to provide the site specific environmental planning grounds demonstrating that strict compliance is unreasonable and unnecessary in the circumstances of this particular case. Heritage items often require alternate design solutions to keep the existing layout in tact and to prevent more interventional works. The justification provided for this particular site would not be relevant to all lands within the zone.

Clause 4.6(4)(a)(ii). The proposed Development will be in the Public Interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Consistency with the Zone Objectives

An enquiry is now made in relation to the ability of the proposal and the identified variations, as one departing from the FSR standard, to reasonably satisfy the stated objectives of the zone.

B2 Local Centre

The objectives of the B2 Local Centre zone are as follows:

1 Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To constrain parking and reduce car use.*

The following provides a review of the zone objectives:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposal achieves the stated objectives by continuing and supporting the use of the site as a hotel. The hotel is a longstanding business and for decades has provided a local entertainment and meeting place for locals, workers and visitors. It supports the local economy and provides positive contribution to the streetscape.

- *To encourage employment opportunities in accessible locations.*

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The existing hotel provides employment opportunities in a location that is accessible by all forms of private and public transport.

- *To maximise public transport patronage and encourage walking and cycling.*

The site is located in a highly accessible location.

- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*

The hotel provides onsite accommodation.

- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*

The existing hotel provides a semi-active street frontage with multiple pedestrian entry points along each frontage and ground floor external windows providing casual surveillance of the public domain areas along each frontage.

- *To constrain parking and reduce car use.*

There is no onsite public parking. The site is accessible via all forms of public and private transport.

Departure from the FSR control does not hinder the ability of the development to provide an appropriate visual fit taking into account the site's own constraints and opportunities, context and zoning objectives.

8.0 Other Matters For Consideration

Step 4 - Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under cl4.6 of the LCLEP.

The Court has power to grant development consent to the proposed development even though it contravenes the HOB development standard, without obtaining or assuming the concurrence of the Secretary by reason of s39(6) of the *Land and Environment Court Act 1979* (the Court Act).

Clause 4.6(5) - Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice, cl4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:

- whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- the public benefit of maintaining the development standard, and*
- any other matters required to be taken into consideration by the Secretary before granting concurrence.*

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The proposed contravention of the FSR development standard has been considered in light of cl4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed development for this particular site and this particular design by Elaine Richardson Architects is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated above, the proposed contravention of the development standard is considered to be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard.

The proposed development contravenes the Floor Space Ratio development standard under cl 4.4 of MLEP 2011 where the control is a development standard and is not excluded from the application of cl4.6.

This written request to vary the development standard has been prepared in accordance with cl4.6(3) of the LEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the following reasons:

- Notwithstanding the contravention of the development standard, the proposed development is consistent with the relevant objectives of the development standard pursuant to cl4.4 of the MLEP 2011 and is consistent with the relevant objectives of the B2 zone and therefore, the proposed development is in the public interest;
- Notwithstanding the contravention of the development standard, the proposal will not result in unreasonable levels of environmental impact in that the amenity of neighbouring properties will be reasonably maintained and there will be no adverse impacts created by the additional GFA in terms of solar amenity, noise generation, visual privacy and streetscape of the locality emanating from the new amenities. In fact the amenities structure will provide shielding to sound generated on the roof top area;

In addition, this written request outlines sufficient environmental planning grounds to justify the contravention of the FSR development standard including:

- The additional GFA relates to new amenities which are ancillary and incidental to the overall occupation and use of the site as a pub which is a heritage item.
- The new building works do not, of themselves, result in overshadowing, noise or privacy impacts on adjoining/adjacent properties or the public domain.
- There is a lack of adverse environmental amenity impacts arising from the proposed amenities.

Andrew Martin MPlA
Planning Consultant

Attachment D – Heritage Impact Statement

HERITAGE IMPACT STATEMENT



Sydney Park Hotel No. 631 King Street, Newtown
December 2019 | J3146

**Weir
Phillips**
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and Planning

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1.0 INTRODUCTION

1.1 Preamble

This Heritage Impact Statement (HIS) has been prepared in conjunction with a Development Application for alteration and addition to the Sydney Park Hotel located at No. 631 King Street, Newtown, New South Wales.

The site is located within the Inner West Council Local Government Area (formerly Ashfield, Leichhardt and Marrickville Councils). The principal planning control for the site is the *Marrickville Local Environmental Plan 2011 (LEP 2011)*. The site is listed as a heritage item by Schedule 5 the *LEP 2011*. The site is also located within the King Street and Enmore Road Conservation Area and lies within the vicinity of heritage items identified by this Schedule. Under Part 5.10 of the *LEP 2011*:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a Heritage Impact Statement (HIS).

This statement has been prepared at the request of the owners of the site and accompanies plans prepared by Elaine Richardson.

1.2 Authorship

This statement has been prepared by Louise Doherty, B.Sc.(Hons), Bldg Cons., and James Phillips, B.Sc.(Arch), B.Arch, M.Herit.Cons.(Hons), of Weir Phillips Heritage.

1.3 Limitations

A detailed history of the site and a full assessment of significance to Heritage NSW standards were not provided for. The history contained in this statement has been prepared from the readily available resources listed under Section 1.6 below.

An Aboriginal history and assessment was not provided for. No historical archaeology was carried out on the site.

The description of the interior of the building is limited to the areas proposed to be altered as part of this application.

1.6.4 Heritage Inventory Listing Sheets

- *St Peters Railway Station Group*, Prince s Highway (Opposite Sydney Park Road), St Peters. Heritage Act, SHI Database No. 5012222
- *St Peters Hotel*, No. 631 King Street, Newtown. SHI Database No. 2030122.
- *Former St Peter’s Theatre Façade*, No. 672 King Street, Erskineville. SHI Database No. 5012222.
- *Former Bedford Brickworks Group Including Chimney, Kilns and Grounds*, No. 2 Prince s Highway, Alexandria. SHI Database No. 2421330.

1.6.5 Other

- NSW Heritage Office and DUAP, *Statements of Heritage Impact*, NSW, Heritage Office and DUAP, 2002 (update).

1.7 Site Location

No. 631 King Street, Newtown is located on the north west corner of King and Lord Street. The site is identified as Lot 1 of D.P. 956255.

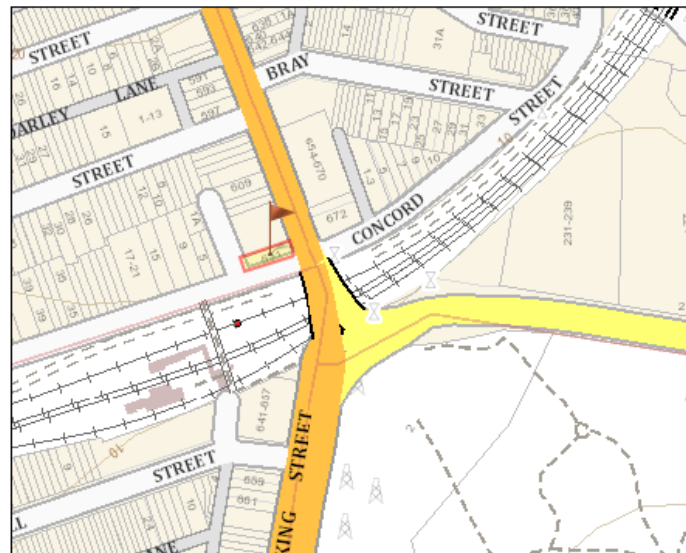


Figure 1: The location of the subject site.

SIXMaps.

2.0 HISTORICAL DEVELOPMENT

2.1 Aboriginal Occupation

The date of the first human occupation of the greater Sydney region remains unknown. Aborigines, in their migration towards the east coast, had passed beyond the Blue Mountains at least 20,000 years ago, as evidenced by midden deposits found near Wentworth falls. Given that archaeological investigation has provided evidence of aboriginal occupation in other parts of the country dating to some 50,000 years ago, it is probable that the Aborigines had arrived in the Sydney region earlier than available evidence suggests. Some coastal campsites would now be under water, given the

1.4 Methodology

This HIS has been prepared with reference to the Heritage NSW publication *Statements of Heritage Impact* (2002 update) and with reference to the Council planning documents listed under Section 1.5 below.

1.5 Physical Evidence

An inspection of the property and the surrounding streetscape took place in June 2018. The photographs contained within this statement were taken at this time.

1.6 Documentary and online Evidence

1.6.1 General References

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- Fox and Associates, *Marrickville Heritage Study*, NSW, Marrickville Council, 1986.
- John Sands Ltd, *John Sands Sydney and Suburban Directories*, NSW, John Sands Ltd, various years
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- Matheson, Mark, Chronology of Events in Newtown. Timeline published on the City of Sydney Archives Website, Newtown Archives.
- Meader, Chrys, *Kings Street in the Nineteenth Century*, NSW, Marrickville Council, 1993.
- *Municipality of Newtown Diamond Jubilee Souvenir*, NSW, The Council of the Municipality of Newtown, 1922. Mitchell Library
- Noel Butlin Archives Centre, Australian National University: Tooth and Company yellow cards, various records. v
- NSW LPI Crown Grant to Richard Evans, dated 9 December, 1794
- 'POLICE.', *The Daily Telegraph (Sydney, NSW: 1883 - 1930)*, 26 August, 1890 p. 3., viewed 28 Jun 2018, <http://nla.gov.au/nla.news-article235784187>
- Sharpe, Alan, *Pictorial History of Newtown*, NSW, Kingsclear Books, 1999.
- 'State Lottery Results', *The Canberra Times (ACT: 1926 - 1995)*, 8 July 1960, p. 17, viewed 28 Jun 2018, <http://nla.gov.au/nla.news-article137118015>.
- Turbet, Peter, *The Aborigines of the Sydney District Before 1788*, NSW, Kangaroo Press, 2001.
- Wells, W.H., *A Geographical Dictionary or Gazetteer of the Australian Colonies*, 1848. Facsimile edition, Sydney, The Council of the Library of New South Wales, 1970.

1.6.2 Historic Maps, Plans, Photographs

- *(Aerial Photograph over Balmain)* 1943. NSW Lands Department.
- Clint, R., *Plan of the Villa Bello Retiro on the Cooks River Road, with 31 Allotments....1842*. Mitchell Library.
- Hogan, R.E.C., *Plan of subdivision of lands...and land in Conv. Bk. 785 No.222*, 1954. NSW LPI: FP107954.
- NSW Lands Department, *Sydney Metropolitan Detail Series, Newtown Section 29*, 1892. Mitchell Library.

1.6.3 Council Planning Documents

- *Marrickville Development Control Plan 2011*.
- *Marrickville Local Environmental Plan 2011*.

considerable rise in sea levels that occurred following the last ice age.¹

At the time of the arrival of the First Fleet in 1788, the wider Sydney region is thought to have been comparatively sparsely settled. Current research indicates that the total population around Sydney was between 2,000 and 3,000 people and, in the greater Sydney region (including the Blue Mountains), between 5,000 and 8,000 people. Although estimates can be made based on archaeological evidence, the actual size of the population that lived in the Sydney region before 1788 will never be known.

Members of Captain James Cook's 1770 journey of exploration made the earliest known written descriptions of Sydney's original inhabitants. The first European colonists, however, recorded few details about the kinship structures of the Aboriginal people. The immediate and decided impact that the Europeans had on Sydney's original population, as outlined below, creates further difficulties in the use of the records that they did produce. Recent research suggests the existence of networks of bands, as opposed to the tribal structures implied by colonial records. These bands were subgroups of larger entities bound by complex rights of language, marriage and ceremony. What have long been described as 'tribes' and 'tribal areas' are thus more accurately described as localities where different languages were spoken.²

Three major language groups were thought to have occupied the Sydney region at the end of the eighteenth century. Dharug was the most predominant language over much of the Cumberland Plain. The eight known coastal Dharug speaking bands are frequently referred to as the Eora, meaning 'here' or 'from this place'.³ The Eora occupied the area across the southern shores of Sydney Harbour, from Botany Bay in the south to Parramatta in the west. One of the Eora people, the Cadigal, occupied the territory that embraced Sydney Cove and stretched along the southern side of Port Jackson from South Head to modern day Petersham. The southernmost extent of their territory remains unknown.

Archaeological evidence suggests that patterns of life in the Sydney region changed little in the period before 1788. Bands moved within their territory at the prompting of seasons and with the availability of food. A coastal sea diet of fish and shellfish was supplemented by terrestrial food sources, such as edible tubers, figs and apple berries. The Cadigal fired the Cumberland Plains to encourage new grass and hence attract game. A wide variety of materials were used in the production of tools and artefacts.

The Aboriginal people within reach of Port Jackson and Botany Bay absorbed the full impact of the European invasion of 1788. With no resistance to European diseases, they were decimated by an outbreak of small pox in 1789-90; estimates of the epidemic's effects suggest that some 50-90% of the indigenous population perished. Traditional lifestyle was further disrupted by the loss of lands and exposure to new technologies. Conflict followed from the meeting of two fundamentally different cultures. Within two and a half years of the arrival of the First Fleet, the pattern of life followed by the Cadigal for thousands of years was no longer possible; within forty years the pre-colonial way of life had all but disappeared from the Sydney region. It is with pity and incomprehension that surveyor and 'New Town' resident Felton Mathews describes the surviving Aborigines in Sydney in the late 1820s.⁴

¹ Peter Turbet, *The Aborigines of the Sydney District Before 1788*, NSW, Kangaroo Press, 2001, p.3.

² *Ibid*, p.18.

³ The term 'Eora' is problematic. It is used variously to refer to the people of the whole of the Sydney region or just to those of the Port Jackson and Botany Bay Area. Refer to Val Attenbrow, *Sydney's Aboriginal Past: investigating the archaeological and historical records*, NSW, University of New South Wales Press, 2002, p.17.

⁴ See: Mark Matheson (comp.), *Victorian Villas of Marrickville/Newtown*, NSW, Marrickville Council Library Services, 1996, p.3.

The subsequent European use of the land was such that little immediately discernible physical evidence of Cadigal occupancy survives.

2.2 The District of Bulanaming and Evans Farm

The vast expanses of the eastern most areas of the Cumberland Plains were known to the early European colonists as the Kangaroo Grounds or *Bulanaming*. In its widest use, the name was applied to the area from what is now the University of Sydney to the Cooks River. The word is believed to be of Aboriginal origin; its original meaning, however, is unknown.⁵ The colonists were eager to exploit what natural resources lay within reach of the settlement at Sydney. The Aboriginal shell middens that dotted the Cooks River and the shores of Botany Bay were processed to provide lime for mortar. The Wianamatta shales of the *Bulanaming* supported valuable timbers; clearing in turn eventually provided land suitable for agriculture.

Loath to alienate land from the Crown during the earliest period of settlement, Phillip used his power to allocated land in the Colony sparingly. Only sixty allocations were made in the period leading up to his departure in December 1792. These first grants were located at Parramatta, at the Field of Mars (North Ryde), Kissing Point (Ryde) and at Prospect. Upon Phillip's departure for England in December 1792, Major Francis Grose of the New South Wales Corps became Lieutenant Governor. In 1793, Grose received fuller powers to grant land than had been held by his predecessor. Six months into his tenure as Lieutenant Governor, Judge Advocate David Collins remarked that:

‘The quantity of land granted since the governor’s departure amounted to one thousand five hundred and seventy-five acres, eight hundred of which lay between the towns of Sydney and or Parramatta.’⁶

The subject property stands on land granted under the hand of Grose, being part of a twenty five acre grant made to Richard Evans on 9 December, 1794. The deed of grant specified that the land was located in the district of Bulanaming on the south side of Candell's Farm and that it was to be known as Evan's Farm (see Figure 2). The designation 'Farm' is common on grants of this date and was used to indicate the intended purpose of the grant. In order to further encourage cultivation, a number of additional conditions were made. The grant was exempt from 'all Fees, Taxes and Quit Rents' for a period of five years, provided that Evan's heirs or assigns reside 'within the same' and proceed in its 'Improvement and Cultivation.' After a period of five years, the land was subject to a Quit Rent of one shilling. As was common, all timber 'fit for Naval Purposes' was reserved for use by the Crown.⁷ Nothing is known of the first European owner of the subject property. Judging from the modest size of his grant, however, it is likely that he was an emancipist.

⁵ Chrys Meader, *Kings Street in the Nineteenth Century*, NSW, Marrickville Council, 1993, p.2.

⁶ David Collins, June 1793, cited in Fox and Associates, *Marrickville Heritage Study*. Unpublished study prepared for Marrickville Council, 1986, p.16.

⁷ Crown Grant to Richard Evans, dated 9 December, 1794. NSW LPI.



Figure 2: Marrickville, 1810. Evans Farm is depicted by the red circle.
 Richard Cashman and Chrys Meader, Marrickville: Rural Outpost to Inner City, 1990. Detail only.

A track, later known as Bulanaming Road, gradually developed along the boundaries of these early holdings. Modern day King Street follows the line of this road quite closely. A reference to the road appearing in a notice in the *Sydney Gazette* in 1810 indicates a pathway of 200 feet.⁸

By the 1820s, Bulanaming Road had been renamed Cooks River Road, a reflection of its role as the route between Parramatta Road and the Cooks River.

2.3 The Cooks River Road and Bello Retiro

Between 1800 and 1824, land within the area was consolidated into fewer and fewer holdings. By the mid 1830s, however, the larger estates were once again being broken into smaller lots. Most of the subdivisions from this era provided for allotments suitable for small scale farming and industries or for villa estates. More intensive subdivision followed, with division into smaller allotments, particularly in the Camperdown, Newtown and Petersham areas.

⁸ Chrys Meader, *op.cit.*, 1993, p.2.

The Cooks River Road became a 'favourite drive with our Sydney folk' in the early 1830s.⁹ With greater use, came a demand for a better kept road and, in 1843, the Cooks River Road Trust was formed by a consortium of landowners. Two tolls bars were erected and a toll collected for the following thirty years.

The land title of the subject property throughout the nineteenth century is not clear.¹⁰ What is known is that the subject site was subsequently transferred to Thomas Turner, becoming in the process part of the villa estate, *Bello Retiro*, meaning 'beautiful retreat'. This estate stretched from modern day Wells to Lord Streets and from King Street to Edgeware Road. As shown by Figure 3, the estate would appear to represent the consolidation of Evans and Field Farms as shown by Figure 2. *Bello Retiro* was subsequently acquired by the merchant and businessman John Lord, who built a new villa on the site.

Lord's *Bello Retiro* was situated between modern day Darley (then Maria) and Lord Streets, facing King Street. The villa stood on an area of around 372 metres square. The property was described in the *Australian* on 30 August, 1841 as:

'...a beautiful villa residence with most convenient outhouses, premises, gardens and pleasure grounds...ornamented with exotic and rare plants...tall cedar and choice Fig trees...brick built and finished in Stucco...in the modern English style called Domestic Architecture.'¹¹

That *Bello Retiro* (and hence the subject property) was part of an established local pattern of land use is supported by contemporary descriptions. Thomas Henry Braim's *History of New South Wales from Settlement to the Close of the Year 1844*, for example, describes 'elegant private residences' in the 'romantic district of New Town'.¹² Similarly, W.H. Wells [in his *Geographical Dictionary or Gazetteer of the Australian Colonies* (1848)] described Newtown as 'a beautiful village...about three miles from Sydney' containing 323 houses and 1,215 inhabitants.¹³

As indicated by the above descriptions, the name Newtown was well established by the 1840s. There are a number of theories as to its origin. One theory is that the name was derived from a store opened by John Webster on what is now Kings Street in the early 1830s. This store was named the New Town Store to distinguish it from the established settlements at Camperdown, Cooks River and O'Connell Town.¹⁴ Other historians cite a report in the *Sydney Gazette* of 1832 in which it is stated that the houses on Nicholas Divine's former *Burrin Farm* (located in modern day Macdonaldtown/ Erskineville) 'have so increased of late that it is now called New Town'.¹⁵

John Lord suffered financial difficulties during the severe economic depression of the early 1840s. *Bello Retiro* was sold and Lord and his family returned to England. The villa and 31 allotments carved out from the estate were auctioned on 28 September 1842 (see **Figure 3**). Lord's ownership of *Bello Retiro* was commemorated by two streets created by this subdivision, Lord Street and Maria Street, now Darley Street; the

⁹ 'Sydney Gazette' November 1832 cited in *ibid*, p.4.

