





# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201900405
<b>Address</b>	161 Princes Highway, St Peters
<b>Proposal</b>	To carry out alterations and additions to an existing hotel (The Whitehorse Hotel), new signage and live music venue.
<b>Date of Lodgement</b>	27 November 2019
<b>Applicant</b>	Matt Rule
<b>Owner</b>	BCM Holdings Pty Ltd
<b>Number of Submissions</b>	40 (including 3 petitions)
<b>Value of works</b>	\$235,000
<b>Reason for determination at Planning Panel</b>	Number of submissions >10
<b>Main Issues</b>	Acoustic impacts & management of operations
<b>Recommendation</b>	Approval with conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Acoustic Report
<b>Attachment D</b>	Plan of Management
<b>Attachment E</b>	Heritage Impact Statement



### LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

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

## 1. Executive Summary

This report is an assessment of the application submitted to Council to carry out alterations and additions to an existing hotel (The Whitehorse Hotel), new signage and live music venue at 161 Princes Highway, St Peters.

The application was notified to surrounding properties on two separate occasions and a total of 40 submissions (including 3 petitions) were received by Council.

The main issues that have arisen from the application include:

- Acoustic impacts; and;
- Management of the proposed live music and food truck operations.

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 potential impacts to the surrounding environment have been considered as part of the assessment process. Impacts from the development are considered acceptable or can be effectively controlled by conditions of consent, given the historical use of the site, the surrounding context and the desired future character of the precinct.

Trial period conditions are recommended for the live music and food truck components of the proposal, to allow for performance monitoring and to ensure any adverse impacts are not ongoing. Overall, the application is recommended for approval, subject to conditions.

## 2. Proposal

The proposal seeks consent for alterations and additions to an existing hotel (The Whitehorse Hotel), including new signage. It also seeks consent to operate as a live music venue and host a food truck.

Specifically, details of the proposal are as follows:

### Works

- Minor demolition works to facilitate the proposed alterations and additions;
- Retention of the existing kitchen, lobby, main room, original building features and stair well providing access to the first floor;
- Internal alterations to create an expanded main room, additional amenities and 2 new bars;
- Construction of a minor addition on the ground floor to the south-western side of the original building to create an expanded main room;
- Construction of a rear addition on the ground floor to create an internal and external seating areas serviced by sliding doors;
- Provision of a servery window servicing the existing rear parking/loading area;
- Various works relating to acoustic impact mitigation, including treatments to existing windows and door openings;
- Various works to improve accessibility within the premises and to provide emergency and general exit points;
- Alterations to existing rear outbuilding to provide amenities including accessible and ambulant facilities. The outbuilding will also be linked to the proposed rear addition on the ground floor;



- Provision of a sole public entry/exit point to the premises directly from the Princes Highway. The entry point is to be serviced by a new gate;
- Reinstatement of parking spaces and provision of bicycle parking at the rear of the premises;
- Provision of a new bin storage area at the rear of the premises, which is to be serviced by screening and a sliding door;
- Provision of a closed circuit television system (CCTV);
- Refurbishment works to the façade including paint removal from original tiles, painting and awning repairs.

#### Use/hours of operation

- Retention of the existing first floor use as hotel accommodation (9 rooms in total). The existing and separate access to the hotel accommodation from Victoria Street is proposed to be upgraded to be accessed via a security card only;
- Live music is proposed within the main room of the premises, predominately on Thursday, Friday and Saturday nights from 8:00PM to 11:45PM;
- Operation of a food truck in the rear parking area from 5:00PM to 10:00PM (Monday to Sunday) and 12:00PM to 3:00PM (Saturday & Sunday). Food is to be ordered and served via the new servery window and consumed within the premises. No public access to the rear parking area to order or receive food from the food truck will be permitted; and
- The proposed hours of operation for the hotel generally are 10:00AM to 12:00AM (Monday to Saturday) & 12:00PM to 10:00PM (Sunday).

*Note:* The ground floor of the premises is currently vacant and is not operating at this time. This first floor is currently being used as hotel accommodation.

#### Staff/patron numbers:

- Staff capacity will be 3-10 per night (subject to the level of trade);
- The premises is restricted to a maximum of 400 patrons; and
- Security guards are proposed to be employed every Friday and Saturday nights at a ratio of 1 to 100 patrons. Security guards will also be employed during live music performances when ticket sales exceed 100 persons.

#### Signage

- Reinstatement of signage niches on the ground floor of the façade;
- A business name sign is on the awning face;
- 2 x under awning signs are;
- 1 x recessed illuminated sign adjacent to Princes Highway public entry;
- Retention of an existing illuminated sign on the first floor of the building's southern elevation; and
- Provision of new internal and external wayfinding signs, including signs directing patrons to the new public entry point accessed from the Princes Highway.

#### Liquor License

- The proposal seeks to rely upon an existing liquor license, namely License no. LIQH400106548.

### **3. Site Description**

The subject site is located on the corner of the Princes Highway and Victoria Street, St Peters. The site consists one allotment, which is generally regular in shape with a total area of 562.7sqm. The site is legally described as Lot 1 / DP955053.

The site has a frontage to Princes Highway of approximately 19.5m and a secondary frontage to Victoria Street of approximately 28.6m. The site currently supports a 2 storey building, an adjoining 1 storey structure, a detached single storey brick outbuilding and a large awning. The site is serviced at its rear by a hardstand area and is bounded by a driveway/lane.

The site has been used historically for the purposes of a pub/hotel since the 1860's. The site is listed as a local heritage item under the *Marrickville Local Environmental Plan 2011* (MLEP 2011); namely item no. I370 'Whitehorse Hotel'. The main building on the site was constructed in 1929, in a 'Free Classical' architectural style. The building has been considerably modified internally and externally since its construction.

The surrounding context is a mix of land uses and building types. Principally, development directly to the south, south—east and east of the site along the Princes Highway is business or industrial in nature. Development directly north and further west of the subject, including on the opposite of Victoria Street, is generally residential, varying in density. This includes a mixed-use development located directly opposite the site on the corner of Victoria Street and the Princes Highway and low-density dwellings located at the rear of the site.

## 4. Background

### 4(a) Site history

The following table outlines the relevant development history of the subject site:

Application	Proposal	Decision & Date
Determination No. 15186	To extend the existing hotel trading hours to 10.00am to 12.00 midnight Mondays to Saturdays and 12.00 noon to 10.00pm on Sundays and Public Holidays.	Approved on 19 January 2000
DA200000360	To carry out alterations and additions to the White Horse hotel to provide a gaming room to the ground floor and two additional bedrooms on the first floor.	Approved on 17 August 2000
DA200400145	To carry out alterations to the hotel including changes to the windows and doors facing Princes Highway and Victoria Street and relocate main bar.	Approved on 24 September 2004

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
27 November 2019	Application lodged.
20 December to 14 January 2020	Application notified
10 March 2020	Request for information (RFI) request issued to the applicant requesting the following additional information or amendments: <ul style="list-style-type: none"> <li>a) Provision of existing floor plans;</li> <li>b) Provision of a separate demolition plan;</li> <li>c) Further details on the proposed and existing signage;</li> <li>d) Provision of a separate materials and finishes schedule;</li> <li>e) Reinstatement or refurbishment of original building fabric/features;</li> <li>f) Provision of details regarding acoustic treatment, including materials and fixing methods;</li> </ul>

	<p>g) Retention of the existing kitchen;</p> <p>h) Provision of a revised acoustic report including further information with respect to potential impacts from the live music and food truck components;</p> <p>i) Provision of revised architectural plans including further information regarding stage locations, air lock measures and public access restriction to the rear of the premises;</p> <p>j) Provision of a revised Plan of Management (POM) including details regarding days/hours of live music, management of food truck service and hotel component, information regarding patron numbers and staffing details and assigning responsibility for operational details outlined in the acoustic report;</p> <p>k) Clarification on the proposed hours of operation;</p> <p>l) Provision of revised architectural plans including a dedicated waste storage area and separate bulky item storage area;</p> <p>m) Provision of a revised Statement of Environmental Effects (SEE) including details of mechanical exhaust and trade waste from the food truck;</p> <p>n) Reinstatement of car parking spaces and dedicated loading area to be demonstrated on architectural plans;</p> <p>o) Provision of revised gross floor area (GFA) plans confirming compliance with the site's floor space ratio (FSR) development standard under the MLEP 2011; and</p> <p>p) Provision of a response to the submissions received during the public notification of the proposal.</p>
1 May 2020	The applicant submitted amended plans and additional information to address the above concerns raised by Council on 10 March 2020.
8 May to 28 May 2020	Revised application notified.
28 May 2020	<p>Further information was requested from the applicant as follows:</p> <ul style="list-style-type: none"> <li>• Provision of a separate plan demonstrating the food truck's positioning relative to the servery window; and</li> <li>• Provision of a revised POM that including further details regarding the management of the food truck operation.</li> </ul>
11 June 2020	<p>Additional information submitted.</p> <p>The above and earlier supplied package forms the basis for the current development application and assessment below. It generally addresses the concerns previously raised by Council, except for some remaining matters that are discussed throughout this report and addressed via recommended consent condition.</p>

## 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 No. 55—Remediation of Land*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage*; and
- *State Environmental Planning Policy (Infrastructure) 2007*.

The following provides further discussion of the relevant issues:

#### **5(a)(i) State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities, which could have potentially contaminated the site. Further, the proposal includes primarily internal and external alterations to the existing building and no earthworks are proposed.

In light of the above, it is considered that the site will not require remediation in accordance with SEPP 55.

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

The following is an assessment of the proposed development under the relevant controls contained in *SEPP 64*.

The application seeks consent for the erection of or modification to the following signage:

- 1 x awning face sign measuring approximately 25.1m (width) by 560mm (height) fronting Princes Highway and Victoria Street reading “THE MUSIC AND BOOZE COMPANY”;
- 1 x recessed illuminated sign adjacent to the public entry measuring approximately 2m (width) by 1.5m (height) fronting the Princes Highway. The sign is proposed to provide details regarding the live music performances;
- 2 x new under awning signs. Further details regarding the content, size and materiality/ colours for these signs were not provided;
- Reinstatement of 6 x existing signage niches on ground floor of the façade. Further details regarding the content, size and materiality/ colours for these signs were not provided; and
- Retention of and amendments to 1 x existing illuminated sign on the first floor of the building’s southern elevation. Further details regarding the content, size and materiality/ colours for this sign were not provided.

As insufficient information was submitted for the above-mentioned awning signs and signage niches, a condition of consent has been included in the recommendation requiring this information to be submitted to Council prior to the issue of a Construction Certificate (CC). This is to confirm the suitability with respect to the provisions of SEPP 64 and the MDCP 2011 signage provisions.

Amendments to or the retention of the existing sign on the first floor of the southern elevation is not supported from a heritage conservation perspective. It is considered its size, location and extent detracts from views to and the significance of the item. In addition, Council’s records indicate that the sign may be unauthorised. As a result, it is recommended this sign is removed prior to the issue of a CC.

*SEPP 64* specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of *SEPP 64* specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and

building, illumination and safety. An assessment of the proposed signage against the aforementioned provisions is provided within the table below:

Criteria	Assessment	Compliance
<b>1 Character of the area</b>		
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The proposed signage is consistent with nearby signs in the surrounding B6 Zone.	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed signage is consistent in terms of its size, scale, materiality and colours with nearby signs servicing businesses on the Princes Highway.	Yes
<b>2 Special areas</b>		
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The proposed signage will not detract from the visual quality of the surrounds.	Yes
<b>3 Views and vistas</b>		
<i>Does the proposal obscure or compromise important views?</i>	The proposed signs are flush with either the existing building or awning and will therefore not compromise important views.	Yes
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	The proposed signs will dominate the skyline or reduce the quality of vistas given their positioning and locations.	Yes
<i>Does the proposal respect the viewing rights of other advertisers?</i>	The proposed signs respect the viewing rights of other advertisers within the vicinity.	Yes
<b>4 Streetscape, setting or landscape</b>		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The scale, proportion and form of the signs are considered appropriate relative to the site's location within a business zone and on a classified road.	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The signs will contribute to the visual interest of the streetscape.	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	The proposed signs do not relate to existing signage.	N/A
<i>Does the proposal screen unsightliness?</i>	The proposed signs do not screen unsightliness.	N/A
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposed signs are flush with the building or are attached to the awning.	Yes
<i>Does the proposal require ongoing vegetation management?</i>	Vegetation has not been incorporated into the proposed signage scheme.	N/A
<b>5 Site and building</b>		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposed signs are compatible with the scale, proportion and heritage characteristics of the building, given their materiality, font and colours.	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	The proposed signs are to be located on elements of the building that historically	Yes



	would have accommodated signage of some form.	
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The proposed signage is restrained to allow for a sympathetic relationship with the building.	N/A
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	These elements do not form part of the design of the proposed signs.	N/A
<b>7 Illumination</b>		
<i>Would illumination result in unacceptable glare?</i>	Subject to condition, the illumination of the sign adjacent to the entry will not result in unacceptable glare.	Yes, subject to condition
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	Given the location of the illuminated sign, which is underneath an existing awning and setback from the Road, it is considered the illumination will not affect aircraft, vehicle or pedestrian safety.	Yes
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	The proposed sign will not face residences.	N/A
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Subject to condition, the proposed illumination will be made adjustable.	Yes, subject to condition
<i>Is the illumination subject to a curfew?</i>	Given the location of the sign, a curfew is not considered necessary.	N/A
<b>8 Safety</b>		
<i>Would the proposal reduce the safety for any public road?</i>	As discussed above, given the location of the signs, which are flush with the building or the awning face and illumination will be controlled if necessary, it is considered the proposed signs will not materially reduce public safety.	Yes
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	Refer to comment above.	Yes
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	Refer to comment above.	Yes

Based on the above assessment, the proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

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

#### Development with frontage to classified road (Clause 101)

The site has a frontage to the Princes Highway, a classified road. Under Clause 101(2) of *SEPP Infrastructure 2007*, 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 existing vehicle access point for the proposal is to be retained and is from the site's secondary frontage on Victoria Street. In addition, no new vehicular crossings are proposed on the Princes Highway.

In light of the above, the application is considered acceptable with regard to the relevant matters under Clause 101 of the *SEPP Infrastructure 2007*.

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

The site is zoned B6 Enterprise Corridor. The application proposes a **pub** with ancillary live music and food truck components. Pubs are permissible with consent in the B6 Enterprise Corridor zone. Under the Marrickville LEP:

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.** Pubs are a type of **food and drink premises**

The proposal is consistent with the relevant objectives of the zone, as it will assist to promote business along the Princes Highway, encourage a mix of compatible uses and provide for employment for the surrounds.

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

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is consistent with the relevant aims of the plan as follows: <ul style="list-style-type: none"> <li>The design of the proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain; given the reinstatement of the building's original features, sympathetic alterations and the siting/scale of the additions.</li> </ul>	Yes
Clause 2.3 Zone objectives and Land Use Table  <i>B6 Enterprise Corridor</i>	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>The application proposes <b>a pub</b> with ancillary live music and food truck components. <b>Pubs</b> are permissible with consent in the B6 Enterprise Corridor zone; and</li> <li>The proposal is consistent with the relevant objectives of the zone, as it will assist to promote business along the Princes Highway, encourage a mix of compatible uses and provide for employment for the surrounds.</li> </ul>	Yes
Clause 2.7 Demolition requires development consent	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>Demolition works are proposed, which are permissible with consent; and</li> <li>Standard conditions are recommended to manage impacts that may arise during demolition.</li> </ul>	Yes, subject to conditions
Clause 4.3 Height of building (Not specified)	The maximum height of the site is restricted by Clause (Cl.) 6.6 Airspace operations of the MLEP 2011 (refer to discussion below).  The maximum height of the existing building remains unaltered by the proposal.  The proposed additions adopt of a maximum height of approximately 4.5m, which is significantly below the existing building's maximum height.	Refer to discussion under Cl. 6.6 discussion below.
Clause 4.4	The application proposes a compliant floor space ratio	Yes

Floor space ratio (max. 0.95: 1 (534.56m <sup>2</sup> ))	of 0.95:1 (533.3m <sup>2</sup> ).	
Clause 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the clause.	Yes
Clause 5.10 Heritage conservation	The proposal achieves the objectives of this clause as follows: <ul style="list-style-type: none"> <li>The application has been adequately designed to conserve the heritage significance of the heritage item and seeks to retain or refurbish its original features, subject to deletion of certain signage as discussed within this report; and,</li> <li>The application submitted a Heritage Impact Statement, which satisfactorily demonstrates that the proposal achieves the relevant controls and objectives.</li> </ul>	Yes, subject to conditions
Clause 6.6 Airspace operations	The proposal satisfies the relevant provisions of this clause as follows: <ul style="list-style-type: none"> <li>The height of the proposed additions will not penetrate the Limitation or Operations Surface for Kingsford Smith Airport, given their maximum height. As such, the application did not require referral to a Commonwealth body.</li> </ul>	Yes

### 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 IWLEP 2020 contains the following matters affecting the subject site being the following:

- Clause 1.2 Aims of the Plan;
- Zone B6 Enterprise Corridor;
- Clause 4.3 Height of buildings;
- Clause 4.4 Floor space ratio;
- Clause 5.10 Heritage Conservation;
- Clause 6.5 Stormwater management; and
- Clause 6.8 Airspace operations.

Upon assessment the proposal has been found satisfactory against the above-mentioned draft provisions, which are not yet at an advanced stage of imminence or certainty.

### 5(c) Development Control Plans

The application was assessed against the following relevant provisions under the Marrickville Development Control Plan 2011 (MDCP 2011):

Control	Proposed	Compliance
<i>Part 2 – Generic Provisions</i>		
Part 2.3 – Site and Context Analysis	The applicant submitted a site and context analysis in accordance with this Part.	Yes
Part 2.5 – Equity of Access and Mobility	Refer to discussion below table.	Yes
Part 2.6 – Acoustic and Visual Privacy	Refer to discussion below table.	Yes
Part 2.8 – Social Impact Assessment	<p>The proposal satisfies the relevant provisions of Part 2.8 as follows:</p> <ul style="list-style-type: none"> <li>• A Social Impact Statement was provided within the SEE submitted with the application;</li> <li>• The application proposes live music performances, which is considered to provide a cultural benefit to the community; and</li> <li>• Subject to the appropriate management of impacts and adherence with the recommended consent conditions, the proposal will have a satisfactory social impact.</li> </ul>	Yes, subject to conditions
Part 2.9 Community Safety	Refer to discussion below table.	Yes
<p>Part 2.10 – Parking</p> <p><u>Area 2 requirements (pubs)</u></p> <ul style="list-style-type: none"> <li>• 1 per 5 staff; and</li> <li>• 1 per 30 patrons (as per patron limit on license) ; and</li> <li>• Dedicated delivery space,</li> </ul> <p><u>Area 2 requirements (hotel accommodation)</u></p> <ul style="list-style-type: none"> <li>• 1 per 4 staff; and</li> <li>• 1 per 3 rooms.</li> </ul>	<p>The following is noted with respect to this matter:</p> <p><u>Required</u></p> <ul style="list-style-type: none"> <li>• The application information outlines that subject to the level of trade, between 3 to 10 staff members will be present at the premises at any given time. On this basis, a maximum of 2 parking spaces are required;</li> <li>• The application information outlines that a maximum patron occupancy number of 400 is proposed. This would require 13 car spaces to be provided; and</li> <li>• The existing hotel accommodation is not proposed to be staffed and given the total number of rooms (9), 3 car parking spaces are required.</li> </ul> <p><u>Proposed</u></p> <ul style="list-style-type: none"> <li>• The proposal seeks to reinstate 3 car parking spaces at the rear of the premises, which are to service staff members and the food truck operation;</li> <li>• The proposal seeks to provide 6 new bicycle spaces, which can be utilised by both staff and patrons; and</li> <li>• Deliveries are proposed on-site within the rear parking area.</li> </ul> <p>Based on the above, a total of 15 additional car parking spaces are required. In any case, the proposal is considered satisfactory as follows:</p>	<b>No</b> , however satisfactory on merit

	<ul style="list-style-type: none"> <li>The subject site enjoys good access to nearby public transport, including St Peters Train Station (750m walking distance) and bus stops on the Princes Highway, providing access to the Central Business District and surrounding suburbs and centres;</li> <li>It is considered most patrons or guests will either access the site via public transport, on foot from the surrounds or via rideshare/taxi services; and</li> <li>Historically, the premises has operated with a limited number of parking spaces (4 in total).</li> </ul> <p>In light of the above and given the nature of the use, it is considered the proposal will have an acceptable impact on the surrounds in terms of parking and traffic related impacts.</p>	
Part 2.12 – Signage and Advertising Structures	Signage is discussed in further detail under Section 5(a)(ii) above. In any case, it is considered the proposed signage generally satisfies the relevant provisions of Part 2.12, except for the existing illuminated sign on the first floor of the building's southern elevation, which is not permitted on heritage grounds. As such, a condition is included in the recommendation requiring its removal prior to the issue of a CC.	Yes, subject to conditions.
Part 2.16 – Energy Efficiency	A Building Code of Australia Capability Statement was provided with the application outlining that the proposal is capable of complying with its relevant provisions, including Section J, which is consistent with the requirements under this Part.	Yes
Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of Part 2.21 as follows:</p> <ul style="list-style-type: none"> <li>The application was accompanied by a waste management plan in accordance with the Part;</li> <li>A new secure waste management area is proposed at the rear of the premises. This area meets the minimum requirements;</li> <li>Appropriate waste management procedures within and immediately outside the premises are documented in the POM, which will be enforced via consent condition; and</li> <li>Conditions are recommended to ensure the appropriate management of waste during the construction and operational phases of the proposal, including restricting the disposal of rubbish during earlier hours to lessen amenity impacts on the surrounds.</li> </ul>	Yes, subject to conditions.
Part 2.24 – Contaminated Land	Refer to discussion under Section 5(a)(i) above.	Yes
Part 2.25 – Stormwater Management	The development is capable of satisfying the relevant provisions of Part 2.25 as follows:	Yes, subject to conditions.



	<ul style="list-style-type: none"> <li>Standard conditions are recommended to ensure the appropriate management of stormwater.</li> </ul>	
<i>Part 5 – Commercial and Mixed Use</i>		
Part 5.3.1.1 – Plan of Management	Refer to discussion below table.	Yes
Part 5.3.1.2 – Noise and vibration generation	This matter is discussed above under Part 2.6 of MDCP 2011 and the development is acceptable in this regard subject to the imposition of appropriate conditions.	Yes, subject to conditions.
Part 5.3.1.4 – Hours of Operation	Refer to discussion below table.	Yes
<i>Part 8 - Heritage</i>		
Part 8.1.1 - Objectives	<p>The proposal is consistent with the provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The proposal seeks to conserve a heritage item;</li> <li>The proposal seeks to reinstate original features of a heritage item and subject to the removal of an existing sign on the first floor southern elevation, the proposal will have an acceptable impact on the item and its setting;</li> <li>The proposal seeks to protect a building that is of value to the local community; and</li> <li>The proposed additions at the rear of the heritage significant building are modest in their extent and are sympathetic to its features.</li> </ul>	Yes, subject to condition.
Part 8.1.7.1 – General controls common to all development	<p>The proposal is consistent with the provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>A detailed Heritage Impact Statement (HIS) accompanied the application;</li> <li>The proposal seeks to conserve a heritage item and the proposed additions will not diminish its significance; given their minor extent, siting, materiality and scale;</li> <li>Conditions are recommended requiring a suitably qualified person/s to manage the works during construction; and</li> <li>Although the building has been altered both internally and externally, whereby significant fabric has been removed; the proposal seeks to reinstate or protect certain original building features.</li> </ul>	Yes, subject to condition.
Part 8.1.7.3 – Alterations and additions	<p>The proposal is consistent with the provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The alterations and additions will not adversely impact the significant features of the item;</li> <li>The form, proportion, scale, details and materials of the item will remain largely unaltered, protected or reinstated to original;</li> </ul>	Yes, subject to conditions.

	<ul style="list-style-type: none"> <li>The proposed additions are sited appropriately and have a minor overall maximum height to reduce their visibility from the streetscape. Further, the a maximum height of the additions are significantly below the ridgeline of the original building; and</li> <li>Subject to condition, the proposed acoustic treatments will not detract from the streetscape value of the building and are reversible.</li> </ul>	
Part 8.1.7.4 – Building materials and details	<p>The proposal is consistent with the provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The proposal seeks to remove paint from the original external tiles to improve the building's streetscape appearance; and</li> <li>The proposal seeks to protect original building features, including internal cornices and façade elements.</li> </ul>	Yes
<i>Part 9 – Strategic Context</i>		
Part 9.33 – Princes Highway (Precinct 33)	<p>The proposal satisfies the relevant provisions of Part 9.33 as follows:</p> <ul style="list-style-type: none"> <li>The proposal protects an identified heritage item in the precinct;</li> <li>Subject to conditions, the proposal will protect public domain elements;</li> <li>The proposal will not negatively impact the operation of the Princes Highway, as the vehicle entry remains unaltered and is accessed from the secondary street (Victoria Street);</li> <li>The proposal will reactivate this portion of the Princes Highway, which will improve passive surveillance outcomes for pedestrians and cyclists alike; and</li> <li>The off-street parking/servicing area is appropriately located within an existing hardstand area at the rear of the premises.</li> </ul>	Yes, subject to condition.

(i) Part 2.5 – Equity of Access and Mobility

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

Currently, the existing accommodation on the first floor is not accessible and the proposal does not include any changes in this regard or to the first floor in general. An Accessibility Report outlining the following accompanied the application:

- Appropriate access is provided for all persons through the principal entrance;
- Appropriate paths of travel and circulation spaces have been provided to allow for accessible access to all publicly accessible areas on the ground floor; and
- Appropriate accessible sanitary facilities are provided, including accessible and ambulant toilet facilities.

In light of the above, the proposal satisfactorily provides the premises with compliant access and facilities, which is a significant improvement on the existing situation. As a result, it is considered the proposal satisfies the objectives of Part 2.5 of the MDCP 2011.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the CC stage of any proposal. In any case, the Accessibility Report submitted with the application outlines the proposal complies or is capable of complying with the relevant Standards and legislation.

(ii) Part 2.6 – Acoustic and Visual Privacy

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

Control 7 requires consideration to be given to the potential noise and amenity impacts of commercial and industrial development. The premises is located to nearby residential receivers, namely a mixed use building located on the opposite corner and dwelling houses located toward its rear on Church Street. The remaining land uses that surround the site are generally commercial or industrial in nature, which are considered less susceptible to potential noise impacts.

The application was supported by an Acoustic Report, which assessed the potential noise related impacts of the proposal; including both the live music and food truck components. The assessment determined the proposal could comply with the relevant noise criteria subject to, but not limited to, the following key measures being adopted:

- Provision of building materials, glazing and sealing of building elements;
- Provision of a sound system that can be controlled by a noise limiter;
- The operable wall servicing the outdoor seating area is to remain closed after 10:00PM;
- The food truck is to operate solely from the proposed servery window at the rear of the premises. In this regard, orders are to be taken from within the premises and food served directly through the servery window. All food is to be consumed within the premises;
- The servery window servicing the food truck is to remain closed unless an order is being taken or food is being served. The food truck will cease operating at 10:00PM;
- The food truck is to operate off the premises' mains power at all times. This is to restrict idling of engines or the requirement of an external and independent power source;
- No public access will be permitted to the rear parking area at any time, unless in the case of emergencies;
- Guests of the accommodation on the first floor will be notified of the proposed times/dates of live music during their stay; and
- Loading and unloading of music equipment from the rear car parking area is limited between 7:00AM and 6:00PM.

The above and remaining operational details are documented in the POM provided with the application. Conditions of consent are included within the recommendation to ensure the above physical acoustic treatments/measures outlined in the Acoustic Report and operational measures outlined in the POM are adopted.

In addition to the above, the sole public entrance to the ground floor of the premises has been moved to the south-western corner of the building and is accessed directly from the Princes Highway. This outcome is likely to reduce impacts on nearby residential receivers, particularly at closing time when patrons disperse from the premises. All other entrances and exits are proposed not to be used by patrons, unless in an emergency. Further, wayfinding signage is proposed to direct patrons to the sole entry point.

Also, as recommended further in this report, the live music and food truck components shall be subject to a trial period to assess their impacts on the surrounds and the performance of the operator. This allows for an ongoing review of the operational impacts of the proposal to ensure a satisfactory level of acoustic amenity is maintained for the surrounds.

In addition, during the assessment of the application, Council required the retention of the existing kitchen facilities within the premises. This ensures that if the operation of the food truck results in an unacceptable impact on the surrounds, the premises can still provide meals to patrons.

In light of the above, subject to conditions, it is considered the proposal satisfies the objectives of Part 2.6 of the MDCP 2011.

(iii) Part 2.9 – Community Safety

Part 2.9 of MDCP 2011 contains objectives and controls relating to protection of community safety.

The proposal is considered satisfactory from a community safety perspective as follows:

- The sole public entry to the premises is proposed in a more prominent location, which directly addresses the Princes Highway and is located a sufficient distance away from nearby residential receivers. The concentration of the entry point in a single location will allow for better control of patron movement into and out of the premises. All other entry and exit points will not be publicly accessible, unless in an emergency;
- New lighting is proposed to service external areas to improve public safety outcomes. Conditions have also been recommended to ensure the aforementioned lighting does not cause nuisance;
- Building identification signs are proposed to improve wayfinding, which will assist with territorial reinforcement outcomes;
- Provision of a new CCTV system is proposed, which will improve safety outcomes;
- Recommencement of pub operations and restoration of the building's façade will assist with space management and increase passive surveillance of the surrounds; and
- The application was referred to NSW Police, who raised no objection to the proposal subject to conditions; which have been included in the recommendation. The aforementioned conditions require security staff to be present on site at key times.

With respect to the conditions provided by the NSW Police, the following security guard requirements were recommended:

- *A minimum of two (2) licensed security guards being employed by the hotel to control the dispersal of patrons from the hotel on nights of live entertainment.*
- *On Thursday, Friday and Saturday nights, a minimum of 2 uniformed licensed security personnel shall be employed at the premise at all times when the premises is in operation. Security personnel shall be employed at a minimum ratio of 1 to 100 patrons or part thereof.*

Based on the above, it is considered excessive for 2 security guards to be employed when live music is proposed, as some performances may not have 100 patrons present. As such, the above conditions are recommended to be modified requiring at least 1 security guard per 100 patrons during live music performances.

In light of the above, subject to conditions, the proposal satisfies the relevant provisions of Part 2.9 of the MDCP 2011.

(iv) Part 5.3.1.1 – Plan of Management

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, including the live music and food truck components of the proposal.

Notwithstanding, submissions received during the public exhibition of the application raised concerns with respect to the management procedures and for the potential anti-social behaviour or community safety impacts. As discussed throughout this report, the proposal adopts a number of measures to manage potential community safety impacts, which are documented in the POM, including but not limited to, the provision of CCTV and protocols for the management of unruly patrons and incidents. In addition, security guards will be employed during busy periods to assist with the protection of patrons and to ensure community safety as recommended by NSW Police.

A condition has been included in the recommendation requiring adherence with the POM at all times.

(v) Part 5.3.1.4 – Hours of Operation

Part 5.3.1.4 of MDCP 2011 contains objectives and controls relating to hours of operation.

Controls 86 and 87 states that hours of operation beyond traditional business hours must not unreasonably affect the amenity of nearby residents and must demonstrate the operating hours proposed are suitable with regards to noise and other potential amenity impacts.

As outlined earlier within this report, surrounding land uses along the Highway are predominantly of a business or industrial nature, which generally adopt traditional business hours. The exception being the nearby McDonalds (24-hour trade) and Kentucky Fried Chicken (until 11:00PM each night) fast-food outlets, which are located further to the south of the subject site on the opposite side of the Princes Highway.