¹⁰ This could be further researched through Old System Records, Land Titles Office and/or through Council Rate Records. This was outside the provisions for this report.

¹¹ Richard Cashman and Chrys Meader, *Marrickville: Rural Outpost to Inner City*, Sydney, Hale and Iremonger, 1990, p.112.

¹² Cited in Mark Matheson, *Chronology of Events in Newtown*. Timeline published on the City of Sydney Archives Website, Newtown Archives.

¹³ W.H Wells, *A Geographical Dictionary or Gazetteer of the Australian Colonies*, 1848. Facsimile edition, Sydney, The Council of the Library of New South Wales, 1970, p.320.

¹⁴ Richard Cashman and Chrys Meader, *op.cit.*, 1990, p.51.

¹⁵ Alan Sharpe, *Pictorial History of Newtown*, NSW, Kingsclear Books, 1999, p. 64.

latter was named in honour of his wife.¹⁶ The subject property was part of Lot 4 of Section 1 of this subdivision.



Figure 3: R. Clint, Plan of the Villa Bello Retiro on the Cooks River Road, with 31 Allotments....1842.
Mitchell Library.

Lord's villa retained 16 acres; it survived until demolished in 1886.

Just as it had earlier changed to reflect changing use, the name of the Cooks River Road was again changed in the 1850s. By this time, there was a sizeable community around Webster's New Town Store. While the name Cooks River Road was still used to describe the portion of road from May Street onwards, the remainder of the road became known as Newtown Road.

Ready transport was a vital factor in the greater development of Newtown, during the

¹⁶ The street name was changed in honour of Sir Frederick Mathew Darley, Chief Justice in the New South Wales Supreme Court and Lieutenant Governor of New South Wales in the 1890s.

latter part of the nineteenth century. The railway opened in 1855. From the 1880s, an extensive tram system would serve King Street and Enmore Road. By 1866, the growth of the area had been such that Bailliere described Newtown as:

'A large and important suburb of Sydney...adjoining the city boundary...communication is by main road and by train. 'Buses also run to Sydney throughout the day.'¹⁷

With such ready transport, it is not surprising to find Newtown continued to be: 'a favourite place of residence for gentlemen having business in Sydney.'¹⁸

2.4 Kings Street: The Great Emporium

The NSW Government assumed control of Newtown Road under the *Main Roads Act* in 1876. In October of the following year, it was agreed that Newtown Road from Bligh Street (now Carillon Avenue) to May Street, St. Peters be designated King Street, in honour of former Governor King.¹⁹ The former name, however, persisted in local usage well into the 1880s.

By the time that the trams reached Newtown in the 1880s, the locality was characterised by a more diverse population, with a fair sprinkling of tradesmen and their families. As indicated by Figure 4, most of the large estates within the Newtown area had been broken up into small allotments by this time.

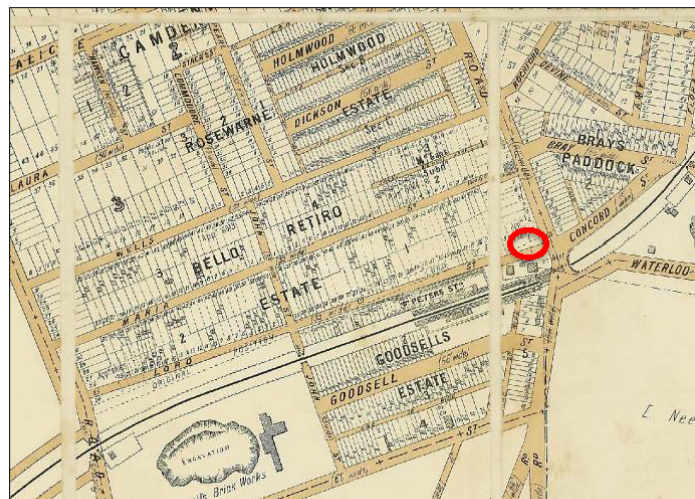


Figure 4 Extract from the 1886 plan of Glebe Camperdown, Newtown, Macdonaldtown and Darlington. The location of the subject property is circled. Historical Atlas of Sydney, City of Sydney.

Newtown of the 1880s, when compared to other inner-city areas, contained a higher than average number of skilled tradesmen and self-employed small traders. While

¹⁷ 'Bailliere's Gazetteer and Road Guide, Sydney, 1866' cited in Chrys Meader, *op.cit.*, 1993, p.5.

¹⁸ 'Bailliere's Gazetteer and Road Guide, Sydney, 1866' cited in Chrys Meader, *op.cit.*, 1993, p.5.

¹⁹ Chrys Meader, *op.cit.*, 1993, p.7.

train travel into the area not doubt contributed to its development (there were three train stations within the borough), the fare was expensive. A weekly second-class ticket to the city represented at least 10% of the wage of the average city worker.

During the 1880s and 1890s Newtown, and in particular King Street, became known as one of the main retail centres outside the city centre. The 'old houses in King Street and the Enmore Road' had given way to 'huge structures with fine plate glass fronts.'²⁰ Newtown had

'... become the great emporium for a large surrounding district and more business appears to be done in King Street and the Enmore Road than in any other two thoroughfares outside the city boundary.'²¹

Whereas there had only been 6 buildings more than a single storey high in the early 1860s during the period 1870 to the mid 1890s, at which time King Street was at the height of its commercial development, the street was lined with ever increasing numbers of two and three storey buildings. By this time, there were over 1,050 buildings between Bligh (Carillon Avenue) and May Street, St. Peters. The range of businesses was diverse and included every day services such as grocers, butchers, eating rooms and saloons, tobacconists and publicans as well as more specialised services such as ham and beef merchants, basket manufacturing, coachbuilders and blacksmiths. Retailers included men and women from a diverse range of ethnic backgrounds. Not surprisingly, many of the local Councillors were businessmen of Kings Street.

The *Illustrated Sydney News* provides some indication of the atmosphere of King Street on a Saturday night during the 1890s:

'... always more or less busy, but on Saturday night it is seen at its best and brightest. Fancy a double line, more than a mile long, of brilliantly lighted shops; and 'side-walks', so inconveniently crowded that is often a matter of some difficulty to push ones way through the throng of people on business and on pleasure bent...'²²

Despite the popularity of the area, King Street itself was a source of constant annoyance to the shopkeepers. In wet weather, it was reduced to mud and in dry weather, the dust was 'injurious' to stock.²³ There was scarcely less complaints when the road was finally wood blocked in the 1890s development. At either end of the commercial precinct were industrial premises; brickworks operated near St. Peters Station and the subject site.

In the 1880s to the mid-1890s there was a period of high commercial activity within the Newtown area. However, as shown in Figure 5, the current form and location of the subject building to the corner of King and Lord Street had not been constructed by 1888.

²⁰ 'The Sydney Echo'. 10 July, 1890 cited in Chrys Meader, *op.cit.*, 1993, p.14.

²¹ 'The Sydney Echo', 10 July, 1890 cited in *ibid*, p.14.

²² 'Sydney Illustrated News', June 1889 cited in Richard Cashman and Chrys Meader, *op cit.*, 1997, p.159.

²³ G.H. Abbott cited in Chrys Meader, *op.cit.*, 1993, p.11.



Figure 5: 1888 Subdivision of the Bello Retiro Estate. Note that the subject property, in its present form, does not appear to have been constructed at this time. Watkin & Watkin & Cardew, John Haydon & John Sands (Firm) & British-Australian Land & Banking Company Ltd 1888, Bello Retiro Estate, Newtown, close to St. Peters Railway Station: for auction sale on the ground, Sat 27th Oct. 1888, John Sands, lith, [Sydney]

2.5 Development history of the subject site

The first clear evidence of a building to the corner site is provided by the NSW Lands Department’s Metropolitan Detail Series Survey Plan of 1892 (see Figure 6). However, the shape of the building, appear to differ from that of the present hotel. Suggesting that the existing building has replaced an earlier structure.

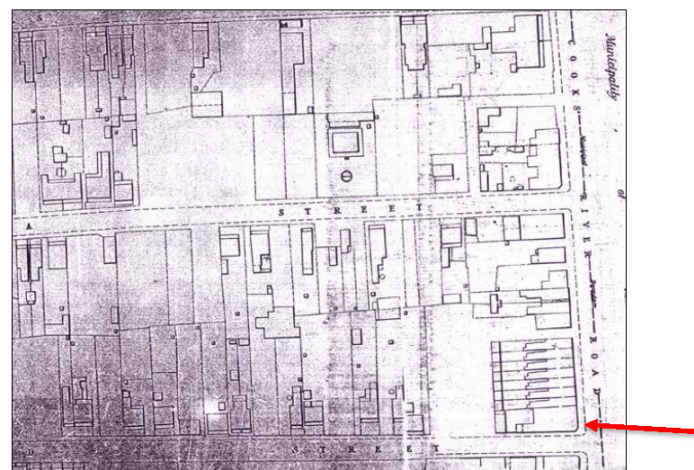


Figure 6: NSW Lands Department, Metropolitan Detail Series, Newtown Section 29, 1892 (Detail only). Mitchell Library.

Research undertaken during the course of this report determined that the first reference to a hotel located on King Street near to the junction with Lord Street is found in the 1891 edition of the *John Sands Directories*. This record identifies Mr James Fay as residing at the 'Frankfort Hotel', unfortunately no street address is given. An 1890 newspaper article reporting the dealing of the Licensing Court note that a license was transferred from George Mainwright's to James Fay.²⁴ Interestingly, the 1889 *Sands Directory* records George Mainwright as the resident of 563 King Street, however, a hotel name is not recorded as part of this listing.

In 1893, the name of the hotel was changed to the 'Frankfort Park Hotel' by then licensee Matthew Newell. This name was retained through several changes of licensee. In 1900, the *Sands Directory* records Patrick Rodgers as the new licensee of the renamed *United Hotel*. The timing of the name change is believed to have been in recognition of the upcoming Federation of Australia which proposed to unite the six separate British self-governing colonies and formation of the Commonwealth of Australia. The hotel continued to be recorded as the *United Hotel* until 1910, when Rodgers again changed it to the *United Australia Hotel*. The hotel was to retain this name for approximately 70 years.

The hotel was, and continues to be, located in a commercial area which from its earliest days formed part of a variety of businesses typical to the surrounding area. During the period 1880 to 1932, businesses as varied as coachbuilders (1880s/1890s) basket makers, an oyster saloon, ham and beef shops (two in 1903), green grocers, tobacconists, news agencies, florists, music shops and even the Australian Bank of Commerce operated in the section of King Street between Lord and Darley Streets. Judging from the businesses occupying this block alone, there can be little surprise that the *Jubilee Souvenir* of 1922 could boast:

'The residents are so well served locally that they have no necessity to go outside the Municipality to obtain their requirements...Newtown quite easily leads all in both cheapness and reliability.'²⁵

The hotel was purchased by Tooths Brewery in January 1935. The earliest photograph of the Hotel dates from 1930, refer to Figure 7. This image depicts a simply decorated three storey building with a narrow splayed corner containing the main entry at ground floor and a single window to the first and second floors. The ground floor of the building was tiled and set beneath a suspended awning. The sliding sash windows to the first floor were set beneath decorative mouldings while the windows to the upper level were unembellished. The elevation of the masonry building was topped by a moulded string course and simple parapet. The original form of the building is consistent with that of a simple Victorian era building.



Figure 7:
The United Australia Hotel in 1930
Noel Butlin Archives
United Australia
Newtown. 1930 card 2
side 2.

²⁴ 'Licensing Court', *Evening News (Sydney, NSW: 1869 - 1931)*, 12 March 1890, p. 2., viewed 28 Jun 2018, <http://nla.gov.au/nla.news-article108800031>

²⁵ *Municipality of Newtown Diamond Jubilee Souvenir*, 1922, p.48.

By 1937, the exterior of the hotel had been substantially rebuilt. Tooth and Co records for the building recorded a reduction in rent to £20 in September 1936 due to 'rebuilding' and increased to £30 the following year.

It is not known whether the original building was completely demolished. The 1937 image of the hotel, shown in Figure 8, show a two storey Inter-war era functionalist style building with a wide curved corner feature, refer to Section 4 of this report for a more detailed description of the exterior of the building.



Figure 8
The United Australia Hotel in 1937
 Noel Butlin Archives
 United Australia
 Newtown. 1930 card 2
 side 2

When the building was renamed the Sydney Park Hotel is not known. However, records made by Tooth's record the building as the United Australia Hotel until their last record in 1980.



Figure 9
The United Australia Hotel in 1970
 Noel Butlin Archives
 United Australia
 Newtown. 1970 card 7

Figure 10 provides an aerial photograph over the site and the immediate surrounding area in 1943. The demonstrates that hotel had been built to the full extent of the site. The roof form and stairwell does not appear to have changed since this image was taken. The character of the area is noted as being well established by this time.



Figure 10: Aerial photograph over the site and surrounding area in 1943. The subject site is indicated by the red arrow.
SIX Maps

3.0 PHYSICAL ANALYSIS

3.1 The Site

For the following, refer to Figure 11, an aerial photograph over the site, and to the survey that accompanies this application. To match the accompanying plans King Street is referred to as being to the east and Lord Street to the south.



Figure 11:An aerial photograph showing the subject site and its surrounds. SIX Maps.

The site is located on the north west corner of the intersection with King Street and Lord Street. The site is approximately 35 m in length. The eastern and western boundaries, addressing King Street and the rear laneway respectively, are approximately 9 m wide. The overall site area comprises approximately 300 sq. metres. The building covers the entire site area.

3.2 The Building

3.2.1 Exterior

The principal elevation, addressing King Street, is typical of a two storey, Inter-War Era Hotel. The building addresses both King Street and Lord Street and has a curved corner detail. The exterior of the ground floor of the building is clad with cream coloured tiles with a horizontal red stripe running the full length of both the King Street and Lord Street elevations. Above the modern suspended awning, the wall finish is comprised of red bricks with yellow string courses. Decorative brickwork panels, created using the projecting corners of the yellow bricks, are located above the upper level windows and recessed sections of the parapet. The upper level of the King Street elevation (east) is made up of a prominent square section of façade, similar in appearance to an oversized pier or bay, and the curved corner section. The upper level of the Lord Street elevation, replicates the details seen in the previously described King Street elevation. There is a single garage style space with a mechanised roller door to the western end of this elevation. It is understood that the garage has been adaptively reused as a café however it is currently vacant.

Figure 12 - Figure 14 illustrate the King and Lord Street elevations.



Figure 12:
The front (eastern)
elevation of No. 631
King Street,
Newtown.



Figure 13:
The curved corner
detailing joining the
King Street and Lord
Street elevations.



Figure 14:
The Southern
elevation includes a
single garage style
space with roller
door.

The western elevation, set to the boundary, has minimal architectural detail. The plain brick wall has, however, been painted with a decorative mural. The northern section of this elevation contains a single storey addition with a single horizontal opening fitted with glass blocks. The centrally located three storey flat roofed structure contains an enclosed stairwell which provides access to the roof. The stairwell contains a pair of vertically aligned timber framed windows.

The western elevation is illustrated in Figure 15.

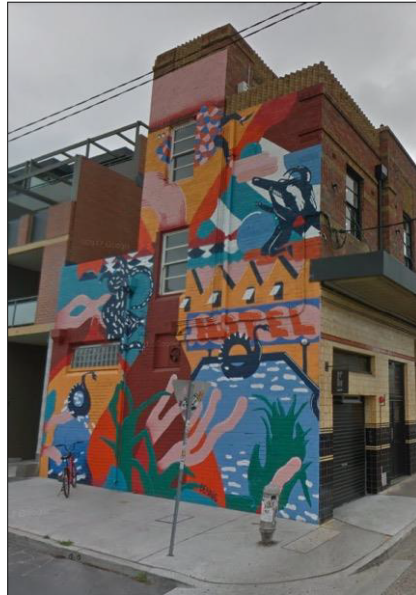


Figure 15:
The western elevation of No. 631 King Street, Newtown
googlemaps

The northern elevation is shared with the neighbouring property and is not visible.

3.2.2 Roof Terrace

The current proposal seeks to adapt the building flat roof as a roof top bar. The following provides a description of the existing space which is not actively used.

The roof top is accessed via two sets of stairs leading from the first floor. The western staircase leads to the brick fire stair enclosure, which is noted as being consistent in appearance with the decorative details of the building, refer to Figure 19. The second staircase is a modern fire stair located to the northern boundary of the site. The 1943 aerial, shown in Figure 10 above, indicates that this additional staircase was present at that time, the current metal staircase is however modern material.

The concrete roof top has been covered with a painted membrane. The boundaries of the area are defined by the parapet walls sections of which have later bracing.

Figure 16 to Figure 20 illustrate the character of the roof terrace.



Figure 16:
View across roof terrace from west to east. Additional parapet bracing, providing support to the southern parapet, is noted to the right of the image.



Figure 17:
Western most point of the roof terrace currently used to house air conditioning units.

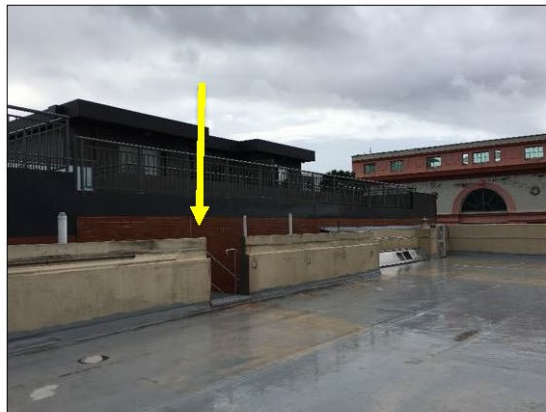


Figure 18:
View to northern fire stair, indicated by the arrow.



Figure 19:
Brick fire stair enclosure.

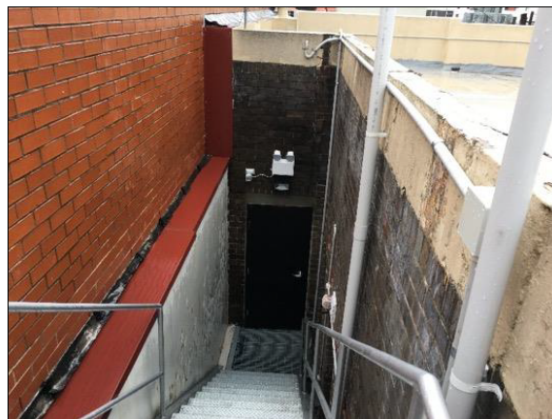


Figure 20:
Detail of existing fire stair.

3.2.2 Interior

The proposal seeks to altered the existing cafe and gaming room located to the southern end of the ground floor. Only those areas to which works are proposed are described below.

The gaming room is located within the roofed addition to the rear of the building. The interior of the gaming room has been painted black and contains a single horizontal window, fitted with glass blocks, to the western wall. The room is not considered to contain any significant fabric.

The existing access to the room is located to the south of the brick fireplace shown in Figure 21. This fireplace is not operational and is not connected to a chimney; nor is there evidence of a chimney within the roof terrace.



Figure 21:
Existing entry to the gaming room to the south of the brick fireplace.

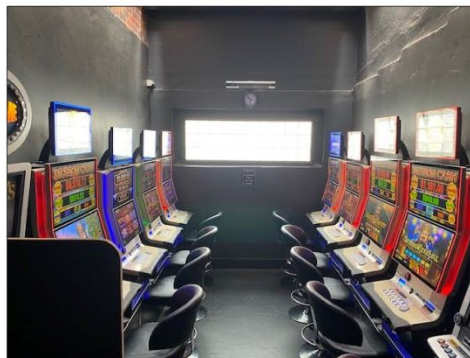


Figure 22:
Interior of the gaming room.

The cafe is a small currently unused storage space located at the western end of the Lord Street elevation. The cafe currently has no internal access; entry is gained via a single roller door from Lord Street. The internal walls are finished with tiles and painted masonry. Steel beams to the rear of the room provide structural support to the floor above. A small opening within the eastern wall provides access to the under stairs storage area. Refer to Figure 23 and Figure 24.



Figure 23:
Interior of the cafe



Figure 24:
Detail of the access to the under-stair storage area.

3.3 The Surrounding Area

For the following, refer to Figure 25, an aerial photograph over the site and the surrounding area.

3.3.1 The General Area

The site is located on the north western corner of King Street and Lord Street, within an established commercial precinct. St Peters Railway Station is located to the south of the subject property. The former brickworks, now Sydney Park, is located to the southeast of the site, on the far side of the intersection of King Street, Sydney Park Road and the Princes Highway.



Figure 25: Aerial photograph over the site and the surrounding area. The site is highlighted in yellow.
SIX Maps.

3.3.2 King Street

King Street is a long curving retail streetscape running from Broadway in the north to the intersection of Sydney Road and the Princes Highway in the south. The built form is that of predominantly mid to late Victorian terrace and commercial buildings, interspersed with civic buildings of the same age and more recent residential and commercial apartments. Building heights vary from single storey to more recent multi-storey developments.

As noted above, the subject building is located on the western side of King Street, near St. Peters Station. The buildings to the immediate north are recently constructed three storey mixed use buildings. Directly opposite the subject building, on the eastern side of King Street, is the former St Peters Theatre which is marginally taller than the subject building. The brick stacks of the former brickworks are a feature to the south.

Figure 26 - Figure 28 illustrate the general character of the street in the vicinity of the site.

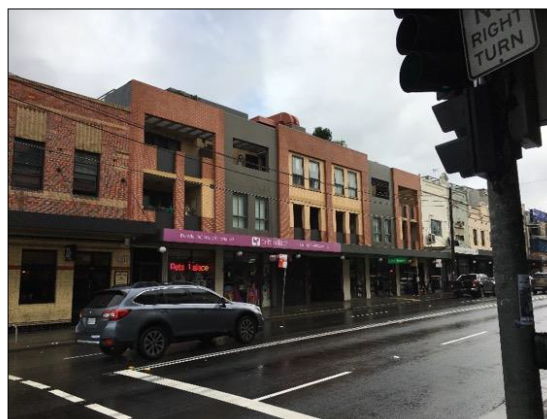


Figure 26:
Modern development to the north of the subject property.



Figure 27:
St Peters theatre directly opposite the subject property.



Figure 28:
The view to the south of the subject property note the brick stacks.

3.3.3 Lord Street

The subject property is located to the northern side of Lord Street. St Peters Railway station is located to the southern side of the street directly opposite the site. Due to the location of the railway line, only the northern side of the street has been developed. It contains a mix of residential style properties, ranging from single storey timber cottages to modern residential flat buildings.

Figure 29 illustrate the general character of Lord Street in the vicinity of the site .



Figure 29:
General character of Lord Street.

3.4 Integrity and Comparative Analysis

The exterior of the current building on site dates from the Inter-war era an earlier three storey hotel was located on the site prior to the 1930 development phase. The building has undergone little external change from the Inter-War construction phase and demonstrates a highly degree of architectural integrity. The building is considered to be well maintained and retains key aspects of its original decorative characteristics.

3.5 View Corridors

Views to the building are uninhibited. The principal view corridors are obtained are from King Street and Lord Street in front of the site.

The building marks the starting point to King Street and is viewed on approach from the junction of Sydney Park Road and Princes Highway. Views from the north are limited by the neighbouring three storey modern development.

Refer to Figure 30 - Figure 31



Figure 30:
View of the subject site from the east.



Figure 31:
Subject property as viewed from Lord Street

3.6 Contribution of the Site to the Conservation Area

No. 631 King Street makes a positive contribution to the King Street/Enmore Road Heritage Conservation Area as two storey inter war Functionalist style Hotel.

A hotel has been associated with the site since the 1880s and 1890s was a period of growth and development within Newtown.

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Existing Citations and Listings for the Site

4.1.2 Summary of Statutory Heritage Listings

No. 631 King Street, Newtown:

- Is listed as an item of local heritage significance by Schedule 5 Part 1 of *Marrickville LEP 2011*.
- Is located within *King Street and Enmore Conservation Area* as defined by Schedule 5 Part 2 of the *Marrickville LEP 2011*.
- Is not listed as a heritage item on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*.

The State Heritage Inventory Listing Sheet provides the following statement of significance for the subject property known as St Peters Hotel, 631 King Street, Newtown:

This hotel, displaying Art Deco influence, is an unusual and visually arresting starting point for the King Street Retail Precinct.²⁶

This statement is adopted for the purposes of this report.

Innerwest Council provides the following statement of significance for the HCA2 King Street/Enmore Road Heritage conservation area:

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

²⁶ *St Peters Hotel*, 631 King Street, Newtown. SHI Database No.: 2030122

and its recognition by the National Trust and the Australian Heritage Commission.
²⁷

This statement is adopted for the purposes of this report.

4.2 Heritage Items in the Vicinity of the Site

For the following ‘in the vicinity’ is determined by the distance between the site and heritage items, the nature of the proposed works, the character of the area and existing and potential view corridors. In Figure 32, a detail from the *Marrickville LEP 2011* heritage plan, heritage items are coloured brown and numbered. Conservation Areas are hatched in red. The site is indicated by the blue arrow.

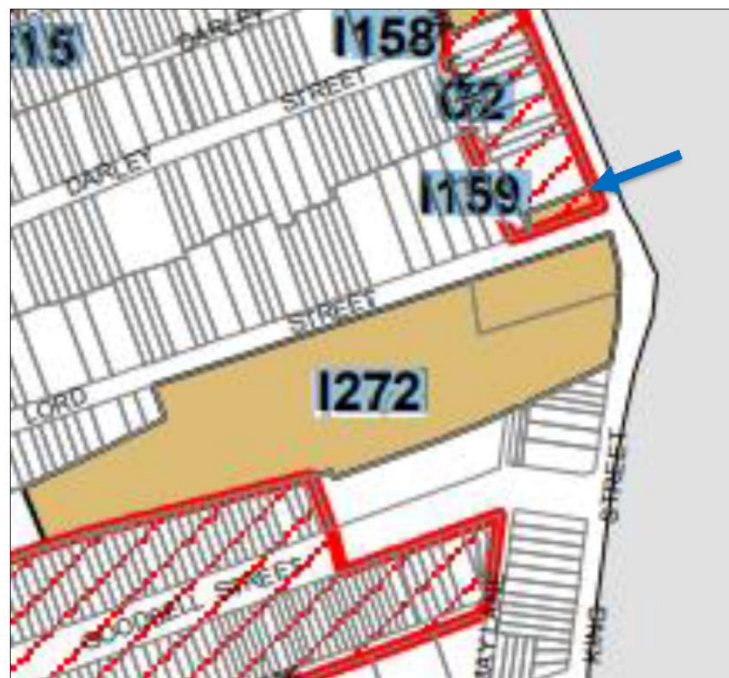


Figure 32 Detail from the Heritage Plan, Marrickville Local Environmental Plan 2011
 Heritage Map - Sheet HER_004.

The subject site is located within the vicinity of the following heritage items:

- *St Peters Railway Station Group*, Princes Highway (Opposite Sydney Park Road), St Peters.
- *Former St Peter’s Theatre Façade*, No. 672 King Street, Erskineville.
- *Former Bedford Brickworks Group Including Chimney, Kilns and Grounds*, No. 2 Princes Highway, Alexandria.

²⁷Marrickville DCP 2011.

4.2.1 St Peters Railway Station Group, Princes Highway (Opposite Sydney Park Road), St Peters.

St Peters Railway Station Group is located to the south of the subject property on the opposite site of Lord Street. The Railway Station is located below street level and as such does not share any significant view corridors with the subject property.

The State Heritage Inventory Listing Sheet provides the following statement of significance for this item:

This is a good example of a standard early second class building and forms part of a group of structures in the area that indicate the early history of the station. It also demonstrates adaptability with the original small 2 bay awning on one face and the later cantilevered awning to the rear or former street facade of the building. It is the last remnant at the site of the early period of railway development. Brick retaining walls are a significant part of the heritage as the railway builders sought to locate lines in restricted space without resuming too much property.²⁸

4.2.2 Former St Peters Theatre Façade, No. 672 King Street, Erskineville I614

This heritage item is located on the opposite site of King Street. The building define the southern entry to the King Street. While not easily visible in conjunction with each other the buildings form part of the others view corridors.

The State Heritage Inventory Listing Sheet provides the following statement of significance for this item:

The façade has historic and aesthetic significance. It was built as part of the former St Peters Theatre, one of several former theatres in King Street all of which are from different periods of development and all differing in architectural style. It is a fine example of the Federation Romanesque style and demonstrates many of the key characteristics of the style. It was designed by prominent architect Emile Sodersten and is a dominant element at the southern end of King Street where the commercial buildings diminish at the railway line overpass.²⁹

4.2.3 Former Bedford Brickwork Group, No.2 Princess Highway, Alexandria I27

This structure is located to the south of the subject building. Due to the scale of the brick stacks, they form part of the view corridor from the subject building. However, the hotel is not considered to be an important part of the view from the brick stacks.

The State Heritage Inventory Listing Sheet provides the following statement of significance for this item:

The Bedford Brickworks site is a significant component of one of Sydney's oldest and most important industries. It retains sufficient material and occupies an appropriate site to present a clear indication of the working of the site. The Brickworks formed a vital component of the labour force of the St Peters district for several generations and contributed largely to the construction of the district itself. The Brickworks, in its Sydney Park setting, reveals the relationship between several types of industrial activity and between the structure and urban open space.

²⁸ St Peters Railway Station Group, Princes Highway (Opposite Sydney Park Road), St Peters. SHI Database No.: 1940047.

²⁹ Former St Peter's Theatre Façade, No. 672 King Street. SHI No. 5012222.

The entire site constitutes a landmark that contributes to the stark industrial character of the streetscape. Significant views and vistas that contribute to enhance the significance of the site include the views and vistas along the Princes Highway; along Sydney Park Road; to the site from Sydney Park hills; and from Sydney Park Road to the city to the north and to Sydney Airport to the south.³⁰

5.0 SCOPE OF WORKS

The following should be read in conjunction with the plans prepared by Elaine Richardson Architect that accompanies this Application.

It is proposed to convert the middle and western sections of the existing roof area to active use by:

- Installing a metal structure to provide a covered area.
- Covering the existing roof membrane with a new floor.
- Constructing a low wall lining the interior of the existing parapet.
- Constructing a bathroom.

Note: The eastern section of the roof will not be accessible to the general public.

Finishes for the external work will include steel, Colorbond, acoustic cladding and timber. Planting is proposed.

The above scope of works has been developed following advice provided by the Inner West Council Development Assessment Report prepared in response to an earlier, withdrawn development application. The principle changes arising from Councils comments include:

- Increasing the set back of the roof top structure to approximately 7m from the eastern parapet.
- Provision of additional information with regards to materials, colour palette and solar panel design.

The current proposal has been further amended to provide disability access to the roof terrace. The lift is proposed to be located to the western end of the building. Construction of the lift will necessitate the following works:

- Removal of the wall and brick fireplace to the western wall of the sports bar (internal works).
- Conversion of the cafe into an extended gaming room.
- Replacement of the roller door to the former cafe with a window.
- Addition of louvred windows to the western wall addressing the rear lane way.
- Creation of a lift lobby to the first floor.

6.0 METHOD OF ASSESSMENT

The following considers heritage related issues only. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the Statement of Environmental Effects (SEE) that accompanies this application.

³⁰ *Uniting Church and Hall, No. 81a Johnston Street. SHI Database No.: 1940048.*

The proposal is assessed with a full understanding of the requirements for Heritage Impact Statements provided by the Heritage NSW's publication *Statements of Heritage Impact* (2002 update).

The potential impact of the proposed works to the identified heritage values of the subject property, neighbouring heritage items and King Street and Enmore Road Conservation Area is assessed against the relevant clauses of the *Marrickville Development Control Plan* (MDCP), refer to section 7.0 of this report.

7.0 EFFECT OF WORK

The *Marrickville Development Control Plan 2011* supplements the provisions and controls of the *Marrickville LEP 2011*. Part 8 outlines objectives and controls for the development and conservation of buildings within Heritage Conservation Areas and Heritage Items.

8.1.7 HERITAGE ITEMS	
8.1.7.1 General controls common to all development	
C1 Heritage items must be conserved and new development must not diminish the significance of the item.	The significance of the hotel will be conserved as part of this development application. The proposed works seek to retain the existing hotel whilst providing a roof top bar/terrace. The intention of which is to increase patronage and revenue to the hotel ensuring the continuation of the historical use of the place.
C2 An experienced heritage architect or conservation specialist must be engaged for works to a heritage item.	Noted.
C3 Significant internal and external features of heritage items must be maintained in their original form.	The proposal seeks to convert a currently unused roof top to a trafficable space. The proposal has been designed to minimise any alteration to significant internal and external feature. This has been achieved by locating internal works to areas of low significance, i.e the gaming room and cafe, and incorporating a set back between the parapet and roof top.
C4 Subdivision of a site containing a heritage item must leave an adequate curtilage to the heritage item	N/A No subdivision is proposed as part of this proposal
8.1.7.2 Development in the vicinity of a heritage item	
C5 New development need not seek to replicate period details of original buildings, but rather, demonstrate respect for the form and scale of the immediate area	The proposed roof top addition has been designed to provide a modern roof top bar area to the existing hotel. The material

	<p>palette does not replicate the original fabric and will clearly be read as a modern addition. The scale and setting of the addition is sympathetic to the original building by means of a 7m setback from the eastern parapet, which will minimise the visibility of the addition from Sydney Park Road and maintain a clear visual understanding of the appearance of the building. The roof top addition is also set back from the southern parapet in order to minimise the visibility of the additional structure from both King Street and Lord Street. The proposed lift shaft will be located to the immediate north of the existing stairwell. This is considered to be an appropriate location for the lift and will ensure that the proposed structure will not unduly alter the appearance of the building. The proposed work is considered to comply with this control.</p>
<p>8.1.7.3 Alterations and additions</p>	
<p>C6 Alterations and additions must not adversely impact the significant features of the heritage item.</p>	<p>The proposed roof addition and lift shaft will not impact upon any of the significant features of the building. The design includes a 7m set back from the eastern parapet which will maintain the visual dominance of the architectural features of the existing elevation and maintain the principal view corridors to the building. The roof top addition is also set back from the southern boundary to minimise its visibility and maintain the appearance of the parapet.</p>
<p>C7 Changes must maintain the significant form, proportion, scale, details and materials of the item</p>	<p>There are no proposed changes to the proportion, scale, details and materials of the building. The existing form will remain the dominant element.</p> <p>The addition is located to the existing roof top and has been setback to reduce its visibility from the surrounding area.</p>
<p>C8 Extensions must not compete with the integrity, scale or character of the item. Extensions can best meet this requirement if:</p>	<p>N/A The proposal does not include an extension.</p>

<p>i. Separation from the original building is maximised; and ii. They are designed in a simple, unobtrusive style and size.</p>	
<p>C9 Alterations and additions must be located so as to reduce their visibility and prominence from any point in the street or adjoining streets, and the height must not be seen above the main ridgeline of the building.</p>	<p>The proposed addition is located to the roof top of the building. The proposal is consider to comply with this control. The addition has been setback from the eastern and southern parapets to reduce its visibility and prominence from Sydney Park Road, King Street and Lord Street. The proposal also seeks to include a lift shaft to west of the rooftop terrace. This is considered to be an appropriate location for the lift as it is to the rear of the building again reducing the visibility and prominence of the addition from Sydney Park Road, King Street and Lord Street.</p>
<p>C10 New side additions may be permitted where:</p> <ul style="list-style-type: none"> i. They are sympathetic to the character and design of the existing building, having regard to the form, bulk, materials and details of the existing building without attempting to reproduce exactly those elements and decorative details in particular; ii. They are not in front of or obscuring the street elevation of the existing building; iii. They are set back a greater distance from the street than the existing building; iv. They are lower or equal to the height of the majority of the existing building; and v. They are compatible with the existing building in terms of wall height proportions and roof form. 	<p>N/A No new side addition is proposed.</p>
<p>C11 Ancillary buildings on the same site as an individual heritage item must be located in a place that does not obscure the significant elements.</p>	<p>N/A No ancillary buildings are proposed.</p>
<p>C12 Alterations to alleviate aircraft, rail or road noise must not detract from the streetscape values of individual buildings by removing or covering significant building fabric or details.</p>	<p>N/A The proposal does not include alterations to alleviate aircraft, rail or road noise.</p>
<p>C13 Solar water heater storage tanks, solar panels, ventilators, airconditioning units, satellite dishes and antennae and the like must not be located on the principal roof elevations of heritage items including on the roof or awning.</p>	<p>N/A The proposal does not seek to alter the location of any of the existing roof top mounted services.</p>

8.1.7.4 Building materials and details	
C14 Any proposed changes to the external finishes (unless otherwise advised by Council) require development consent, including paint removal, re-skinning, painting unpainted brickwork or render of timber or of an unrendered surface.	N/A The proposal does not include any changes to the external finishes of the building.
C15 Development must seek to reconstruct missing architectural detailing, such as bargeboards, finial trim, window awnings and front verandahs or balconies.	N/A As shown in Figure 9 and Figure 12 of this report the building has retained a high proportion of its original features.
C16 Re-painting of timber detailing and facades must use original period colours. Avoid the use of single colour solutions and attempt a complementary colour combination. Contemporary colours are not discouraged, but must be combined in a complementary way.	N/A The building has been well maintained. There is no repainting of any timber detailing required at this time.
C17 Where cement render can proceed, gain a proper understanding of the different types of cement render and how it was used in different architectural styles. Rough cast, pebbledash and smooth render have been used in different ways and applied to different architectural elements. The appropriate material must be consistent with the building form and style.	N/A The proposal does not seek to introduce cement render to the exterior of the building.
C18 Do not paint or render face brick; the original wall treatment must be retained.	N/A There are no proposed changes to the external finishes as part of this proposal.
C19 When new windows are to be inserted into the existing fabric, the proportion of those windows must respect the form and scale of the architectural style period.	N/A The proposal seeks to introduce a pair of windows to the west elevation of the building. This elevation is to the rear of the building and addresses the lane way. The proposed windows are covered with aluminium louvered privacy screens which is considered to be an acceptable finish given its location to the rear of the building within a service lane.