General operations

The following hours are proposed for general operations:

Day	Hours
Mondays to Saturday	10.00AM to 12.00AM
Sunday	12.00PM to 10.00PM

Live Music

The following core hours are proposed for live music:

Day	Hours
Thursday to Saturday	8:00PM to 12.00AM



*Note:* As per the information supplied with the application, occasional live music performances may be conducted outside the above times.

#### Food Truck Service

The following hours are proposed for the food truck service:

Day	Hours
Mondays to Saturday	5:00PM to 10:00PM
Saturday & Sunday only	12.00PM to 3:00PM

It is considered the greatest degree of impact on the surrounds, particularly from an acoustic impact perspective, is likely to result from the proposed live music performances and operation of the food truck. This is due to these elements of the operations requiring effective and on-going management and monitoring to ensure their impacts are minimised. As such, it is considered appropriate to monitor these activities on a trial basis to confirm they can be managed effectively and ultimately have an acceptable impact on the surrounds.

In light of the above, the following trial period hours are recommended:

#### Live Music

Day	Trial Hours (12 months)
Thursday to Saturday	8:00PM to 12.00midnight

*Note:* As per the information supplied with the application, live music performances may be proposed outside the above times. However, all live music performances are recommended to be subject to a 12 month trial period.

#### Food Truck Service

Day	Trial Hours (12 months)
Mondays to Saturday	5:00PM to 10:00PM
Saturday & Sunday only	12.00PM to 3:00PM

On balance, the above recommended trial hours are considered appropriate given the introduction of the live music and food truck components to the site's historic operation; with the full extent of their impacts not known until their commencement. Further, this enables Council to review the performance of these elements during the trial period and ensure that if unacceptable impacts arise, that they are not permanently ongoing.

Also, as outlined earlier within this report, Council requested the existing kitchen facilities within the building to be retained; which will enable the serving of meals to patrons if the food truck operations on the site ceases after the trial.

### 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. Trial period conditions are recommended for the live music and food truck components of the proposal, which will be reviewed to ensure any adverse impacts are not ongoing.

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

The proposal seeks to reinstate the site's historic use and provided that any adverse effects on adjoining properties are minimised, particularly from the proposed live music and food truck components, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(f) Submissions

The application as originally submitted was advertised, an on-site notice was displayed on the property, and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. In response, 32 submissions were received, including 20 objections (including 2 petitions) and 12 in support (including 1 petition). The revised proposal was readvertised in accordance with Council's policy and in response, 8 submissions were received, including 6 objections and 2 in support.

The submissions received raised the following concerns, which have already been discussed throughout the main body of this report:

- (i) Acoustic amenity;
- (i) Community safety;
- (ii) Food truck operations;
- (iii) Heritage conservation;
- (iv) Traffic and parking; and
- (v) Waste management.

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

Concern	Comment
<b>Light pollution</b>  Concern was raised that the proposal would result in acceptable light pollution on the surrounds.	Conditions are recommended to ensure the proposed lighting will comply with relevant Australian Standards, so as to not cause nuisance on the surrounds.
<b>Inadequate information</b>  Concern was raised that the application included inadequate information, particularly with respect to the food truck operations.	As detailed earlier within this report, Council requested the applicant to provide additional information for the food truck component, including an operational plan.. The information received to date is considered sufficient to allow for a complete assessment of the application.
<b>Characterisation of the use/Permissibility</b>  Concern was raised with respect to the correct characterisation of the proposed use and its permissibility under the MLEP 2011.	As discussed earlier in this report, it is considered the proposed use has been characterised correctly, namely for the purposes of a pub; which is permissible with consent in site's B6 Enterprise Corridor zone under the MLEP 2011.
<b>Property values</b>  Concern was raised that the proposal would result in a material decrease in property values for nearby properties.	There is no evidence to suggest the proposal will impact negatively on the value of nearby properties.

### 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 and issues raised in those referrals have been discussed in section 5 above.

- Development Engineering.
- Environmental Health.
- Heritage & Urban Design.
- Waste Management.

### 6(b) External

The application was referred to the following external body and issues raised in those referrals have been discussed in section 5 above.

- NSW Police.

## 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 levy of \$2,350 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 the relevant SEPPs, the *Marrickville Local Environmental Plan 2011* and the 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. Trial period conditions are recommended for the live music and food truck components of the proposal, to ensure if any adverse impacts arise, that they are not ongoing.

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

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA201900405 for To carry out alterations and additions to an existing hotel (The Whitehorse Hotel), new signage and live music venue 161 Princes Highway, St Peters subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### ATTACHMENT A – RECOMMENDED 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 1979* and in accordance with *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\*:

**\$2,350.00**

##### \*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.

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card\*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

##### 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 - Custom

Prior to the commencement of demolition works or prior to the 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.

<b>Security Deposit:</b>	\$8,056.50
<b>Inspection Fee:</b>	\$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, Drawing No. and Issue No.	Plan Name	Date Issued	Prepared by
Plan-Site/Site Analysis, DA-01, Issue I	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Ground Floor Plan, DA-02, Issue V	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Roof Plan, DA-03, Issue G	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Ground Floor Demolition Plan, DA-04, Issue I	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Plan Swept Path, DA-05, Issue F	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
East Elevation, DA-10, Issue J	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.

West Elevation, DA-11, Issue J	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
North Elevation, DA-12, Issue J	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Section AA, DA-20, Issue H	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Section BB, DA-21, Issue H	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Section CC, DA-22, Issue F	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Internal Heritage Elements - Reflected Ceiling Plan, DA-30, Issue B	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Materials, Finishes & Signs, DA-31, Issue C	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Signage Strategy, DA-32, Issue A	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Perspective View, DA-100, Issue I	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Perspective View, DA-101, Issue I	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Perspective View, DA-102, Issue F	Architectural Plans	27 April 2020	Michael Fountain Architects Pty. Ltd.
Parking Detail, DA-40, Issue B	Architectural Plans	9 June 2020	Michael Fountain Architects Pty. Ltd.
Job No. 271375, Issue 4	Acoustic Report	1 May 2020	ARUP
-	Plan of Management	-	Matt Rule
	Heritage Impact Statement	April 2020	John Oultram Heritage & Design
20190328	Statement of Environmental Effects	25 November 2019	Ethos Urban

As amended by the conditions of consent.

#### 5. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The removal of the sign on the first floor of the southern elevation;

- b. Confirmation that the relocated double doors on Victoria Street do not encroach upon the road reserve when open; and
- c. Installation works for CCTV surveillance cameras in accordance with condition no. 49 below.

**6. Car Parking**

The development must provide and maintain within the site:

- a. 3 car parking spaces must be paved and line marked;
- b. 6 Bicycle storage capacity within the site; and
- c. 1 Loading bay adjacent to the waste management area.

**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. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

**10. Works Outside the Property Boundary**

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

**11. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

**12. Signage Lighting in proximity to Major Intersections**

Signage lighting must be in accordance with the following:

- a. The colours red, green, orange or yellow must not be displayed on illuminated signage;
- b. At times of low light and night, the brightness must be dimmed;
- c. Each advertisement must be displayed in a completely static and on-digital manner, without any motion or flash, for the approved hours between 10:00am and 12:00am (Monday to Saturday) & 12:00pm to 10:00pm (Sundays);
- d. All illuminated elements of the signage must ceased display between 12:00am and 10:00am,
- e. Message sequencing designed to make a driver anticipate the next message is prohibited;
- f. All advertisements displayed must be in accordance with the RTA's Road Safety Advisory Guidelines for Sign Content, within Table 5 and Table 6 of the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines, dated July 2007 and as amended; and
- g. Luminance levels for the sign/s must comply with the following requirements:

- i. Luminance levels - Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/m<sup>2</sup>). Levels differ as digital signs will appear brighter when light levels in the area are low. Unless provided below, luminance levels must otherwise comply with the recommended values of AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
- ii. For non-digital signs:

Illuminated Area (sqm)	Zone 4 (cd/sqm)
Up to 0.5	1000
0.5 to 2.0	800
2.0 to 5.0	600
5.0 to 10.0	600
Over 10.0	400

### 13. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report prepared by Arup Pty Ltd, reference Job No. 271375 dated 1 May 2020 must be implemented, including the following:

Emergency egress doors to be closed at all times, other than for emergency. These include:

- Main room doors to entry area;
- Dining area doors to rear carpark;
- Food truck to close at 10pm;
- 1 food truck is permitted to operate on site at any one time and shall align with the servery sliding window.
- Prior to 10pm, servery sliding windows to remain closed other than for ordering or serving of meals;
- Operable walls separating the seating area from the outdoor area to remain closed after 10pm;
- Rear carpark area to be kept clear of patrons at all times;
- Loading or unloading of music equipment from the rear carpark entry shall be limited to the hours of 7am to 6pm. Outside of these hours loading shall be limited to the Princes Highway entry;
- Bands and staff shall be instructed to load out quickly and to keep noise to a minimum;
- Mains power to be supplied for food trucks to limit need for independent power generation or running engines; and
- Sound limiter to be installed to control noise levels from in-house sound systems.

### 14. Signage not approved

Unless written endorsement of the following elements is obtained from Council, prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with amended plans demonstrating the following:

- a. Deletion of all under awning signs; and
- b. No works being carried out on existing signage niches.

### PRIOR TO ANY DEMOLITION

### 15. Hoardings

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

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

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

#### **16. Recording of Significant or Contributory Buildings**

Prior to any demolition on the site or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that Council has received a full archival record of the building and landscape elements to be altered.

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

Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available online at: <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

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

- a. Development Application number.
- b. Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- c. Floorplans of the internal layout and directional details of photographs taken.
- d. Coloured photographs of:
  - i. Each elevation;
  - ii. Each structure and landscape feature;
  - iii. Internal images of each room and significant architectural detailing; and
  - iv. Views to the subject property from each street and laneway or public space.

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

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

#### **17. 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 the adjoining property (169 Princes Highway, St. Peters) 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.

#### **18. 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.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **19. Painting of Facades**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans including colour scheme certified by a suitably qualified Heritage Consultant indicating:

- a. Repainting to match existing colours only;
- b. Breathable finishes such as a cement paint, limewash or mineral paint are to be employed where the existing masonry has a paint finish;
- c. That modern paint films which do not allow moisture transmission are not used; and
- d. All original brickwork with a notation that they are to remain unpainted.

#### **20. Heritage Architect Supervision**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the details of a suitably qualified Heritage Architect who will be commissioned to assist and to provide advice to the consultant team throughout the design development, contract documentation and construction stages of the project.

The Heritage Architect is to be involved in the resolution of all matters where existing significant fabric and spaces are subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage architect is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

#### **21. Protection of Significant Fabric**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a protection plan certified by an suitably qualified Heritage Architect detailing how significant original fabric of the existing building is to be protected during site preparation and construction works from potential damage. Equipment laydown areas and contractor vehicles must be located away from the heritage structures and areas of heritage significance to minimise any potential impact to the external or internal fabric. Contractor's vehicles must not be parked near heritage structures or landscaped areas which could inadvertently be damaged. Protection measures are to be specified in the construction management plan.

#### **22. Significant Architectural Features to Remain**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that the following architectural features (if present) are to remain:

- a. Ridge form and shape;
- b. Finials;
- c. Ridge capping;
- d. Sunhood and all external verandah timberwork;
- e. Chimneys;

- f. Gables; and
- g. Fascia.

**23. Access Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

- a. Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part;
- b. Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia;
- c. Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements;
- d. Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol; and
- e. Any exemptions, alternative solutions or deemed-to-satisfy provisions affecting access.
- f.

**24. Fire Safety Upgrade**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report and plans detailing how the building, which is subject to the consent, will be brought into full or partial conformity with the Building Code of Australia. The report must include:

- a. A fire safety audit which shall cover Sections C, D and E of Building Code of Australia and to identify general areas of non-compliance against the deemed to satisfy fire safety provisions, and address the performance requirements of the BCA where relevant. The recommendations for the fire safety upgrade shall be indicated on amended plans;
- b. Review the current on site fire safety measures including their relevant standard of performance; and
- c. The report shall include an updated Fire safety schedule stipulating the existing and proposed essential fire safety measures, including their relevant standards of performance.

**25. Light Spill**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

**26. 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.

**27. 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 13 20 92*

#### **28. Dilapidation Report**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

#### **29. Stormwater Drainage System**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipelines and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. No nuisance or concentration of flows to other properties;
- e. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- f. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- g. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- h. New pipelines within the footpath area that are to discharge to the kerb and gutter must be sewer grade uPVC pipe with a maximum diameter of 100mm;
- i. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- j. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **30. Stripping Out of Paint Finish**

Removal of paint must be undertaken by qualified tradespeople expert in heritage conservation and preferably listed on the Office of Environment and Heritage list, using a proprietary paint cleaning product suitable for heritage structure buildings (<https://www.environment.nsw.gov.au/heritageapp/HeritageConservationDirectory.aspx>). No high pressure water or sandblasting is to be used for the removal of paint.

#### **31. 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:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 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.

### **32. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

### **33. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

## **PRIOR TO OCCUPATION CERTIFICATE**

### **34. Food Premises Grease Trap – Trade Waste Agreement**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.

### **35. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

### **36. Section 73 Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

**37. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The repair of the damaged concrete footpath and kerb along the Victoria Street frontage; and
- c. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

**38. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

**39. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

**40. Heavy Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that Industrial Heavy Duty Concrete Vehicle Crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations before the issue of the Occupation Certificate.

**41. Exhaust Fan Vents**

Prior to the issue of an Occupation Certificate, the Principal Certifier must verify that the colour of any Exhaust Fan Vents is the same as the building colour scheme.

**42. Heritage Architect Certification**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification from the Heritage Architect that the works have been carried out in accordance with the Heritage Architect Supervision.

**43. Non-combustible Cladding – Class 2-9 Buildings**

Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

**44. Products Banned Under the Building Products (Safety) Act 2017**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act 2017*.

**ON-GOING****45. Trial Hours**

- a. For a period of not more than 12 months from the issue of the Final Occupation Certificate, the live music and food truck components of the approved use must not exceed the following hours of operation:

Component	Days	Hours
Live music	Thursday to Saturday	8:00pm 12:00pm
Food truck	Monday to Saturday	5:00pm to 10:00pm
Food truck	Saturday & Sunday only	12:00pm to 3:00pm

**Note:** Live music performances may occasionally occur outside the above times, but not more than once per week *and* not later than midnight during the trial period. Also, performances/service is to cease 30 minutes before closing time.

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

**46. Bin Storage**

All bins are to be stored within the dedicated waste storage area on site.

**47. Documentation of Businesses Waste Services**

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

**48. Incident Register**

The manager/licensee must have an approved L&G NSW incident register to ensure that all incidents involving staff members (including security personnel) are recorded in the incident register. This incident register is to be 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. This register is to be provided immediately upon request by Police, Council or Special Investigators.

**49. CCTV Surveillance Cameras**

- a. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
- Principal entrance/s and exits;
  - All areas within the premise occupied by the public (excluding toilets);
  - Staircases in multilevel premises; and
  - The area within a 10m radius external to the public entrance(s) to the premises.
- b. Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- c. All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

- d. CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
  - e. All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
  - f. All CCTV recording devices and cameras shall be operated 24 hours a day, 7 days a week.
  - g. The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies
  - h. Camera views are not to be obstructed by temporary or permanent structure signage or other impediments.
- 50. Security Personnel**
- a. On Thursday, Friday and Saturday nights, a minimum of 2 uniformed licensed security personnel shall be employed at the premises at all times when it is in operation.
  - b. Security personnel shall also be employed at a minimum ratio of 1 to 100 patrons or part thereof at all other times, including during live music performances.
  - c. Security personnel shall remain at the entry/exit point until 30 minutes after closing (even if the last patron leaves the premises prior to that time) and shall assist in the quiet and good order of the patrons leaving.
  - d. Security personnel shall move-on any persons loitering or congregating on the footway area of Victoria Street, Church Street and entrances to the premises so as to maintain unobstructed pedestrian access and the social amenity of the area.
- 51. Hours of Operation**
- a. The hours of operation of the premises (excluding live music and food truck components) must not exceed the following:
  - b.
- | Day                | Hours              |
|--------------------|--------------------|
| Monday to Saturday | 10:00am to 12:00am |
| Sunday             | 12:00pm to 10:00pm |
- b. Service is to cease 30 minutes before ceasing of trading hours.

**52. Noise General**

The proposed use of the premises and the operation of all plant, equipment and food trucks 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.

**53. 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.

**54. Noise – Licensed Premises – Music**

An in-house public address system shall be installed and all amplified music at the premises shall be controlled by a sound limiter to ensure compliance with the noise level requirements of the acoustic report prepared by Arup Pty Ltd, reference Job No. 271375 dated 1 May 2020. There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.

**55. Noise – Licensed Premises/Entertainment Venues – Acoustic Report**

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

- a. A suitably qualified acoustic consultant must be appointed to:
  - i. measure and verify the noise emanating from the premises; and
  - ii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
- b. The noise measurements must be:
  - i. undertaken without the knowledge of the applicant, manager or operator of the premises;
  - ii. taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and
  - iii. Submitted to the Certifying Authority within four (4) weeks of testing.
- c. If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
  - i. submitted to Certifying Authority with the noise measurements;
  - ii. implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises; and
  - iii. If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading (ie outdoor area access)/ public entertainment on the premises must cease until such time as the recommendations are implemented and verified.

**56. 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.

**57. Commercial Waste/Recycling Collection**

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

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

#### **ADVISORY NOTES**

##### **Health Premises Registration – Generic**

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

- a. *Food Shop - Food Act 2003*;

##### **Food Trucks**

All food trucks onsite Shall be capable of aligning truck servery windows with the premises servery window and constructed and operated in accordance with the following:

- a. *Food Act 2003*;
- b. *Food Regulation 2010*;
- c. Australia and New Zealand Food Standards Code;
- d. NSW Food Authority 'Guidelines for Mobile Food Vending Vehicles' and
- e. *Protection of the Environment Operations Act 1997*.
- f. 1 food truck is permitted to operate on site at any one time.

##### **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. The waste area shall be covered, bunded and drained to the Sydney Water Corporation sewer.

##### **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; or
- 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.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

**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; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

**Noise**

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

**Amenity Impacts General**

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

**Fire Safety Certificate**

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

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

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

**Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe.



Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

**Dial before you dig**

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

**Permits**

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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

**Public Domain and Vehicular Crossings**

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public Domain Works – Step 2* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

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

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

**Annual Fire Safety Statement**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a. Each essential fire safety measure specified in the statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
  - i. in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
  - ii. in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b. The building has been inspected by a competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

**Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

**Useful Contacts**

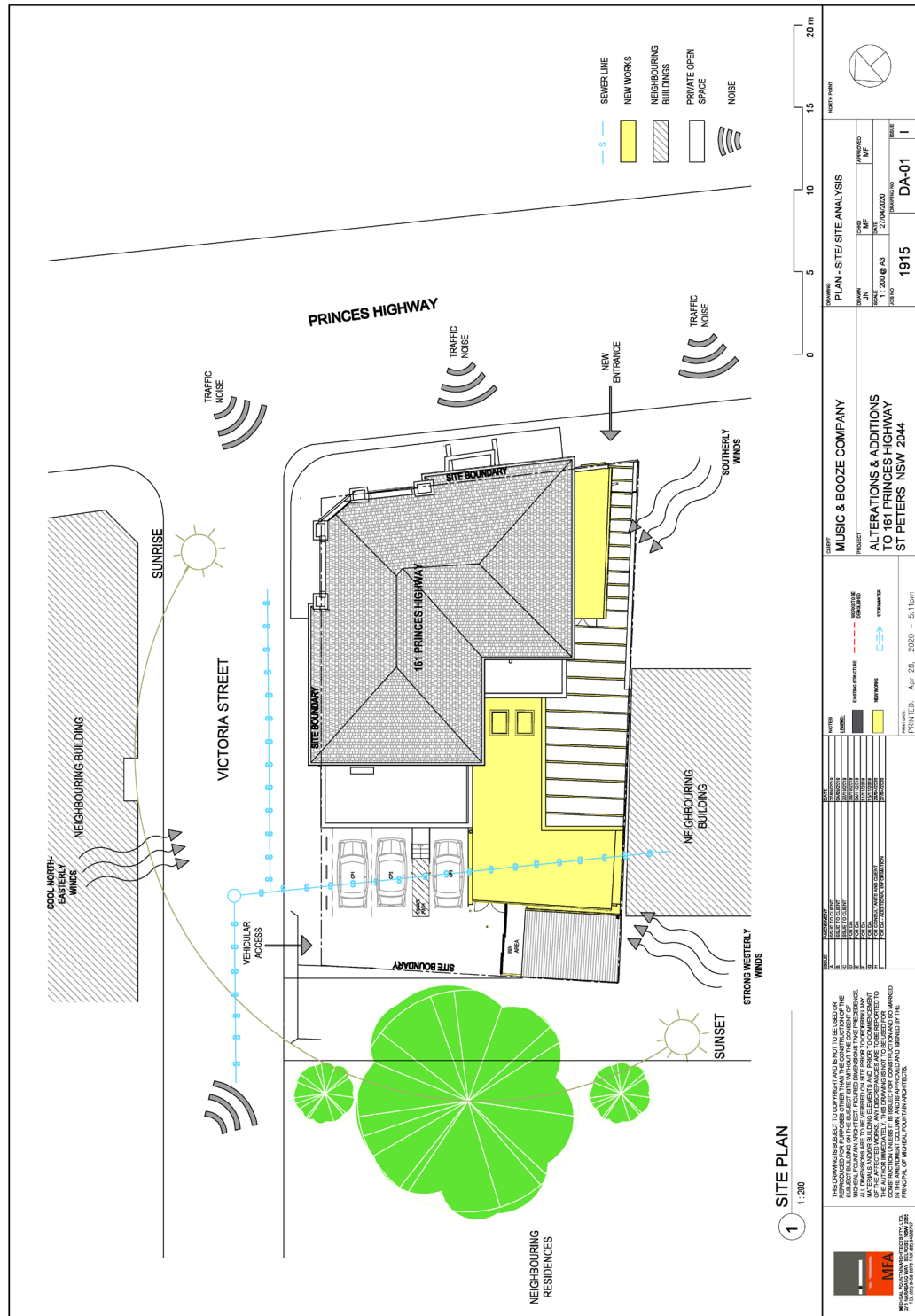
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diyasafe.nsw.gov.au">www.diyasafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92

Waste Service - SITA [www.sydneywater.com.au](http://www.sydneywater.com.au)  
Environmental Solutions 1300 651 116  
[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au)

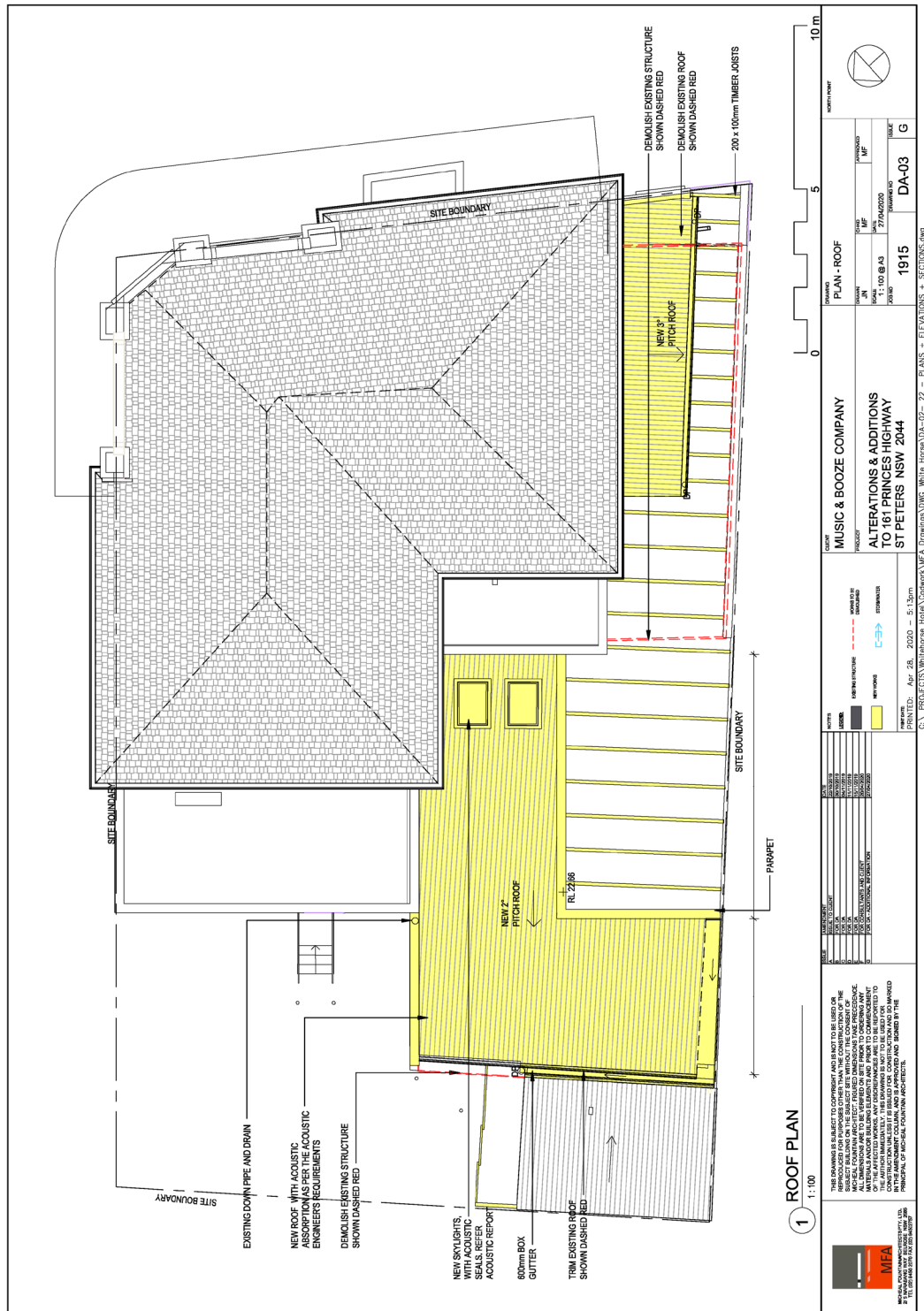
Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Enquiries relating to work safety and asbestos removal and disposal.

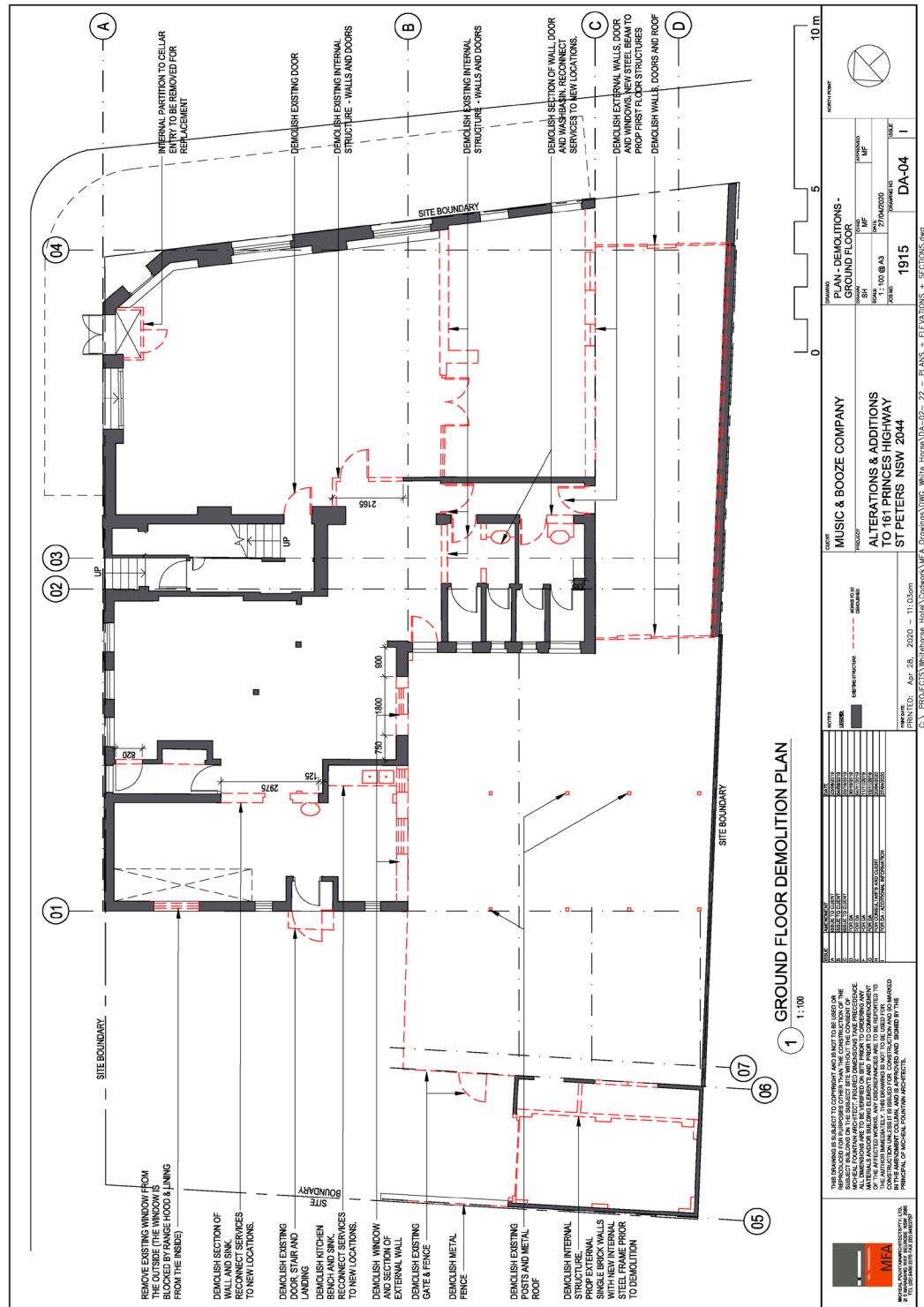
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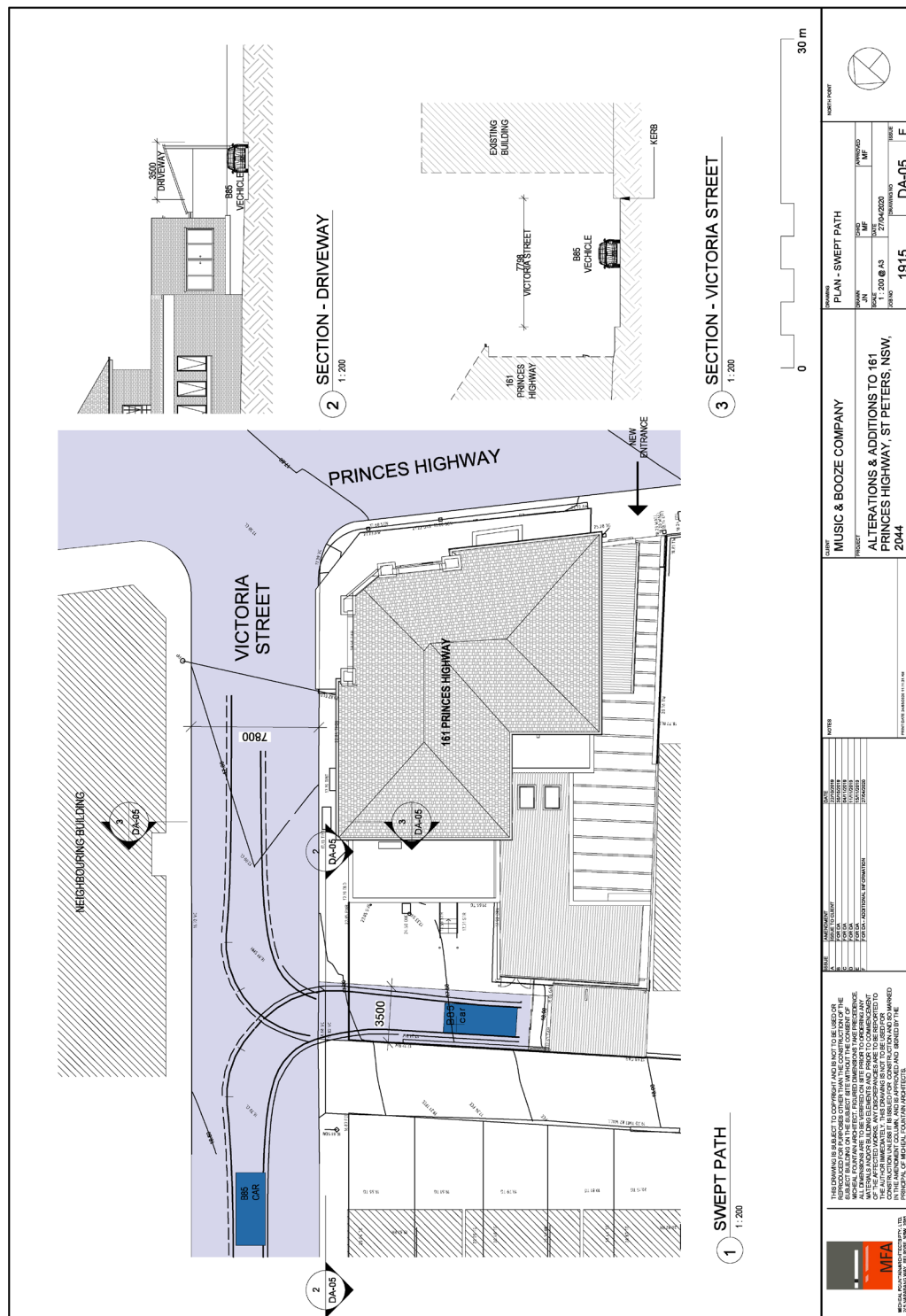