In addition to the general controls the following section contains a selection of controls extracted from Section 8.2.4 of the Marrickville DCP 2011. For ease of reference, the entire of this section of the DCP has not been replicated below and only the controls relevant to the development have been addressed

8.2.4 King Street and Enmore Road Heritage Conservation Area	
8.2.4.14 Roofs and Parapets	
Objectives	
O7 To retain the prominence of the building form and character given by the roofs, parapets and architectural features	As outlined above, this proposal will retain the prominence of the building form and character given by the parapets and architectural features of the Sydney

of heritage items and contributory buildings.	Park Hotel to the King Street and Enmore Heritage Conservation Area.
O8 To ensure new development does not detract but rather contributes to the streetscape in a sympathetic manner.	The proposed development has been concealed from the streetscape and will not detract from the Conservation Area. The proposal is considered to comply with this outcome.
O9 To provide guidelines that enable contemporary architectural interpretation of the key patterns and character-giving elements of the area.	Noted.
O10 To encourage different cornice treatments and edges for visual interest and variety.	N/A
O11 To ensure the placement and design of roof fixtures does not detract from the appreciation of the significant features of heritage items and contributory buildings.	The proposal does not seek to alter the location of the existing roof top services.
Controls	
C26 Roof forms and pitches must be restricted to those prevalent in heritage items and contributory buildings which are flat or skillion roofs behind parapet street walls or pitched roofs. Curved or butterfly roofs visible from the street are not permitted.	The proposed addition has a flat roof. This has been designed to sit back from the eastern and southern parapets in order to minimise its visibility from the streetscape. The proposal is considered to comply with this control.
C27 The angle of roofs is approximately 25-30 degrees to avoid visual intrusion.	The proposed addition is set back from the street boundary and for this reason will not be visually intrusive. The proposal is considered to comply with this control.
C28 Dormer windows in roofs to the street frontage must comply with control contained with Section 4.1.9 of this DCP.	N/A.
C29 Parapet height is limited; for example, to a proportion of the facade or by the height of its neighbours.	There are no proposed changes to the height of the parapet arising from this proposal.
C30 Any masonry parapet features must have a wall thickness similar to prevailing buildings of the late 19th and early 20th century.	This proposal retains the existing parapet.
C31 The parapets of buildings whose height increases as a result of development may be retained and repositioned to the new parapet height.	There are no proposed changes to the height of the parapet as part of this proposal.
C32 Roof fixtures (such as roof vents, chimneys, aerials, solar collectors, mobile phone transmitters or satellite dishes) must not be located on heritage items or contributory buildings where they are visible from the street.	No roof fixtures are included as part of this proposal.
C33 Rooftop signage is not permitted	No additional signage is included as part of this proposal.

8.2.4.19 Land Use	
Objectives	
O23 To ensure the retail strip continues to provide a range of retail services with varied and interesting active frontages to the street.	There are no proposed changes to the existing usage of the building as part of this proposal.
O24 To encourage a range of uses above ground level which complement the role of the retail strip.	This proposal seeks to active the roof area of the existing hotel.
O25 To encourage the use of rear lane frontages for residential studios and/or commercial services. Controls the street, with retail at ground level in keeping with the area's character.	N/A
Controls	
C69 A range of uses must be provided to engage with and activate the street, with retail at ground level in keeping with the area's character	The traditional use of the subject site as a hotel is supported by the proposed. The roof level will provide an additional venue and income stream to enable the continuation of the buildings use and ongoing maintenance of the heritage fabric.
C70 The above ground level must be mixed use, and may include commercial/residential, tourist accommodation and retail, subject to conditions.	There are no proposed changes to the traditional use of the building as part of this proposal.
C71 Residential and non-retail commercial uses may be allowed at ground level where it is a continuation of the existing use and when it provides a relationship to the street which is similar to the frontage of existing terrace houses	N/A
8.2.4.24 Building height	
Objectives	
O28 To retain the visual prominence of heritage streetscapes and the prevailing street wall height.	The proposed works meet this objective by the proposed setting back of the roof top addition with will retain the visual prominence of heritage streetscapes and the prevailing street wall height.
O29 To reinforce the built form and topography characterised by taller buildings along the retail strip following the ridge and stepping down to the residential development on the adjacent slopes and plains.	Noted.
Controls	
C73 The height of buildings at the street boundary must be determined by the prevalent height of adjacent and neighbouring contributory buildings' parapets.	The height of the building at street boundary will not be altered. The proposal is considered to comply with this control.

7.1 Effect of Work on the subject property

In summary, the proposed works will have a minimal and acceptable impact on the significance of the Sydney Park Hotel. The proposed works will have no impact on the

aesthetic significance of the building and its landmark qualities as the starting point of the King Street, Newtown because:

- The significant fabric of the existing hotel will not be altered by this proposal.
- The existing parapet is retained without alteration.
- The structure will be set back approximately 7m from the eastern boundary which will minimise its appearance when viewed from the public realm.
- The proposed lift shaft has been located to the rear of the building in an area that has previously undergone change. The proposed lift shaft will be located to the immediate north of the existing stairwell and will not alter the appearance of the building.
- The proposed finishes and colours are contemporary, which is an appropriate response to new works. They will sit comfortably within the streetscape and will not detract from the aesthetic qualities of the heritage item.
- The proposed works assist in the continuation of the use of the item as a hotel which is its original and best use.

7.2 Effect of Work on King Street/Enmore Road Heritage Conservation Area

The proposed works will have a minimal and acceptable impact on the significance of The King Street/Enmore Road Heritage Conservation Area. The proposed works will have no impact on the ability to understand the historic, aesthetic and social significance of the Conservation Area. It is considered that the proposed work:

- will not block or reduce significant view corridors into or out of the area.
- respect the Conservation Area by the retention of the existing parapet and set back of the new work from the parapet of the building.
- utilises contemporary finishes and colours, which is an appropriate response to new works. They will sit comfortably within the streetscape and will not detract from the setting of nearby heritage items.

The existing building will remain to be the dominant element on the site.

7.3 Effect of Work on Heritage Items Within the Vicinity

The proposed works will have a minimal and acceptable impact on the significance of the: St Peters Railway Station Group, former St Peter's Theatre Façade and former Bedford Brickworks Group for the following reasons:

- Views to the neighbouring items will not be affected by the proposed works which will ensure that there will be no impact on the ability to view and understand these items.
- Views from the neighbouring items will not be affected by the proposed works due to the large set back of the proposed works.

8.0 CONCLUSIONS

This heritage impact statement has been prepared in conjunction with a DA for alterations and additions to No. 631 King Street, Newtown. The existing building on the subject site is a two storey Inter-War art Deco/functionalist style hotel. The building is a locally listed heritage item located within the King Street and Enmore Road Conservation Area. The hotel makes a positive contribution to the Conservation Area.

The proposed addition will not overwhelm or block significant view corridors within the Conservation Area.

The proposed works are minor in nature and will have no impact on the significance of the nearby heritage listed St Peters Railway Station Group, Former St Peters Theatre Façade, or Former Bedford Brickworks group.

The proposed works fulfil the objectives for alterations and additions to a heritage listed item, development within a Conservation Area and in the vicinity of heritage items set out by the *Marrickville LEP 2011* and the *Marrickville DCP 2011*.

Attachment E – Acoustic Report



Environmental Noise Assessment

Proposed Rooftop Terrace
Sydney Park Hotel
631 King Street, Newtown, NSW

REPORT No
6534-1.1R Rev D

DATE ISSUED
17 December 2019

Prepared For:
Reilly Group
150 Liverpool Street
Darlinghurst NSW 2010

Attention: Mr Ray Reilly



Revision History

Report	Date	Prepared	Checked	Comment
Draft	06/07/2018	William Wang	Stephen Gauld	By email, for client review
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Rev B	06/05/2019	William Wang	Stephen Gauld	Corrected Hours to 10 pm
Rev C	23/05/2019	William Wang	Stephen Gauld	New drawings
Rev D	17/12/2019	William Wang	Stephen Gauld	New drawings

Document R\6534-1.1R REV D, 21 pages plus attachments

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1.0 CONSULTING BRIEF

Day Design Pty Ltd was engaged by Reilly Group to investigate the environmental noise impact of the proposed addition of a rooftop terrace to Sydney Park Hotel at 631 King Street, Newtown, NSW.

This commission involves the following:

Scope of Work:

- Inspect the site and environs
- Measure the background noise levels at critical locations and times
- Establish acceptable noise level criterion
- Quantify noise emissions from the proposed rooftop terrace
- Calculate the level of noise emission, taking into account building envelope transmission loss, screen walls and distance attenuation
- Prepare a site plan identifying the development and nearby noise sensitive locations
- Provide recommendations for noise control
- Prepare an Environmental Noise Impact Report.



3.0 NOISE SURVEY INSTRUMENTATION

Noise level measurements and analysis were made with instrumentation as follows in Table 1 below.

Table 1 Noise Instrumentation

Description	Model No.	Serial No.
Modular Precision Sound Analyser	B&K 2270	244 3406
Condenser Microphone 0.5" diameter	B&K 4189	244 0653
Acoustical Calibrator	B&K 4231	243 9033
Infobyte Noise Logger	iM4	106
Condenser Microphone 0.5" diameter	MK 250	106
Infobyte Noise Logger	iM4	107
Condenser Microphone 0.5" diameter	MK 250	107

The **B&K 2270 Sound Analyser** is a real-time precision integrating sound level meter with octave and third octave filters that samples noise at a rate of 10 samples per second. The B&K 2270 provides L_{eq} , L_1 , L_{10} , L_{50} and L_{90} statistical data at 15 minute intervals (longer or shorter intervals optional) over the desired monitoring period.

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The Infobyte Noise Monitor iM4 is a Type 2 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 0.3 dB during attended measurements and within 1 dB for long-term measurements. No adjustments for instrument drift during the measurement period were warranted.



2.0 SITE DESCRIPTION & PROJECT SUMMARY

The Sydney Park Hotel is located on the corner of King and Lord Streets, across from St Peters Station at 631 King Street, Newtown, NSW.

It is proposed to create a rooftop terrace above the existing Hotel building.

The Hotel operates under the following trading hours:

- Monday to Saturday 10 am to 12 midnight
- Sunday 12 noon to 10 pm.

The rooftop terrace is proposed to operate up to 10 pm. After 10 pm, patrons will be directed downstairs to within the Hotel.

The nearest residential dwelling is located adjacent to the northern boundary, being a multi-storey residential flat building at 627 King Street, Newtown. Other residential premises are located further away along Lord Street as well as across the rail corridor.

Provided the recommendations in Section 7 are satisfactorily implemented, the level of noise emitted by the proposed rooftop terrace of Sydney Park Hotel at 631 King Street, Newtown will be able to meet the NSW Environment Protection Authority's Noise Policy for Industry noise criteria and the NSW Liquor and Gaming noise level requirements.



4.0 MEASURED AMBIENT NOISE LEVELS

In order to assess the severity of a possible environmental noise problem in a residential area it is necessary to measure the ambient background noise level at the times and locations of worst possible annoyance. The lower the background noise level, the more perceptible the intrusive noise becomes and the more potentially annoying.

The ambient L₉₀ background noise level is a statistical measure of the sound pressure level that is exceeded for 90% of the measuring period (typically 15 minutes).

The Rating Background Level (RBL) is defined by the NSW EPA as the median value of the (lower) tenth percentile of L₉₀ ambient background noise levels for day, evening or night periods, measured over 7 days during the proposed days and times of operation.

The places of worst possible annoyance are the residential premises across the rear laneway on Lord Street as well as the residential units adjacent to the Hotel on King Street. These residences are shown on Figure 1. The times of worst possible annoyance will be in the evening from 6 pm to 10 pm when ambient noise levels are typically at their lowest while the rooftop terrace is proposed to be in use.

Ambient L₉₀ background noise levels were measured on the common boundary of the Hotel and the adjoining residential premises, at rooftop level, shown as Location 'A' and Location 'B' shown on Figure 1 over eight (8) days from Wednesday 20 June to Thursday 28 June 2018. These levels are presented in the attached Appendix A and also in Table 2.

Table 2 Rating Background Level

Noise Measurement Location	Time Period	Rating Background Level (dBA)	Existing Ambient L _{eq} Noise Level (dBA)
Location 'A' – 631 King Street, Newtown (towards King Street)	Day (7 am to 6 pm)	58	64
	Evening (6 pm to 10 pm)	57	63
	Early Night (10 pm to 12 am)	54	-
	Night (12 am to 7 am)	50	59
Location 'B' – 631 King Street, Newtown (towards rear laneway)	Day (7 am to 6 pm)	56	62
	Evening (6 pm to 10 pm)	55	61
	Early Night (10 pm to 12 am)	51	-
	Night (12 am to 7 am)	49	56

Meteorological conditions during the testing typically consisted of clear skies with temperature of 5 to 15°C. Atmospheric conditions were ideal for noise monitoring. Noise measurements were therefore considered reliable and typical for the receptor area.



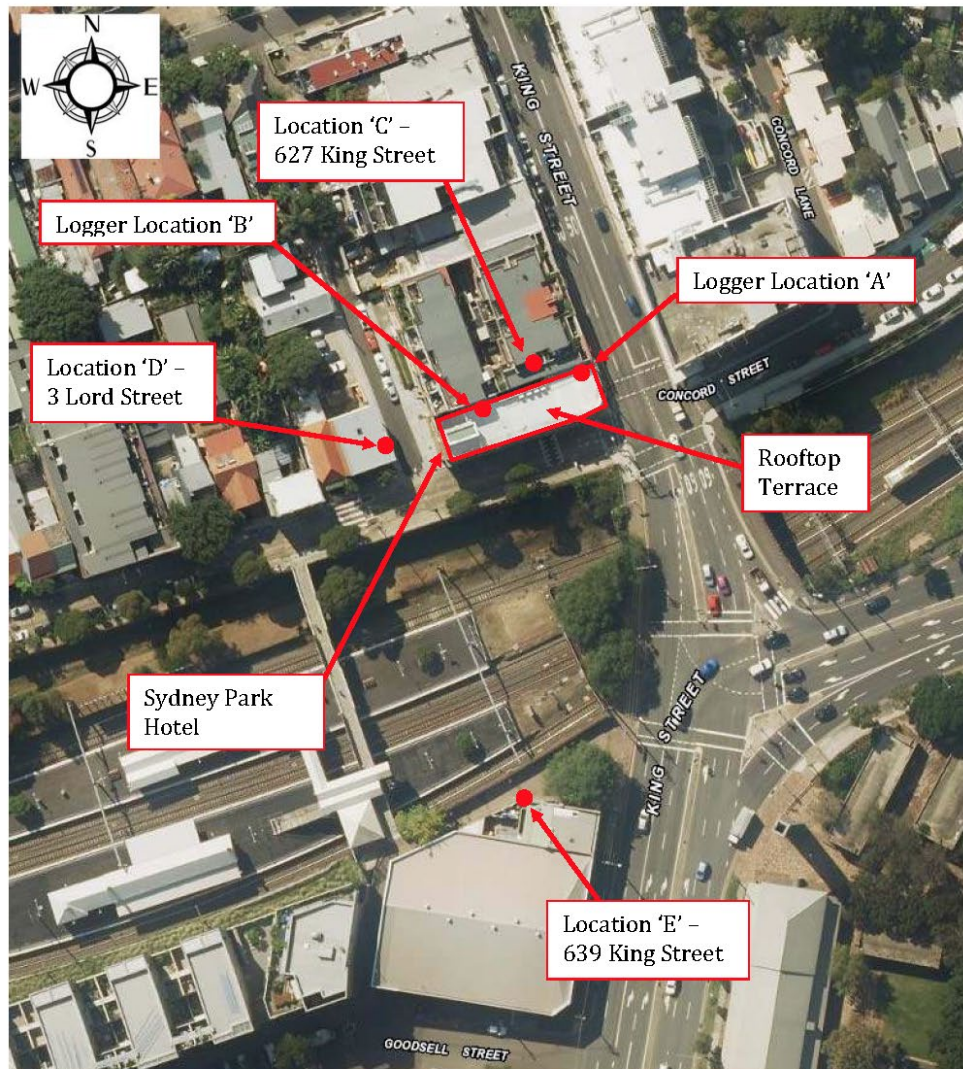


Figure 1 -Location Plan Sydney Park Hotel, Newtown



A short-term, 15 minute, background noise level was measured in octave bands on the rooftop of Sydney Park Hotel during a Wednesday afternoon at approximately 1 pm and a Thursday night at approximately 11 pm to establish acceptable noise criteria limits for assessment against the Liquor and Gaming NSW noise criterion. The measured octave band spectra is shown in Table 3.

Table 3 Octave Band L₉₀ Background Noise Level

Description	dBA	Sound Pressure Levels (dB) at Octave Band Centre Frequencies (Hz)								
		32	63	125	250	500	1k	2k	4k	8k
Background Noise Level - 11 pm	46	56	53	48	46	42	43	38	27	17
Background Noise Level - 1 pm	57	67	65	61	56	53	52	47	39	28



5.0 ACCEPTABLE NOISE LEVELS

5.1 NSW Noise Policy for Industry

The NSW Environment Protection Authority (EPA) published the *Noise Policy for Industry* (NPI) in October 2017. The NPI is specifically aimed at assessing noise from industrial noise sources listed in Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO, 1997), however provides a useful framework to assess noise emission from non-scheduled premises, whether that premises produces intrusive or non-intrusive noise.

5.1.1 Project Intrusiveness Noise Level

The EPA states in Section 2.3 the NPI that the intrusiveness of an industrial noise source may generally be considered acceptable if the level of noise from the source (represented by the L_{Aeq} descriptor), measured over a 15-minute period, does not exceed the rating background noise level by more than 5 dB when beyond a minimum threshold (EPA NPI, 2017, Section 2.3).

The Rating Background Level at Newtown is shown in Table 2. We have used the lower measured background noise levels as a conservative measure. The acceptable L_{eq} noise intrusiveness noise level in this area is shown in Table 4.

Table 4 Intrusiveness Noise Level

Noise Measurement Location	Time Period	Intrusiveness Level L_{eq} , 15 minute (dBA)
Location 'B' – 631 King Street, Newtown (towards rear laneway)	Day (7 am to 6 pm)	(56 + 5 =) 61
	Evening (6 pm to 10 pm)	(55 + 5 =) 60
	Early Night (10 pm to 12 am)	(51 + 5 =) 56
	Night (12 am to 7 am)	(49 + 5 =) 54

5.1.2 Project Amenity Noise Level

Depending on the type of area in which the noise is being made, there is a certain reasonable expectancy for noise amenity. The NSW NPI provides a schedule of recommended L_{eq} industrial noise levels that under normal circumstances should not be exceeded. If successive developments occur near a residential area, each one allowing a criterion of background noise level plus 5 dB, the ambient noise level will gradually creep higher.



The project amenity noise level is typically the recommended amenity noise level minus 5 dB. However, where the resultant project amenity level is 10 dB or lower than the existing industrial noise level, the project amenity level can be set to 10 dB below the existing noise level. The recommended L_{eq} noise levels below in Table 5 are taken from Section 2.4, Table 2.2 of the NPI.

Table 5 Amenity Noise Level

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended L_{eq} Noise Level, dBA
Residence	Suburban	Day	55
		Evening	45
		Night	40

The L_{Aeq} is determined over a 15-minute period for the project intrusiveness noise level and over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, the NPI assumes that the $L_{Aeq,15min}$ will be taken to be equal to the $L_{Aeq,period} + 3$ decibels (dB).

The recommended amenity noise level at Newtown is shown in Table 5. However, the existing ambient L_{eq} noise levels are more than 10 dB above the recommended noise levels (as seen in Table 2). The acceptable L_{eq} amenity noise level for in this area is therefore:

- $(62 - 10 + 3 =) 55$ dBA during the day;
- $(61 - 10 + 3 =) 54$ dBA in the evening; and
- $(56 - 10 + 3 =) 49$ dBA at night.

5.2 Modifying Factors

Where a noise source contains certain characteristics, such as tonality, impulsiveness, intermittency or dominant low-frequency content, there is evidence to suggest that it can cause greater annoyance than other noise at the same noise level. On the other hand, some sources may cause less annoyance where only a single event occurs for a limited duration. Correction factors are to be applied to the noise from the source measured or predicted at the receiver before comparison with the project noise level. AC500-10 in the Appendices is extracted from Table C.1 of the NPI.



5.3 Noise Criteria for Licensed Premises

In addition to the NSW Noise Policy for Industry outlined above, the NSW Liquor and Gaming typically requires the following in relation to noise emission from music and patrons associated with licensed premises:

- *“The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.*
- *The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.*
- *Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am”.*



5.4 Project Specific Noise Criteria

When all the above factors are considered, we find that the most stringent noise criteria is the NSW Liquor and Gaming Criteria (Section 5.3 above) for music and patron noise. Based on our measurements of ambient background noise, the maximum acceptable level of noise from music and patrons is as given in Table 6 below.

Table 6 L₁₀ Noise Level Criteria – Patron Noise

Time Period	dBA	L ₁₀ Sound Pressure Levels (dB) at Octave Band Centre Frequencies (Hz)									
		32	63	125	250	500	1k	2k	4k	8k	
Day Period (7 am to 6 pm)	61	71	69	65	60	57	56	51	43	32	
Evening Period (6 pm to 10 pm)	60	70	68	64	59	56	55	50	42	31	
Early Night Period (10 pm to 12 am)	56	66	64	60	55	52	51	46	38	27	

In addition, the L_{eq} noise level should meet the following:

- **55 dBA** L_{Aeq} during the day
- **54 dBA** L_{Aeq} during the evening
- **49 dBA** L_{Aeq} at night

These criteria are to be assessed at the most affected point on or within the nearest residential property boundary **or**, if that is more than 30 m from the residence, at the most-affected point within 30 m of the residence.



6.0 SYDNEY PARK HOTEL NOISE EMISSION

The Sydney Park Hotel operates between the following trading hours:

- Monday to Saturday 10 am to 12 midnight
- Sunday 12 noon to 10 pm.

The rooftop terrace is proposed to operate up to 10 pm. After 10 pm, patrons will be directed downstairs to within the Hotel.

The main sources of noise from the proposed rooftop terrace will be patrons using the rooftop terrace. Background music is proposed to be played on the rooftop.

6.1 Rooftop Terrace

The rooftop terrace will have a maximum capacity of 100 patrons.

From our observations of other sites, we have modelled the noise emission from people talking at a function as follows:

- People talking with a loud voice (10%)
- people talking with a raised voice (20 %);
- people talking normally (20 %); and
- the remaining people not talking or listening (50 %).



Based on information in Harris¹ and in our noise level database gathered over many years, we calculate the sound power levels of people as shown in Table 7 and Table 8 below.

Table 7 L₁₀ Sound Power Levels

Description	dBA	L ₁₀ Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)								
		32	63	125	250	500	1k	2k	4k	8k
One man talking with loud voice	83	57	62	64	73	80	79	75	68	59
One man talking with raised voice	72	57	61	61	67	72	67	63	58	51
One man talking normally	66	52	57	57	63	66	59	55	51	46
Background Music	78	63	68	82	74	76	72	70	66	61
Group of 100 People - 10 people talking loudly, 30 with raised voices, 30 talking normally, 50 listening/not talking	93	72	75	78	85	91	90	86	79	71

Table 8 L_{eq} Sound Power Levels

Description	L _{Aeq} Sound Power Level dBA
One man talking with normal voice	80
One man talking with a raised voice	69
One man talking with normal voice	63
Background Music	75
Group of 100 People (10% loud, 20% raised & 20% normal)	90

Knowing the sound power level of a noise source (see Table 7 above), the sound pressure level can be calculated at a remote location using suitable formulae to account for building envelope transmission, distance losses, sound barriers, etc.

The predicted level of noise from the outdoor terrace at capacity of 100 patrons, at the nearest residential premises at 627 King Street (Location 'C') with the proposed noise control recommendations in Section 7 is L₁₀ 56 dBA and L_{eq} 53 dBA, and meets the octave band noise criteria. See Section 8 for predicted noise levels in octave band frequencies.

¹ Handbook of Acoustical Measurements and Noise Control, Third Edition, Cyril M. Harris, McGraw-Hill Inc, New York, (Page 16.2)



7.0 NOISE CONTROL RECOMMENDATIONS

The level of noise emission, without any noise controls, will exceed the acceptable noise criteria. We recommend the following noise controls to reduce the level of noise emission.

7.1 Outdoor Rooftop Terrace

We recommend that a solid sound barrier wall be built along the northern, eastern and western perimeter of the outdoor terrace, with a roof above. The southern side may remain open.

The proposed solid sound barrier wall to the north may be constructed from 110 mm thick clay bricks. Alternatively, the wall may be constructed to meet minimum sound reduction index R_w 45.

All gaps should be sealed to provide an impervious sound barrier.

7.2 Fire Exit Door in North Wall

We recommend that an acoustic rated door be installed as the fire exit door located in the north wall, with a minimum sound reduction index R_w 40. This can be achieved with products such as Howhua 48 mm thick fire door lined on both faces with 0.9 mm zinanneal and full perimeter acoustic seals (Howhua: 02 9584 3777).

7.3 Sound Absorptive Panels in Outdoor Terrace

We recommend that the underside of the roof be lined with sound absorptive panels.

The sound absorptive panelling may consist of perforated/slotted timber, metal or fibre cement (min. 20% open area) with 50 mm thick polyester insulation (minimum density 32 kg/m³) fitted behind such as CSR Martini MAB 32/50 (Ph: 1300 767 776). Other constructions will be acceptable provided the absorptive panels will have a noise reduction coefficient (NRC) of 0.8 or greater.

Sound absorptive panels are available off the shelf from Decor Systems Australia Ph: 9748 1800 and Ceilings by Design Ph: 9620 9655.

7.4 Background Music

The level of noise produced by the audio system for background music inside the restaurant should be limited to produce a sound pressure level of L_{eq} 58 dBA at 3 metres from the speakers (equivalent to a sound power level of 75 dBA).

The speakers should be directed down towards the outdoor terrace and not face outwards to the openings.



7.5 Noise Management

As well as the engineering noise controls recommended above, we also recommend administrative noise controls be adopted by management, as follows:

- Maximum of 100 people outside at any time.

After 10 pm, the outdoor rooftop terrace must not be used. Patrons should be asked to move inside and the doors closed until after 7 am the following day (8 am on Sundays).

7.6 Construction Disclaimer

Recommendations made in this report are intended to resolve acoustical problems only. We make no claim of expertise in other areas and draw your attention to the possibility that our recommendations may not meet the structural, fire, thermal or other aspects of building construction.

We encourage clients to check with us before using materials or equipment that are alternative to those specified in our Acoustical Report.



8.0 PREDICTED NOISE LEVELS (FOLLOWING NOISE CONTROLS)

Following the implementation of noise controls outlined in Section 7, the predicted noise levels from music and patrons is shown in Section 8.1 and Section 8.2 below.

8.1 Predicted L₁₀ Noise Levels – Rooftop Terrace

We have assumed that Sydney Park Hotel staff will manage the outdoor capacity of the outdoor terrace, with no more than 100 patrons at any time.

Table 9 below shows the predicted L₁₀ octave band sound pressure levels and overall ‘A’ frequency weighted sound pressure levels at the residential boundary of the nearest residential receiver, assessed against the evening noise criteria detailed in Section 5.5 in this report. Compliance with the evening noise criteria will ensure compliance with the daytime criteria.

Table 9 Predicted L₁₀ Noise Levels – Rooftop Terrace – Evening

Description	dBA	Sound Pressure Levels (dB) at Octave Band Centre Frequencies (Hz)									
		32	63	125	250	500	1k	2k	4k	8k	
Location ‘C’ – 627 King Street (Top Level Unit)	56	52	50	52	52	56	51	44	34	22	
Acceptable Noise Limit (6 pm to 10 pm)	60	70	68	64	59	56	55	50	42	31	
Compliance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Location ‘D’ – 3 Lord Street (Ground Floor Level)	50	35	40	45	43	48	46	41	33	22	
Acceptable Noise Limit (6 pm to 10 pm)	60	70	68	64	59	56	55	50	42	31	
Compliance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Location ‘E’ – 28 King Street (Ground Floor Level)	52	30	36	40	44	50	48	44	36	25	
Acceptable Noise Limit (6 pm to 10 pm)	60	70	68	64	59	56	55	50	42	31	
Compliance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	



8.2 Predicted L_{eq} Noise Levels – Rooftop Terrace

The assessment has also been carried out based on the L_{eq} noise levels and assessed against the NSW Noise Policy for Industry. The calculated L_{eq} noise levels are shown in Table 10.

Table 10 Predicted L_{eq} Noise Levels – Rooftop Terrace – Evening

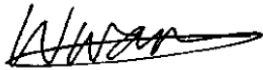
Description	Predicted Noise Level (dBA)	Noise Criterion (dBA)	Compliance (Yes/No)
Location 'C' – 627 King Street (Top Level Unit)	53	54	Yes
Location 'D' – 3 Lord Street (Ground Floor Level)	47	54	Yes
Location 'E' – 28 King Street (Ground Floor Level)	49	54	Yes



9.0 NOISE IMPACT STATEMENT

Day Design Pty Ltd was engaged to assess the environmental noise impact of the proposed rooftop terrace to the Sydney Park Hotel at 631 King Street, Newtown, NSW.

Measurements and calculations show that, provided the recommended noise controls in Section 7 are satisfactorily implemented, the level of noise emitted by the proposed rooftop terrace of the Sydney Park Hotel will be able to meet the NSW Environment Protection Authority and NSW Liquor and Gaming noise level requirements as detailed in Section 5 of this report.



William Wang, BE (Mechatronics), MIEAust, MAAS
Senior Acoustical Engineer
for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

Attachments:

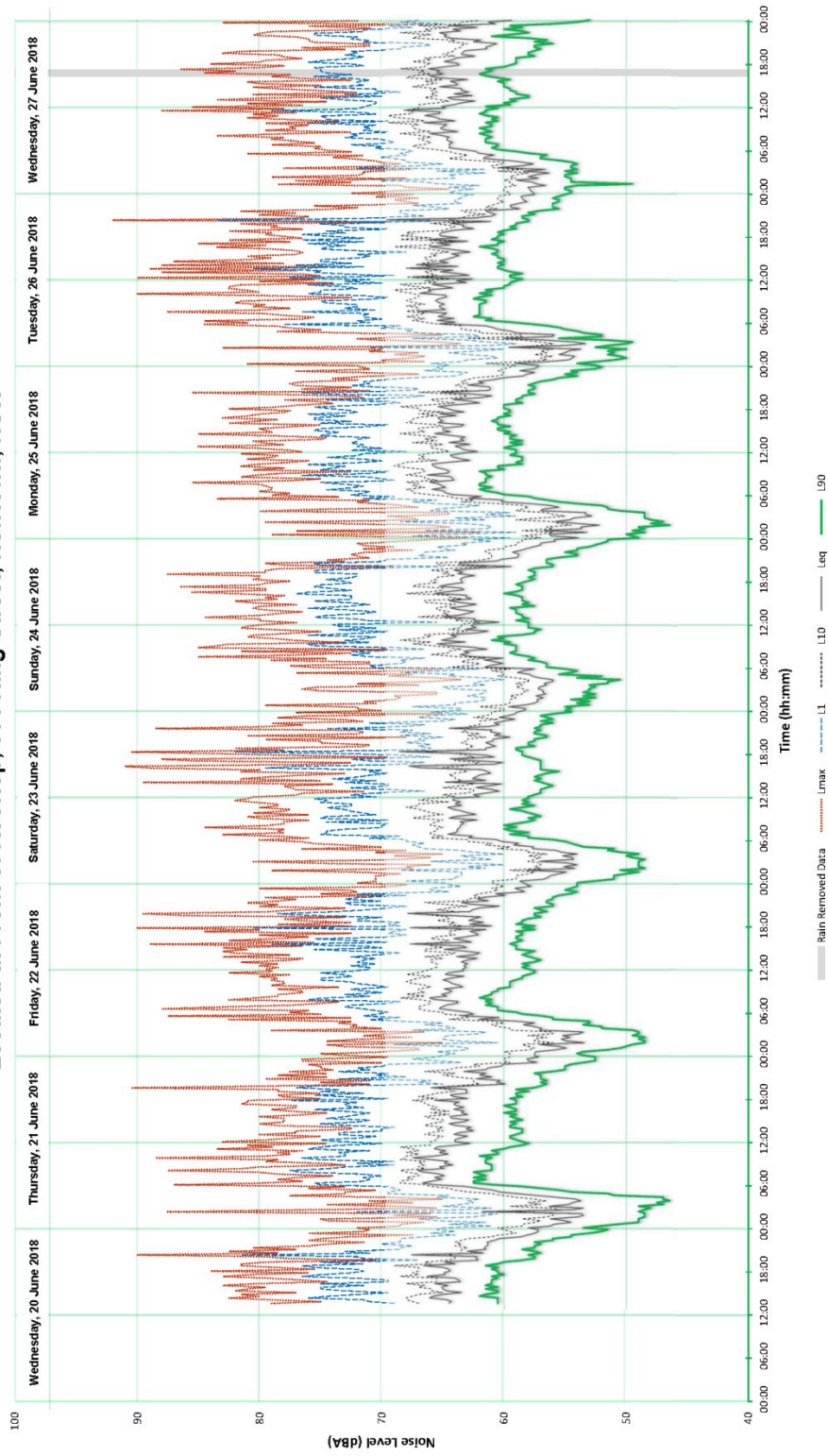
- Appendix A - Ambient Noise Survey
- Appendix B - Architectural Drawings
- AC108-1 to 4 - Glossary of Acoustical Terms
- AC500-10 - Modifying Factor Corrections



6534-1
Appendix A

AMBIENT NOISE SURVEY

Located at Front of Rooftop, 631 King Street, Newtown, NSW

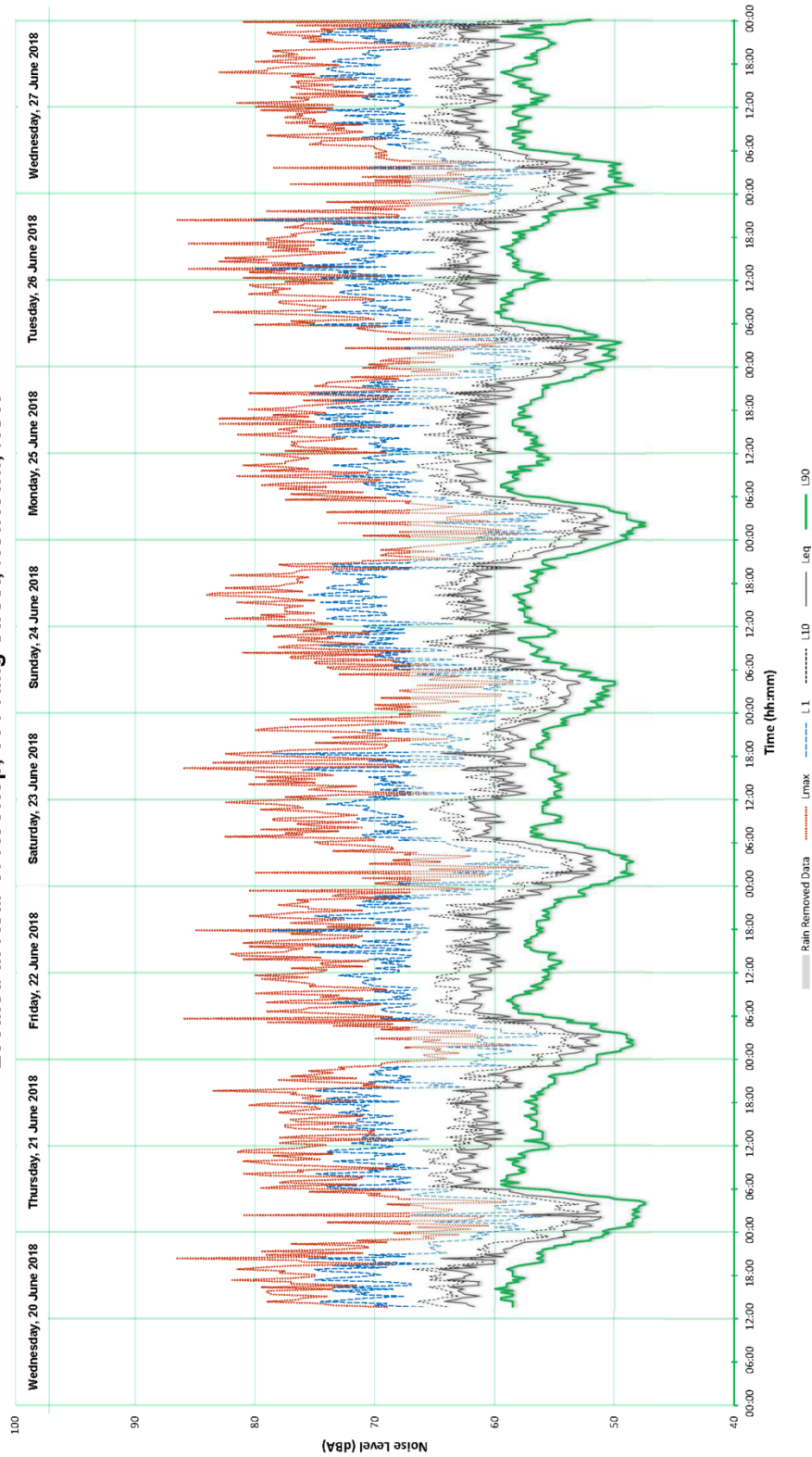


DAY DESIGN PTY LTD

6534-1
Appendix A

AMBIENT NOISE SURVEY

Located at Rear of Rooftop, 631 King Street, Newtown, NSW



DAY DESIGN PTY LTD

6534-1.1R Rev D Appendix B

631 KING STREET
 NEWTOWN, NSW 2042

Client: Ray Reilly

of Rev C

ELAINE
 RICHARDSON
 ARCHITECT



PROPOSED ROOF DECK AT
 ADDRESS: 631 KING STREET,
 NEWTOWN NSW 2042
 SITE: LOT 1 | D.P.: 966256
 AREA: 321.00 sq.m.