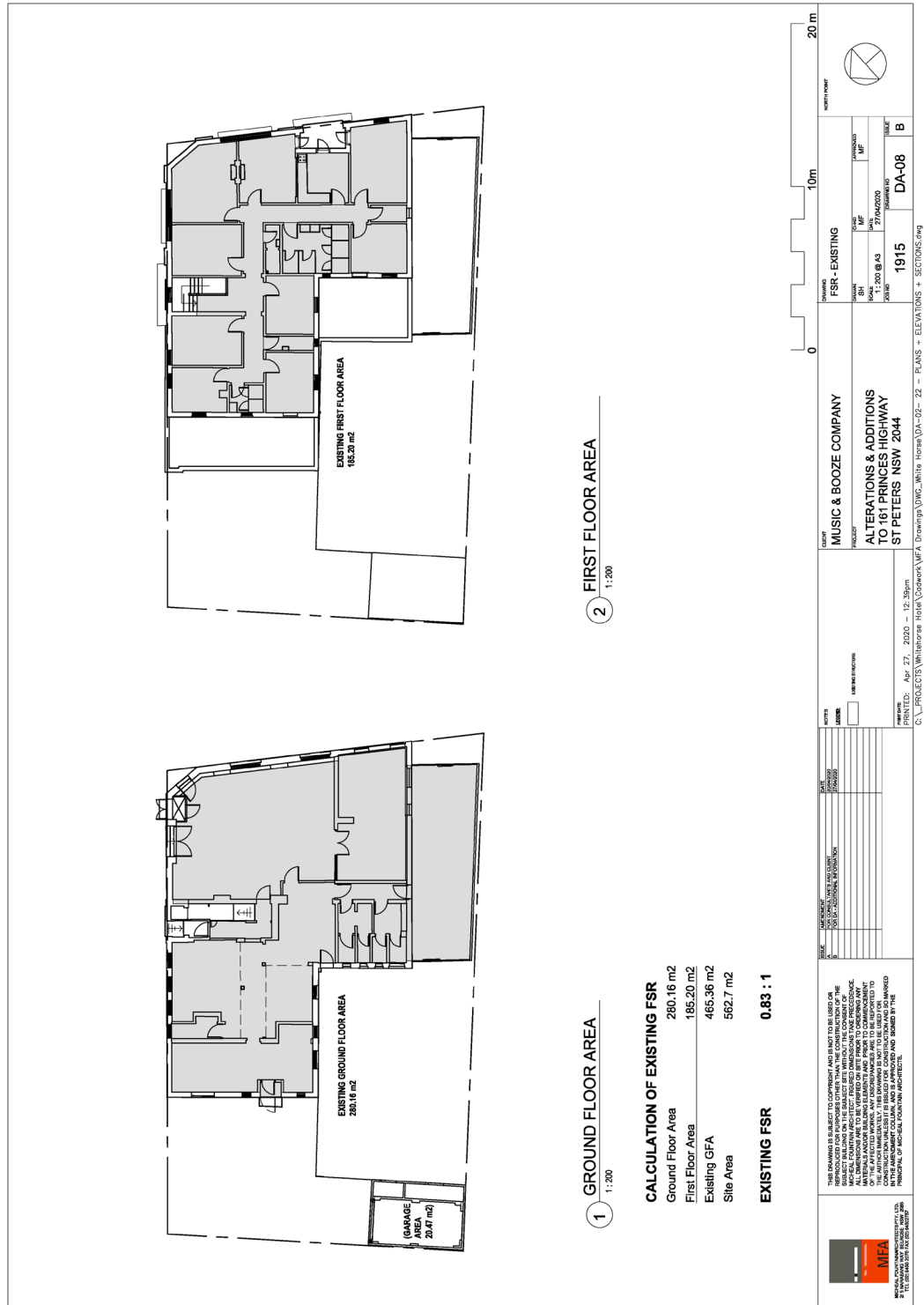


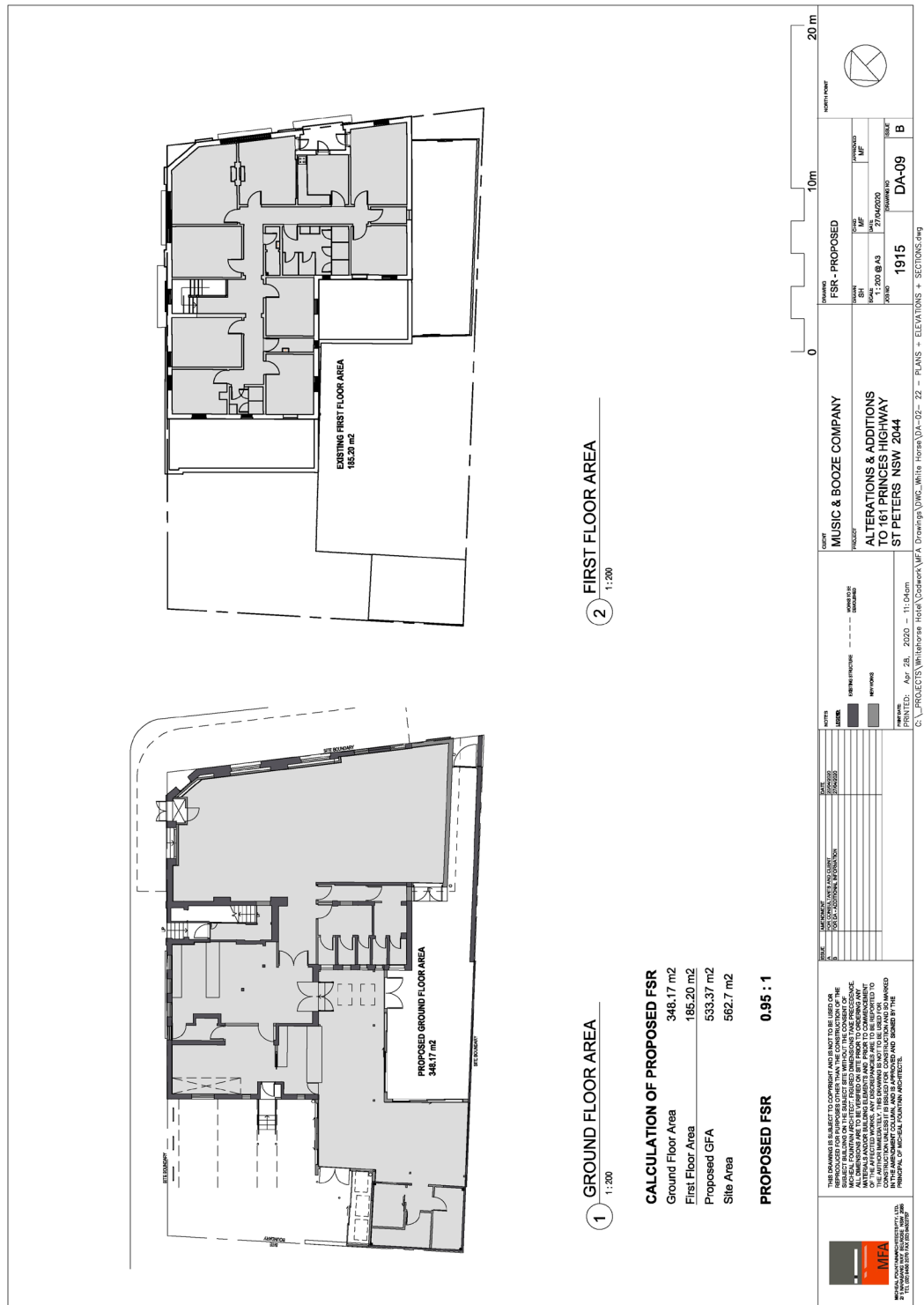


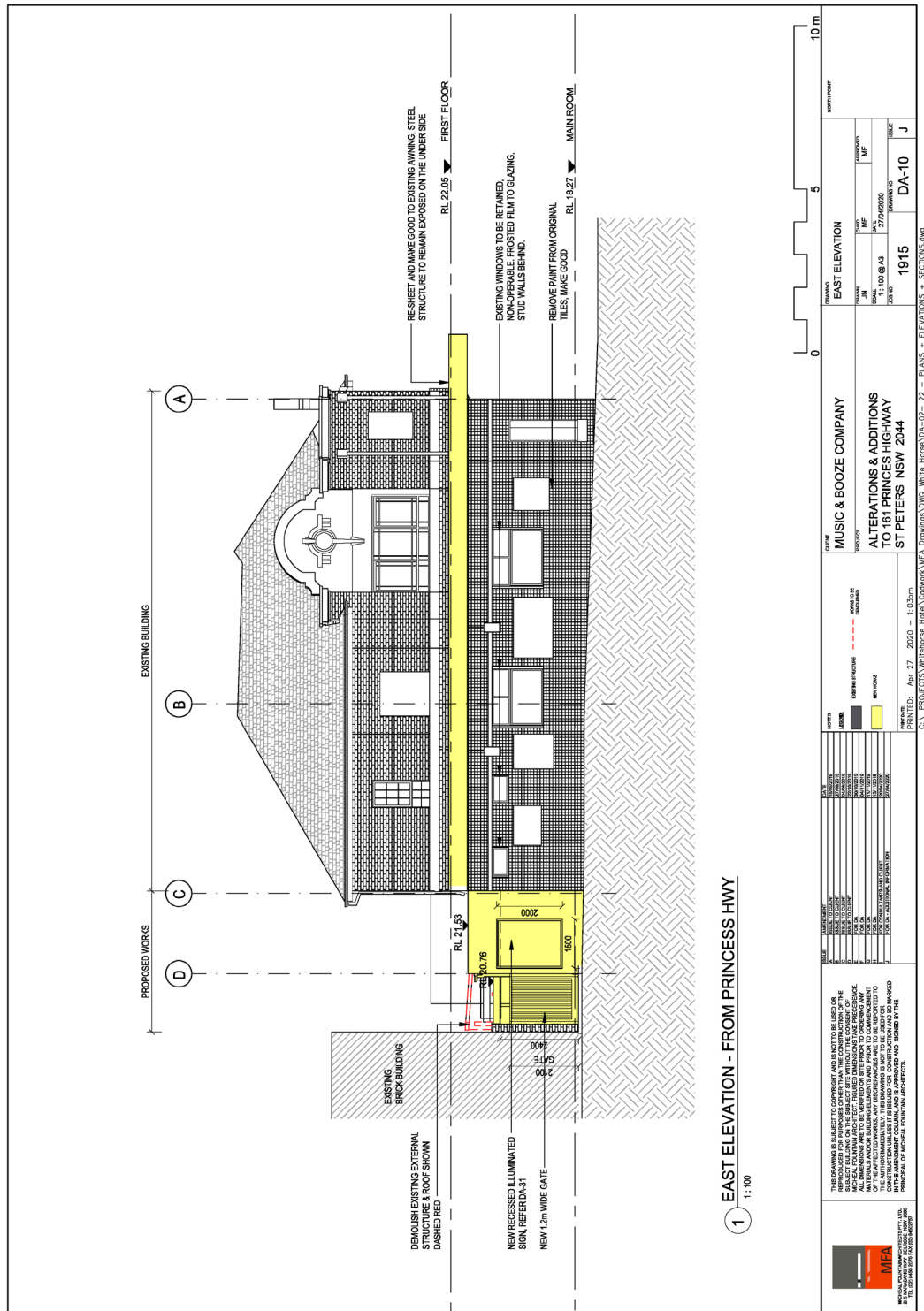


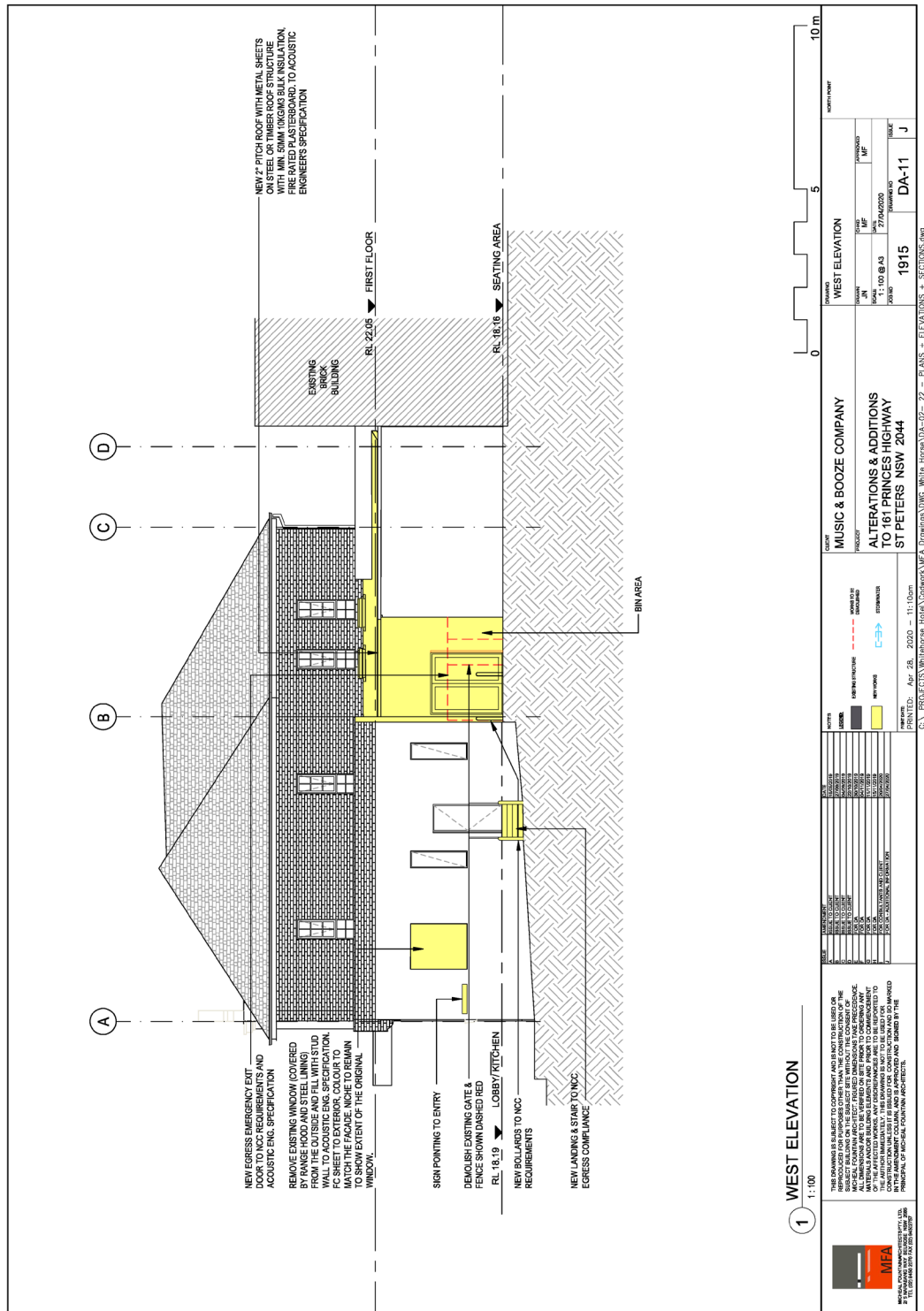




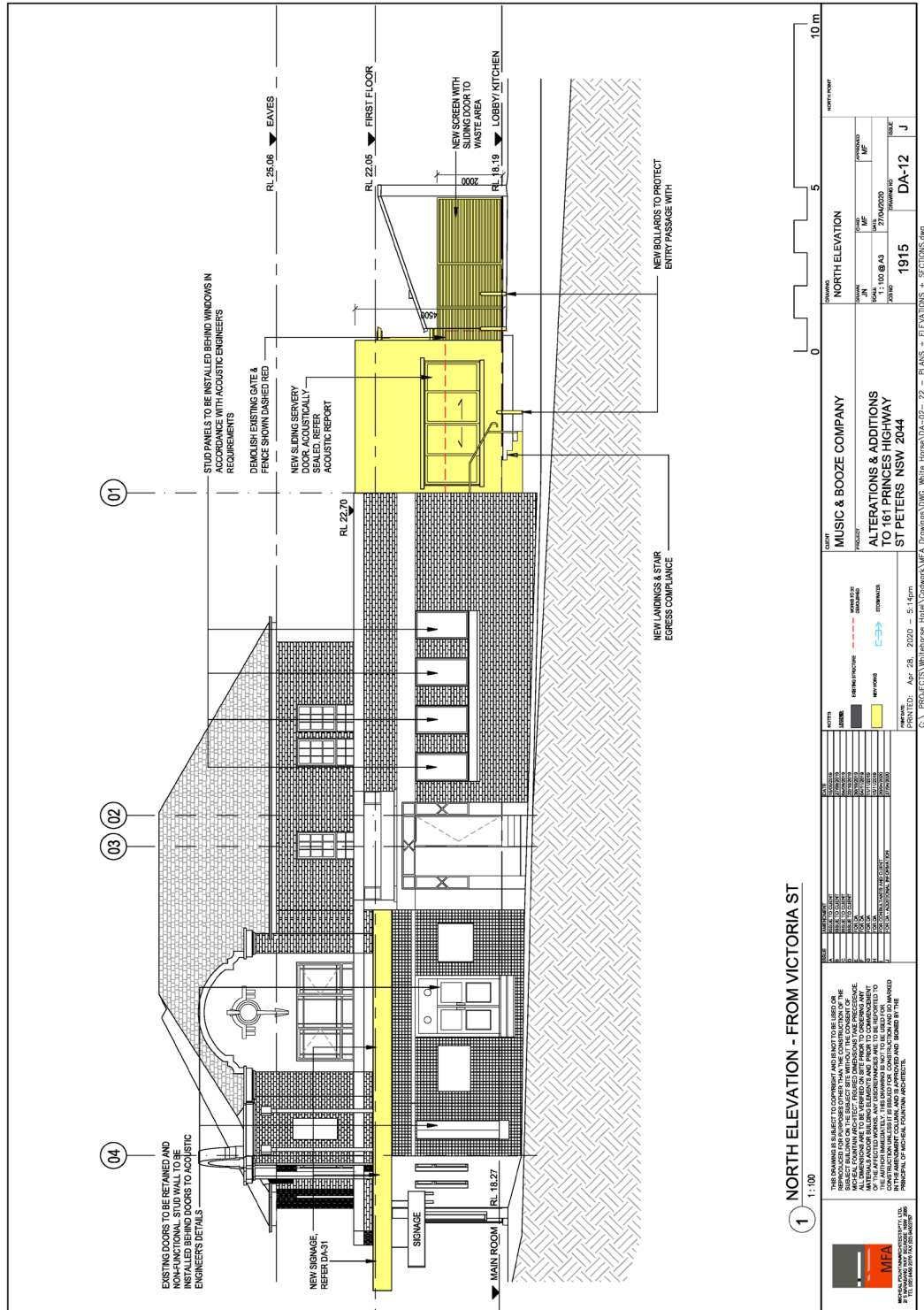




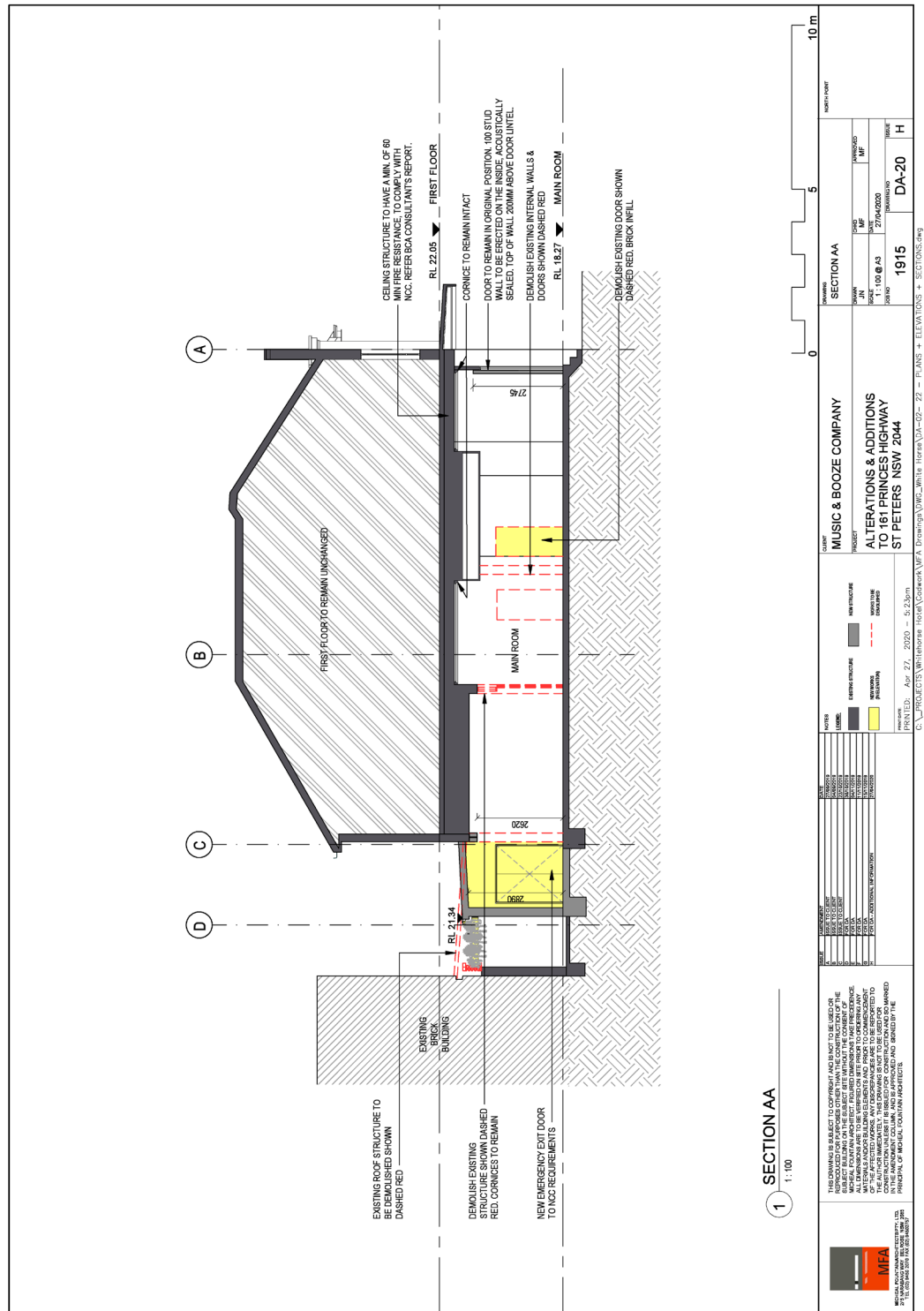




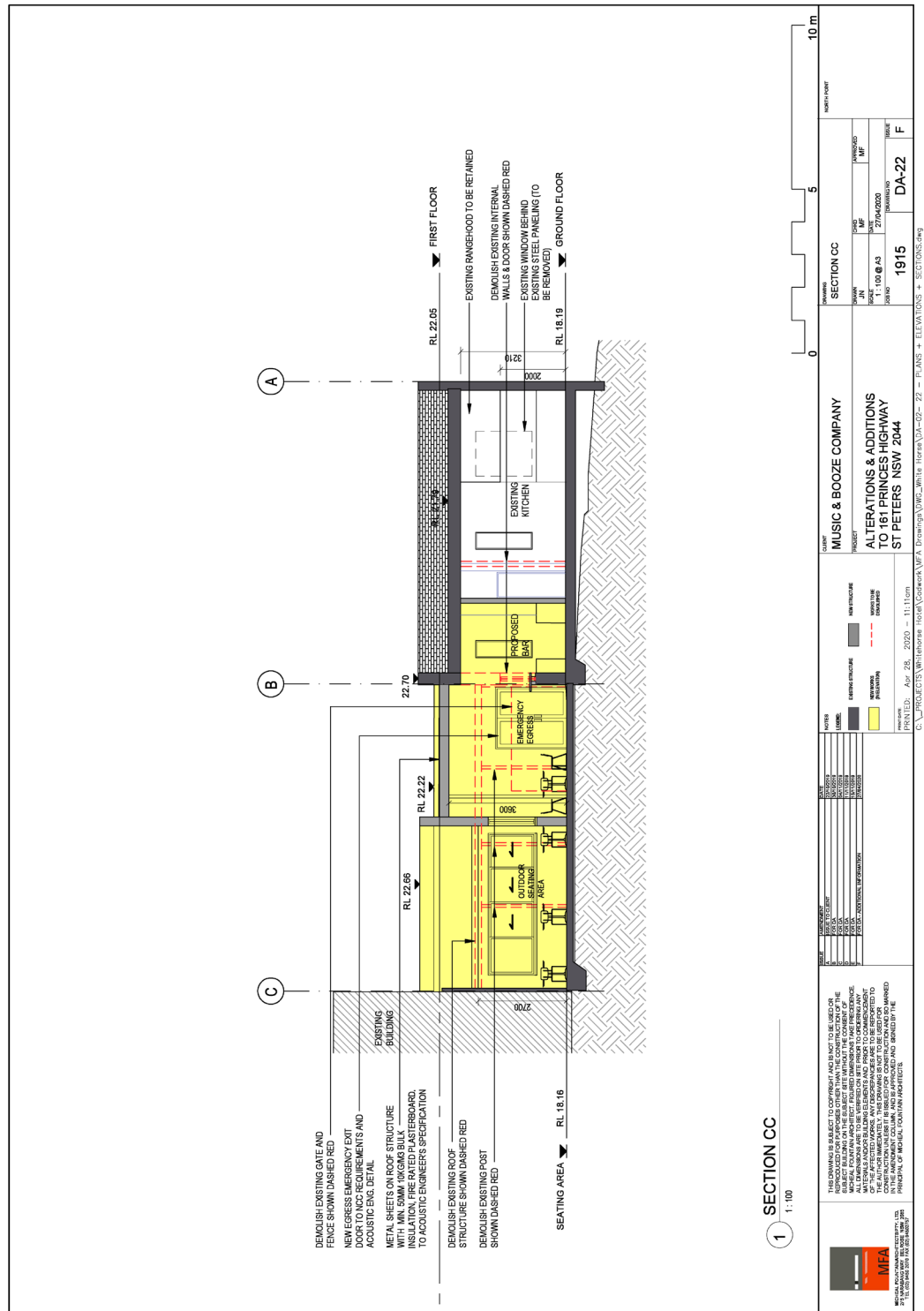




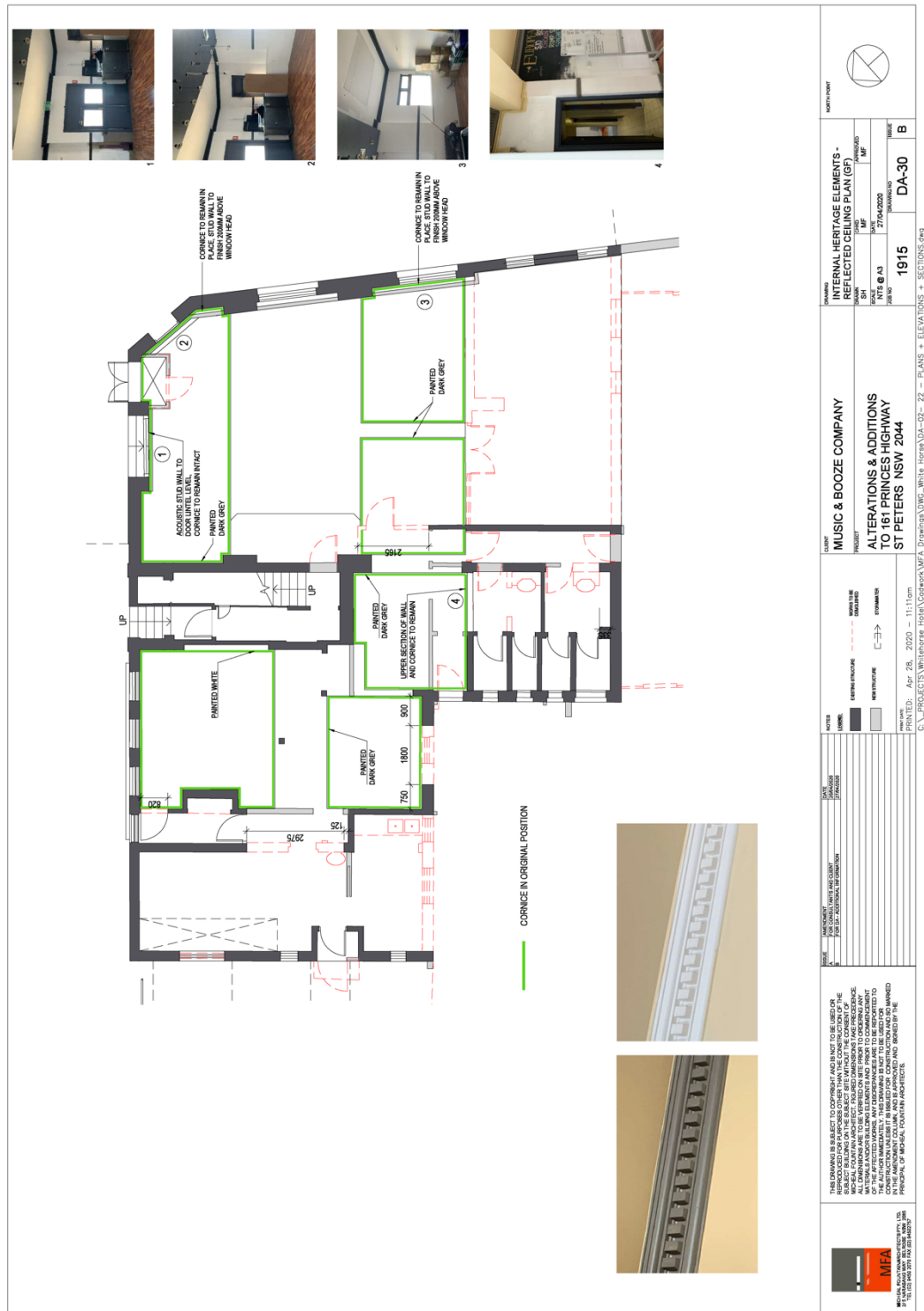


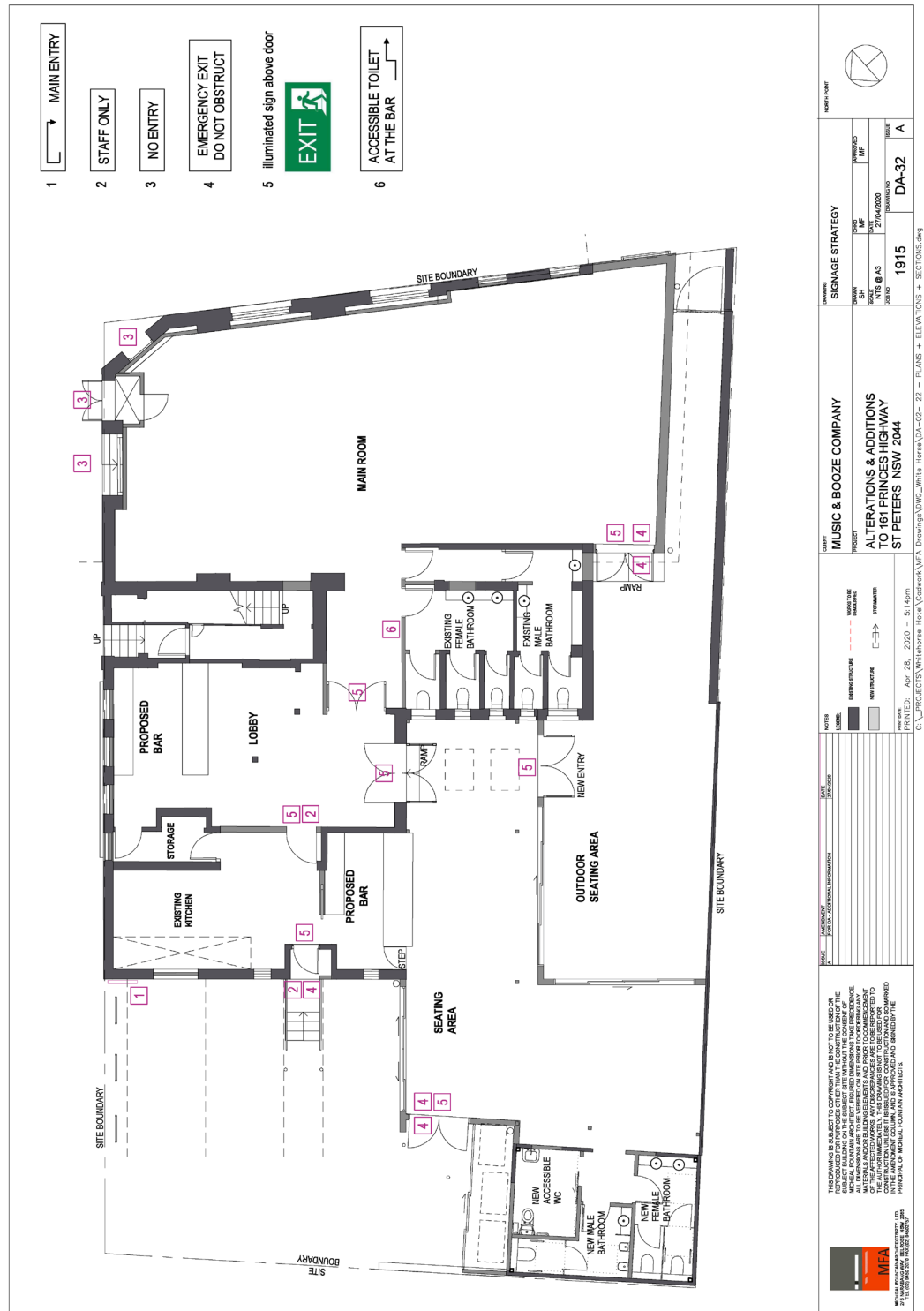


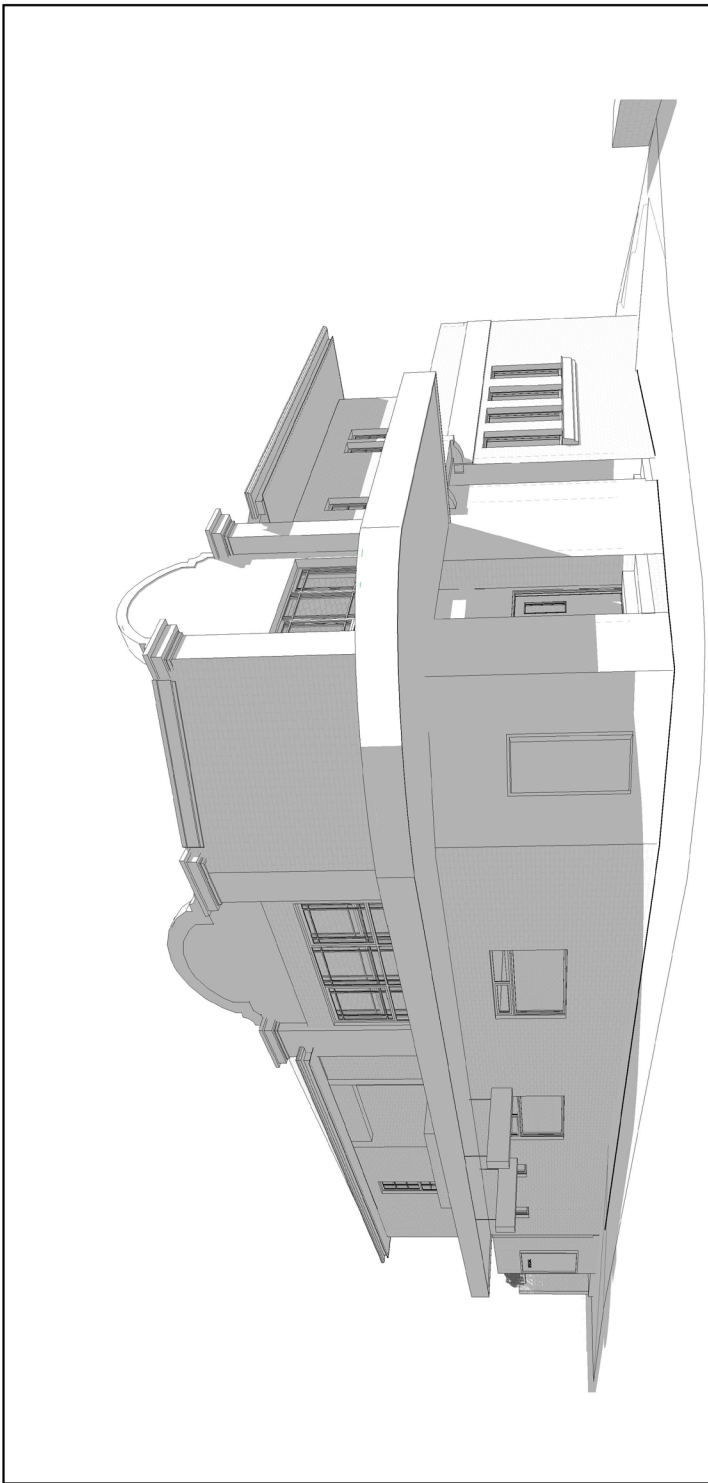












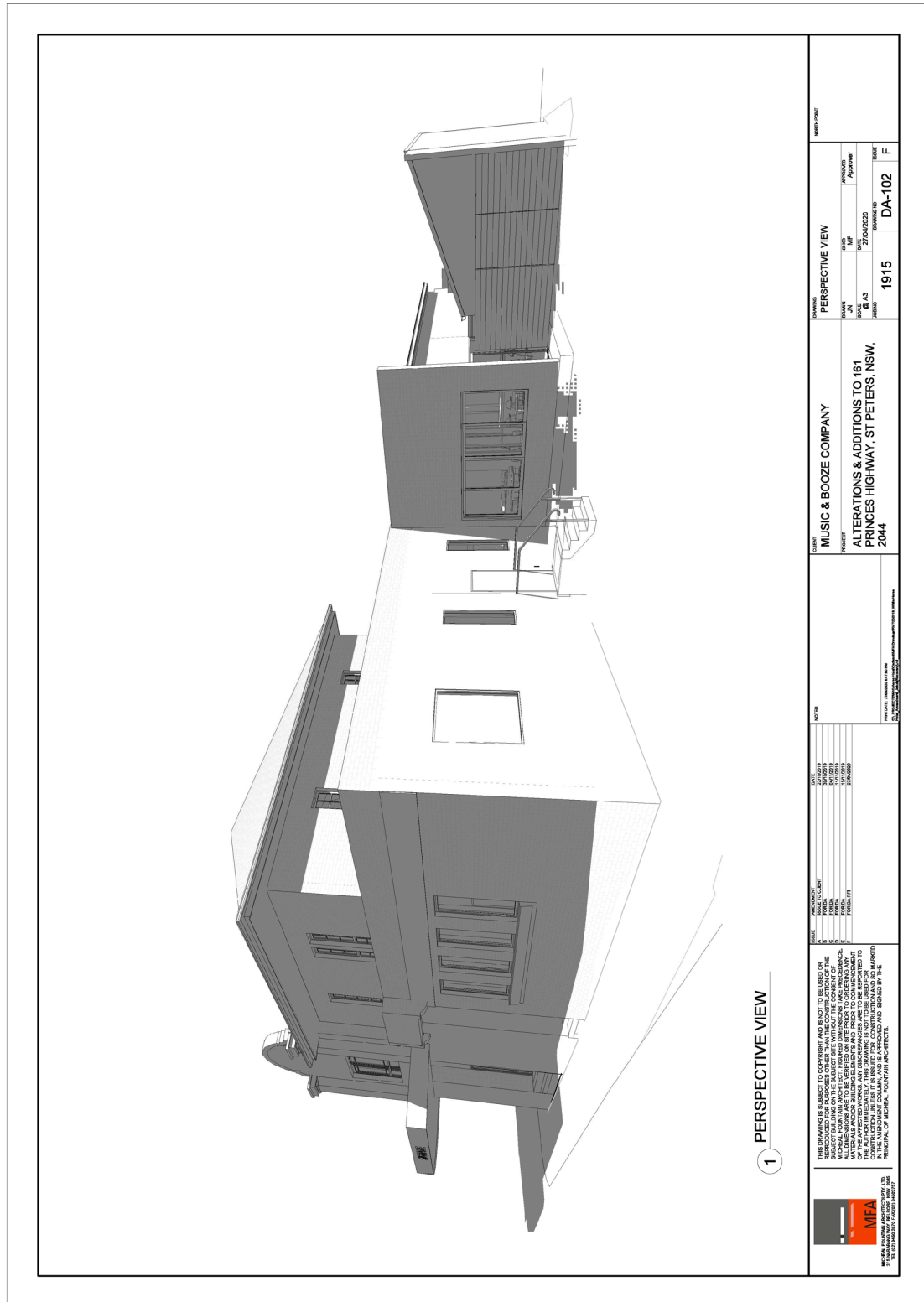
1 PERSPECTIVE VIEW

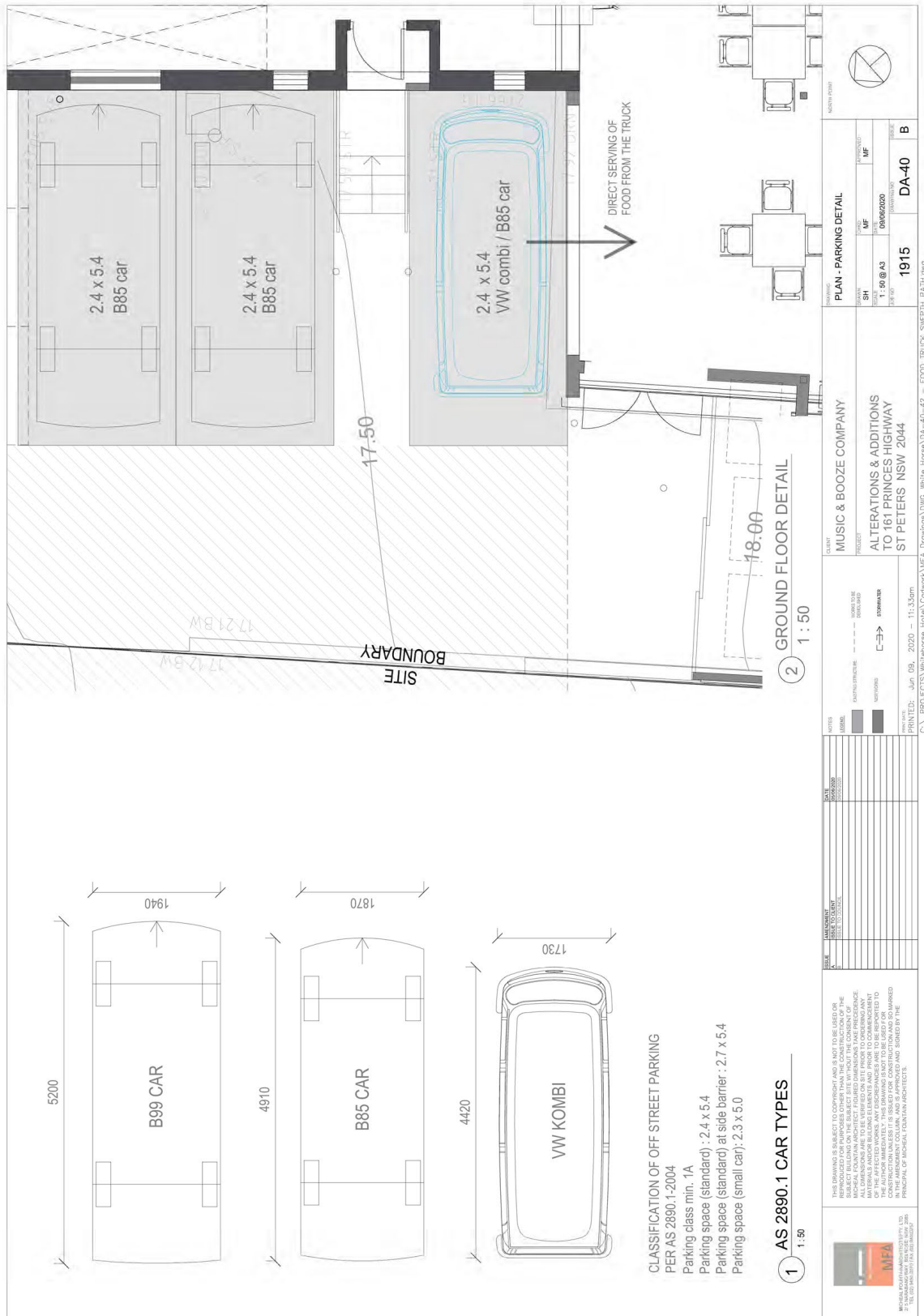
<p><b>THIS DRAWING IS SUBJECT TO COPYRIGHT AND IS NOT TO BE USED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND OF THE APPLICABLE STANDARDS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION AND TO MARKER CONSTRUCTION OF MEDICAL PONTIAN ARCHITECTURE.</b></p>	<p><b>DATE</b> 15/06/2024</p> <p><b>REVISION</b> 1.0</p> <p><b>PROJECT</b> MUSIC &amp; BOOZE COMPANY ALTERATIONS &amp; ADDITIONS TO 161 PRINCES HIGHWAY, ST PETERS, NSW, 2044</p>	<p><b>CLIENT</b> MUSIC &amp; BOOZE COMPANY</p>	<p><b>PERMITS</b> DA-100</p>	<p><b>DATE</b> 15/06/2024</p>	<p><b>PROJECT</b> MUSIC &amp; BOOZE COMPANY ALTERATIONS &amp; ADDITIONS TO 161 PRINCES HIGHWAY, ST PETERS, NSW, 2044</p>	<p><b>DATE</b> 15/06/2024</p>
	<p><b>ARCHITECT</b> MUSIC &amp; BOOZE COMPANY</p>					
	<p><b>DATE</b> 15/06/2024</p>					











## Attachment C- Acoustic Report

Ruley PTY LTD  
**White Horse Hotel**  
Acoustic Assessment - DA

AC01

Issue 4 | 1 May 2020

This report takes into account the particular instructions and requirements of our client.  
It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 271375









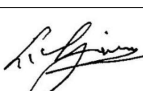
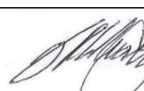
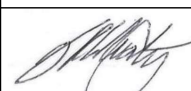
Arup Pty Ltd ABN 18 000 966 165

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## Document verification

ARUP

Job title		White Horse Hotel		Job number 271375	
Document title		Acoustic Assessment - DA		File reference	
Document ref		AC01			
Revision	Date	Filename	AC01 v1 White Horse Hotel DA Assessment.docx		
Issue 1	25 Oct 2019	Description	First Issue		
			Prepared by	Checked by	Approved by
		Name	Nicholas Justin	Glenn Wheatley	Glenn Wheatley
		Signature			
Issue 2	19 Nov 2019	Filename	AC01 v2 White Horse Hotel DA Assessment.docx		
		Description	Second Issue		
			Prepared by	Checked by	Approved by
		Name	Mathew Simon	Glenn Wheatley	Glenn Wheatley
Signature					
Issue 3	26 Nov 2019	Filename	AC01 v3 White Horse Hotel DA Assessment.docx		
		Description	Third Issue		
			Prepared by	Checked by	Approved by
		Name	Mathew Simon	Glenn Wheatley	Glenn Wheatley
Signature					
Issue 4	1 May 2020	Filename	271375-AC01 v4 White Horse Hotel DA Assessment.docx		
		Description	Fourth Issue		
			Prepared by	Checked by	Approved by
		Name	Mathew Simon	Glenn Wheatley	Glenn Wheatley
Signature					
Issue Document verification with document <input checked="" type="checkbox"/>					

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White Horse Hotel  
Acoustic Assessment - DA

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## Appendices

### Appendix A

Unattended Noise logging

AC01 | Issue 4 | 1 May 2020 | Arup

\\GLOBAL\ARUP\COM\AUSTRALASIA\SYD\PROJECTS\19271000\271375-00 WHITE HORSE HOTEL\A\VTWORK\INTERNA\X\_D\DCS AND SUBMISSION\9271375-AC01\VA WHITE HORSE HOTEL\DA ASSESSMENT.DOCX

## 1 Introduction

Arup has been engaged by Ruley Pty Ltd to provide an acoustic assessment for proposed refurbishment of the White Horse Hotel, which is proposed to include live music events.

### 1.1 Responses to Inner West Council request for information

This report has been updated in response to requests for information from Inner West Council received on 10 March 2020, summarised along with references to responses in Table 1.

Table 1: Inner West Council request for information

Issue Raised	Report section addressing issue
Demonstration is required that the proposal meets the relevant provisions outlined in Parts 2.6 Visual and Acoustic Privacy and Parts 5.3 Commercial/Light Industrial/Residential Interface of the MDCP 2011, respectively.	Section 3.1 Marrickville Development Control Plan 2011
Revised acoustic report that discusses proposed days/hours of live music, location of stage, details of noise limiting to be installed, maximum noise levels for noise limiting equipment, musician load in/out area/hours.	Proposed days / hours of live music: Section 1.4 Hours of operation Details of noise limiters: Section 5.1.1 Sound systems Musician loading areas: Section 5.1 Operational controls
Revised acoustic report that discusses management of breakout noise from main room, i.e., air lock on doorways or equivalent.	Section 5.2 Building/architectural design
Revised acoustic report that discusses maximum patron numbers in indoor and outdoor areas and acoustic assessment of these.	Section 4.1 Sound sources
Revised acoustic report that discusses assessment of noise from mechanical exhaust from the food truck and mechanical plant servicing the premises, including location of plant.	Food truck noise sources: Section 4.1 Sound sources Mechanical plant noise sources are yet to be finalised. In-principle treatment recommendations: Section 5.3 Mechanical plant
Revised acoustic report that discusses statement assigning responsibility for ensuring compliance with the operational details of the acoustic report.	Section 5.1 Operational controls
Revised acoustic report that discusses an assessment against the relevant provisions of Clause 6.5 Development in areas subject to aircraft noise of the MLEP 2011 is to be undertaken and measures enacted if required.	Section 3.3 Marrickville Local Environmental Plan 2011
Acoustic report needs to include an assessment of the proposed pub operations and live music impacts on the existing hotel rooms.	Section 3.1 Marrickville Development Control Plan 2011

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White Horse Hotel  
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## 1.2 Site description

The White Horse Hotel is located at 161 Princes Hwy, St Peters, on the corner of Victoria Street and the Princes Highway.

The nearest sensitive receivers with respect to the proposed development are identified as four-storey residential apartment building at 159 Princes Hwy, on the adjacent side of Victoria Street and the single storey dwellings at 134 to 144 Church Street, located to the north-west of the Hotel. The location of the Hotel and the closest residential receivers are presented in Figure 1.



Figure 1: Location of White Horse Hotel (pink) and surrounding residential buildings (blue)

## 1.3 Proposed development

The acoustic assessment has been based on the following architectural drawings prepared by Michael Fountain Architects Pty Ltd, as outlined in Table 2.

Table 2: Architectural drawings

Drawing Number	Revision	Revision Date	Sheet Name
DA-01	I	27/04/2020	PLAN – SITE/SITE ANALYSIS
DA-02	V	27/04/2020	PLAN – GROUND FLOOR

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Drawing Number	Revision	Revision Date	Sheet Name
DA-03	G	27/04/2020	PLAN – ROOF
DA-04	I	27/04/2020	PLAN – DEMOLITION GROUND
DA-05	F	27/04/2020	PLAN – SWEEP PATH
DA-10	J	27/04/2020	EAST ELEVATION
DA-11	J	27/04/2020	WEST ELEVATION
DA-12	J	27/04/2020	NORTH ELEVATION
DA-20	H	27/04/2020	SECTION A A
DA-21	H	27/04/2020	SECTION B B
DA-22	F	27/04/2020	SECTION C C
DA-100	I	27/04/2020	PERSPECTIVE VIEW
DA-101	I	27/04/2020	PERSPECTIVE VIEW
DA-102	F	27/04/2020	PERSPECTIVE VIEW

The proposed floor plan is shown in Figure 2. A summary of the key aspects influencing the acoustic assessment are as follows:

- The removal of internal partitions to create a 'main room' in which to accommodate live music.
- Reconstruction of rear leanto and removal of rear outdoor area for internal bar and dining area
- New entry area, also to function as an external area for patrons less proximate to residential receivers.

It is noted that food trucks are proposed to supply food to patrons from the rear carpark. Trucks will operate on mains power, and the engine will not be running while serving food.



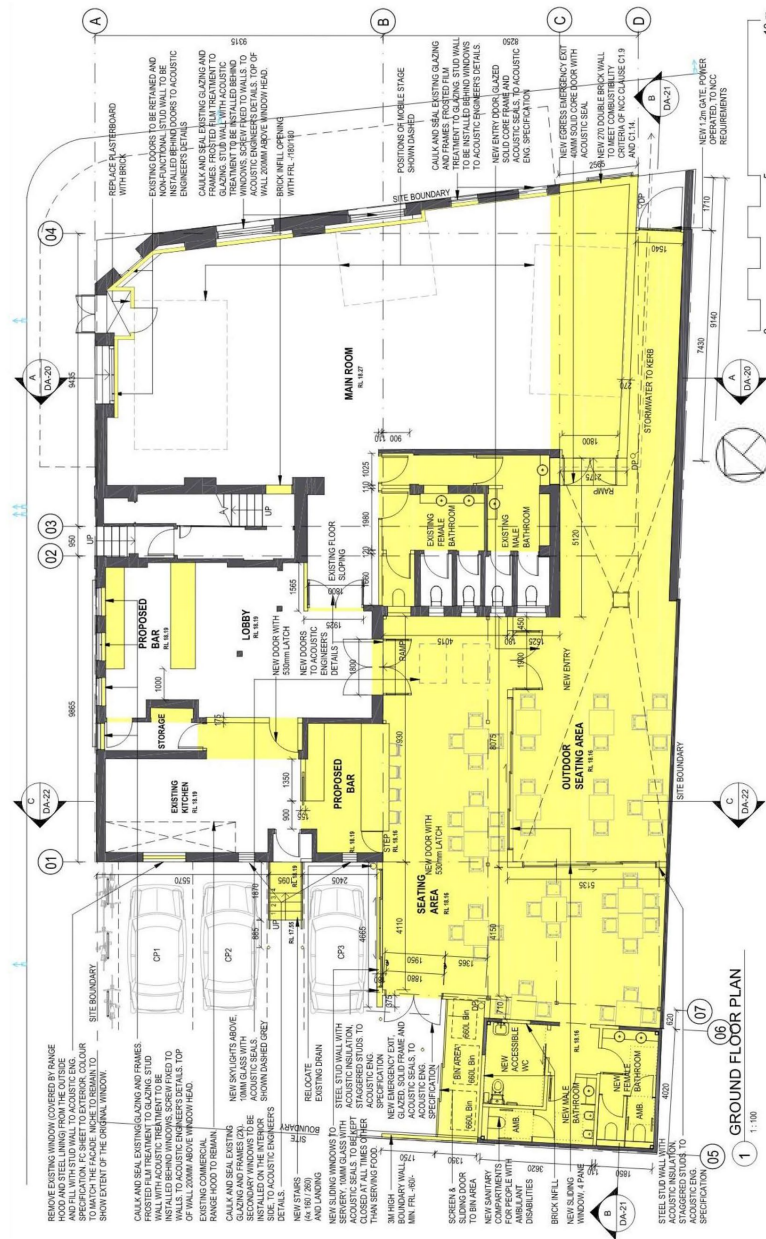


Figure 2: Ground floor plan showing demolition and upgrade works (Source: MFA)

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\\BOLARUP\COM\STALAS\AS\PROJECTS\2017\01\WHITE HORSE HOTEL\INTERVAL\4\_DCS AND SUBMISSIONS\2017\01\WHITE HORSE HOTEL DA ASSESSMENT.DOCX

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The primary sound generating activities associated with the proposed redevelopment include:

- Amplified live music within the main room
- Patrons talking in the outdoor entry area
- Operation of food truck service
- New mechanical plant on roof (unconfirmed location)
- Patron and music in rear seating area

#### 1.4 Hours of operation

No change to operating hours are proposed as part of this assessment.

The current permitted hours of operation of the hotel (Development Application No 200000360, August 2000) are between the hours of 10.00 am to midnight Mondays to Saturdays and 12 noon to 10.00 pm Sundays and Public Holidays.

Live music is proposed to occur within these hours and would typically be scheduled on Thursday, Friday and Saturday nights, however less frequent live music events may occur on other nights of the week.

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## 2 Existing noise environment

Criteria for the assessment of operational noise are derived from the existing noise environment of an area, excluding noise from the subject development.

The background noise level has been quantified in accordance with Fact Sheet B of the NSW *Noise Policy for Industry* (NPI) which outlines two methods for **determining the background noise level of an area, being 'B1 – Determining background noise using long-term noise measurements' and 'B2 – Determining background noise using short-term noise measurements'**. This assessment has used a combination of long-term and short-term noise monitoring.

### 2.1 Noise measurement locations

The unattended long-term measurement location is shown graphically Figure 3, identified as L1. The monitor was located in the rear lane of the property.



Figure 3: Location of long term monitoring logger

## 2.2 Unattended long-term noise measurements

Unattended long-term noise monitoring was carried out from 13 to 19 September and 1 to 4 October 2019. The long-term noise monitoring methodology and noise level-vs-time graphs of the data are included in Appendix A.

Table 3 presents the overall single Rating Background Levels (RBL) and 1/1 octave band background noise levels, required for assessment against Liquor and Gaming NSW standard criteria.

Table 3: Long-term noise monitoring results, Rating Background Levels

Desc.	Period	Overall RBL	Octave band centre frequency – Hz (dBZ)								
			31.5	63	125	250	500	1 k	2 k	4 k	8 k
White Horse Hotel, Rear lane											
L <sub>90</sub>	Day	51	58	59	51	45	47	47	44	36	23
	Evening	50	60	61	54	48	47	45	41	31	23
	Shoulder 10 pm- 12 am	43	49	53	48	41	38	37	34	25	15
	Night	42	40	51	46	41	39	38	32	19	11

Notes:

Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays

Evening: 18:00-22:00 Monday to Sunday & Public Holidays

Night: 22:00-07:00 Monday to Saturday and 22:00-08:00 Sundays & Public Holidays

The shoulder period has been established for 22:00-00:00 to reflect the proposed operating hours.

As required by the NPI, the external ambient noise levels presented are free-field noise levels. [i.e. no façade reflection]

### 3 Acoustic criteria

Noise emission from the proposed development will generally relate to patrons, background music, and live music and mechanical plant. Reference has been made to existing conditions of consent (DA 200000360, 17 August 2000), which gives noise criteria for activity generated by the Hotel (patrons and music etc.). Furthermore, this assessment has been updated in accordance with Inner West Councils request for the assessment to accord with Marrickville Development Control Plan (DCP) 2011.

#### 3.1 Marrickville Development Control Plan 2011

The Marrickville Development Control Plan (DCP) 2011 Section 2.6 outlines generic provisions for maintaining acoustic and visual privacy.

Relevant to this development, provisions are provided the acoustic privacy of residences affected by commercial operations. Residences affected by Hotel operations are identified in Figure 1. Guests staying at the Hotel are not subject to these provisions as the Hotel is not classified as residence.

Relevant to this development, Section C7 states:

*Noise impacts of commercial and industrial development on residential amenity*

- i. *All development must comply with the relevant noise control guidelines.*
- ii. *Where sites adjoin a residential area or are located within a mixed use building, Council will consider the potential noise generation of any proposed activities including the use of equipment or machinery, the use of amplified music/noise on the site and proposed hours of operation.*
- iii. *Where industrial sites adjoin a residential area, the number of hours and times at which mechanical plant and equipment is used should be limited in conjunction with sound proofing measures.*
- iv. *New industrial development must be designed so that noise producing activity is remote from the interface boundary.*
- v. *Industrial sites with a road frontage to residential areas should locate any new offices to the residential areas with restricted access points onto the residential fronted road. Similarly, the warehouse/factory functions of the new development must be located away from residential areas.*
- vi. *Other sources of noise such as garbage collection, deliveries, ventilation systems, parking areas and air -conditioning plants are to be sited away from adjoining properties, where practicable, and be screened by walls or other acoustic treatment if necessary.*

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- vii. *Where significant amounts of traffic are likely to be generated which could affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided and may be regulated in any conditions of consent.*
- viii. *All applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.*

***The NSW Government has set standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. Those standards apply in all cases.***

***NB Refer to Part 5.2 (Commercial/Light Industrial/Residential Interface) of this DCP for additional relevant controls relating to commercial and light industrial uses in close proximity to residential and the sensitive land uses.***

Section 5.3 outlines design guidelines for Commercial / Light Industrial Interface. Relevant to this development, Section C75 to Section C79 state:

*C75 All development must comply with the relevant noise control guidelines.*

***The Environmental Noise Control Manual sets out the acceptable noise levels for different kinds of uses in different areas and takes account of background noise and its measurement. A qualified acoustics consultant may be required to verify techniques and the methodology for assessing the proposal's possible noise generation and compliance with the Manual.***

*C76 Where sites adjoin a residential area or are located within a mixed use building, Council will consider the potential noise generation of any proposed activities including the use of equipment or machinery, the use of amplified music/noise on the site and proposed hours of operation.*

*C77 Other sources of noise such as garbage collection, deliveries, ventilation systems, parking areas and air-conditioning plants are to be sited away from adjoining properties, where practicable, and be screened by walls or other acoustic treatment if necessary.*

*C78 All applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.*

*The following land uses are generally associated with excessive noise: amusement centres, animal boarding or training establishments, bulky goods premises, car parks, community facilities, freight transport facilities, function centres, heavy industries, industries, light industries, markets, nightclubs, passenger transport facilities, place of public*

*entertainment, place of public worship, recreation facilities (indoor and outdoor), registered clubs, resource recovery facilities, retail premises, service stations, swimming pools, tourist and visitor accommodation, transport depots, truck depots, vehicle body repair workshops, vehicle repair stations, vehicle sales or hire premises, warehouse or distribution centres, waste or resource management facilities and wholesale supplies*

*C79 Where significant amounts of traffic are likely to be generated which could affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided and may be regulated in any conditions of consent.*

### 3.2 Environmental Noise Control Manual

The Environmental Noise Control Manual (ENCM) [1] provides a framework of noise objectives for various noise sources. While the ENCM has generally been superseded by other noise criteria, as per the previous assessment, this report has been updated as requested by Inner West Council.