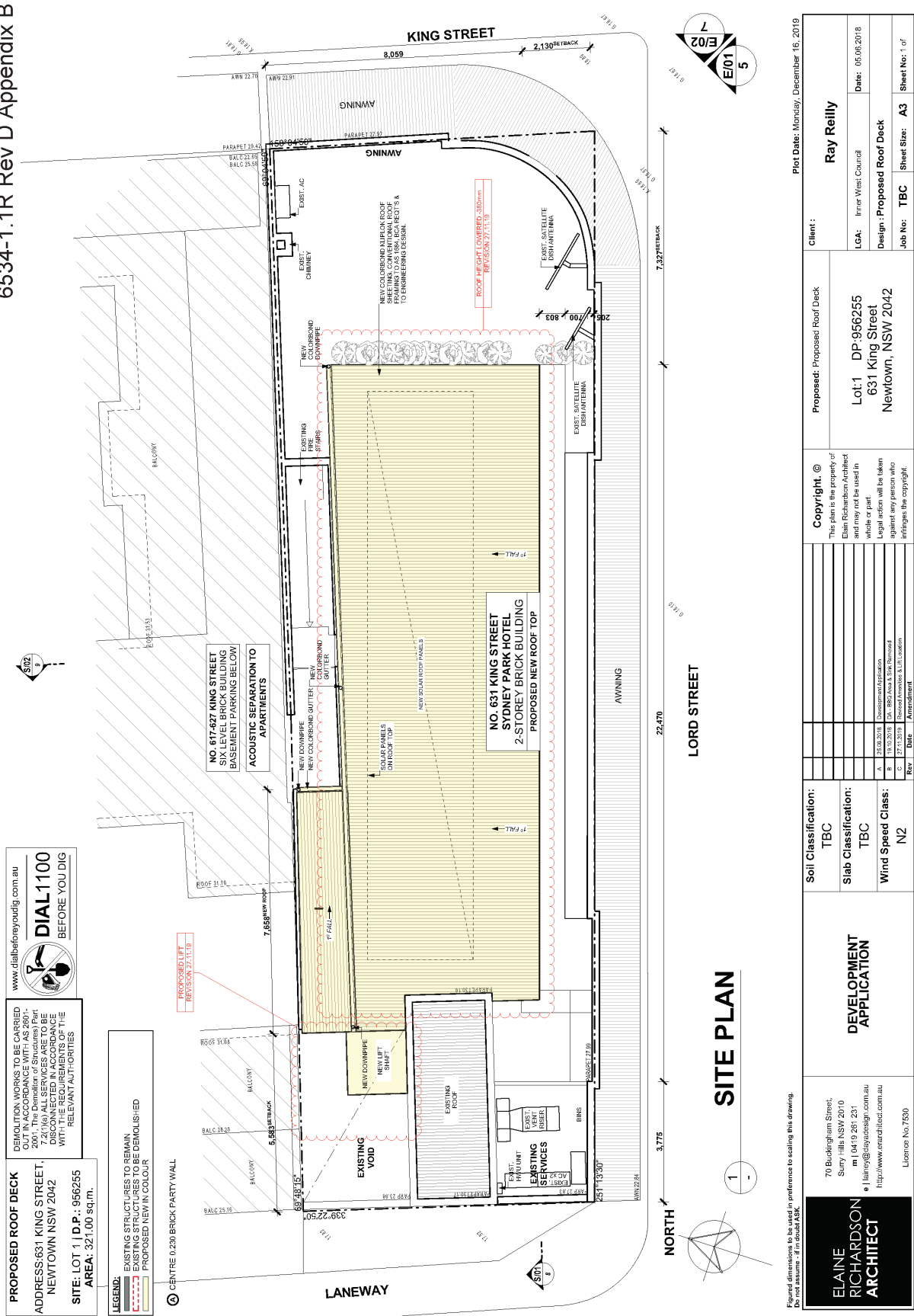
Page No.	Description
1	Cover Page
2	Site Plan
3	Site Analysis Plan
4	Ground Level Floor Plan
5	Roof Terrace Floor Plan
6	Roof Plan & Stormwater Drainage Plan
7	South Elevation (Lord Street)
8	East (King Street) & West (Laneway) Elevations
9	Longitudinal Section
10	Cross Section
11	Shadow Analysis Plan 21st June 9am
12	Shadow Analysis Plan 21st June 10am
13	Shadow Analysis Plan 21st June 11am
14	Shadow Analysis Plan 21st June 12pm
15	Shadow Analysis Plan 21st June 1pm
16	Shadow Analysis Plan 21st June 2pm
17	Shadow Analysis Plan 21st June 3pm
18	Schedule of Materials and Finishes



PROJECT LOCATION PLAN

DEVELOPMENT APPLICATION
 INNER WEST COUNCIL

6534-1.1R Rev D Appendix B



DEMOLITION WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE DEMOLITION OF STRUCTURES ACT 2001. THE DEMOLITION OF STRUCTURES TO BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT AUTHORITIES.

PROPOSED ROOF DECK
 ADDRESS: 631 KING STREET,
 NEWTOWN NSW 2042
 SITE: LOT 1 | D.P.: 956255
 AREA: 321.00 sq.m.

DIAL100
 BEFORE YOU DIG

www.dialbeforeyoudig.com.au

LEGEND:
 EXISTING STRUCTURES TO REMAIN
 EXISTING STRUCTURES TO BE DEMOLISHED
 PROPOSED NEW IN COLOUR

Ⓐ CENTRE 0.25M BRICK PARTY WALL

Source of dimensions to be used in preference to scaling this drawing.
 Do not use dimensions to locate walls.

ELAINE RICHARDSON ARCHITECT
 70 Buckingham Street,
 Surry Hills NSW 2010
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 e | Elaine@elainedesign.com.au
 http://www.elainedesign.com.au
 Licence No: 75309

DEVELOPMENT APPLICATION

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

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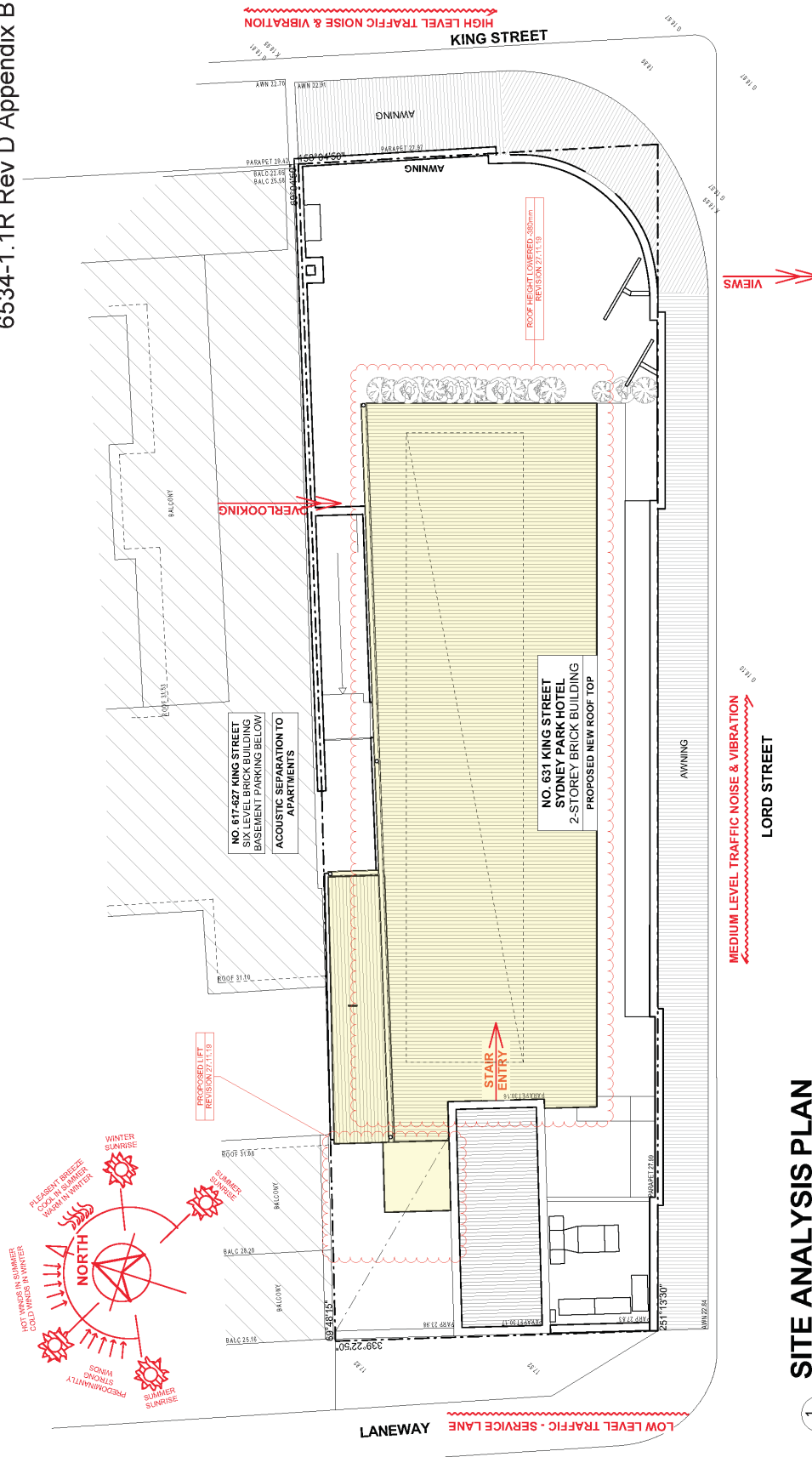
Rev	Date	Description
A	25.08.2019	Development Application
B	21.10.2019	Doc. 8820 Area A, Site, Revised
C	27.11.2019	Revised drawings & L11 Location

Client:
 Proposed: Proposed Roof Deck
 Lot: 1 DP: 956255
 631 King Street
 Newtown, NSW 2042

Client:
 Ray Reilly
 LGA: Inner West Council
 Date: 05.06.2018
Design: Proposed Roof Deck
 Job No: TBC
 Sheet Size: A3
 Sheet No: 1 of 1

Plot Date: Monday, December 16, 2019

6534-1.1R Rev D Appendix B

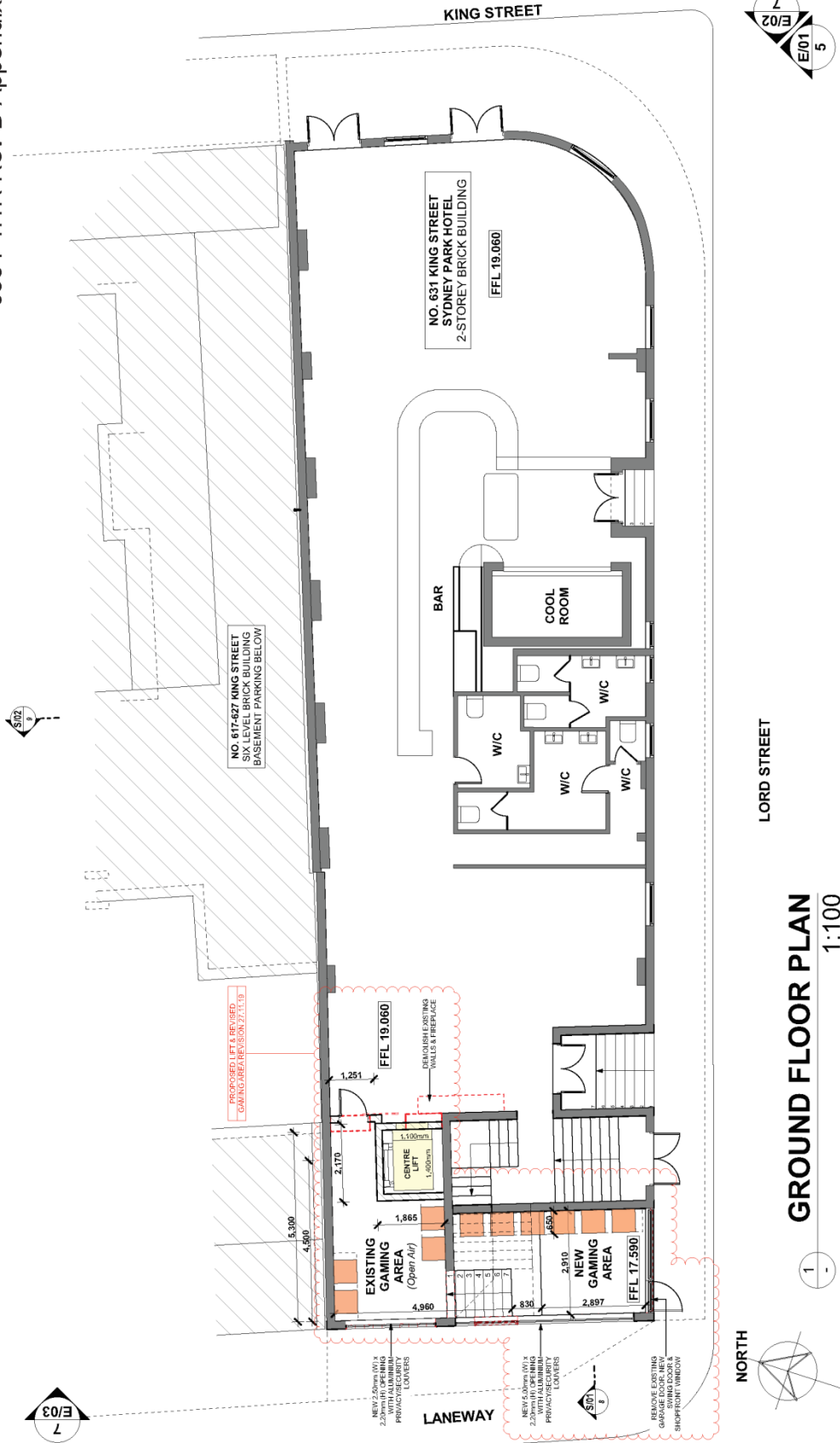


SITE ANALYSIS PLAN
1:100

<p>Elaine Richardson Architect 70 Buckingham Street, Surry Hills NSW 2010 m 104 19 261 231 e Elaine@elainedesign.com.au http://www.elainedesign.com.au Licence No 7530</p>		<p>DEVELOPMENT APPLICATION</p>		<p>Soil Classification: TBC</p> <p>Slab Classification: TBC</p> <p>Wind Speed Class: N2</p>		<p>Copyright © This plan is the property of Elaine Richardson Architect and may not be used in whole or part. All rights reserved. No part of this document may be reproduced without the written permission of Elaine Richardson Architect.</p>		<p>Proposed: Proposed Roof Deck Lot: 1 DP:956255 631 King Street Newtown, NSW 2042</p>		<p>Client: Ray Reilly LGA: Inner West Council Date: 05.06.2018 Design: Proposed Roof Deck Job No: TBC Sheet Size: A3 Sheet No: 2 of 2</p>	
Rev	Date	Amendment									
A	18.03.2018	Development Application									
B	18.03.2018	DA (BID) (Area & Site) Approved									
C	27.11.2019	Revised (Noise & V. Location)									

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

6534-1.1R Rev D Appendix B



Figured dimensions to be used in preference to scaling this drawing.
 Foot dimensions in millimetres. All dimensions in millimetres.

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DEVELOPMENT APPLICATION

Soil Classification:
TBC

Slab Classification:
TBC

Wind Speed Class:
N2

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Rev	Date	Description / Amendment
A	26.08.2018	Development Application
B	19.10.2018	City of Bayside 2018 - Revised
C	27.11.2019	Final Approval & L11 Lodged

Proposed: Proposed Roof Deck

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

Client:
Ray Reilly

LCA: Inner West Council
Date: 05.06.2018

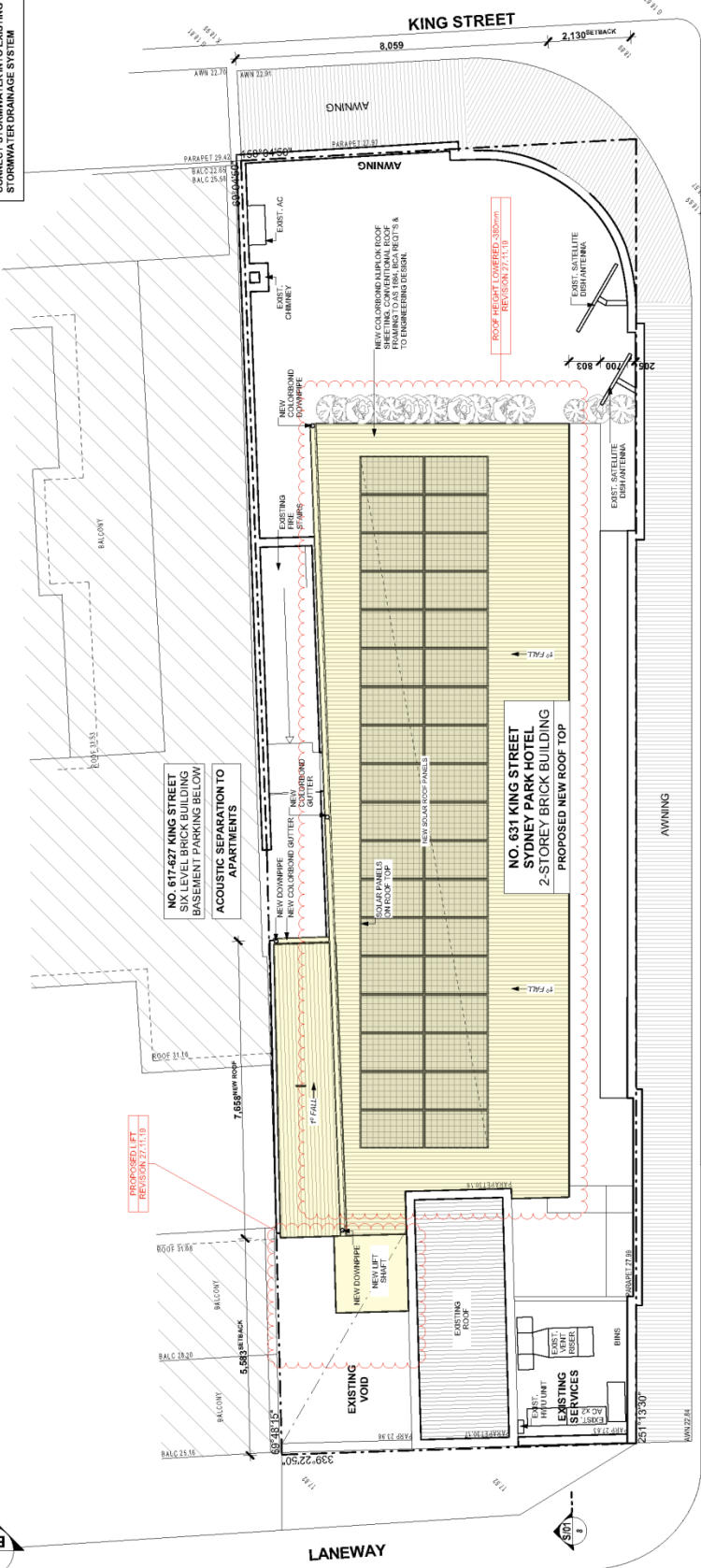
Design: Proposed Roof Deck

Job No: TBC
Sheet Size: A3
Sheet No: 3 of 7

Plot Date: Monday, December 16, 2019

6534-1.1R Rev D Appendix B

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



ROOF PLAN & STORMWATER DRAINAGE PLAN
1:100

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

E/03
7

E/01
5

E/02
7

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DEVELOPMENT APPLICATION

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

Rev	Date	Amendment
A	18.03.2018	Development Application
B	18.03.2018	DA - RED PANELS & SIGN REMOVAL
C	27.11.2019	Revised drawings & L.P. Location

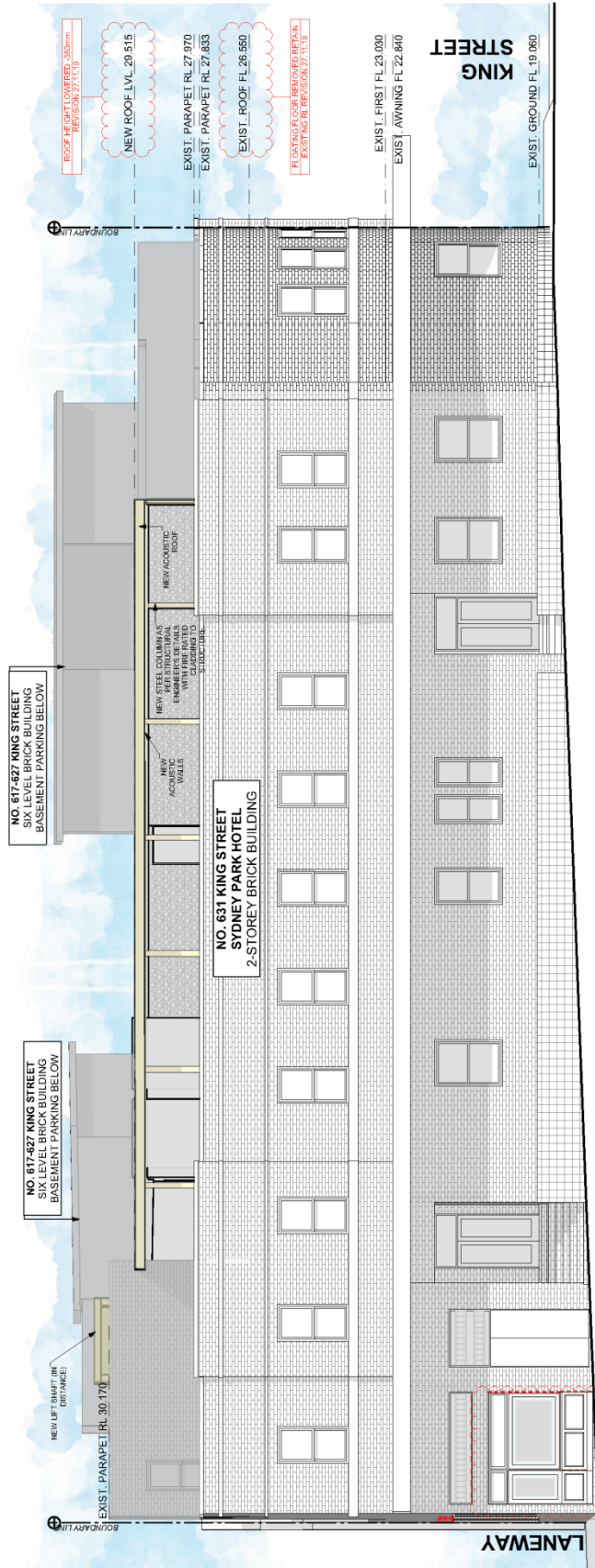
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Client:	Proposed: Roof Deck
Proposed:	Proposed: Roof Deck
Lot:	Lot 1 DP:956255
Address:	631 King Street
Location:	Newtown, NSW 2042
Job No:	TBC
Sheet Size:	A3
Sheet No. of:	5 of

Plot Date: Monday, December 16, 2019

Ray Reilly
LGA: Inner West Council
Date: 05.06.2018
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No. 5 of

6534-1.1R Rev D Appendix B



SOUTH ELEVATION (Lord Street)
1:100

1 -

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DEVELOPMENT APPLICATION

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

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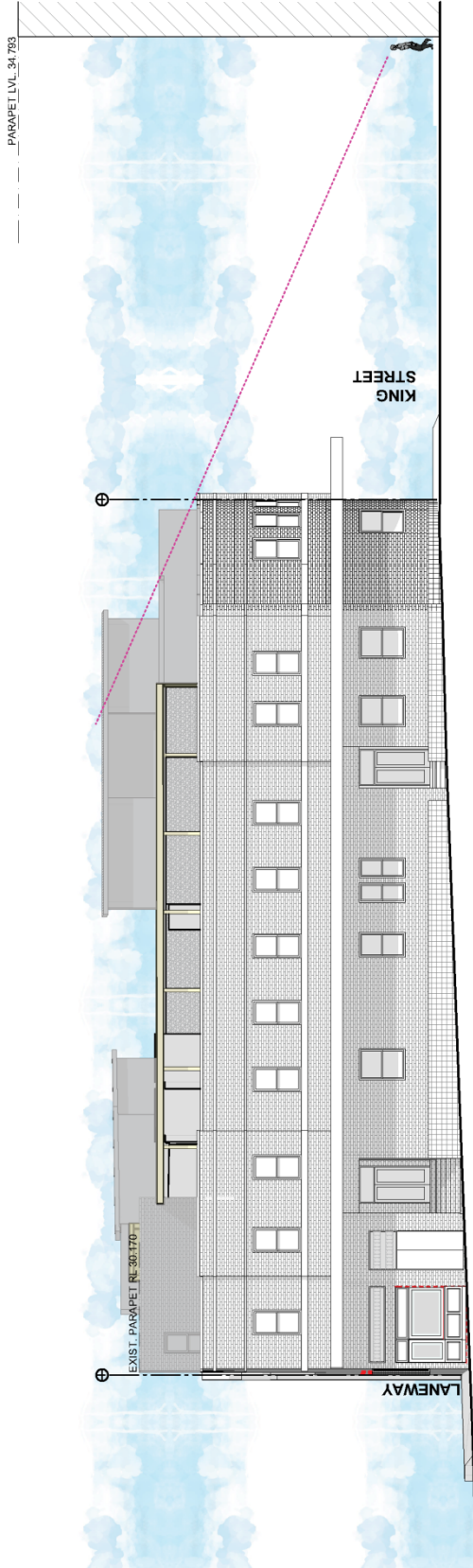
Rev	Date	Description
A	20.08.2018	Development Application
B	19.03.2018	DA - B62 Area & Site Based
C	27.11.2019	Final Amendment A1, B1, Location

Proposed: Proposed Roof Deck
Lot: 1 DP: 956255
631 King Street
Newtown, NSW 2042

Client:
Ray Reilly
LGA: Inner West Council
Date: 05.06.2018
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No: 6 of 6

Plot Date: Monday, December 16, 2019

6534-1.1R Rev D Appendix B



1 SOUTH ELEVATION (Lord Street) 1:150

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DEVELOPMENT APPLICATION

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

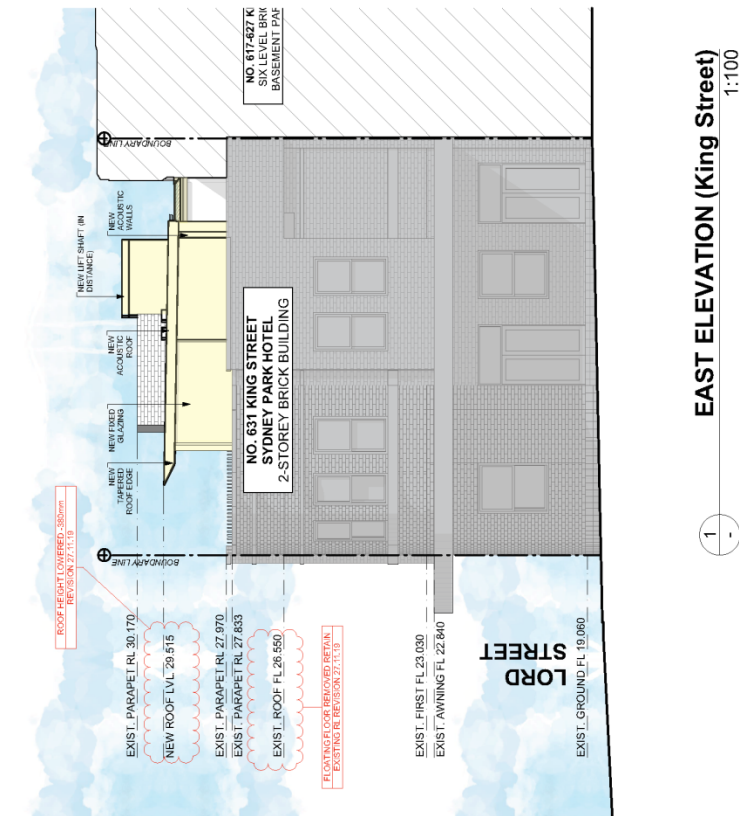
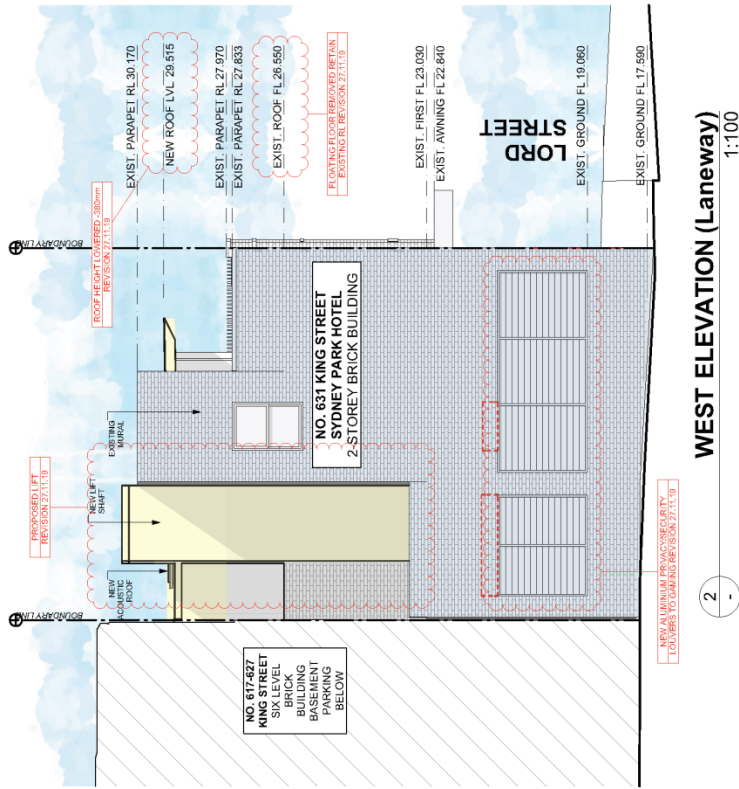
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Proposed: Proposed Roof Deck
Lot 1 DP:956255
631 King Street
Newtown, NSW 2042

Client: **Ray Reilly**
LGA: Inner West Council
Design: Proposed Roof Deck
Job No: TBC
Sheet Size: A3
Sheet No: 7 of 7

Plot Date: Monday, December 16, 2019

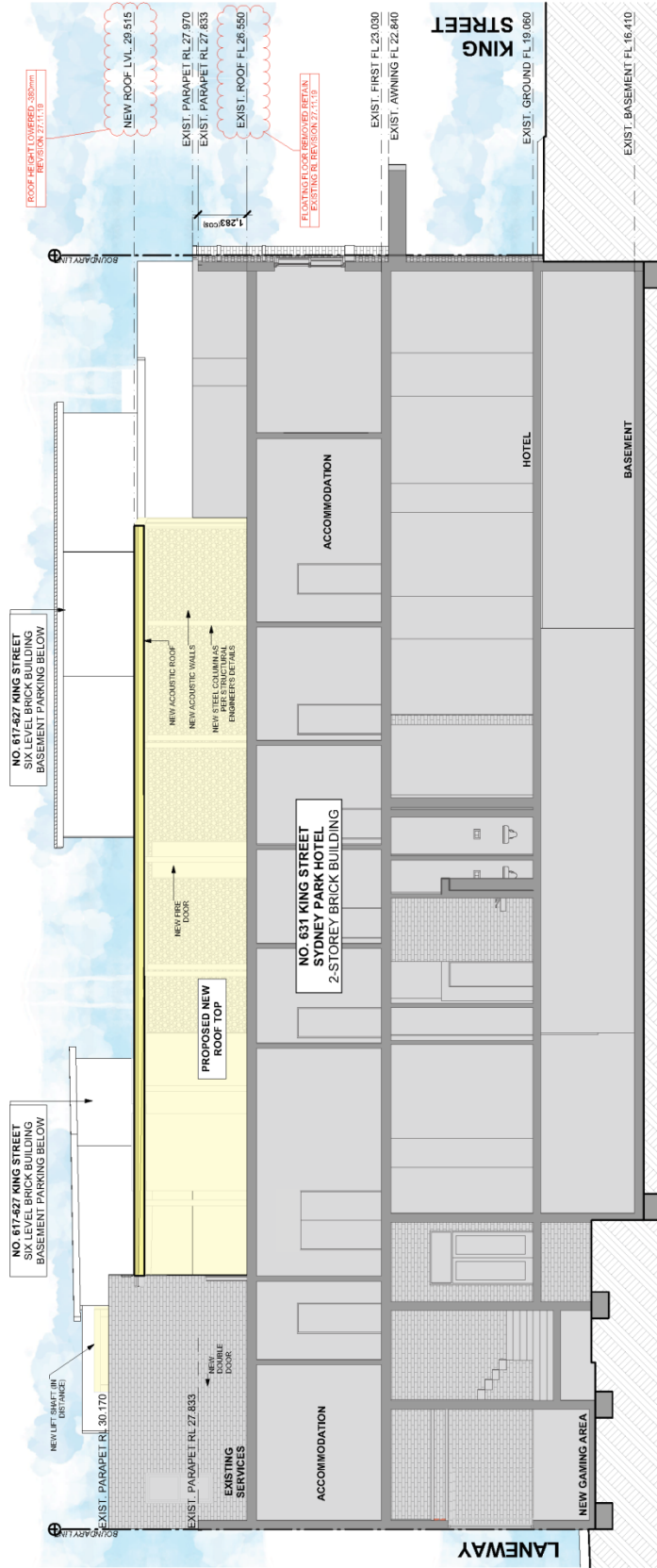
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<p>ELAINE RICHARDSON ARCHITECT 70 Buckingham Street, Surry Hills NSW 2010 t (0419) 261 231 e elaine@elainerichardson.com.au http://www.elainerichardson.com.au License No: 7520</p>		<p>DEVELOPMENT APPLICATION</p>		<p>Soil Classification: TBC</p> <p>Slab Classification: TBC</p> <p>Wind Speed Class: N2</p>	<p>Copyright © This plan is the property of Elaine Richardson Architect and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.</p>	<p>Client: Ray Reilly</p> <p>Proposed: Proposed Roof Deck Lot: 1 DP: 956255 631 King Street Newtown, NSW 2042</p>	<p>LGA: Inner West Council</p> <p>Date: 05.06.2018</p> <p>Design: Proposed Roof Deck</p> <p>Job No: TBC</p> <p>Sheet Size: A3</p> <p>Sheet No. of: 8</p>														
<p>Plot Date: Monday, December 16, 2019</p>		<p>Revisions:</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>16/12/2017</td> <td>Issue for Council</td> </tr> <tr> <td>B</td> <td>19/12/2017</td> <td>Issue for Council</td> </tr> <tr> <td>C</td> <td>27/12/2017</td> <td>Issue for Council</td> </tr> </tbody> </table>		Rev	Date	Description	A	16/12/2017	Issue for Council	B	19/12/2017	Issue for Council	C	27/12/2017	Issue for Council	<p>Scale: 1:100</p>		<p>Project: Proposed Roof Deck</p>		<p>Author: Elaine Richardson</p>	
Rev	Date	Description																			
A	16/12/2017	Issue for Council																			
B	19/12/2017	Issue for Council																			
C	27/12/2017	Issue for Council																			

6534-1.1R Rev D Appendix B

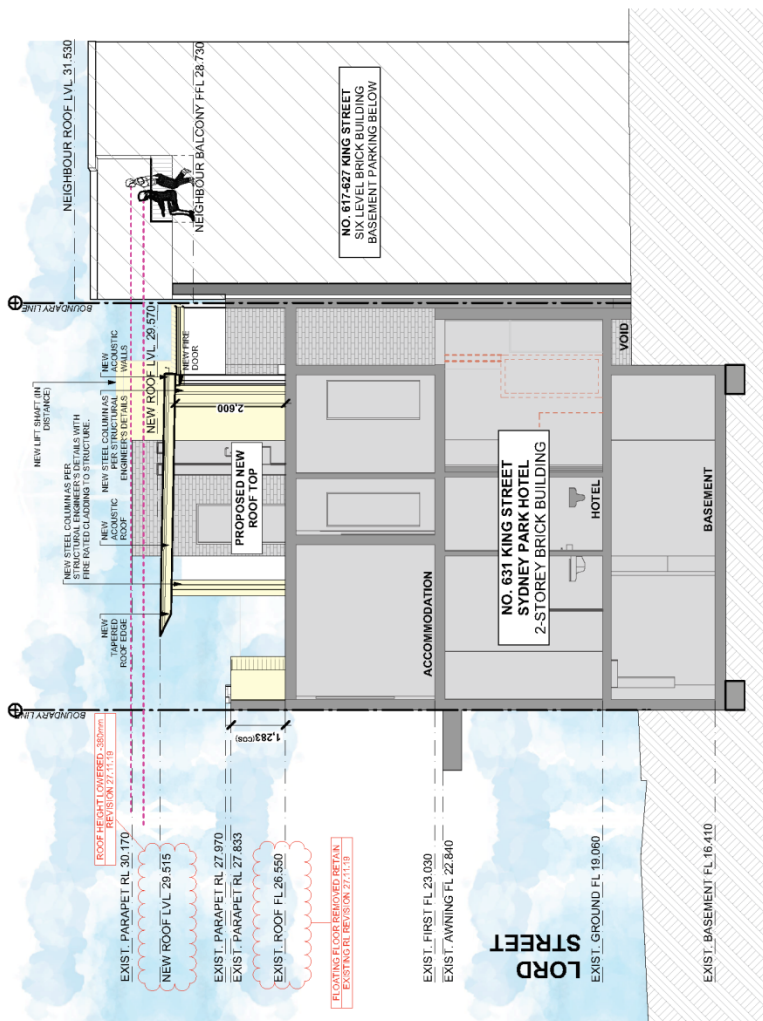


LONGITUDINAL SECTION
1:100

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<p>Proposed: Proposed Roof Deck</p>		<p>Lot: 1 DP:956255 631 King Street Newtown, NSW 2042</p>		<p>Design: Proposed Roof Deck</p>		<p>Job No: TBC</p>		<p>Sheet Size: A3</p>	
<p>Rev:</p>		<p>Date:</p>		<p>Amendment:</p>		<p>Sheet No.: 9 of</p>		<p>Sheet Size: A3</p>	

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CROSS SECTION 1:100

1 -

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DEVELOPMENT APPLICATION

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

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

Client: Ray Reilly
 LGA: Inner West Council
 Date: 05.06.2018
 Design: Proposed Roof Deck
 Job No: TBC
 Sheet Size: A3
 Sheet No: 10 of

Plot Date: Monday, December 16, 2019

GLOSSARY OF ACOUSTICAL TERMS

AC108

Sheet 1 of 4

ACOUSTICAL – Pertaining to the science of sound, including the generation, propagation, effects and control of both noise and vibration.

AMBIENT NOISE – The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including road traffic, factories, wind in the trees, birds, insects, animals, etc.

AUDIBLE – means that a sound can be heard. However, there are a wide range of audibility grades, varying from “barely audible” to “just audible”, “clearly audible” and “prominent”. Chapter 83 of the NSW Environment Protection Authority – Environmental Noise Control Manual (1985) states:

“noise from a particular source might be offensive if it is clearly audible, distinct from the prevailing background noise and of a volume or character that a reasonable person would be conscious of the intrusion and find it annoying or disruptive”.

It follows that the word “audible” in an environmental noise context means “clearly audible”.

BACKGROUND NOISE LEVEL – Silence does not exist in the natural or the built-environment, only varying degrees of noise. The Background Noise Level is the average minimum dBA level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by cicadas, lawnmowers, etc. It is quantified by the L_{A90} or the dBA noise level that is exceeded for 90 % of the measurement period (usually 15 minutes).