Chapter 54 of the ENCM outlines guidance on the management of noise from Licenced Premises. This is considered to apply to patron and music noise associated with the premise.

With regards to noise criteria, it states:

*The usual requirement is that the  $L_{10}$  noise level emitted from the licensed premises should not exceed the background noise level by more than 5 dB(A) up to midnight and should not exceed the background level after midnight. No correction for tonality is applied. Measurements are taken at the boundary of the worst affected residence. To reduce the risk of noise induced hearing loss in bar operators and other staff, the EPA recommends a maximum  $L_{Aeq}$  of 95 dB(A) within the licensed premises.*

Noise criteria for the development are presented in Table 4.

Table 4: Patron and music noise criteria at worst affected residence

Time period	RBL <sup>1</sup> , dBL <sub>A90</sub>	Noise Criteria, dBL <sub>A10</sub>
Day	51	56
Evening	50	55
Shoulder 10 pm-12 am	43	48
Night	42	47

Note

1. Measured in accordance with the NPfI [2], presented in Table 3.

### 3.3 Marrickville Local Environmental Plan 2011

Marrickville Local Environmental Plan (LEP) 2011 outlines the requirements for aircraft noise assessment in Section 6.5 – Development in areas subject to aircraft noise.

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It states:

- (2) *This clause applies to development—*
- (a) *that is on land that is near the Kingsford Smith Airport and in an ANEF contour of 20 or greater, and*
  - (b) *that the consent authority considers is likely to be adversely affected by aircraft noise, and*
  - (c) *that involves any one or more of the following—*
    - (i) *the erection of a new building,*
    - (ii) *a substantial alteration or addition to an existing building,*
    - (iii) *an alteration or addition to a building that is required by a development consent to be compliant with AS 2021:2015,*
    - (iv) *the change of use of any part of a building to a centre-based child care facility, educational establishment, entertainment facility, health services facility, place of public worship, public administration building or residential accommodation,*
    - (v) *the change of use of any part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,*
    - (vi) *the change of use of any part of a building on land that is in an ANEF contour of 30 or greater to light industry.*

The redevelopment of the Hotel is not associated with the upstairs hotel rooms which are considered sensitive to aircraft noise. No changes to these rooms are proposed.

The ground floor areas which are being redeveloped are not considered as noise sensitive as hotel rooms as they does not contain accommodation. The noise sensitivity of the redeveloped areas is considered low, particularly due to the music and patron noise levels anticipated to be generated by its operation. The sensitivity of the ground floor areas to aircraft noise is considered most similar to light industry, which requires assessment of aircraft noise intrusion for buildings within ANEF contour 30 or greater. The site location does not fall within ANEF contour 30 or greater, therefore is not considered to require an aircraft noise assessment.

### 3.4 NSW Noise Policy for Industry

Notwithstanding the requests of Inner West Council, it is noted that Chapter 19 – Noise Quality Objectives of the ENCM, that related to Industrial Noise, was formally superseded by the Industrial Noise Policy, and now the *Noise Policy for Industry* (NPfI) [2]. The NPfI is primarily concerned with controlling intrusive noise impacts in the short-term for residences, and maintaining long-term noise level amenity for residences and other land uses.

The NPfI sets out the procedure to determine the project noise trigger levels relevant to an industrial development. The project noise trigger level is a level that, if exceeded would indicate a potential noise impact on the community and so **‘trigger’ a management response.**



### 3.4.1 Intrusive noise trigger level

The intrusiveness noise trigger level is applicable to residential premises only and is summarised as follows:

- $L_{Aeq,15minute} \leq \text{Rating Background Level (RBL) plus 5 dB}$   
(where  $L_{Aeq,15minute}$  represent the equivalent continuous noise level of the source)

Note that as the Intrusive Noise Trigger Level is established from the prevailing background noise levels at the residential receiver location, the existing background noise level is to be measured.

### 3.4.2 Recommended and project amenity noise level

To limit continuing increases in noise levels from application of the intrusiveness level alone, the ambient noise level within an area from **all** industrial noise sources combined should remain below the recommended amenity noise levels specified in Table 2.2 of the NPI where feasible and reasonable. An extract from the policy is given below in Table 5.

Table 5: NPfI Recommended Amenity Noise Levels (RANLs)

Receiver	Noise amenity area	Time of Day	Recommended amenity noise levels (RANLs) $L_{Aeq}$ , dB(A)
Residential	Urban	Day	60
		Evening	50
		Night	45

Notes: The recommended amenity noise levels (RANLs) refer only to noise from industrial sources. However, they refer to noise from all such sources at the receiver location, and not only noise due to a specific project under consideration. The levels represent outdoor levels except where otherwise stated.

1. The NPI defines day, evening and night time periods as:

- Day: the period from 7 am to 6 pm Monday to Saturday; or 8 am to 6 pm on Sundays and Public Holidays.
- Evening: the period from 6 pm to 10 pm.
- Night: 10pm to 12am – corresponding with the operational hours of the hotel

(These periods may be varied where appropriate. In the case where existing schools are affected by noise from existing industrial noise sources, the acceptable  $L_{Aeq}$  noise level may be increased to 40 dB  $L_{Aeq}(1hr)$ )

The recommended amenity noise levels (RANLs) represent the objective for **total** industrial noise at a receiver location, whereas the **project amenity noise level (PANL)** represents the objective for noise from a **single** industrial development at a receiver location.

To ensure that any new industrial source of noise is within the RANLs for an area, the PANL applies for each new source of industrial noise as follows:

- *Project Amenity Noise Level (PANL) = Recommended Amenity Noise Level (RANL) minus 5 dB(A)*

The NPfI also provides the following exceptions to the above method for deriving the project amenity noise level:

1. In areas with high traffic noise levels.

2. In proposed developments in major industrial clusters.
3. Where the resultant project amenity noise level is 10 dB or more lower than the existing industrial noise level. In this case the project amenity noise levels can be set at 10 dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.
4. Where cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity noise level for the development.

The area surrounding the site can be categorised as Urban under the NPfI. According to Section 2, the ambient noise levels at the sensitive receivers is controlled by traffic. The NPfI sets the PANLs to  $L_{Aeq(traffic)}$  minus 15 dB(A) in the case that the level of transport  $L_{Aeq(traffic)}$  exceeds the RANL by 10 dB or more.

Table 6 summarises the RANLs and the PANLs applicable for the project.

Table 6: NPfI RANLs and PANLs

Receiver	Indicative Noise Amenity Area	Time of day <sup>1</sup>	Recommended Amenity Noise Level (RANL) $L_{Aeq(traffic)}$	Existing Traffic $L_{Aeq(traffic)}$ <sup>2</sup>	Project Amenity Noise Level (PANL) $L_{Aeq(traffic)}$
All residential receivers	Urban	Day	60	65	55
		Evening	50	60	45
		Shoulder	48	56	43
		Night	45	53	40

Notes

1. The NPI defines day, evening and night time periods as:
  - Day: the period from 7 am to 6 pm Monday to Saturday; or 8 am to 6 pm on Sundays and Public Holidays.
  - Evening: the period from 6 pm to 10 pm.
  - Night: 10pm to 12am – corresponding with the operational hours of the hotel
2. Weekend traffic has been utilised due to lower levels recorded.

### 3.4.3 Sleep disturbance

The NSW NPfI recommends the following screening criteria for the assessment of potential sleep disturbance, for the period between 10 pm and 7 am:

- $L_{Aeq,15min}$  40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or;
- $L_{AFmax}$  52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater

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### 3.4.4 NPfI Project specific noise levels

Based on the background and ambient noise monitoring, Table 7 summarises the derived project specific noise levels based on the NPfI, to be applied to mechanical plant and equipment.

Table 7: NPfI Project specific noise levels

Receiver	Time Period	Project Specific Noise Levels		
		Intrusive Noise Trigger Levels $L_{Aeq,15min}$	Project Amenity Noise Level (PANL) $L_{Aeq,period}$	Sleep Disturbance $L_{Amax(night)}$
All residences	Day	57	55	-
	Evening	55	45	-
	Shoulder	48	43	58
	Night	47	40	57

#### Notes

- The NPfI defines day, evening and night time periods as:
  - Day: the period from 7 am to 6 pm Monday to Saturday; or 8 am to 6 pm on Sundays and Public Holidays.
  - Evening: the period from 6 pm to 10 pm.
  - Night: 10pm to 12am – corresponding with the operational hours of the hotel
- N/A Not Applicable

## 4 Operational noise assessment

### 4.1 Sound sources

Table 8 outlines the source sound levels utilised for the predictive assessment.

Table 8: Noise source data

Source	Overall dB(A)	Octave band centre frequency – Hz (dBZ)								
		31.5	63	125	250	500	1 k	2 k	4 k	8 k
Live music – Lp <sup>1</sup>	102	95	105	109	100	99	96	95	90	90
Entry – outdoor patrons L <sub>w</sub> (54 patrons) <sup>2</sup>	93	-	-	80	89	95	95	80	84	74
Bar and Dining – music and patrons – Lp <sup>3</sup>	89	75	78	88	84	86	86	81	75	66

Notes:

1. Sound pressure level, spectra based on Queensland Government OLGR Guideline 50 [4]
2. Sound power levels established in accordance with Hayne et al. [5], being  $L_{WA10} = 15 \times \log(\text{Crowd size}) + 67 \text{ dB(A)}$  and adopting loud voice spectra from Cushing et al. [6]. 5 dB addition made for patrons under influence of alcohol. Conservatively assumes 1 patron per m<sup>2</sup>.
3. Internal sound pressure levels determined based on Rindell, with inclusion of background music. Acoustic absorption included in fitout.

A total of 54 outdoor patrons have been modelled as an assumed indicative worst-case scenario in the entry area based on 1 patron per square metre. Due to the high modelled music noise, patron noise is not anticipated to significantly contribute to the internal noise environment. Limiting internal patron numbers is not anticipated to affect noise emissions.

Noise predictions do not include a specific assessment of the food truck at the rear of the premise. It is understood that power will be provided from site, meaning that the truck will not need to rely on its own power generator, reducing noise emission. Furthermore, it is proposed to order and serve via the proposed sliding windows at the rear of the dining/seating area, which will not result in patrons congregating in the rear carpark area. Noise emission from the food truck operation is therefore expected to be minimal.

Loading activities from the rear carpark entry are proposed during the daytime only. Loading noise impacts are not anticipated to be significant during the day due to the relatively high ambient noise levels due to traffic, and due to the short duration and low noise levels generated by loading activities. After 6pm all loading activities will take place via the Princes Highway entry, where noise impacts are not expected to be significant due to the distance to the worst affected receivers at 159 Princes Highway, which are exposed to traffic noise from Princes Highway at all periods of the day.

Mechanical services equipment has not yet been selected to allow assessment and has otherwise been discussed in Section 5.

## 4.2 Noise emission predictions

The noise predictions include base assumptions regarding construction of existing building and new sections of the hotel. These assumptions are outlined in Section 5.

Two scenarios are presented, one with sliding windows to rear bar open, being servery from food truck service (Table 9), and the other with the windows closed (Table 10). Predictions have been made to the nearest residential apartment of 159 Princes Highway, which is closest to the live music area and overlooks the rear bar/dining area. Noise emission to Church Street residential premises will be lower than that presented below, particularly from live music. Regarding 159 Princes Highway apartments, the predictions are also conservative, as they are based on the nearest, worst case receiver location to each area of the site, which does not occur in practice.

Table 9: Noise predictions – 159 Princes Highway – **servery open**

Source	Overall dBL <sub>A10(15minute)</sub>
Main Room – live music	44
Lobby (controlled by live music from Main Room – doors between open)	32
Seating Area – assumes 5dB reduction to contribution of noise from open servery window due to shielding from food truck	49
Kitchen and bar	35
Entry Area – external patrons	48
<b>TOTAL</b>	<b>52</b>
<b>Criteria</b>	
7am – 6pm (external)	56
6pm – 10pm (external)	55
Shoulder 10pm-12am	48

Note  
Cells in red indicate a predicted exceedance of criteria

Table 10: Noise predictions – 159 Princes Highway – **servery closed**

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Source	Overall dBL <sub>A10(15minute)</sub>
Main Room – live music	44
Lobby (controlled by live music from Main Room – doors between open)	32
Seating Area	29
Kitchen and bar	35
Entry Area – external patrons	44
<b>TOTAL</b>	<b>47</b>
<b>Criteria</b>	
7am – 6pm (external)	56
6pm – 10pm (external)	55
Shoulder 10pm-12am	48

### 4.3 Discussion

The predictions indicate that the primary noise emission from the use is from live entertainment, the outdoor entry area and emission from the rear servery windows when open.

An exceedance of night time patron and music criteria by up to 5 dB is predicted when the servery is open. No exceedances of noise criteria are predicted when the servery is closed.

From an operational perspective, it is recommended that the servery window only be open for taking and providing orders prior to 10pm, for which the predicted noise levels at the nearest receiver are compliant. After 10pm no service shall be conducted.

While  $L_{max}$  predictions for sleep disturbance have not specifically been undertaken, peak noise levels from activities will not significantly exceed the  $L_{10}$  levels predicted, noting that the  $L_{max}$  criteria is significantly higher. Based on the  $L_{10}$  noise assessment the established sleep disturbance criteria would also be satisfied.

Further discussion with respect to key operational and design mitigation and management measures are discussed in Section 5.

## 5 Recommendations

Based on the assessment undertaken, the following recommendations provide in-principle advice for the mitigation and management of noise emission from the premises. It is noted that the recommendations include consideration of low frequency music noise emission control, despite criteria not specifically requiring it. This is considered appropriate to minimise potential impact from the use.

This information is presented for Council approvals process and project planning and shall not be used for construction unless otherwise approved in writing by the acoustic consultant.

### 5.1 Operational controls

- Emergency egress doors are assumed closed at all times, other than for emergency. These include:
  - Main room doors to entry area
  - Dining area doors to rear carpark
- Servery sliding windows to remain closed after 10pm.
- Prior to 10pm, servery sliding windows to remain closed other than for ordering or serving of meals. Openable area should be minimised as far as practicable.
- Operable walls separating the seating area from the outdoor area to remain closed after 10pm.
- Rear carpark area is not assumed to be a general patron area but may be utilised for operation of food truck.
- Loading or unloading of music equipment from the rear carpark entry shall be limited to the hours of 7am to 6pm. Outside of these hours loading shall be limited to the Princes Highway entry.
- Bands and staff shall be instructed to load out quickly and to keep noise to a minimum.
- Mains power to be supplied for food trucks to limit need for independent power generation or running engines.
- Notify guests staying in the Hotel of the live music operations, upcoming events during their stay and their potential acoustic impacts.

Responsibility for compliance with operational management measures shall lie with the Licensee of the venue.

#### 5.1.1 Sound systems

Where practicable, all amplified sound, including background music and TVs etc., should be provided via an in-house sound system so that the sound levels can be controlled by a sound limiter. An RMS compressor/limiter (eg. Rane HAL, BSS

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Blu, Symetrix Jupiter or MediaMatrix X-Frame 88) is recommended. Multi-band compression is recommended for greater control over the critical frequency bands.

Where temporary sound systems or instrument amplifiers are used for entertainment it is not practicable to have them controlled by an electronic limiter. For these cases, a sound monitor would be needed (e.g CESVA RS-60, NTi Audio XL2), to identify when sound levels are above the prescribed levels.

Where different noise limits apply at various operating times, the device should include or support multiple time-based settings. Where different noise limits might be applicable between windows open and windows closed scenarios, it is recommended that reed switches or similar be included in the windows, such that, when windows are open, sound system levels are limited to a lower noise level.

The device should be set during acoustic compliance testing by an appropriately qualified acoustic consultant in conjunction with the system engineer/technician.

The noise limits shall be determined at detailed design stage, following finalisation of the building envelope design.

## 5.2 Building/architectural design

The building envelope design will need to consider all emission paths, such as walls, doors, glazing, roof, mechanical ductwork penetrations. The following preliminary recommendations are made for the building envelope however may be revised dependant on music noise levels:

Item	Indicative performance $R_w + C_{tr}^1$	Indicative construction
<b>Main room</b>		
Brick walls, including new walls of extension.	47	110 mm clay brick / 50 mm air gap / 110 mm clay brick.
Victoria Street and corner door infills	47	As above, or caulk and seal current solid core doors and provide secondary stud work internally with 3 x 15 mm Compressed Fibre Cement with bulk insulation in cavity (min 100 mm)
Glazing to Princes Highway	40	Infill or caulk and seal existing glazing and frames and provide either: <ul style="list-style-type: none"> <li>secondary min 10.38 mm laminated glazing or equivalent perspex with min 100 mm air gap between panes; OR</li> <li>2 layers of 9mm Compressed Fibre Cement hard up against existing glazing</li> </ul>
Emergency egress doors	30	Min 40 mm solid core doors with acoustic seals; OR 10.38mm laminated glazed door with acoustic seals.
Stage	-	If a formal stage is constructed, it is recommended not to be structurally connected to the external walls.



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Item	Indicative performance $R_w + C_{tr}^1$	Indicative construction
<b>Lobby</b>		
Glazing	40	Infill or caulk and seal existing glazing and frames and provide either: <ul style="list-style-type: none"> <li>secondary min 10.38 mm laminated glazing or equivalent perspex with min 100 mm air gap between panes; OR</li> </ul> 2 layers of 9mm Compressed Fibre Cement hard up against existing glazing
Double door to outside near amenities	30	Min 40 mm solid core doors with acoustic seals. Internal door not upgraded.
Internal doors separating main room from Lobby	-	Doors modelled as open.
<b>Seating area</b>		
New walls to car park area	40	12 mm fibre cement sheeting to external, steel staggered studs / min 75 mm 14kg/m <sup>3</sup> bulk insulation / 2 x 13 mm fire rated plasterboard to inside
Roof	45	0.42 steel roof / 18 mm plywood underside / steel or timber roof structure with min 50 mm 10kg/m <sup>3</sup> bulk insulation in cavity / 2 x 16 mm fire rated plasterboard to ceiling (isolated from structure)
Skylights	30	Min 10 mm glass with acoustic seals
Emergency egress doors	30	Min 40 mm solid core doors with acoustic seals.
Glazing to servery	30	Min 10 mm glass with acoustic seals
Parapet along north-east and north-west of open seating area	-	To extend to a minimum height of 4.5m
<b>Existing kitchen and new bar</b>		
Roof services penetrations	30	All services penetrations in roof to be sealed or acoustically treated to achieve equivalent transmission loss.
Small windows	40	Infill or caulk and seal existing glazing and frames and provide either: <ul style="list-style-type: none"> <li>secondary min 10.38 mm laminated glazing or equivalent perspex with min 100 mm air gap between panes; OR</li> <li>2 layers of 9mm Compressed Fibre Cement hard up against existing glazing</li> </ul>
Large windows	40	2 layers of 9mm Compressed Fibre Cement, no cavity between.
Emergency egress doors	30	Min 40 mm solid core doors with acoustic seals; OR 10.38mm laminated glazed door with acoustic seals.

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Item	Indicative performance $R_w+C_{tr}^1$	Indicative construction
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Note:

Stated performance is for indicative purposes as full spectrum sound insulation performance will need to be evaluated.

- Acoustically absorptive finishes should be allowed for in the following areas:
  - Main room
  - Lobby
  - Seating area

It is generally recommended to treat the majority of the ceiling area with an acoustic treatment having a Noise Reduction Coefficient (NRC) greater than 0.7. Materials with broadband absorption across the music and speech ranges are recommended to improve music sound quality and reduce patron noise levels.

### 5.3 Mechanical plant

New external building service equipment is anticipated to be a new condenser unit servicing the proposed cool room. Mechanical plant has not been selected at this stage of design. During ongoing design of the development, building services equipment will be selected and provided with noise and vibration attenuation measures as required to meet the Project goals.

Noise mitigation treatment may be required, including:

- Specification of maximum sound power levels for all items of plant as part of the project documentation.
- Use of attenuators to control fan noise
- Acoustic louvres to control noise from plantroom ventilation openings
- Vibration isolators to reduce vibration input to the building structure
- Acoustic screens around external plant, where required
- Incorporation of sound insulating and absorptive treatments to plantroom spaces.

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## 6 Conclusion

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An acoustic assessment has been carried out for the proposed additions and alterations to the White Horse Hotel, St Peters, including provision of live music.

This report includes an assessment of noise emissions to noise limits outlined by Inner West Council and NSW noise policy.

The assessment concludes that the proposed development and operations can satisfy the established noise goals. Recommendations have been made regarding operational and building design noise control, which should be subject to further detailed design and which is recommended to be carried out by an appropriately qualified acoustic consultant prior to issue of the construction certificate.

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Acoustic Assessment - DA

## References

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- [1] NSW Environment Protection Authority, "Environmental Noise Control Manual," NSW Environment Protection Authority, Sydney, 1993.
- [2] NSW Environmental Protection Authority, "NSW Noise Policy for Industry," NSW EPA, Sydney, 2017.
- [3] G. Wheatley, "Assessing noise from licensed premises - Are we on the same page?," *Acoustics Australia*, pp. 19-20, April 2011.
- [4] Queensland Government, "Guideline 50 - Acoustic Consultants - When assessment noise associated with entertainment and patrons at premises licensed under the Liquor Act 1992," Compliance Unit - Office of Liquor and Gaming Regulation, Brisbane, 2010.
- [5] H. M.J, T. J.C, R. R.H and M. D.J, "Prediction of Noise from Small to Medium Sized Crowds," in *Acoustics 2011*, Gold Coast, 2011.
- [6] C. I. R, F. F. Li, T. J. Cox, K. Worrall and T. Jackson, "Vocal effort levels in anechoic conditions," *Applied Acoustics*, vol. 72, pp. 695-701, 2011.

**Appendix A**

Unattended Noise logging

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## A1 Noise monitoring equipment

Unattended monitoring was carried out using the following equipment:

Measurement location	Equipment/model	Serial No.	SLM Type
L1	ARL Ngara	87807f	Class 1

Notes:

All meters comply with AS IEC 61672.1 2013 "Electroacoustics - Sound Level Meters" and designated either Class 1 as per table, and are suitable for field use.

The equipment was calibrated prior and subsequent to the measurement period using a Bruel & Kjaer Type 4231 calibrator. No significant drift in calibration was observed.

## A2 Extraneous/weather affected data

Measurement samples affected by extraneous noise, wind (greater than 5m/s) or rain were excluded from the recorded data in accordance with the procedures outlined in Fact Sheet A of the NSW Noise Policy for Industry (NPI).

Data provided by the Bureau of Meteorology (BOM), for the nearest representative weather station to noise monitoring location(s). Wind speed data was adjusted to account for the difference in measurement height and surrounding environment between the BOM weather station (measured 10 m above ground) and the microphone location based on Table C.1 of ISO 4354:2009 'Wind actions on structures'.

## A3 Logger graphs

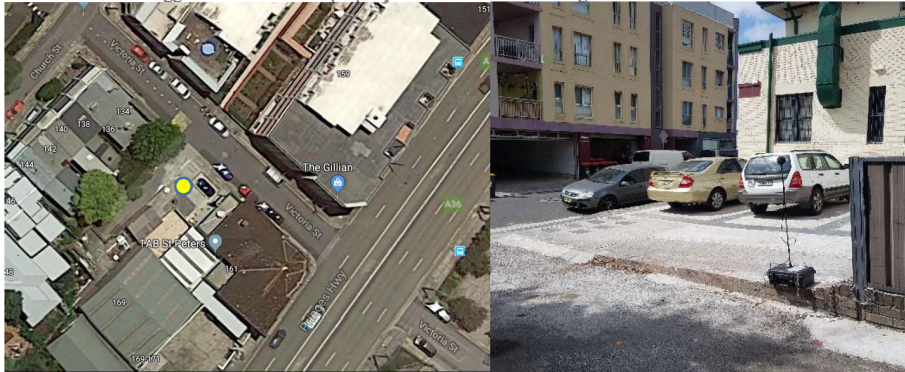
The following noise level vs time graphs present overall dB(A) levels recorded by the unattended logger(s) for a range of noise descriptors, including  $L_{Aeq}$ ,  $L_{A90}$ ,  $L_{A10}$  and  $L_{Amax}$ . While line graphs are presented, sampling is at 15 minute intervals.

Wind speeds are also show where relevant, and periods of excluded data are shaded grey.

ARUP

**White Horse Hotel, St Peters (Free Field)**

Additional detail: Logger located at rear of property on Victoria Street frontage

**Background and ambient noise monitoring results - NSW 'Noise Policy for Industry', 2017**

Date	L <sub>A90</sub> Background noise levels <sup>4</sup>			L <sub>Aeq</sub> Ambient noise levels		
	Day <sup>1</sup>	Evening <sup>2</sup>	Night <sup>3</sup>	Day <sup>1</sup>	Evening <sup>2</sup>	Night <sup>3</sup>
Friday-13-September-2019		45	42		62	58
Saturday-14-September-2019	47	43	39	67	61	54
Sunday-15-September-2019	46	44	39	62	60	52
Monday-16-September-2019						
Tuesday-17-September-2019						
Wednesday-18-September-2019	52	50		67	66	
Thursday-19-September-2019	51			66		
Tuesday-01-October-2019		51	41		67	65
Wednesday-02-October-2019	58	50	45	70	67	66
Thursday-03-October-2019	58	51	44	70	68	65
Friday-04-October-2019						
<b>Representative Week<sup>5</sup></b>	<b>51</b>	<b>50</b>	<b>42</b>	<b>67</b>	<b>65</b>	<b>63</b>

Notes:

1. Day is 8:00am to 6:00pm on Sunday and 7:00am to 6:00pm at other times

2. Evening is 6:00pm to 10:00pm

3. Night is the remaining periods

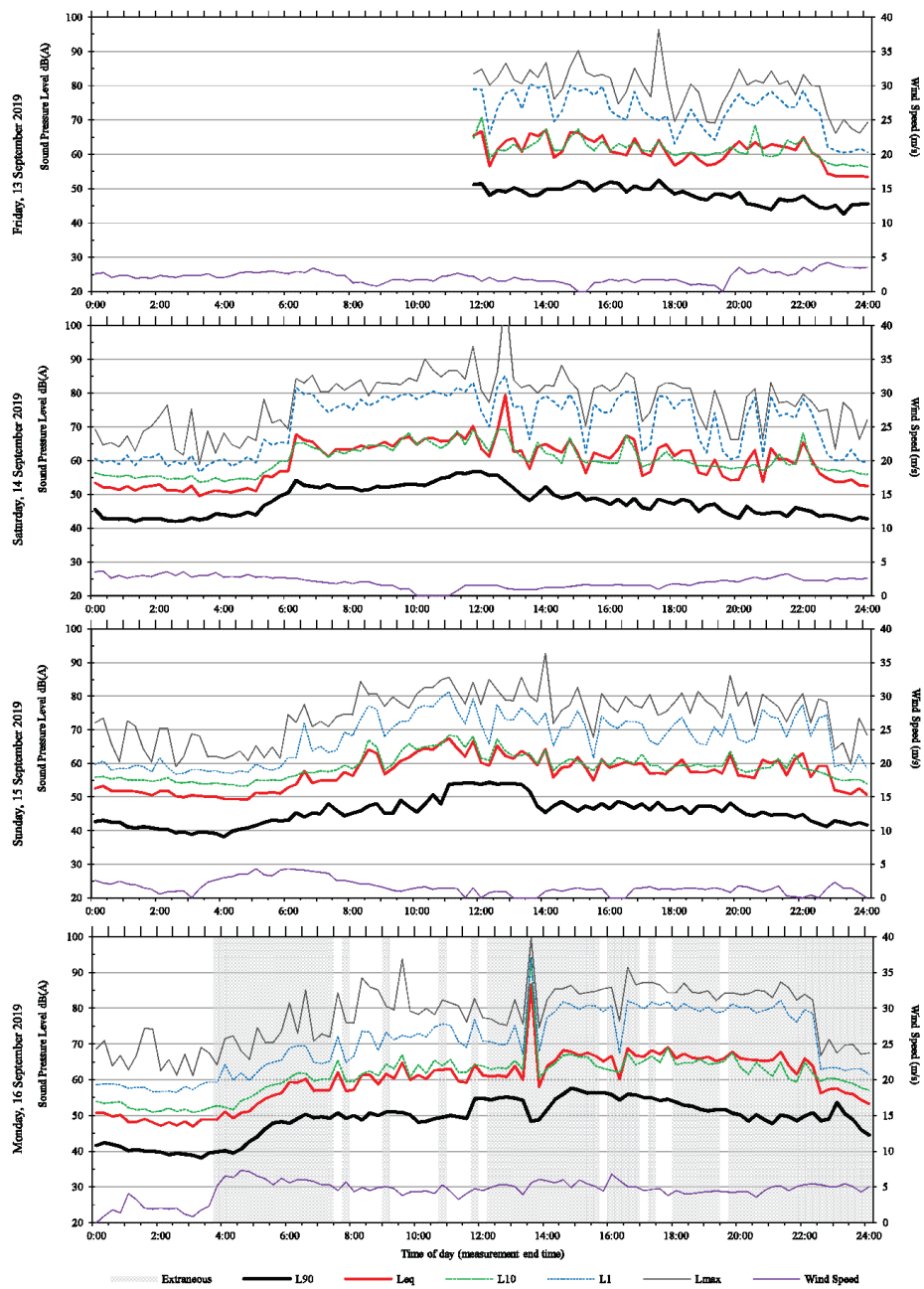
4. Assessment Background Level (ABL) for individual days

5. Rating Background Level (RBL) for L<sub>A90</sub> and logarithmic average for L<sub>Aeq</sub>

White Horse Logger\_COMBINED v2.xlsm

Unattended monitoring: White Horse Hotel, St Peters (Free Field)

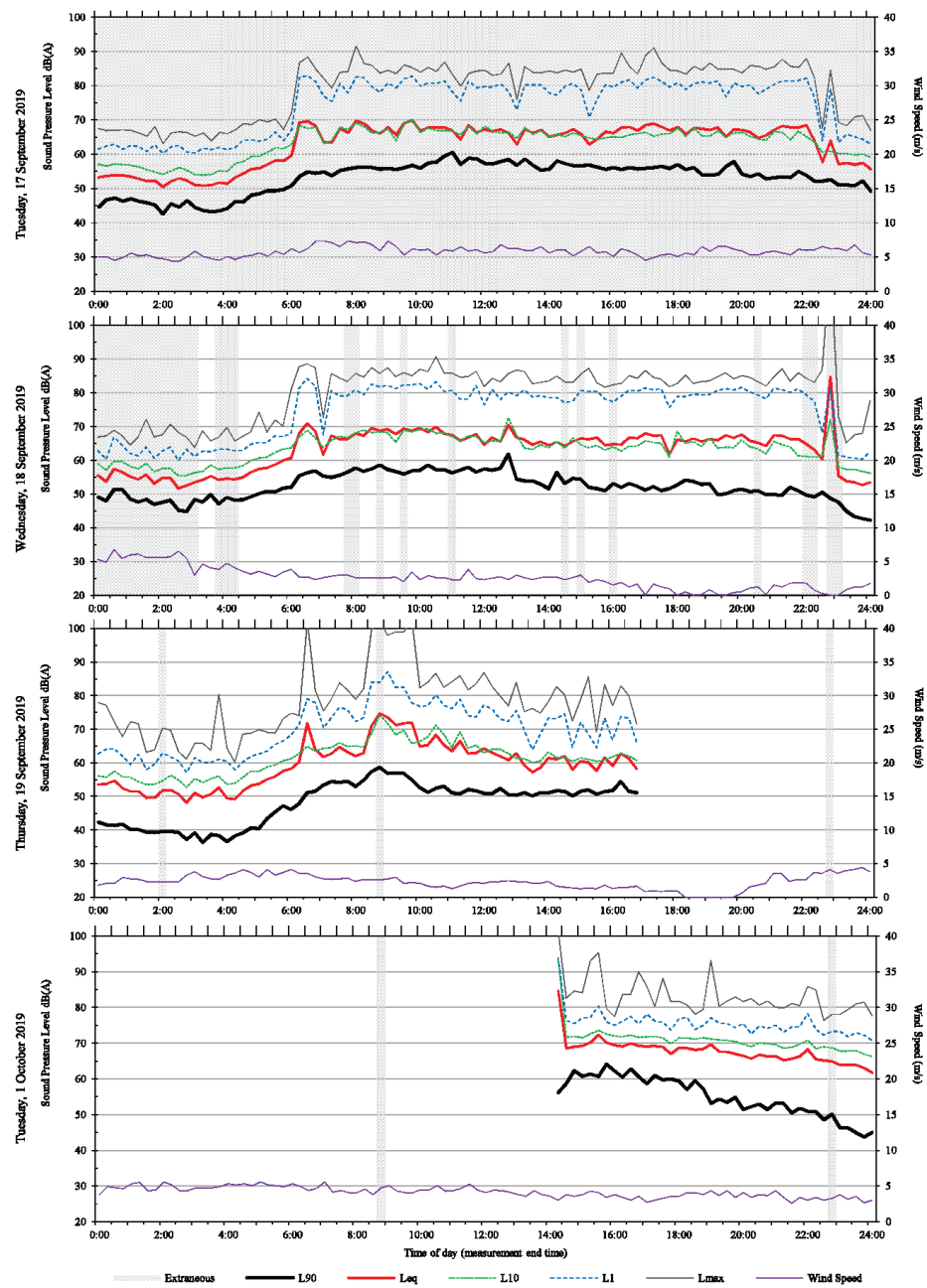
ARUP





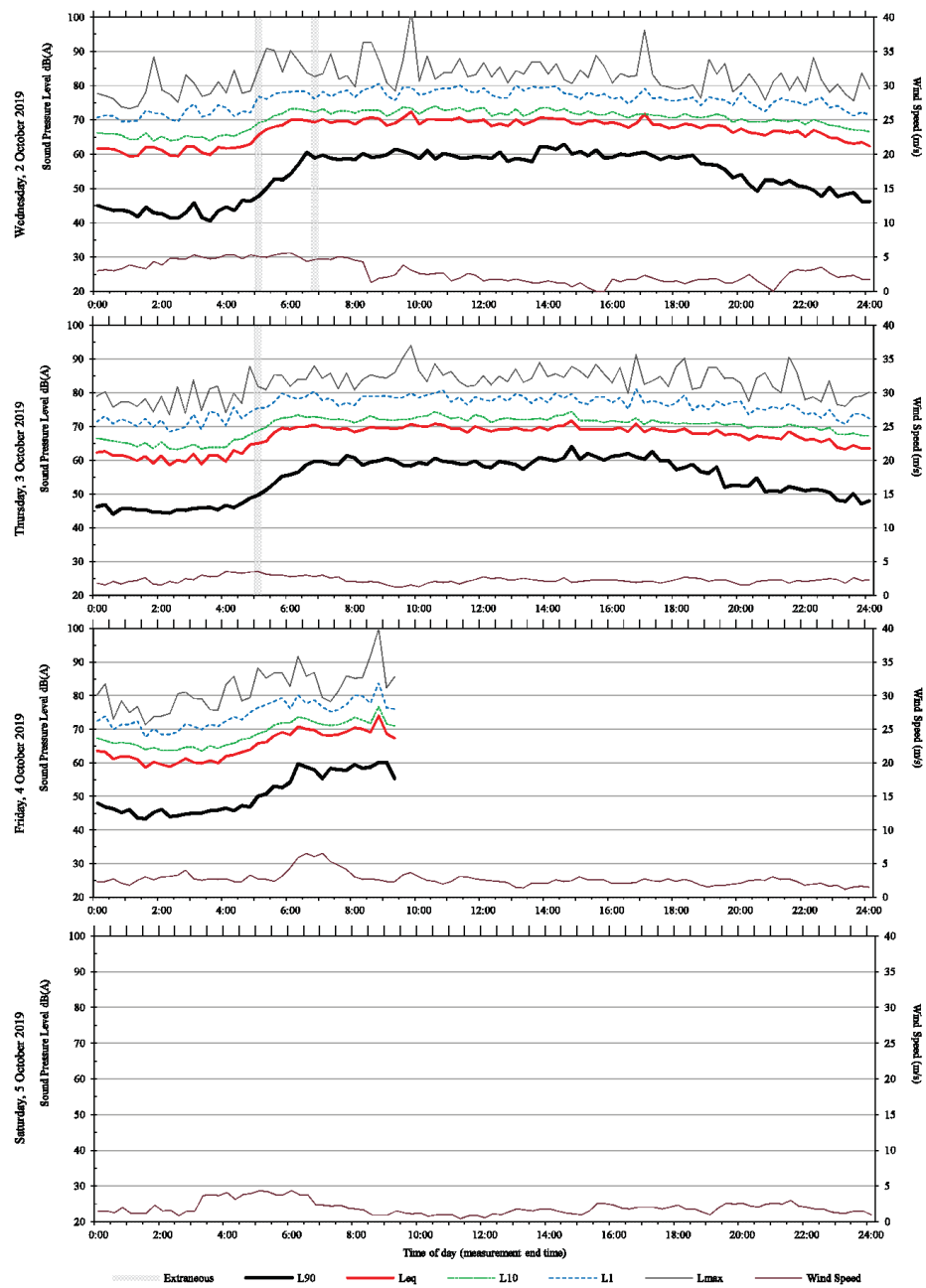
## Unattended monitoring: White Horse Hotel, St Peters (Free Field)

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## Unattended monitoring: White Horse Hotel, St Peters (Free Field)

ARUP



**Attachment D – Plan of Management**

# THE WHITE HORSE HOTEL

## PLAN OF MANAGEMENT

161 PRINCES HIGHWAY  
ST PETERS 2044

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## 1. Overview

### 1.1PURPOSE

The purpose of this Plan of Management (The Plan) is to establish performance criteria for various aspects of the operations of the licensed premises: **The White Horse Hotel** having regard to the relevant matters under the Environmental Planning & Assessment Act 1979 and the Liquor Act 2007.

The primary objective of the Plan is to establish standards and measures to achieve a safe environment for staff and patrons, thereby minimising the potential for alcohol related incidents, anti-social behaviour and adverse impact upon the amenity of the local area.

### 1.2SCOPE

The Plan supersedes all previous versions and incorporates relevant key legislative obligations including hotel specific Development Application (DA) and Liquor Licence conditions (where applicable). The Plan reflects updates in governing acts and legislation and references key liquor licence conditions.

### 1.3USE OF THE PLAN

A copy of the Plan will be maintained by the Licensee and made accessible to key hotel management and staff. Other staff will be briefed on relevant sections of the Plan as required during their induction to the hotel or through routine team briefings.

### 1.4AMENDMENTS TO THE PLAN

Amendments to the Plan may be made from time to time to improve the management of the premises and in accordance with legislative changes to relevant acts.

### 1.5COMPLIANCE WITH CONDITIONS

The hotel will be operated in accordance with its' Liquor Licence conditions, relevant legislative conditions under the Liquor Act 2007 (NSW) and the updated Plan of Management.

## 2. Operational Environment

### 2.1 ACCOMODATION AND SERVICES PROVIDED

The White Horse Hotel is located at 161 Princes Highway, St Peters NSW. The hotel occupies two (2) floors with ground floor bar, bistro, court yard and the first floor housing nine hotel rooms. Eight of the rooms have queen sized beds in them, with the capacity to sleep either one or two persons, and one room has a king single bed which sleeps one person. Access to the upstairs accommodation is via a sperate entry located

on Victoria street. This entry is only for guests staying at the hotel and is accessed by using a separate security key provided to guests at check in.

The primary purpose of the premises is the sale and supply of liquor by retail and accommodation. Additionally the premises provides for the:

- a. Provision of entertainment
- b. Service of meals
- c. Use of the premises to facilitate functions

A copy of a Site Plan that details the hotel location is contained at **Appendix A**.

## 2.2 KEY LOCALITY INFORMATION

The following key locality information applies to the White Horse Hotel:

AREA	DESCRIPTION & LOCATION
Local Government Area	Inner West Council
<b>Public Transport</b>	
- <b>Bus Routes</b>	Travelling North: NSW Transport Bus Stop 204435 located 20 metres north of the hotel on the Princes Highway Travelling South: NSW Transport Bus Stop 204412 located directly opposite the hotel on the Princes Highway
- <b>Train Station</b>	St Peters Train Station located 800m north on the corner of Princes Highway and Lord Street
<b>Waste Storage</b>	Rear of Property, on private property
<b>Designated Smoking Area</b>	Internal Laneway and Courtyard inside the hotel

## 3. Operational Information

PREMISE DETAILS	RELEVANT INFORMATION
Licensee:	Matt Rule
Licence Number:	LIQH400106548
Licence Name:	White Horse Hotel
Licence Type:	Hotel Licence
Licence Sub-Type:	Full Hotel
Licence Status:	Approved
Address:	161 Princes Highway, St Peters 2044
Phone number:	0460849290
Email address:	<a href="mailto:matt@themusicandboozeco.com.au">matt@themusicandboozeco.com.au</a>
Web address:	NA

TRADING HOURS	AUTHORISED
Monday	05:00 AM - 12:00 AM
Tuesday	05:00 AM - 12:00 AM
Wednesday	05:00 AM - 12:00 AM
Thursday	05:00 AM - 12:00 AM
Friday	05:00 AM - 12:00 AM
Saturday	05:00 AM - 12:00 AM
Sunday	10:00 AM - 10:00 PM



OPERATING HOURS	PROPOSED
Monday	10:00 AM - 12:00 AM
Tuesday	10:00 AM - 12:00 AM
Wednesday	10:00 AM - 12:00 AM
Thursday	10:00 AM - 12:00 AM
Friday	10:00 AM - 12:00 AM
Saturday	10:00 AM - 12:00 AM
Sunday	12:00 PM - 10:00 PM

## 4. Live Music

### Operating Hours

The performance area will be will have the capacity to operate 7 days a week. As a rule of thumb shows will take place regularly each Thursday, Friday and Saturday nights between 8:00pm and 11:45pm, **BUT WILL NOT BE LIMITED TO THOSE DAYS/TIMES**. By the nature of touring artists scheduling, the hotel may host performance on other days and times of the week as well.

### Loading of Equipment

**Loading In:** On performance nights the loading in of band equipment will take place via the rear of the hotel before 5pm. Artists will park their vehicles in the rear driveway and load through the back emergency exit doors carrying gear directly through to the performance space.

**Loading Out:** The loading out of band equipment will take place immediately after the last patron of the hotel has existed the building. All loading out of equipment will take place via the main entrance of the hotel on the Princes Highway. There will be no loading out of band equipment from the rear of the hotel or via Victoria Street.

## 5. Food Trucks

Food trucks will be used at the hotel as a fresh, unique food option for patrons. Operators will be sourced from the multitude of trucks operating throughout Sydney and will be engaged for a week at a time on a revolving basis.

Service will take place via a dedicated sliding servery window which faces into the hotel. To mitigate patron noise this window will only be opened when orders are being taken or food is being served. At all other times this window is to remain closed.

There will be no food service to hotel patrons or for takeaway meals from Victoria Street and the rear of the hotel. All food ordering will take place from inside the hotel via the sliding servery window.

Food trucks will be plugged directly into the hotels mains power to avoid the need to have their engines running during the hours of service. This will stop associated engine noise from causing disruption to the amenity of the area.

The food truck will arrive at the hotel before 3pm Monday – Friday and before 11am Saturday – Sunday. Staff will be required to move their car from the parking area 15 minutes prior to the food truck arriving to enable the food truck to park without any vehicles blocking Victoria Street.

**SERVICE HOURS**

Monday	5:00 PM - 10:00 PM
Tuesday	5:00 PM - 10:00 PM
Wednesday	5:00 PM - 10:00 PM
Thursday	5:00 PM - 10:00 PM
Friday	5:00 PM - 10:00 PM
Saturday	12:00 PM - 3:00 PM / 5:00 PM - 10:00 PM
Sunday	12:00 PM - 3:00 PM / 5:00 PM - 10:00 PM

## 6. Alcohol Management Plan

**6.1 INTRODUCTION**

This Alcohol Management Plan has been created based on:

- Official Guidelines titled *“Prevention of Intoxication on Licensed Premises”* issued from the Office of Liquor, Racing and Gaming in March 2015 and
- *The owner’s vision and focus for the Hotel focus as venue that provides:*
  - a meeting point in the community
  - quality casual food and dining
  - safe place to enjoy sports and entertainment

**6.2 PURPOSE OF THE ALCOHOL MANAGEMENT PLAN**

Ensure the Responsible Service of Alcohol (RSA) at the White Horse Hotel at all times of trading.

- It will clearly define the practical steps to take to:
  - Prevent Intoxication at the Venue
  - Monitor Liquor Consumption and Patron Behaviour
  - Implement Harm Minimization Measures

**6.3 THE LAW**

• It is unlawful for a licensee or staff member to:

- *sell or supply liquor to an intoxicated person* on licensed premises  
(Section 73(2) of the *Liquor Act 2007*). **Maximum penalty - \$11,000.00**
- *permit intoxication on licensed premises*  
(Section 73(1) (a) of the *Liquor Act 2007*). **Maximum penalty - \$11,000.00**

*Sell or supply liquor to a minor on licensed premises*

(Section 117(1)(2) of the *Liquor Act 2007*) **Maximum Fine - \$11,000.00 (\$1,100.00 Staff)**

- o ***Allow a minor to consume liquor on a licensed premise***  
(Section 118 of the Liquor Act 2007) **Maximum Fine - \$11,000.00 (\$1,100.00 Staff)**
- o ***Allow a minor to remain in a 'Restricted Area' (18 years or over)***
- o ***Allow a minor to remain in an 'Authorized Area' (under 18 years) unless in the company of a responsible adult***  
(Section 123 of the Liquor Act 2007)

#### 6.4 THREE STRIKES LEGISLATION

The "three strikes" scheme applies to specific Liquor Act offences committed by licensees and approved managers. It can be incurred where a licensee or approved manager is convicted of one of a range of the most serious offences under the Liquor Act.

#### Which Liquor Act Offences can lead to a strike?

- a) Sale or supply of liquor outside of the approved trading hours for the licensed premises (Section 9)
- b) **Breach of a licence condition (Section 11(2) relating to:**
  - Conditions imposed under: Section 144E (i.e. as a result of strikes being incurred)
  - Clauses 2A–5 or 7 of Schedule 4:(Applying to premises included in the violent venues scheme)
  - Part 6, Division 3 of the Act - Kings Cross Precinct special licence conditions
  - Part 6, Division 4 of the Act - Sydney CBD Entertainment Precinct special licence conditions
- c) Permitting intoxication or indecent, violent or quarrelsome conduct **(Section 73(1)(a) or (b))**
- d) Selling or supplying liquor to an intoxicated person **(Section 73 (2))**
- e) Permitting the sale, possession or use of any substance that the licensee suspects of being a prohibited plant or a prohibited drug **(Section 74(1)(b) or (2))**
- f) Failure to comply with a direction given by the Director General **(Section 75) (3)**
- g) Failure to comply with a short-term closure order **(Section 82) (6)**
- h) Failure to comply with a long-term closure order **(Section 84) (7)**
- i) Failure to comply with a notice issued by the Director General restricting or prohibiting activities that encourage misuse or abuse of liquor **(Section 102A) (2)**
- j) Selling or supplying liquor to a minor or allowing such sale or supply **(Section 117 (1) (2) or (8))**

K) Licensees and managers liable for act of employees etc. in respect of a contravention of: **Sections 73(2), 75(3) or 117(1) or (2) (section 149)**

HOW ARE THREE STRIKES INCURRED?		
First Strike	Automatically incurred upon conviction for a single relevant offence.	
Second Strike	Discretionary, and can be incurred upon conviction for a relevant offence committed where one strike is already in force.	Secretary of the NSW Department of Justice decides whether to impose a second strike.
Third Strike	Discretionary, and can be incurred upon conviction for a relevant offence committed where two strikes are already in force.	Independent Liquor & Gaming Authority decides whether to impose a third strike.

- Each strike remains in force for 3 years from the date of the offence.
- It is not incurred until there is a conviction for the offence.
- Where multiple offences are committed in relation to a licence within a single 24-hour period, they are taken to be a single offence under the scheme.

#### MATTERS FOR CONSIDERATION WHEN DECIDING TO IMPOSE A STRIKE OR LICENCE CONDITIONS FOLLOWING A STRIKE

- If venue is listed on the violent venues scheme
- Venue size and patron capacity
- Change of licensee and business owners
- Changes to business practices
- Compliance and incident history and crime statistics

### 6.5 PREVENTING INTOXICATION

Management and staff all have attained competency in the Responsible Service of Alcohol (RSA). The following hotel policies are derived from those training guidelines with early intervention a focus.

- **Intoxication Assessments**

- **The NSW Liquor Act 2007 Section 5 (1) states that a person is intoxicated if:**

- (a) The person's speech, balance, co-ordination or behaviour is noticeably affected, and
- (b) It is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Under the NSW liquor laws, licensees and staff must ensure that patrons do not become intoxicated.

**Intoxicated persons are removed from the premises immediately or refused entry onto the licensed premises.**

*What are the noticeable signs of intoxication?*

**These symptoms or signs are not exhaustive and not necessarily conclusive of intoxication**

Speech	Balance	Co-ordination	Behaviour
<ul style="list-style-type: none"> <li>• Slurring words</li> <li>• Rambling or unintelligible conversation</li> <li>• Incoherent or muddled speech</li> <li>• Loss of train of thought</li> <li>• Not understanding normal conversation</li> <li>• Difficulty in paying attention</li> </ul>	<ul style="list-style-type: none"> <li>• Unsteady on feet</li> <li>• Swaying uncontrollably</li> <li>• Staggering</li> <li>• Difficulty walking straight</li> <li>• Cannot stand or falling down</li> <li>• Stumbling</li> <li>• Bumping into or knocking over furniture and people</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of coordination</li> <li>• Spilling drinks</li> <li>• Dropping drinks</li> <li>• Fumbling Change</li> <li>• Difficulty counting money or paying</li> <li>• Difficulty opening or closing doors</li> <li>• Inability to find one's mouth with a glass</li> </ul>	<ul style="list-style-type: none"> <li>• Rudeness</li> <li>• Aggression</li> <li>• Belligerent</li> <li>• Argumentative</li> <li>• Offensive</li> <li>• Bad tempered</li> <li>• Physically violent</li> <li>• Loud/boisterous</li> <li>• Confused</li> <li>• Disorderly</li> <li>• Exuberance</li> <li>• Using offensive language</li> <li>• Annoying/pestering others</li> <li>• Overly friendly</li> <li>• Loss of inhibition</li> <li>• Inappropriate sexual advances</li> <li>• Drowsiness or sleeping at a bar or table</li> <li>• Vomiting</li> <li>• Drinking rapidly</li> </ul>

**Refusal of Service Procedure**

- Inform the patron they are being refused service and the reason why (approaching guidelines for RSA)
- Ask the patron to leave the premises, and if they refuse;
- Contact, or attempt to contact, the police for assistance in removing the person from the premises, and;

**REMEMBER**

- It is an offence to serve a patron once they have been refused service or asked to leave
- It is an offence to allow a patron or person to remain on premise once they have been refused service or asked to leave
- There is no time limit applicable to remove a person from the premise, although no undue delay should occur once a decision has been made that a patron/s has been asked to leave the premise
- Take your time and avoid conflict
- Use friends or family where available
- Avoid physical removals where possible
- Ensure you write removals, asked to leave and refusals in the incident register

## 6.6 HARM MINIMISATION

### Measures in place at White Horse Hotel during trade hours to support the prevention of intoxication

- **Signage clearly displayed in the Hotel:**
  - No More It's the Law
  - RSA House Policy,
  - Think About It, If You Are Drunk and Disorderly on These Premises We WILL Ask You To Leave,
  - Any Person who Sells or Supplies Liquor to an Intoxicated Person on this Venue is Guilty of an Offence
  - Fail to Quit – If You Are Asked To Leave and Fail You Are Breaking the Law
- **Additional Measures**
  - Common Barring Policy for patrons who fail to quit premises upon request
  - Common Barring Policy for patrons who indulge in anti-social behaviour
  - No advertising/marketing is conducted to encourage binge drinking
  - Intrusive assessment of person/s at point of entry
  - Regular assessment and interaction with patrons at point of sale
  - Regular monitoring and patron assessment whilst patrolling venue
  - Free Drinking Water is clearly available at all bars
  - Non Alcoholic and Low Strength Alcohol alternatives are clearly observable and available at all bars
  - High visibility presence of management, staff and security during peak trade periods

## 6.7 UNDERAGE PATRONS

### DEFINITIONS

- **Minor**
  - Person under the age of 18 years
- **Responsible Adult**
  - Parent, step parent or guardian / over 18 and;
  - Minors de-facto spouse or partner
  - For the time being standing in as the minors parent

## 6.8 IDENTIFICATION

### There are five acceptable forms of identification:

NSW Photo Card.	(Current)
Drivers Licence	(Current & issued by NSW State, Territory or another country)
Passport	(Issued by Australia or another country)
Proof of Age Card	(Issued by Australian State or Territory except NSW)
Key pass – Over 18 Identity Card	(Issued by Australia Post)



Identification is to be obtained from every person in or entering the venue, who appears to be 25 years of age or younger and who attempts to purchase/consume alcohol.

- There is no requirement for this procedure for person's under 18 in company with their parent/s or a responsible adult who are simply there to consume a meal and who do not request service of alcohol
- **Remember to Check**
  - o Date of birth
  - o Expiry date
  - o Tampering
  - o Secondary ID (Medicare cards, Visa and bank cards or additional photograph ID)
  - o Signatures
  - o Green strip security feature on edge of licence
  - o **UNSURE - REFUSE TO SERVE**

**6.8.1 FRAUDULENT ID's****Types of Fraudulent ID's:****LOOK-ALIKE I.D.'s**

This is where the bearer of the valid form of ID is a person who looks like the actual person's ID. For example a younger sister using an older sisters driver's license or passport.

**What to do?**

- o Ask the person their date of birth
- o Ask for 2 more forms of identification, University card or Medicare card, or credit card.
- o You can also have them sign a piece of paper to assess the likeness of signatures.

**SCRATCHIES OR LAMINATES**

These forms of ID's seem legitimate on first inspection, but the birth date has been scratched off, and a thin laminated film has been produced with a new birth date in the same font and size as the original.

**What to do?**

- o Hold the ID up to a light, you will notice all the holograms are correct, but the birth date stands out quite noticeably
- Pick at the corner of the card and the top of the laminate will simply peel off.

**FAKE ID EXAMPLE**

- **Remember**
  - o NOT in company with parent or responsible adult +
  - o NO current and valid form of identification =
  - o NO entry, NO service and NO remaining on premise
  - o DO NOT use any secondary form of ID to allow entry or service
  - o **UNSURE? REFUSE TO SERVE**

## 7. Incident Management

### 7.1 ASKED TO LEAVE

Patrons will only be asked to leave the premises by management or on-duty contract security. The Licensee and security will adopt the following procedure when involved in the removal of a person from the premises who is:

Intoxicated

- Disorderly

Violent

- Quarrelsome

Under 18 years of age either in a 'Restricted Area' or without a responsible adult in an 'Authorised Area'

- Involved in the sale or supply of an illicit substance

Suspected of being under the influence of an illicit substance

- OMCG (Outlaw Motorcycle Gang) known member or wearing colours

Any person suspected of illegal activity

a. Interception and verbal communication with the patron will occur to explain the reason for the person being requested to leave the premises including, where appropriate, an explanation of any applicable breach of conditions of the Liquor Licence or Liquor Act;

b. In the event that an altercation occurs, management and security staff's physical involvement will be limited to the application of only as much force as necessary to control the situation and escort the individuals involved away from other patrons as quickly and safely as possible.

c. Patron(s) who are asked to leave for the above matters (excluding violence) may not remain on premise with a minimum 24 hour exclusion period. Further banning periods may be enforced depending on the scale of the incident and compliance with request to leave. Matters involving violence require Police attendance and will be dealt with in Section 6.2.

d. Once outside the premise the Licensee or manager must further request that the excluded person move beyond a 50 meter vicinity of the premise in accordance with Section 77(8) of the Liquor Act 2007. If the excluded person fails to comply provide a second or third opportunity to comply. If the person then fails to comply with request, Police should be called for assistance in gaining compliance or for enforcement purposes.

e. Wherever possible, patrons will be asked to leave and escorted off premise via the safest and most direct route. In choosing an appropriate route, factors such as CCTV coverage, patron safety and the safety of contractors, staff and other persons within the venue should be taken into consideration where possible, and

f. Within a reasonable time after an incident occurring on the licensed premises or in the immediate vicinity of the premises, an entry will be completed in the Incident Register stating all relevant information for reference purposes.

g. At all times where possible management and security will apply a 'hands off' approach where patron/s are compliant with request to leave and revert to calling Police for attendance where a patron is non-compliant but not violent or aggressive.

## 7.2 VIOLENT INCIDENT MANAGEMENT

**The Licensee (or delegate) and/or contract security staff will use best endeavours to detain all persons involved in serious incidents at White Horse Hotel when:**

There is a visible or serious injury to one or more persons involved;

- The persons involved in the incident are positively identified;

Security witnessed a criminal act occurring; or

- One or more of the parties wants to make a formal Police complaint at the time of the incident.

In situations where the parties do not want to make a formal complaint to Police, management still need to make a determination surrounding the seriousness of the incident. Regardless of the above, ALL incidents where a visible injury is present MUST be reported to the Police.

**Any decision to detain person/s should consider:**

Aggressiveness of person/s involved

- Safety of other patrons and staff in immediate area

Approximate Police response time if notified

- Compliance with requests to remain on premise

Likelihood of incident escalating if detention for an extended period

If a decision is made to release persons being detained based on the above factors management/security will make best endeavours to obtain the details of persons or witness involved including these details within an entry in the Incident Register.

A decision by the Licensee (or delegate) or contract security staff to detain persons involved in an incident is made under the provisions of the ***Law Enforcement Powers and Responsibilities Act 2002 (NSW)*** specifically ***Section 100 - Power of other persons to arrest without warrant.***

Management and security are reminded that the immediate welfare of any injured person/s is the primary concern and treatment and care of serious or life threatening injuries takes priority over the detention of persons of interest. In all these instances a '000' call should be made for an Ambulance to attend the premise.

### 7.3 POLICE NOTIFICATION OF INCIDENTS & CRIME SCENEPRESERVATION

**Immediately after the person in charge of the White Horse Hotel becomes aware of any incident involving an act of violence causing a visible injury to a person on the premises, the person will ensure that:**

- All practical steps are taken to preserve and keep intact the area where the act of violence occurred;
- All material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police are retained; Direct and personal contact is made with the NSW Police Local Area Commander or his/her delegate to advise them of the incident; and
- Any directions given by the NSW Police Commander or delegate to preserve or keep intact the area where the violence occurred are complied with.

A copy of the NSW Police Crime Scene Preservation Guidelines is contained at **Appendix B.**

## 8. Armed Holdup Procedures

### 8.1 DEFINITION

Stealing or attempted stealing, with violence, (places fear in the mind of the victim) being armed with an offensive implement, eg: gun, knife, syringe etc.

### 8.2 HOW IS A ROBBERY PLANNED?

Some robberies are spontaneous and are usually committed by one or two offenders. Robberies of licensed premises can involve greater planning and are usually perpetrated by multiple offenders.

Before committing a robbery, many offenders will undertake some form of surveillance of the premises, in order to know the layout and operating procedures of a venue. This may involve asking apparently innocent questions of staff and patrons about business procedures, and making notes or plans of the interior/exterior of the premises.

### Be Alert for

Strangers outside the premises who might be observing the premises and staff activity.	All staff (especially security staff) should monitor car parks and other external areas of the premises for suspicious activity. As a precaution, suspicious activity should be reported to police
Individuals asking questions about the venue's operational procedures	Information of this type should never be disclosed to any member of the public
Individuals whose actions are out of character	People loitering around the venue, people whose clothing is out of character (winter clothes on a summer day, sunglasses or motor cycle helmets indoors etc)
Phone calls to premise requesting critical information	Person/s can gather information from your staff / management over the phone about security numbers, cash held on premise, persons present during opening and close, closing times, CCTV, time delays, duress and building alarms. This information should not be disclosed to any person

### 8.3 PREVENTION STRATEGIES

<b>Staff</b>	<ul style="list-style-type: none"> <li>— All staff and management trained and inducted on procedures</li> <li>— Can identify emergency exits</li> <li>— Emphasize the importance of discretion and non-disclosure of critical information</li> <li>— Critical incident support where required</li> </ul>
<b>Telephones</b>	<ul style="list-style-type: none"> <li>☐ In an emergency, ring Triple Zero (000)</li> <li>☐ Newtown Local Police 9550 8199</li> </ul>
<b>CCTV</b>	<ul style="list-style-type: none"> <li>— Activity monitored in and around the premises</li> <li>Entry and exit points covered</li> </ul>
	<ul style="list-style-type: none"> <li>☐ Cash handling areas covered</li> <li>☐ Clear line-of-sight of designated areas</li> <li>☐ Appropriate lighting</li> <li>☐ Regular maintenance program exists</li> </ul>
<b>Alarms</b>	<ul style="list-style-type: none"> <li>☐ External monitoring of alarms</li> </ul>
<b>Cash</b>	<ul style="list-style-type: none"> <li>☐ Where possible tills raked with minimum alert to patrons</li> </ul>
<b>Movement</b>	<ul style="list-style-type: none"> <li>☐ Enclosed secure area for counting/handling</li> <li>☐ Nil routine times for cash handling/movements</li> <li>☐ Varied banking times or Professional Cash in Transit company engaged</li> <li>☐ To be conducted on a two person basis on premise where appropriate</li> <li>☐ Opening/closing with as many staff as possible</li> </ul>
<b>Key Control</b>	<ul style="list-style-type: none"> <li>☐ Controlled issue, duplication of keys and security codes</li> </ul>

#### 8.4 SURVIVING AN ARMED HOLD UP

Follow the offender/s instructions at all times	<ul style="list-style-type: none"> <li>• <b>DO exactly as they say</b></li> <li>• Offender will be nervous and tense</li> </ul>
<b>DO NOT</b> initiate conversation with the offender	<ul style="list-style-type: none"> <li>• Speak only when spoken to</li> <li>• Listen to what they want</li> <li>• Be truthful in your answers</li> </ul>
<b>Stay calm</b>	<ul style="list-style-type: none"> <li>• Mental exercise 'Be Calm'</li> </ul>
<b>Avoid sudden movement/s</b>	<ul style="list-style-type: none"> <li>• If you are told to do something, explain in advance what you have to do to comply. For example, "I am now going to open the cash register."</li> </ul>
<b>DO NOT</b> attempt to retaliate or attack offender	<p><b>Preservation of LIFE is PRIORITY</b></p> <p>Personal safety of you, staff and patrons is primary before stock or cash loss</p>
Avoid eye contact and show your hands	<ul style="list-style-type: none"> <li>• If you need to move, keep your hands where the offender can see them and explain what you are doing</li> </ul>
<b>DO NOT</b> activate alarms unless it is safe to do so	<ul style="list-style-type: none"> <li>• <b>DO NOT activate where you risk raising the suspicion of offender/s</b></li> <li>• <b>DO NOT activate where you may cause a siege/hostage situation</b></li> </ul>
Where possible, try to make mental notes of the offenders and the situation, including:	<ul style="list-style-type: none"> <li>• The physical appearance of the offenders (height, build, hair colour, eye colour, physical condition, piercings, tattoos, ethnicity, facial hair and any other distinguishable trait)</li> <li>• Clothing worn by the offenders (shoes, pants, tops, hats, glasses and gloves)</li> <li>• Voice (language, use of names, accents, speech impediments)</li> <li>• Weapons used (machete, taser, knife, pistol, revolver, rifle, shotgun, baseball bats)</li> <li>• Physical environment (what they touch, where they walk, entry and exit points and if applicable, the getaway vehicle)</li> </ul>

### 8.5 AFTER ARMED HOLD UP RESPONSE

Following an armed robbery your first priorities should be to ensure that first aid is administered to any injured persons, traumatised persons receive treatment and that the relevant authorities are notified.