- **Assessment Background Level (ABL)** is the single figure background level representing each assessment period – day, evening and night (ie three assessment background levels are determined for each 24hr period of the monitoring period). Determination of the assessment background level is by calculating the tenth percentile (the lowest tenth percent value) of the background levels (L_{A90}) for each period (refer: NSW Industrial Noise Policy, 2000).
- **Rating Background Level (RBL)** as specified by the Environment Protection Authority is the overall single figure (L_{A90}) background noise level representing an assessment period (day, evening or night) over a monitoring period of (normally) three to seven days.

The RBL for an assessment period is the median of the daily lowest tenth percentile of L_{90} background noise levels.

If the measured background noise level is less than 30 dBA, then the Rating Background Level (RBL) is considered to be 30 dBA.

DECIBEL – The human ear has a vast sound-sensitivity range of over a thousand billion to one. The decibel is a logarithmic unit that allows this same range to be compressed into a somewhat more comprehensible range of 0 to 120 dB. The decibel is ten times the logarithm of the ratio of a sound level to a reference sound level. See also Sound Pressure Level and Sound Power Level.

Decibel noise levels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dBA, and another similar machine is placed beside it, the level will increase to 53 dBA, not 100 dBA. Ten similar machines placed side by side increase the sound level by 10 dBA, and one hundred machines increase the sound level by 20 dBA.

dBA – The human ear is less sensitive to low frequency sound than high frequency sound. We are most sensitive to high frequency sounds, such as a child’s scream. Sound level meters have an inbuilt weighting network, termed the dBA scale, that approximates the human loudness response at quiet sound levels (roughly approximates the 40 phon equal loudness contour).



GLOSSARY OF ACOUSTICAL TERMS

AC108

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However, the dBA sound level provides a poor indication of loudness for sounds that are dominated by low frequency components (below 250 Hz). If the difference between the "C" weighted and the "A" weighted sound level is 15 dB or more, then the NSW Industrial Noise Policy recommends a 5 dBA penalty be applied to the measured dBA level.

dBC – The dBC scale of a sound level meter is similar to the dBA scale defined above, except that at high sound intensity levels, the human ear frequency response is more linear. The dBC scale approximates the 100 phon equal loudness contour.

EQUIVALENT CONTINUOUS NOISE LEVEL, L_{Aeq} – Many noises, such as road traffic or construction noise, vary continually in level over a period of time. More sophisticated sound level meters have an integrating electronic device inbuilt, which average the A weighted sound pressure levels over a period of time and then display the energy average or L_{Aeq} sound level. Because the decibel scale is a logarithmic ratio the higher noise levels have far more sound energy, and therefore the L_{Aeq} level tends to indicate an average which is strongly influenced by short term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closely to the L_{Aeq} noise level.

FREE FIELD – This is a sound field not subject to significant reflection of acoustical energy. A free field over a reflecting plane is usually outdoors with the noise source resting on hard flat ground, and not closer than 6 metres to any large flat object such as a fence or wall; or inside an anechoic chamber.

FREQUENCY – The number of oscillations or cycles of a wave motion per unit time, the SI unit being the Hertz, or one cycle per second.

IMPACT ISOLATION CLASS (IIC) – The American Society for Testing and Materials (ASTM) has specified that the IIC of a floor/ceiling system shall be determined by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The IIC is a number found by fitting a reference curve to the measured octave band levels and then deducting the sound pressure level at 500 Hz from 110 decibels. Thus the higher the IIC, the better the impact sound isolation.

IMPACT SOUND INSULATION ($L_{nT,w}$) – Australian Standard AS ISO 717.2 – 2004 has specified that the Impact Sound Insulation of a floor/ceiling system be quantified by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The Weighted Standardised Impact Sound Pressure Level ($L_{nT,w}$) is the sound pressure level at 500 Hz for a reference curve fitted to the measured octave band levels. Thus the lower $L_{nT,w}$ the better the impact sound insulation.

IMPULSE NOISE – An impulse noise is typified by a sudden rise time and a rapid sound decay, such as a hammer blow, rifle shot or balloon burst.

INTRUSIVE NOISE LEVEL, L_{Aeq} – The level of noise from a factory, place of entertainment, etc. in NSW is assessed on the basis of the average maximum noise level, or the L_{Aeq} (15 min). This is the energy average A weighted noise level measured over any 15 minute period.

LOUDNESS – The degree to which a sound is audible to a listener is termed the loudness. The human ear perceives a 10 dBA noise level increase as a doubling of loudness and a 20 dBA noise increase as a quadrupling of the loudness.



GLOSSARY OF ACOUSTICAL TERMS

AC108

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MAXIMUM NOISE LEVEL, L_{Amax} – The rms maximum sound pressure level measured on the "A" scale of a sound level meter during a noise survey is the L_{Amax} noise level. It may be measured using either the Fast or Slow response time of the meter. This should be stated.

NOISE RATING NUMBERS – A set of empirically developed equal loudness curves has been adopted as Australian Standard AS1469-1983. These curves allow the loudness of a noise to be described with a single NR number. The Noise Rating number is that curve which touches the highest level on the measured spectrum of the subject noise. For broadband noise such as fans and engines, the NR number often equals the dBA level minus five.

NOISE – Noise is unwanted sound. Sound is wave motion within matter, be it gaseous, liquid or solid. "Noise includes sound and vibration".

NOISE REDUCTION COEFFICIENT – See: "Sound Absorption Coefficient".

OFFENSIVE NOISE - (Reference: Dictionary of the Protection of the Environment Operations Act 1997). "Offensive Noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

PINK NOISE – Pink noise is a broadband noise with an equal amount of energy in each octave or third octave band width. Because of this, Pink Noise has more energy at the lower frequencies than White Noise and is used widely for Sound Transmission Loss testing.

REVERBERATION TIME, T_{60} – The time in seconds, after a sound signal has ceased, for the sound level inside a room to decay by 60 dB. The first 5 dB decay is often ignored, because of fluctuations that occur while reverberant sound conditions are being established in the room. The decay time for the next 30 dB is measured and the result doubled to determine the T_{60} . The Early Decay Time (EDT) is the slope of the decay curve in the first 10 dB normalised to 60 dB.

SOUND ABSORPTION COEFFICIENT, α – α Sound is absorbed in porous materials by the viscous conversion of sound energy to heat energy as the sound waves pass through it. Sound is similarly absorbed by the flexural bending of internally damped panels. The fraction of incident energy that is absorbed is termed the Sound Absorption Coefficient, α . An absorption coefficient of 0.9 indicates that 90 % of the incident sound energy is absorbed. The average α from 250 to 2000 Hz is termed the Noise Reduction Coefficient (NRC).

SOUND ATTENUATION – If an enclosure is placed around a machine, or a silencer is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 30 dBA, reduces the sound energy by one thousand times.

SOUND EXPOSURE LEVEL (SEL) – The total sound energy of a single noise event condensed into a one second duration or in other words it is an L_{eq} (1 sec).



GLOSSARY OF ACOUSTICAL TERMS

AC108

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SOUND PRESSURE LEVEL, L_p – The level of sound measured on a sound level meter and expressed in decibels, dB, dBA, dBC, etc. $L_p = 20 \times \log (P/P_0) \dots \text{dB}$

where P is the rms sound pressure in Pascal and P_0 is a reference sound pressure of 20 μPa .
 L_p varies with distance from a noise source.

SOUND POWER LEVEL, L_w – The Sound Power Level of a noise source is an absolute that does not vary with distance or with a different acoustic environment.

$L_w = L_p + 10 \log A \dots \text{dB, re: } 1\text{pW}$,

where A is the measurement noise-emission area in square metres in a free field.

SOUND TRANSMISSION CLASS (STC) – An internationally standardised method of rating the sound transmission loss of partition walls to indicate the decibels of noise reduction of a human voice from one side to the other. (Refer: Australian Standard AS1276 – 1979)

SOUND TRANSMISSION LOSS – The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

STATISTICAL EXCEEDENCE SOUND LEVELS, L_{A90} , L_{A10} , L_{A1} , etc – Noise which varies in level over a specific period of time (usually 15 minutes) may be quantified in terms of various statistical descriptors:

The L_{A90} is the dBA level exceeded for 90 % of the time. In NSW the L_{A90} is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

The L_{A10} is the dBA level that is exceeded for 10 % of the time. In NSW the L_{A10} measured over a period of 10 to 15 minutes. It was until recently used to describe the average maximum noise level, but has largely been replaced by the L_{Aeq} for describing level-varying noise.

The L_{A1} is the dBA level that is exceeded for 1 % of the time. In NSW the L_{A1} may be used for describing short-term noise levels such as could cause sleep arousal during the night.

STEADY NOISE – Noise, which varies in level by 6 dBA or less, over the period of interest with the time-weighting set to “Fast”, is considered to be “steady”. (Refer AS 1055.1 1997)

WEIGHTED SOUND REDUCTION INDEX, R_w – This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 to 3,150 Hertz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999).

Internal partition wall $R_w + C$ ratings are frequency weighted to simulate insulation from human voice noise. The $R_w + C$ is always similar in value to the STC rating value. External walls, doors and windows may be $R_w + C_{tr}$ rated to simulate insulation from road traffic noise. This is normally a lower number than the STC rating value.

WHITE NOISE – White noise is broadband random noise whose spectral density is constant across its entire frequency range. The sound power is the same for equal bandwidths from low to high frequencies. Because the higher frequency octave bands cover a wider spectrum, white noise has more energy at the higher frequencies and sounds like a hiss.



NSW NOISE POLICY FOR INDUSTRY
MODIFYING FACTOR CORRECTIONS

AC500-10

Table C.1 Modifying factor corrections
(See definitions in Section C2)

Factor	Assessment/Measurement	When to apply	Correction ¹	Comments
Tonal noise	One-third octave band analysis using the objective method for assessing the audibility of tones in noise – simplified method (ISO1996.2-2007 – Annex D).	Level of one-third octave band exceeds the level of the adjacent bands on both sides by: <ul style="list-style-type: none"> • 5 dB or more if the centre frequency of the band containing the tone is in the range 500–10,000 Hz • 8 dB or more if the centre frequency of the band containing the tone is in the range 160–400 Hz • 15 dB or more if the centre frequency of the band containing the tone is in the range 25–125 Hz. 	5 dB ^{2,3}	Third octave measurements should be undertaken using unweighted or Z-weighted measurements. Note: Narrow-band analysis using the reference method in ISO1996-2:2007, Annex C may be required by the consent/regulatory authority where it appears that a tone is not being adequately identified, e.g. where it appears that the tonal energy is at or close to the third octave band limits of contiguous bands.
Low frequency noise	Measurement of source contribution C-weighted and A-weighted level and one-third octave measurements in the range 10–160 Hz	Measure/assess source contribution C- and A-weighted Leq,T levels over same time period. Correction to be applied where the C minus A level is 15 dB or more and: <ul style="list-style-type: none"> • where any of the one-third octave noise levels in Table C2 are exceeded by up to and including 5 dB and cannot be mitigated, a 2 dB(A) positive adjustment to measured/predicted A-weighted levels applies for the evening/night period • where any of the one-third octave noise levels in Table C2 are exceeded by more than 5 dB and cannot be mitigated, a 5-dB(A) positive adjustment to measured/predicted A-weighted levels applies for the evening/night period and a 2dB(A) positive adjustment applies for the daytime period. 	2 or 5 dB ²	A difference of 15 dB or more between C- and A-weighted measurements identifies the potential for an unbalance spectrum and potential increased annoyance. The values in Table C2 are derived from Moorhouse (2011) for DEFRA fluctuating low-frequency noise criteria with corrections to reflect external assessment locations.



NSW NOISE POLICY FOR INDUSTRY MODIFYING FACTOR CORRECTIONS

AC500-10

Table C.1 Modifying factor corrections – continued

Factor	Assessment/ Measurement	When to apply	Correction ¹	Comments
Intermittent noise	Subjectively assessed but should be assisted with measurement to gauge the extent of change in noise level.	The source noise heard at the receiver varies by more than 5 dB(A) and the intermittent nature of the noise is clearly audible.	5 dB	Adjustment to be applied for night-time only
Duration	Single-event noise duration may range from 1.5 min to 2.5 h.	One event in any assessment period.	0 to 20 dB(A)	The project noise trigger level may be increased by an adjustment depending on duration of noise (see Table C3).
Maximum Adjustment	Refer to individual modifying factors.	Where two or more modifying factors are indicated.	Maximum correction of 10 dB(A) ² (excluding duration correction).	

Notes:

1. Corrections to be added to the measured or predicted levels, except in the case of duration where the adjustment is to be made to the criterion.
2. Where a source emits tonal and low-frequency noise, only one 5-dB correction should be applied if the tone is in the low-frequency range, that is, at or below 160 Hz.
3. Where narrow-band analysis using the reference method is required, as outlined in column 5, the correction will be determined by the ISO1996-2:2007 standard.

NSW Noise Policy for Industry, EPA, October 2017



Attachment F – Plan of Management



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PLAN OF MANAGEMENT
FOR THE OPERATION OF
ROOF TOP

"SYDNEY PARK HOTEL"
SITUATED AT
631 KING STREET NEWTOWN

SPH

SYDNEY PARK HOTEL

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Roof Top

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

Objectives

The objective of this Plan of Management is to establish performance criteria for the various aspects of the operations of the venue.

- Operations details
- Hours of operation
- Staffing
- Music or Entertainment to be provided
- Guidelines for staff using the premises
- Deliveries and loading/unloading
- Managing customers or patrons, including access to & from the premises
- Security Details
- Complaint recording and handling process
- POM review process

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

Roof Top Operational Details

Plan of Management
"Sydney Park Hotel"
631 King St, Newtown 2

May 2019
130272.2P

SYDNEY PARK HOTEL

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- The rooftop will be used as additional space, ancillary to our small ground floor hotel. The rooftop will be used in conjunction with all the controls laid out in the associated reports provided for the rooftop.
- Music will be background only and in accordance with the acoustic report.
- The only piece of equipment will be a small ice machine. The purpose of this is to have ice accessible for customers.
- There will be a wash up area that staff will use to wash glasses and for plate collection.
- At 30mins to closing all customers will be given a verbal warning that the rooftop will be closing in 30mins.
- At 15mins to closing all customers will be again given a verbal warning that rooftop will be closing in 15mins.
- At 5mins to closing the rooftop will start to be cleared of customers.
- Customers will be directed to downstairs.
- Customers will disperse from there.
- All rubbish will be removed to our bins in the basement daily.
- When closed, staff will do a quick sweep of the rooftop and wash down of the tables, this will take no longer than 30mins.
- The rooftop will be all shut down with lights off 30 mins after close.
- No one will be allowed to enter the rooftop from 9.30pm.

Use of this Plan

- a) All staff involved with the sale and supply of liquor or security shall be made familiar with this Plan.
- b) The Hotel shall be operated in accordance with the provisions of this Plan.

SYDNEY PARK HOTEL

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Hours of Operation

The maximum hours of trade of the Hotel on ROOF TOP

- From 10am to 6pm, Monday to Wednesday
- From 10am to 10pm Thursday to Saturday
- From midday to 9pm Sunday & Public Holidays

The maximum hours of trade of the Hotel on ground level

- From 5am to 12am (midnight), Mondays to Saturdays
- From 10am to 10pm, Sundays and public holidays

Music & Entertainment

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

Guidelines for Staff

All staff undergo an induction process to understand the venue, equipment, surrounds and expectations. Staffing on SPH roof top will include Management and front of house staff.

Within the team someone will hold a current Food Safety Supervisor certificate.

Any staff serving alcohol will hold a current RSA.

Staffing levels will vary depending on the day and time from 1-2 staff on the roof top generally.

All staff to be trained on how to use the equipment in the venue appropriately.

SYDNEY PARK HOTEL

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Deliveries

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

Most deliveries are received on Wednesday before 5pm.

Managing Patrons

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

During the day the rooftop will be patrolled by hotel management and staff. CCTV will also be installed. A CCTV monitor will be installed in the bar on ground level so staff and keep an eye on things.

From 6pm to close on the nights that is opened we will have a staff member on the rooftop looking after the space. They will direct people, clean tables, deliver food and keep everyone in check and under control.

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

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

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

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

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

Main entries to the premises are via King street and Lord street, it is normal operation that these doors will be open during opening hours to allow patrons easy access to the venue. The rear

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door is open during normal operating times and patrons can enter and exit the premises until 11pm to better help management control noise and people within the venue and its surrounds.

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

Security

The rooftop when open will be staffed from 6pm to close with the addition of 1 security guard on Friday and Saturday nights from 7pm to midnight. During the day the rooftop will be patrolled by hotel staff and will also have CCTV installed for additional monitoring. A CCTV monitor will be installed in the downstairs bar.

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

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

Prevent any person, suspected as being intoxicated, entering the Hotel and bring to notice of the licensee or manager on duty, any person on the premises who might be approaching intoxication;
- v) Assist patrons in accessing safe transportation from the Hotel;

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- vi) Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel;
 - vii) Assist in removing patrons from the Hotel where that is necessary. Patrons are to be asked to leave only at the direction of management. Forced removal from the Hotel must only occur at the direction of management and only with the use of reasonable force. Immediate hands on action may be used in self-defense or in the defense of another person;
 - viii) At the end of each shift, bring any incidents that have occurred, and the actions taken to the attention of the licensee or manager on duty who shall record the details of any relevant incidents in the Incident Register kept by the Hotel;
 - ix) Collect any rubbish in the vicinity of the Hotel that may be associated with it.
 - x) All exit doors will have steel bars placed across them as soon as the last patron leaves the premise for added security.
7. The licensee shall maintain an Incident Register and shall record in it, in addition to the matters noted in the clause above, other matters including: -
- a) Any complaints made directly to the Hotel by local residents or business people about its operation or the behaviors of its patrons; and
 - b) Any visits by any law enforcement or like personnel noting their agencies, departments, badge numbers, reasons for the visits and results of the visits.
8. The Licensee shall make the Incident Register available to the Police and Council at all reasonable times and within seven days of receipt of a written request from either to do so.

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Behaviour of Patrons and RSA

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

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

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

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

- iii) The licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons on the premises. Any person causing such a disturbance shall be refused service and asked to leave the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period determined by the licensee;

- iv) No person under the age of 18 years shall be admitted to the Hotel unless in the company of a responsible adult. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:

- Photo driver's license;
- RTA Photo ID Card; or
- Current passport;

- v) Low alcohol beer and non-alcoholic beverages will be available at all times when full strength liquor is available. Water shall be available at no cost;

- vi) Light meals will be available on request whenever alcohol is available for consumption on the premises; and

- vii) The licensee shall take all reasonable measures to prevent the removal of opened containers of alcoholic beverages from the premises.

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Noise management

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

Management will take all reasonable measures to ensure that the behavior of guests and staff when leaving does not unduly, detrimentally affect the amenity of the area.

Music is to be played at appropriate levels to help create the ambiance of the venue.

The LA10 noise level emitted from the licensed premises must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and midnight at the boundary of any affected residence.

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

The licensee will ensure that:

Noise from the Rooftop will not exceed the specific requirements in the acoustic report.

Complaint Recording & Handling

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

Waste Management

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

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

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

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

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

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

Roof Top Integration with the Hotel

As discussed in the operations section, the roof top is an extension of the existing ground floor hotel and all of its operations, staff will work between floors, patrons will move between floors and food and drink will be allowed to be taken to the roof top if ordered on the ground floor.

POM Review Process

Management will review the POM annually in January to ensure that the business is operating in the best manner. If management feels there needs to be an update of the plan it will be discussed with Inner West Council.

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Plan of Management
"Sydney Park Hotel"
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May 2019
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