<b>DO NOT touch anything</b>	<input type="checkbox"/> <b>DO NOT clean up anything moved, discarded or displaced by the offenders</b>
<b>DO NOT attempt to clean crime scene</b>	<input type="checkbox"/> The crime scene area must not be interfered with, as this will result in contamination.
	<input type="checkbox"/> Police must be given every opportunity to examine for forensic evidence that may not be visible to the naked eye
As soon as it is safe to do so, activate the alarm system and immediately call Triple Zero (000).	<input type="checkbox"/> Have information ready for the emergency operator
Attend to any injured person and provide medical assistance and initiate your critical incident support	<input type="checkbox"/> Arrange counselling for all staff
Even if there are no physical injuries, armed hold ups are traumatising.	<input type="checkbox"/> As a precaution, call an ambulance to deal with shock and stress attacks.
Shut and lock all external doors to the premises, and if possible, isolate the crime scene	<input type="checkbox"/> <b>DO NOT allow person/s external to the building entry – ONLY Police and emergency services</b>
Relieve any affected staff and ask all witnesses to remain in the venue until police arrive.	<input type="checkbox"/> If patrons insist on leaving, obtain their name and contact details for Police to follow up
	<input type="checkbox"/> Separate all witnesses so that they can maintain an independent recollection of events
	<input type="checkbox"/> Try not to let them compare observations
<b>After Police arrive</b>	<b>Provide as much information as you can to the police</b>
<b>ACTIONS</b>	<ul style="list-style-type: none"> <li>You may be required to provide a statement and assist in the identification process</li> <li><b>DO NOT be reluctant in providing information</b></li> <li><b>Ensure that all witnesses complete an <i>Offender Description Form</i> provided for at <b>Appendix C</b></b></li> </ul>
<b>If Media arrive</b>	<b>You and your staff have a right to privacy and this should be respected.</b>
<b>ACTIONS</b>	<ul style="list-style-type: none"> <li><b>DO NOT contact or speak to the media without advice as this may compromise the Police investigation</b></li> <li><b>DO NOT disclose to anyone other than the police how much money and/or stock was stolen.</b></li> <li><b>DO NOT provide or sell CCTV or other security footage of the incident to the media</b></li> </ul>



## 9.Amenity Considerations

SECTION 9 AMENITY CONSIDERATIONS	
<b>Management</b>	<input type="checkbox"/> Only will respond to complaints (staff will notify upon receiving complaint) <input type="checkbox"/> Hotel contact number 0460849290 is provided
<b>Lighting</b>	<input type="checkbox"/> Area well-lit to deter anti-social behavior <input type="checkbox"/> Security lighting in place / rear laneway
<b>Closing Time</b>	<input type="checkbox"/> Management/Security outside to supervise departing patrons at exit point to ensure they leave the immediate vicinity quickly and quietly. <input type="checkbox"/> No alcohol or glassware to leave the premise
<b>Footway Management</b>	<input type="checkbox"/> Persons will be discouraged from congregating in immediate area at the cessation of trade and any refuse and/or rubbish generated from the area will be collected and disposed of in the hotel rubbish receptacles provided on site <input type="checkbox"/> Management/security will proactively encourage patrons to leave the vicinity of the hotel either north or south along the Princes Highway. <input type="checkbox"/> Management/security will discourage person/s from crossing directly onto Princes Highway when leaving. <input type="checkbox"/> Final patrol of environs will be conducted by management and/or staff when last patron has left the vicinity.
<b>Noise</b>	<input type="checkbox"/> Management will proactively monitor acoustics generated from the hotel <input type="checkbox"/> Achieved by external patrols of venue in the immediate area at one hour intervals <input type="checkbox"/> Any noise deemed unacceptable will be investigated and managed accordingly <input type="checkbox"/> Residential complaints concerning noise will be dealt with in the 'Complaints Policy.' <input type="checkbox"/> Management/security will move person/s on from the immediate vicinity of the hotel who are congregating or creating undue noise <input type="checkbox"/> After 10pm, all windows and doors to remain closed except for ingress and egress <input type="checkbox"/> Emergency egress doors are assumed closed at all times, other than for emergency. These include: <ul style="list-style-type: none"> <li>- Main room doors to entry area</li> <li>- Dining area doors to rear carpark</li> </ul>
<b>Transportation</b>	<input type="checkbox"/> Taxi's frequently along the Princes Highway. <input type="checkbox"/> NSW Transport Bus Stop 204435 and 204412 located outside hotel Regular services until 1.00am – recommence 5.30am
<b>Rubbish/Cardboard</b>	<input type="checkbox"/> St Peters Train Stations until 1:15am – recommence 4:30am <input type="checkbox"/> Stacked and broken down in cellar <input type="checkbox"/> Removed to garbage area at the rear of hotel the following morning
<b>Kegs</b>	<input type="checkbox"/> Stored in cellar until collected. <input type="checkbox"/> Delivery chute to be utilized once delivery drivers on site for receivals and
<b>Waste &amp; Recycling Collection</b>	<input type="checkbox"/> Between 7.00am & 8.00pm weekdays <input type="checkbox"/> Between 9.00am & 5.00pm weekends and public holidays <input type="checkbox"/>

disposals

## 10. Complaint Resolution Policy

### 10.1 HOTEL POLICY

Complaints can often be resolved quickly, by working together on a solution.  
The Hotel number of 0460 849 290 is provided for contact

- Approach discussions with an open mind
- Focus on practical and reasonable solutions
- Be open minded about other options which may resolve the complaint
- Be patient and obtain all information and the source of the complaint

### 10.2 COMPLAINANT CATEGORIES

Complainants will generally comprise the following people:

- Patrons
- Residents

Police and regulatory bodies generally when investigating a complaint are acting on information from a third party/parties.

### 10.3 CUSTOMER COMPLAINTS

A hotel manager or the Licensee should be called to deal with patron complaints

#### CONCILIATION PROCESS

- Listen to patron and determine nature of complaint
- Remove patron/complainant from area of conflict
- Speak to staff or other witnesses involved separately
- Remain objective and calm
- Attempt verbal conciliation if possible and/or provide alternatives
- In all circumstances advise complainant of actions (or no action) you intend to take and why
- If unable to conciliate refer complainant to Licensee to lodge complaint via email

### 10.4 RESIDENTIAL COMPLAINTS

Operation of the White Horse Hotel should have minimal impacts on local residents and businesses and establish clear lines of communication to help resolve any disturbance issues resulting from the operations on the premise

#### CONCILIATION PROCESS

- Phone complaints – write down, day, date, time and complainants name and address
- Detail the exact nature of the complaint (sound, music, patrons leaving) and the location
- Advise complainant you will investigate and advise them of outcome if they desire
- Manager and security (if working) should attend location of complaint together / actioning complaint
- Incidents involving persons making noise leaving, antisocial behaviour and the like should be actioned immediately and persons moved on
- Sound complaints should be dealt with internally by management to appropriate guidelines set for before and after midnight criteria
- Call complainant back (if requested) and advise of outcome
- Detail actions hotel took to resolve complaint in Incident Register

#### UNABLE TO CONCILIATE

- Invite complainant to hotel to meet with Licensee at a suitable time
- Discuss issue and find out what would be an acceptable solution to the complainant
- Discuss and be open to alternative avenues to conciliate

- **Remember**
  - Approach discussion with an open mind
  - The complainant has taken the time to attend the venue so is open to alternatives
  - Keep lines of communication open agree to meet at a later date if monitoring situation
  - Document each complaint/meeting and subsequent outcome.

**MANAGEMENT WILL ENSURE CONFIDENTIALITY**

- Complaints are dealt with in a responsive and sympathetic manner.
- Confidentiality is maintained.
- NO member of staff/management are to disclose the name of any complainant to a third person/party
- Details of the nature of any complaint are not to be discussed without consent of the complainant or when subject of investigation by a regulatory body and those discussions remain with the relevant investigative agency.

## 11. Staffing and Security

### Staffing Levels

Management will ensure that the rostering of staff will be sufficient to manage the amount of patrons predicted to be at the hotel on any given night. Rostering will be calculated on the number of regular local patrons expected each night plus the amount of patrons expected to attend on show nights. The hotel will use Oztix ticketing company to pre sell tickets to events at the hotel which will allow for an accurate estimation of expected patron numbers.

### Security

Contracted Security will be employed by the hotel every Friday and Saturday night at a ratio of 1 guard for every 100 patrons. Security will also be employed whenever there is live music booked at the hotel and ticket sales exceed 100, at which point guards will be employed on the ratio of 1 guard per 100 patrons.

Management will always endeavour to roster on adequate staff and security each night to ensure the safe and proper management of the hotel is maintained, and that the hotels Plan of Management can be adhered to.

## Attachment E – Heritage Impact Statement

### PROPOSED ALTERATIONS AND ADDITIONS

#### TO THE

**WHITE HORSE HOTEL**  
**161 PRINCES HIGHWAY, ST PETERS, NSW**

### REVISED HERITAGE IMPACT STATEMENT



#### Prepared by:

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#### Prepared for:

The Music and Booze Co,

April 2020

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## 1.0 INTRODUCTION

### 1.1 THE BRIEF

The following report has been prepared to accompany a development application for alterations and additions to the White Horse Hotel, located at 161 Princes Highway, St Peters, NSW. The report has been prepared on behalf of The Music and Booze Co, the tenants of the property.

### 1.2 BACKGROUND

A pre development submission (PDA/2019/00079) was made to Inner West Council in July 2019 and comments on the proposal were outlined in Council's letter dated 15 July 2019. The application was accompanied by a Heritage Impact Statement prepared by this office.

The proposals have been developed to DA standard and in response to Council comments and the HIS has been revised to address the amended drawings.

### 1.3 THE STUDY AREA

The study area is Lot 1 in DP 955053 at St Peters in the Parish of Petersham and County of Cumberland (Figure 1.1).



Figure 1.1 The Study Area shaded

Source: Six Maps

#### 1.4 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric, conservation, maintenance, preservation, restoration, reconstruction, adaptation, compatible use and cultural significance* used in this report are as defined in the Australia ICOMOS Burra Charter.

#### 1.5 METHODOLOGY

This report was prepared in accordance with the *NSW Heritage Manual* "Statements of Heritage Impact", "Assessing Heritage Significance Guidelines" and the Inner West Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS Burra Charter 2013.

#### 1.6 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram of John Oultram Heritage & Design, unless otherwise noted. Historical research was prepared by Nicholas Jackson. John Oultram Heritage & Design was established in 1998 and is on the NSW Heritage Office list of heritage consultants.

## 2.0 HISTORICAL DEVELOPMENT

### 2.1 SUMMARY

The White Horse Hotel was completed in 1930 for the Sydney brewers Tooth & Co Ltd. The architect was Sidney Warden. The freehold of the hotel was sold by Tooth & Co in 1981.

### 2.2 CONTEXT

#### 2.2.1 Crown grant

The property is located within the land grant of 470 acres made to Thomas Smyth in October 1799. The area of this grant comprised most of the suburbs of St Peters, Tempe, and part Sydenham. Thomas Smyth (1722-1804) was an Irishman who arrived in the colony in 1788 a corporal in the marines guarding the convicts of the First Fleet. In October 1788 he was promoted sergeant and sent to Norfolk Island. He returned to Sydney in mid 1791. Smyth was with the party commanded by George Johnston who put down the Irish convict uprising at Rouse Hill in March 1804, and as provost marshal presided at the punishments of the rebels.

Smyth died suddenly in December 1804 while visiting a farm on the Hawkesbury. His goods and lands were auctioned by his administrators in March 1805.<sup>1</sup> At the sale, the grant of 470 acres was purchased by John Palmer.<sup>2</sup> Palmer seems to have been acting on behalf of Robert Campbell for he conveyed the property to Campbell in December 1808.<sup>3</sup>

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<sup>1</sup> Advertisement, *Sydney Gazette*, 3/3/1805, p.1

<sup>2</sup> Advertisement, *Sydney Gazette*, 21/4/1805, p.4; conveyance recited in Primary Application 32

<sup>3</sup> Recited in Primary Application 32



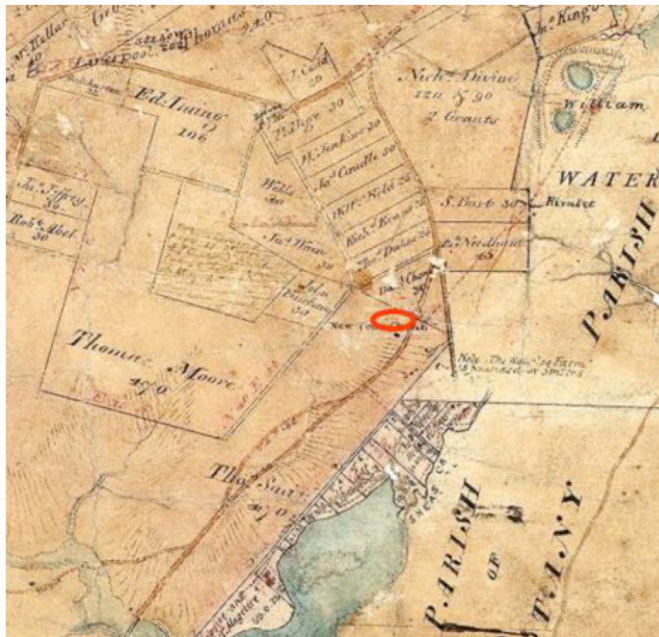


Figure 2.1 Not dated, c.1840, detail from the map of the parish of Petersham with later annotation for the Sheas Creek grants. The grants of Smyth, Moore, Fincham and Chambers are shown. The map depicted the natural topography with the line of Cooks River Road tracing a ridge above Sheas Creek, and section of road noted as the 'old' route. St Peter's Anglican is noted as New Town Church.

Source: Land and Property Information [State Records of NSW Map 341]

Robert Campbell senior (1769-1846) was a merchant who had come free to the colony in 1800 and established the mercantile house of Campbell & Co with a wharf and warehouse at present day west Circular Quay. Campbell also had business interests in the livestock trade and in 1803 had purchased Canterbury Farm (some 1242 acres by an account of 1834) further west along Cooks River for that purpose.<sup>4</sup>

Campbell never resided at St Peters/Tempe (nor Canterbury), but he did contribute financially to the building of St Peter's Church in the late 1830s, and Campbell Street reflects an association. During Campbell's ownership the land was leased.

In 1835 Campbell began selling portions of Smyth's grant and this continued into 1839, with the bulk of the sales being in between 1837 and 1839, that is during and after completion of St Peter's Church. The subdivision comprised mostly blocks of between four and 12 acres regularly aligned to front Cooks River Road.

<sup>4</sup> Madden, Brian and Lesley Muir, *Canterbury Farm: 200 Years*, Canterbury and District Historical Society, 1993



Figure 2.2 Detail from William Henry Wells' 'Sketch shewing the water reserve and the country between Sydney and Botany' of 1850. The plan recorded both the dispersal of residences along Cooks River Road (Princes Highway) and also the Village of St Peters (circled).

Source: State Library of New South Wales (Z/M2 811.18/1850/1)

### 2.2.2 Village of St Peters

In 1838 Campbell conveyed to Alexander Brodie Spark Lots 1, 2 and 3 of his land release and another 21 acres.<sup>5</sup> Spark developed Tempe House in the 1830s (sited on southern side of Cooks River), but ran into financial problems in the early 1840s.

In March 1840 Spark subdivided his purchase to form residential and commercial allotments. This land release was called the Village of St Peters, which was located north of St Peter's Church up to Campbell Street between Princes Highway and Unwins Bridge Road. The original street names were Church, Radford (now St Peters), and Victoria. The original blocks were large with frontages of between 100 and 150 feet in the western portion, and between 40 and 60 feet around Princes Highway.<sup>6</sup> There is no documentary evidence these allotments were put up for sale at a public auction, and by December 1841 Sparke's mortgagees had possession of the land.<sup>7</sup> By 1850 there were a handful of buildings within the village reserve fronting Cooks River Road.<sup>8</sup>

<sup>5</sup> Old System Conveyance Book N No. 564

<sup>6</sup> State Library of New South Wales Sydney Suburbs Subdivision Plan S19-21

<sup>7</sup> Old System Conveyance Book Y No.899

<sup>8</sup> William Henry Wells' 'Sketch shewing the water reserve and the country between Sydney and Botany', dated 1850



Figure 2.3 Plan of the village reserve of St Peters between Unwins Bridge Road, Campbell Street, and Cooks River Road. Not dated. On this plan Campbell Street is noted as Pound Road. Spark in a diary entry for May 1843 wrote he had applied to establish a pound at St Peters. Circled is the location of the White Horse Hotel.

Source: State Library of New South Wales (Sydney Suburbs Subdivision Plan S19-21)

## 2.3 WHITE HORSE HOTEL

### 2.3.1 Initial phase of development

The site of the White Horse Hotel was included within the land purchase made by John Cook in 1857 from The Australian Trust Company,<sup>9</sup> who had acquired it from Spark's mortgagees. Cook was one of the many brick makers plying their craft in the St Peters/Sydenham area, and possibly the site was quarried for its clay for a time.

From 1865 the land was owned by Gregory Board by a mortgage.<sup>10</sup> Board in 1875 conveyed the site of White Horse Hotel to Mrs Honora Richardson, wife of John Richardson.<sup>11</sup> Richardson (1831-1879) was the publican of the Darling Hotel at Haymarket at the time of his death in 1879. The sale included the White Horse Hotel for it was listed in the 1873 edition of *Sands Directory* as being licensed by John Richardson. The actual year of commencement of trade has not been determined, but certainly it was licensed by 1868<sup>12</sup> (and not confused with the White Horse Hotel on King Street, Newtown).

<sup>9</sup> Old System Conveyance Book 49 No. 741

<sup>10</sup> Old System Mortgage Book 92 NO. 414

<sup>11</sup> Old System Conveyance Book 151 NO. 613

<sup>12</sup> NSW Government Gazette, 26/8/1868, p.2881

The White Horse was one of two hotels at St Peters in the 1860s, the other being Butcher's Arms Hotel at the corner of Princes Highway and Mary Street in operation by 1859.<sup>13</sup> The Butcher's Arms was renamed the Southern Cross by 1906 and altered in 1927,<sup>14</sup> and it is possible that building stills stands. By the early 1880s there was also the St Peters Hotel near the corner of Princes Highway and Campbell Street<sup>15</sup> (de-licensed and has since been demolished).

These hotels catered in part for the men working at the brick pits situated along the eastern side of Princes Highway. These brick works dominated the landscape into the 1960s.



Figure 2.4 A Milton Kent photograph of the brick pits at St Peters in the late 1930s. Circled is the White Horse Hotel

Source: State Library of NSW (Digital Image 111850011)

### 2.3.2 Existing Hotel

In 1914 the site of the White Horse Hotel was purchased by the Sydney brewers Tooth & Co Ltd from solicitor Frederick Gannon.<sup>16</sup> Gannon (1836-1923) had purchased the freehold of the hotel in 1887.<sup>17</sup> In 1900 Gannon had leased the hotel to The Australian Brewery and Spirit Company Ltd for a term of 21 years, although that brewery went of business in 1906. Tooth & Co Ltd owned the freehold of the White Horse Hotel until 1981.<sup>18</sup>

<sup>13</sup> 'Licensed Publicans', *Sydney Morning Herald*, 23/5/1859, p.3

<sup>14</sup> State Records of New South Wales Plan 72001

<sup>15</sup> *Sands' Directory*

<sup>16</sup> Torrens Title Dealing A102906

<sup>17</sup> Old System Conveyance Book 377 NO. 808

<sup>18</sup> Torrens Title Dealing S783481

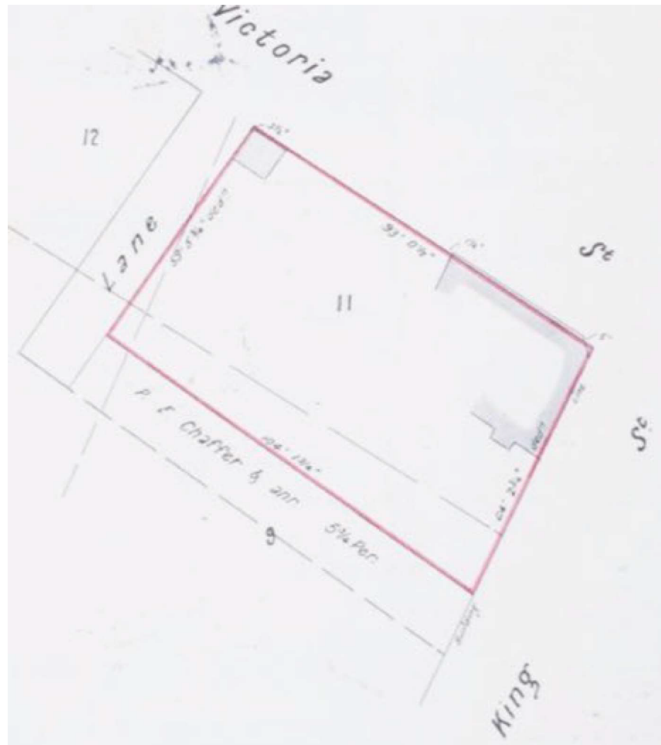


Figure 2.5 Plan of the allotment purchased by Tooth & Co in 1916, and showing the footprint of the first White Horse Hotel.

Source: NSW Land Registry Services (CT Vol. 2722 Fol. 110)

Tooth & Co Ltd arranged for the rebuilding of the White Horse Hotel in 1929, with the publican at that time being Patrick Maher (from 1928). The architectural drawings were approved by the Sydney Metropolitan Licensing Board in July 1929, with the requirement of a completion date by February 1930. The new hotel was completed by August 1930 at a cost of 9023 pounds. The architect was Sidney Warden.<sup>19</sup>

<sup>19</sup> ANU Archives (Tooth & Co Ltd's yellow card for the White Horse Hotel, St Peters)

## THE WHITE HORSE HOTEL, ST PETERS

## HERITAGE IMPACT STATEMENT



Figure 2.6 The exterior of the White Horse Hotel on completion in 1930.

Sources: ANU Archives (Tooth & Co Ltd's yellow card for the White Horse Hotel, St Peters)

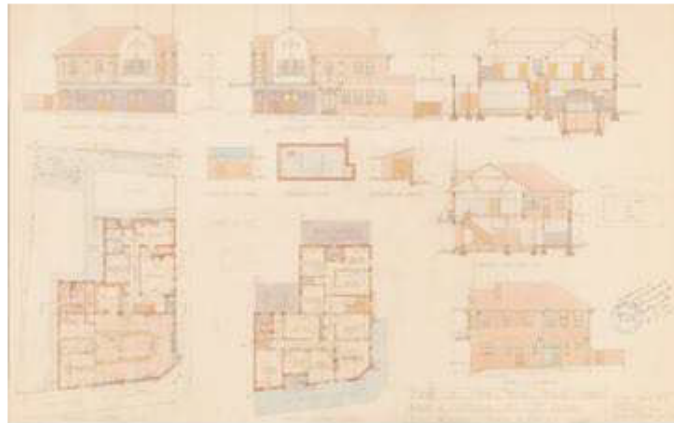


Figure 2.7 Sidney Warden's sole architectural drawing for the new White Horse Hotel. Dated June 1929

Sources: State Archives NSW (Plan 72013)

The floor layouts of the new hotel were typical of the early closing era (1915-1955) with the ground floor comprising a large island pattern counter in the public bar readily accessible to patrons by four sets of entry doors off the two street frontages. There were two small private parlours, one each for male and female patrons, although by the 1950s this number had been reduced to one with seating for 20 persons. The dining room and kitchen were located within the attached wing fronting Victoria Street. There were no lounges, saloon bar, dedicated bottle shop, beer garden, and no central hot water system (until 1951). The cellar under the public bar was built for this hotel and was not reused from the earlier edifice. The upper floor comprised bedrooms for short-term travellers and longer-term residents.



There were a total of seven bedrooms (4 No. single, and 3 No. double), with three being available for paying guests. A small sitting room was provided. Access to the upper floor was by the single stair hall off Victoria Street.<sup>20</sup> Throughout the Tooth era of ownership the furnishings were rated as being adequate at best.

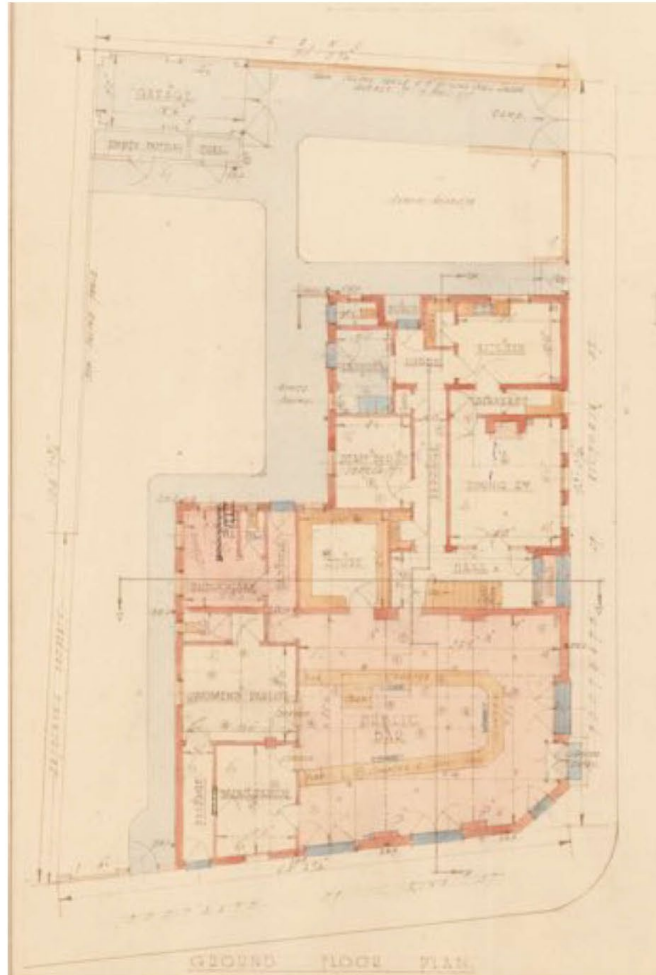


Figure 2.8 Sidney Warden's architectural drawing for the new White Horse Hotel. Dated June 1929, showing the ground floor

Source: State Archives NSW (Plan 72013)

<sup>20</sup> State Archives NSW Plan 72013



Figure 2.9 Sidney Warden's architectural drawing for the new White Horse Hotel. Dated June 1929, showing the first floor

Source: State Archives NSW (Plan 72013)

Externally, the two street facing elevations are designed in the Free Classical style with the emphasis on the street corner, and use of face-brick masonry, flat-headed windows with multiple-paned sashes, and cement stringcourses and copings. The street frontage entrances were sheltered by a steel, strutted, cantilevered awning. With the area below the awning being tiled for the full height of the wall and with chromed frames for advertising material.





Figure 2.10 Sidney Warden's architectural drawing for the new White Horse Hotel. Dated June 1929, showing the Princes Highway (King Street) elevation.

Source: State Archives NSW (Plan 72013)

The rebuilding of the hotel occurred at a time when present day Princes Highway was widened by resumption of the eastern side of the road. The widening changed dramatically the hitherto narrow nineteenth century character of the road. An outcome of this was the building of the new Southern Cross on the new eastern alignment in 1937, also for Tooth & Co Ltd (Cyril C Ruwald, architect).<sup>21</sup>



Figure 2.11 Detail from a survey of Princes Highway (King Street) dated 1937 showing the resumed area on the east side of the road. Circled is the White Horse Hotel.

Source: NSW Land Registry Services (CP 16.2114)

<sup>21</sup> State Records of New South Wales Plans 72003-07



Figure 2.12 A Milton Kent photograph of the brick pits at St Peters in the late 1930s. Circled is the White Horse Hotel

Source: State Library of NSW (Digital Image 111850011)

The first alterations were made in 1947 for internal repairs and renovations. Other alterations were undertaken in 1958 inclusive of removing the internal wall between the public bar and storeroom. The male lavatory for the public bar was refurbished in 1958. In 1968 the bar counter was cut back, and in 1969 internal painting and other repairs were undertaken. The exterior was repainted in 1973, and again in 1977.<sup>22</sup>



Figure 2.13 The exterior of the White Horse Hotel in 1949

Source: ANU Archives (Tooth & Co Ltd's yellow card for the White Horse Hotel, St Peters)

<sup>22</sup> ANU Archives (Tooth & Co Ltd's yellow card for the White Horse Hotel, St Peters)



Figure 2.14 The exterior of the White Horse Hotel in 1970

Source: ANU Archives (Tooth & Co Ltd's yellow card for the White Horse Hotel, St Peters)

### 2.3.3 Tooth & Co.

The Tooth brewing company was the oldest operating brewery in New South Wales and the second oldest in Australia. John Tooth (born 1803) arrived in Sydney in the 1828 from Cranbrook in Kent, England and was a member of a long established family of hop merchants. In Sydney, John Tooth entered into partnership with his brother-in-law, Charles Newnham, an experienced brewer from Kent, and built the Kent Brewery at Blackwattle Creek on the Parramatta Road. The new brewery was named after the founding members' county of birth, Kent, and adopted the white horse head as its motif, the symbol of County Kent. When the brewery was officially opened in October 1835 it entered into competition with a number of longstanding Sydney breweries such as Samuel Terry's Albion Brewery and James Wright's Australian Brewery. The brewery was leased in 1843 to John Tooth's nephews, brothers Robert (1821-1893) and Edwin (1822-1858) Tooth. After Frederick (1827-1893), the youngest brother, joined the partnership in 1853 the company traded as R. E. and F. Tooth.

The prosperity of the 1850s and the influx of migrants seeking their fortune in the colony heralded a period of marked expansion for the Kent brewery and its ales and porter became well known. The brewery at Blackwattle Creek was rebuilt following a fire in 1853.

On James Sutherland Mitchell entering into the partnership in 1860 the company became R and F Tooth & Co. In 1873, Robert Lucas, in partnership with James Sutherland Mitchell, formed Tooth & Co. on the retirement of Frederick, the remaining pioneering partner in the Kent Brewery.

The 1880s was a period of marked expansion in the Sydney beer market with demand being met by a number of small suburban breweries and the consolidation of JT and J Toohey's new Standard Brewery. Probably with a view to retiring from active management of the brewery, Robert Lucas Tooth oversaw the restructure of the brewery in 1888 with incorporation of Tooth & Co. Ltd. with a share capital of 900,000 pounds.

Tooth & Co. Ltd. survived the depression years of the 1890s and another near disastrous fire at the brewery in 1903. With the recovery in the economy in the new century the company entered into an expansionary phase taking over competing breweries both in Sydney and the country. Marshall's Brewery, Tooth's long standing Sydney rival since the 1850s, was acquired in 1911 and the brewery operation promptly closed down. Breweries at Maitland, Temora and Tumut were also acquired over the 1910s. In 1929, Tooth's main competitor in the Sydney market, the Waverley Brewery, managed by the Resch brothers Edmund Jnr and Arnold, was taken over but continued as a separate business identity. Tooth & Co. was now the dominant brewer in the Sydney metropolitan market, its only competitor being Toohey's Ltd.

#### 2.3.4 Sidney George Warden

Sidney George Warden (1890-1959) was a son of James George Warden (1861-1937), a hotel broker in Sydney. After completing school, Warden was articled to the Sydney architect George William Durrell (1865-1959). He worked in London for some years, and returned to Sydney in 1919 to establish his own practice. By his own count, Warden's work in hotels numbered 392 projects, either new hotels or alterations to existing hotels. His hotel works were associated with the Sydney brewers Tooth & Co.<sup>23</sup> For this brewer, Warden also designed the nearby General Gordon Hotel beside Sydenham railway station in 1932,<sup>24</sup> and the Town and Country Hotel at the corner of Unwins Bridge Road and Campbell Street in 1923.<sup>25</sup>

Warden's hotels followed the fashion of their time – in the 1920s it was the Free Classical style and in the 1930s the Art Deco style. A selection of Warden's works of the 1920s is presented in an appendix to this report. The design of the White Horse Hotel was similar to that of the contemporaneous (1929) Warden design of the Town Hall Hotel at Balmain (Darling and Montague-streets).

<sup>23</sup> Charles Pickett, Curator, Social History, Powerhouse Museum

<sup>24</sup> State Archives NSW Plan 72117

<sup>25</sup> State Archives NSW Plans 72008-09

### 3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by John Oultram in June 2019 to ascertain its layout, condition and intactness from original construction. The current plans are shown in Figure 3.1.

The White Horse Hotel is a two storey, Free Classical style Hotel set on a large site to the corner of the Princes Highway and Victoria Street, St Peters. The Hotel is partly intact in form and detail externally but has been heavily modified internally and much of the original layout altered and original detail removed. The hotel now incorporates the small commercial building to the south.

The Hotel is in painted brick (originally face brick) and render with a hipped terracotta tile roof partly set behind parapets. The roof has a wide eave with timber battens at the soffit and a brick chimney at the rear. The Hotel has a splayed corner with arched, pedimented bays each side flanked with rusticated brickwork to the sides and splay.

The lower floor is tiled (over-painted) with face brick to the rear. The lower floor has timber framed doors and windows (most altered). There is a wrap around, suspended metal awning to the front with a corrugated metal roof (soffit removed).

The upper floor is in painted brick with render to the parapeted bays that have roundel vents with stucco decoration. There is projecting, stucco string course at the cill level and an inset balcony to the east with projecting balustrades with stucco decoration. There is a similar balustrade to the north. Windows are generally twelve pane, double hung, timber sashes.

The Hotel has an L shaped plan with a one and two storey wing along Victoria Street in painted brick with a flat roof to the lower section. The rear yard has a large covered area and is bounded with a colorbond fence (all M).

Internally the hotel has bar areas to the front (fittings removed) with services areas and a lounge to the rear. There is a side entrance and stair to the upper floor and the stair has a hall and door to the hotel. The lavatories are to the southwest. Much of the internal fabric and detail has been removed and the service areas opened out to form a large kitchen.

The upper floor has been converted to apartments has a cellular arrangements of rooms off a cranked hall with common kitchens and lavatories.

Floors are in polished timber (O & M) with tiling to the kitchen and bathrooms (M). Walls are in rendered masonry (O). Ceilings have largely been replaced in plasterboard but there is some evidence of fibrous plaster ceilings with decorated cornices (O) (some above the later ceilings). All windows and doors to the ground floor have been replaced or covered. The stair has been partly enclosed and is in painted timber with square newel posts and rectangular balusters.

The upper floor is largely modern throughout though the halls retain original arches. The sash windows are largely intact though the doors to the eastern balcony have been replaced in aluminium.

The Hotel is set tight to the footpath but has a large yard to the rear paved in concrete with a single car, brick garage and service rooms with a skillion metal roof.

The development along Princes Highway is very mixed with commercial and residential properties. To the south is a modern, kitchen showroom and to the north, across Victoria Street, is a four storey, block of modern apartments. To the west is largely residential area with single and two storey houses from the late Victorian period onwards. To the south is the St Peters Church and, to the west, is the St Peters Public School.

O	ORIGINAL
L	LATER
M	MODERN

Figures 3.2 – 3.10

THE WHITE HORSE HOTEL, ST PETERS

HERITAGE IMPACT STATEMENT

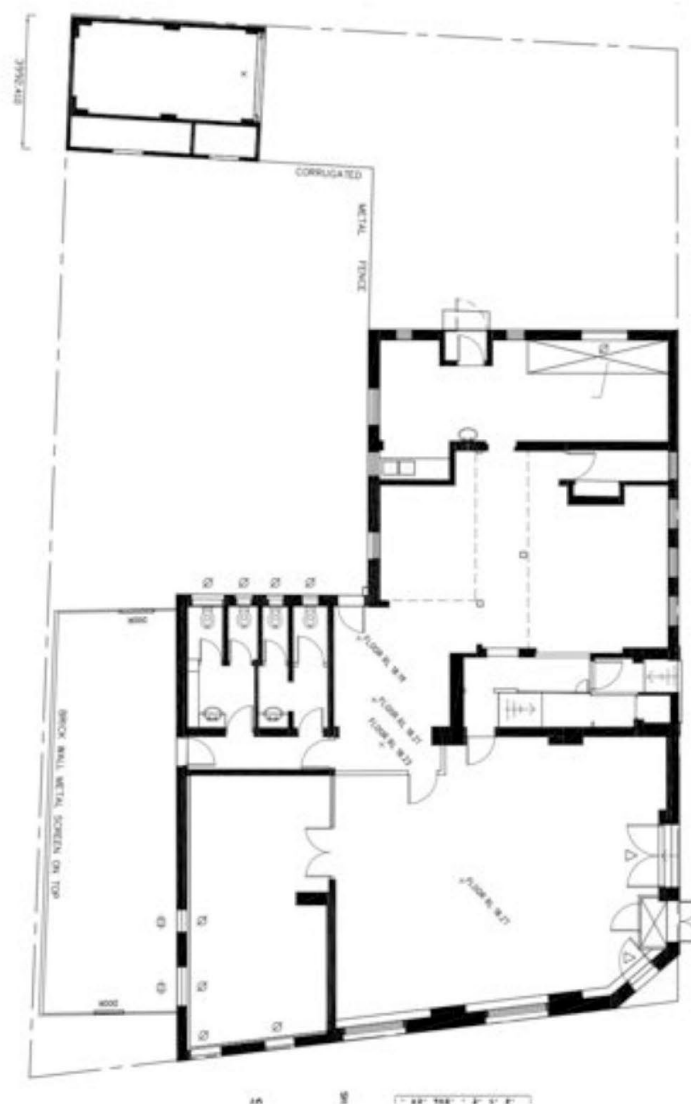


Figure 3.1 White Horse Hotel, St Peters

Ground Floor Plan as existing

Source: Architect

JOHN OULTRAM HERITAGE &amp; DESIGN

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THE WHITE HORSE HOTEL, ST PETERS

HERITAGE IMPACT STATEMENT



Figure 3.2 White Horse Hotel, St Peters  
East elevation



Figure 3.3 White Horse Hotel, St Peters  
North elevation



Figure 3.4 White Horse Hotel, St Peters  
West elevation



THE WHITE HORSE HOTEL, ST PETERS

HERITAGE IMPACT STATEMENT



Figure 3.5 White Horse Hotel, St Peters  
Rear yard and garage

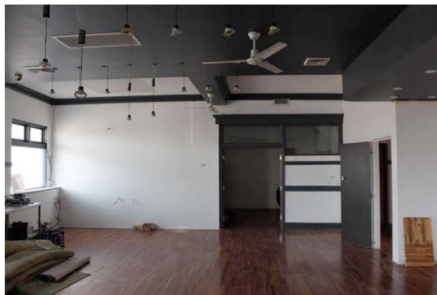


Figure 3.6 White Horse Hotel, St Peters  
Main bar



Figure 3.7 White Horse Hotel, St Peters  
Main bar

THE WHITE HORSE HOTEL, ST PETERS

HERITAGE IMPACT STATEMENT

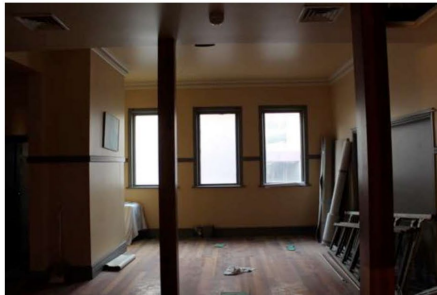


Figure 3.8 White Horse Hotel, St Peters  
Central lounge



Figure 3.9 White Horse Hotel, St Peters  
Central lounge



Figure 3.10 White Horse Hotel, St Peters  
Kitchen

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#### 4.0 HERITAGE CONTROLS

##### 4.1 NATIONAL TRUST

The property is not classified on the Register of the National Trust of Australia (NSW).

##### 4.2 HERITAGE DIVISION OF THE NSW DEPARTMENT OF PREMIER AND CABINET

###### 4.2.1 State Heritage Register

Under the Heritage Act 1977 (as amended), the NSW Heritage Council, administered by the Heritage Division of the NSW Department of Premier and Cabinet, maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

###### 4.2.2 State Heritage Inventory

The Heritage Division also compiles the State Heritage Inventory (SHI), a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. The subject property is not listed on the Inventory.

##### 4.3 LOCAL AUTHORITY

The local authority for the area is the Inner West Council<sup>26</sup>. The property is listed as a heritage item in Schedule 5 Part 1 of the *Marrickville Local Environmental Plan 2011* (MLEP).

REF	ADDRESS	ITEM	RANKING
I370	161 Princes Highway	Whitehorse Hotel	Local

The property is not within a conservation area but is in the vicinity of the following heritage items:

REF	ADDRESS	ITEM	RANKING
I275	187 and 211 Princes Highway	St Peter's Church of England, including Interiors	State
I271	93A Church Street	St Peters Public School, including Interiors	Local

Development would be the subject of the heritage provisions of the MLEP relating to development of a heritage item and in the vicinity of a heritage item.

Development would also be the subject of the *Marrickville Development Control Plan 2011* (MDCP) that contains heritage objectives and controls for development of heritage items.

<sup>26</sup> Marrickville Council has recently been amalgamated into the Inner West Council and till new controls are gazetted the Marrickville planning controls apply.

THE WHITE HORSE HOTEL, ST PETERS

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Figure 4.1 Marrickville Local Environmental Plan 2011 Heritage Map HER\_003

Source: Inner West Council

## 5.0 ASSESSMENT OF SIGNIFICANCE

The Heritage Office of New South Wales has issued guidelines as part of the NSW Heritage Manual regarding the assessment of heritage significance. The Manual is a well-regarded methodology for the assessment of cultural significance and is appropriate for application to the subject property.

### 5.1 HISTORIC SIGNIFICANCE

#### 5.1.1 Historical Development

<i>Criterion (a)</i>	<i>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)</i>
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The White Horse Hotel is an example of an Inter War Hotel completed in 1930 for Sydney brewers Tooth and Co. The hotel was designed by architect Sydney Warden.

The hotel replaced an earlier hotel on the site (also call the White Horse Hotel) that was shown as a licensed premise as early as 1868. The site was purchased in 1875 by Mrs Honora Richardson, the wife of John Richardson who was publican of the Darling Hotel at Haymarket. The hotel was one of a handful of hotels that serviced the workers in the nearby brick pits.

Tooth and Co limited purchased the site in 1914 and continued to own it till 1981. The redevelopment of the hotel was emblematic of the changes in licensing laws in the Inter War period (the six o'clock swill) that saw many earlier hotels redeveloped or altered to suit speed of service and allow for the provision of hotel rooms for short term travellers and longer term residents. The hotel was altered several times after World War II.

The site was part of the Village of St Peters land release that had been subdivided by Alexander Brodie Spark in 1840 though the estate was later sold under his mortgagees. Spark had purchased the land from Robert Campbell (who had purchased the larger area land through John Palmer) that originally formed part of the land grant to Thomas Smyth that was made in 1799.

The Hotel represents of the later development of the area but has some connections with historically important activities and processes.

Local Significance.

#### 5.1.2 Historical Associations

<i>Criterion (b)</i>	<i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)</i>
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The place is most closely associated with well-known brewers Tooth and Co Limited, the oldest brewing company in New South Wales.

The place is also associated with architect Sydney George Warden (1890-1959) whose Hotel work (both new and refurbishments) was prolific. Warden worked extensively for the brewer and the White Horse Hotel is similar to the Town Hall Hotel at Balmain that was designed in the same period.

The associations with earlier owners and the Village of St Peters is incidental.

Local Significance.



Figure 5.1 Town Hall Hotel, cnr. Montague Street and Darling Street, Balmain (1929) by Sydney Warden

## 5.2 AESTHETIC SIGNIFICANCE

Criterion (c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
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The Hotel is an interesting example of an Inter War Hotel in the Free Classical style that was very popular during the period. The hotel is relatively intact externally though heavily altered at the ground floor and has well-detailed, primary elevations. The tiling and brickwork has been painted.

The ground floor interiors have been very heavily altered and much of the internal fabric and detail removed and the layout altered. All original bar fittings have been removed.

The Hotel was designed by architect Sydney Warden who was an important and prolific designer of Inter War hotels for the brewer. His hotels were fairly eclectic in design though the White Horse is similar to the Town Hall Hotel at Balmain that also has the curved parapet to the its west elevation (see Figure 5.1 above). The Hotel has some landmark qualities and can be seen as a creative and technical achievement.

Local Significance.

## 5.3 SOCIAL SIGNIFICANCE

Criterion (d)	The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons
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Though Hotels are often favourite watering holes for locals recent trade is less loyal and the place has no special associations with any particular group.

Does not meet the criterion.

## 5.4 TECHNICAL/SCIENTIFIC SIGNIFICANCE

Criterion (e)	An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
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The current hotel was built over the cellar to the earlier White Horse Hotel and this remains extant. The detail to the earlier Hotel is not known and the scale of the later development may preclude there being any other underground remains. The place has some archaeological potential but the Hotel is of no technical significance.

Local Significance.

## 5.5 RARITY

Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
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The Hotel type is very common throughout Sydney. Not rare.

Does not meet the criterion.

## 5.6 REPRESENTATIVENESS

Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's Cultural or natural places; or Cultural or natural environments
	(or a class of the local area's: Cultural or natural places; or Cultural or natural environments)

The Hotel is a good example of its type though it has lost some of its original characteristics. Externally, it represents well the characteristics that make up the type but the interiors have lost much of their original detail and the original layout is barely apparent.

Does not meet the criterion.

## 5.7 STATEMENT OF SIGNIFICANCE

The White Horse Hotel is an example of an Inter War Hotel in the Free Classical style completed in 1930 for Sydney brewers Tooth and Co. The hotel was designed by architect Sydney Warden and has well-detailed, primary elevations. The Hotel is set on a prominent corner site and has some landmark qualities.

## 6.0 THE CURRENT PROPOSALS

### 6.1 CURRENT PROPOSALS

The current tenant would like to re-establish the Hotel as a music venue, install a bar area and extend the ground floor to the rear. The dining function will be retained along with the residential use to the upper floor.

The current proposal are shown on Drawings DA-00 (I), DA01 (I), DA02 (V), DA-03 (G), DA-04 (I), DA-05 (F), DA-06 (A), DA-06 (A), DA-08 (A), DA-09 (B), DA-10 (J), DA-11 (J), DA-12 (J), DA20 (H), DA21 (H), DA22 (F), DA-30 (B), DA-31 (C), DA-32 (A), DA-100 (I), DA101 (I), and DA102 (F) dated April 2020 and prepared by MFA Architects Pty Limited.

The proposals include:

#### 6.1.1 Ground Floor

- Demolition of the side addition
- Demolition of the rear addition/covered area
- Part demolition of the rear outbuilding
- Connection of the bar areas (removal of the central wall)
- Infill of the door to the stair
- Demolition of the infill wall and door to the bar area
- New wall linings to the main bar doors and windows (acoustic)
- Demolition of the side wall
- New doors and wall between the bar and former dining area
- New bar to the rear lounge
- New wall linings behind the existing side windows to Victoria Street (acoustic)
- Reconfiguration of the kitchen
- Infill of the kitchen window
- New dividing screen to the kitchen to form a bar
- Removal of the windows and walls to the south elevation of the kitchen to form a bar counter
- New external steps to the kitchen
- Partial enclosure of the rear yard to form an seating area
- New external seating area
- Conversion of the outbuilding to a lavatories
- New side entry and addition

The new additions are in rendered lightweight and masonry construction with low-pitched, metal roofs.

No changes are proposed to the primary elevations of the original hotel and the works are largely internal.

#### 6.1.2 First Floor

- No works

#### 6.1.3 Facades

- Removal of paint from the external tiling
- New signage
- New corrugated metal roof sheeting to the awning
- Replacement fascia



## 7.0 IMPACT OF THE PROPOSED DEVELOPMENT

### 7.1 GENERALLY

The White Horse Hotel is a good example of its type and retains its most important characteristics externally though the external brickwork has been painted and doors altered at both levels. The hotel has been very heavily altered internally and the bar fittings removed along with internal walls and joinery.



Figure 7.1 Comparative plans of original and current layout showing the extent of change

## 7.2 USE

The use of Hotels for live music is fast disappearing due to changes in licensing laws and residential development close to Hotels. However, some Hotels continue this use and the proposal to use the White Horse Hotel as a music venue is perfectly appropriate in heritage items considering its rather isolated location on the busy Princes Highway. It clearly has historic precedents:

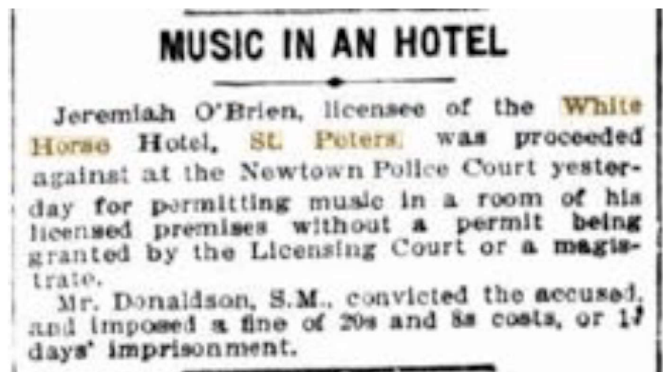


Figure 7.2 Newspaper report of the licensee being fined for music at the Hotel

Source: *The Australian Star*, 11 August 1906, p. 7

## 7.3 IMPACT OF THE PROPOSED WORKS

The proposed changes are assessed as:



P	POSITIVE	THE CHANGE IS POSITIVE IN HERITAGE TERMS
N	NEUTRAL	THE CHANGE IS NEUTRAL IN HERITAGE TERMS
S	SOME	THE CHANGE WILL HAVE SOME MINOR IMPACT

Where heritage comments have been provided and accepted by the applicant these are marked in blue.

THE WHITE HORSE HOTEL, ST PETERS

HERITAGE IMPACT STATEMENT

## 7.3.1 Ground Floor


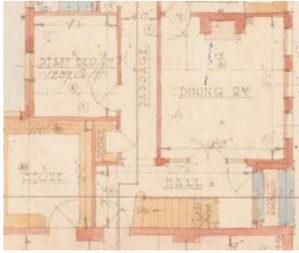
ITEM		COMMENT
Demolition of the side addition	N	There was originally an open passage (see Figure 2.10) to the south but this was later infilled (between 1949 and 1970). The current building here is of no merit
Demolition of the rear addition/covered area	N	The covered area is a modern addition of no significance
Part demolition of the rear outbuilding	S	The garage and stores are shown on the original drawings as a skillion structure but are of limited significance and will be largely retained
Connection of the bar area (removal of the central wall)	S	The current wall is a fragment of the original that had a number of openings off the bar (see Figure 2.8) and that was divided into two parlours
		
		The joinery surround to the opening is not original though parts of the cornice may be
<i>Recommendation</i>		<i>The change be signalled by a downstand to allow the original cornices to remain</i>
		
		The change will be signalled by a downstand beam to allow the cornices to remain

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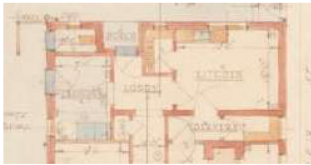
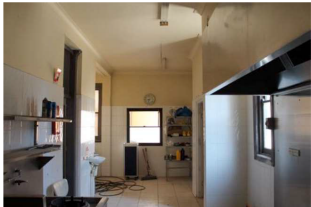
ITEM		COMMENT
Infill of the door to the stair	N	The door opening is original but the joinery has been replaced
Demolition of the infill wall and door to the bar area	P	The partition and doors are modern
		
New wall linings to the main bar doors and windows	N	The change is for acoustic reasons and the external joinery will remain as is and the works are reversible
Demolition of the side wall	S	The works will require the removal of part of the side wall to the hotel but this is not a significant elevation and is now covered by the addition to the south
		The change will be signalled by a downstand beam
New doors between the bar and former dining room	N	This area has been very heavily altered and the 'hall' here was originally a store and the work will reinstate a cellular arrangement
		
<i>Recommendation</i>		<i>The lobby be squared off with the doors set to the north to reflect the original arrangement</i>
New bar to the rear lounge	N	The area was formally a dining room but has been altered and the change is minor

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ITEM		COMMENT
New wall linings behind the existing side windows to Victoria Street (acoustic)	N	Three of the original windows have been replaced with fixed lights. The change is for acoustic reasons and windows will remain as is and the works are reversible
		
<i>Recommendation</i>		<i>Consideration be given to using secondary glazing rather than new partitions</i>
Reconfiguration of the kitchen	N	The layout has been heavily altered and the current kitchen is to a modern detail
Infill of the kitchen window	S	The window is original but is now covered by kitchen fittings
<i>Recommendation</i>		<i>The window be retained and over-boarded externally to allow the works to be reversible</i>
New dividing screen to the kitchen to form a bar	N	This section has been heavily altered and originally had a more cellular arrangement
		
		

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ITEM		COMMENT
Removal of the windows and walls to the south elevation of the kitchen to form a bar counter	S	This section has been heavily altered (see above) and one window was originally a door and the changes will have little impact on significant fabric
New external steps to the kitchen	N	The change is minor
Enclosure of the rear yard	N	The yard is already covered and the works will allow for new seating area without further alteration to the original interiors
		The addition is setback from the primary elevations, is single storey and will be partly open
		
Conversion of the outbuilding to a lavatories	S	The change is a sensible one and will retain the skillion roof form and side profile
		
New side entry and addition	N	The side entry is required for acoustic reasons and replaces the current later addition to this side
Recommendation		The addition be set behind a full width, parapet wall to the street



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## 7.3.2 Facades

ITEM		COMMENT
Removal of paint from the external tiling	P	The original tiling was a speckled red colour and the paint removal will considerably improve the appearance of the Hotel and return the facades to a known state
		
Recommendation		The paint removal should not use abrasive methods and chemical strippers should be used (e.g. Peelaway)
New signage		See below
New corrugated metal roof sheeting to the awning	P	The roof is in poor condition and the change will ensure its longevity. The steel structure and stays will be retained
Replacement fascia	P	The current fascia is modern
		
		The fascia in 1930 - Note the riveted top and bottom sections the square panels and no soffit
Recommendation		The fascia be detailed as closely as possible to the original with a folded or moulded top and bottom section and panels (see above)

Overall, we consider that the proposal will have a limited and acceptable impact on the heritage significance of the place.

### 7.3.3 Signage

The early hotel had signage to the awning, ground floor walls and to the splay at the first floor. The latter, that is extant, will be retained. The extent of signage has been reduces from the pre DA application.



Figure 7.3 The exterior of the White Horse Hotel in 1949 showing signage locations

The proposed signs include<sup>27</sup>:

NO	Awning fascia	N	These reflect the original
2	Suspended under awning signs	S	These are a common approach to shop and hotel signage
3	Painted awning signs	N	This repeats the original and detail
5	Reinstated wall signs	N	The signs will interpret the original detail in existing niches
6	Illuminated wall sign to the side extension	N	The sign will be affixed to the proposed addition and is sensibly set off the main façade
	Illuminated wall sign to the south west elevation	S	See below
			Though the sign will have some visual impact it is sensibly sited and is reversible

The use of illuminated signs is not permissible on heritage items but some consideration must be given here to the location of the Hotel on the Princes Highway. Though the Hotel is quite prominent it is set on a very busy highway and drivers have moments to see signage indicating forthcoming events and the highway is not a high traffic, pedestrian route.

The music venue will rely heavily on patrons from far afield rather than passing trade and it is important that events are well advertised. The illuminated signage is well placed and sized to avoid a high impact on the presentation of the major facades and, though not ideal, is a 'best fit' in terms of placement.

<sup>27</sup> The numbers are as indicated on Drawing DA031



#### 7.4 MARRICKVILLE LOCAL ENVIRONMENT PLAN 2011 (LEP)

##### 7.4.1 Impact on the Heritage Item

The Hotel is identified as a heritage item but is not listed in the State Heritage Inventory where the listing sheet would include an assessment and statement of significance.

Based on the above assessment, we consider that the proposal will have a limited an acceptable impact on the heritage significance of the place.

##### 7.4.2 Impact on Heritage Items in the Vicinity

The site is within the vicinity of a number of heritage items but is separated from them by intervening development and there is little visual connection between the subject site and the items.

The works are largely internal or to the side and rear and, we consider, are not at a scale that would impact on the setting or significance of the items.

#### 7.5 MARRICKVILLE DEVELOPMENT CONTROL PLAN 2011 (DCP)

There are no specific controls for development of heritage items that are not within conservation areas and the property is not within a retail streetscape identified in Section 8.4. The proposals are assessed against the relevant controls in Section 8.1 below:

##### 7.5.1 Heritage Items

	Objective/Controls	Comment
8.1.2	<i>Heritage Items</i>	
	<i>Identified heritage items must be retained in a manner where their heritage significance is preserved and the public can interpret that significance without confusion as to its actual age or function.</i>	Complies. New work will be clearly readable as such

### 7.5.2 Princess Highway Precinct

The subject property is located in Princess Highway (Precinct 33) noted in Section 9.33 of the MDCP that contains an assessment of the streetscape and built qualities of the area and provides guidelines for the desired future character. The area is not a conservation area but the subject site is a heritage item



Figure 7.2 Map of Princess Highway Precinct

DCP Section 9.33 p. 1

9.33.3	Desired future character	
	Public domain elements	
(1)	To protect and preserve contributory and period buildings within the precinct and require their sympathetic alteration or restoration.	Complies
(2)	To protect the identified Heritage Items within the precinct.	Complies

We consider that the proposals are in accordance with the heritage provisions of the DCP.

## 8.0 SUMMARY & RECOMMENDATIONS

### 8.1 SUMMARY

We consider that the proposed changes will not impact detrimentally on the significance of the Hotel and will considerably improve its amenity and revitalise what has become a rather moribund venue. The proposals are well considered and largely internal and the modest additions will not impact on the overall form and the primary elevations. Works to the external doors and windows for acoustic reasons are reversible.

The proposals will have no impact on heritage items in the vicinity of the Hotel and are in line with the heritage provisions of the DCP.

### 8.2 RECOMMENDATIONS

#### 8.2.1 Archival Recording

Considering the altered nature of the Hotel we do not consider it necessary to archivally record the current structure.



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**9.0 APPENDIX - OWNERS 1875-19581 WITH PREAMBLE**

Auto Folio 1/955053 (Source: NSW Land Registry Services)

Year	Owner
1799	8th October CROWN GRANT Parish of Petersham 470 acres Thomas Smyth
1835	4th and 5th May BOOK H NO. 221 Lease and Release (Conveyance) 63 acres 1 rood From: Robert Campbell To: Alexander Brodie Spark
1838	25th and 26th September BOOK N NO. 564 Lease and Release (Conveyance) Lots 1, 2 & 3 and around 21 acres From: Robert Campbell To: Alexander Brodie Spark
1841	24th December BOOK NO. Mortgage From: Alexander Brodie Spark To: Andrew Bonar and others
1854	3rd October BOOK NO. Letter of Administration From: Andrew Bonar and others To: Australian Trust Company
1857	30th March BOOK 49 NO. 741 Conveyance From: The Australian Trust Company To: John Cook, St Peters, brickmaker
1865	4th April BOOK 92 NO. 414 Mortgage Lots 9, 10, 11 & 12, Village of St Peters From: John Cook To: Gregory Board 500 pounds
1875	7th July BOOK 151 NO. 613 Conveyance From: Gregory Board, Sydney, esquire To: John Bradshaw, St Peters John Richardson, St Peters, licensed victualler Joseph Smidmore, St Peters, esquire As trustees for Honora Richardson

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Year	Owner
1882	21st June BOOK 241 NO. 433 Mortgage From: Honora Richardson, Waterloo, widow To: Industrial and Provident Permanent Building and Investment Society 1400 pounds
1884	2nd April BOOK 286 NO. 232 Conveyance of Equity From: Honora Richardson, Waterloo, widow To: Margaret Tait, Waterloo, widow 20 pounds (plus mortgage liability)
1887	3rd November BOOK 377 NO. 808 Conveyance of Equity Land west side of Cooks River Road (Princes Highway) From: Margaret Tait, Waterloo, widow To: Frederick Gannon, Sydney, gentleman 1460 pounds
1900	13th September Lease From: Frederick Gannon To: The Australian Brewery and Spirit Company Ltd Term of 21 years
1914	PRIMARY APPLICATION 18126 Part of Lots 9 to 12 of the Village of St Peters 29 perches Frederick Gannon, Tempe, solicitor
1914	19th March CERTIFICATE OF TITLE Vol. 2459 Fol. 4 Part of Lots 9 to 12 of the Village of St Peters 28 perches Frederick Gannon, Tempe, solicitor
1914	1st May Dealing A102906 Transfer Tooth & Co. Ltd
1916	30th August Dealing A278534 Transfer of part Paris Ernest Chaffer and Frederick Chaffer
1916	14th December CERTIFICATE OF TITLE Vol. 2722 Fol. 110 Part of Lots 9 to 12 of the Village of St Peters 22&1/4 perches Tooth & Co. Ltd
1921	2nd July Dealing A711133 Expiration of lease to The Australian Brewery and Spirit Company Ltd
1926	23rd June Dealing B376409 Lease John Patrick McLuillen
1931	1st July Dealing C76641 Lease Patrick Maher, St Peters, licensed publican
1981	11th December Dealing S783481 Transfer Chaeua Pty Ltd




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**10.0 APPENDIX B - SELECTION OF HOTELS (NEW AND MAJOR ALTERATIONS)  
DESIGNED BY SIDNEY WARDEN IN THE 1920S**




NAME	LOCATION		DATE	
Southern Cross	Devonshire Street and Elizabeth Street	Surry Hills	1921	 <p>Source: Powerhouse Museum</p>
Central Markets	Lackey Street and Pier Street	Haymarket	1922	 <p>Source: Powerhouse Museum</p>
Town and Country	Unwins Bridge Road and Campbell Street	St Peters	1923	 <p>Source: Powerhouse Museum</p>

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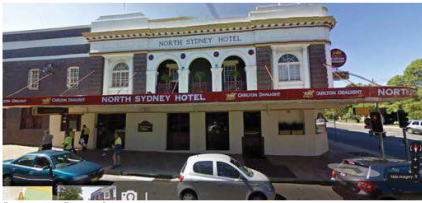

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Star	Sussex Street and Goulburn Street	Sydney	1923	 <p>Source: Powerhouse Museum</p>
Lord Raglan	Henderson Rd and Wyndham Street	Alexandria	1924	 <p>Source: Powerhouse Museum</p>
Landsdowne	City Road and Knox Street	Broadway	1924	 <p>Source: Powerhouse Museum</p>

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St George	Forest Road	Belmore	c.1925	 <p>Source: Powerhouse Museum</p>
North Sydney	Miller Street and Carlow Street	North Sydney	1926	 <p>Source: Google</p>
Homebush	Parramatta Road and Underwood Street	Homebush	1927	 <p>Source: Powerhouse Museum</p>



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Railway	Railway Parade	Kogarah	1927	 <p>Source: Powerhouse Museum</p>
Matraville	Bunnerong Road and Ferry Street	Matraville	1927	 <p>Source: Google</p>
Town Hall	Darling Street and Montague Street	Balmain	1929	 <p>Source: Powerhouse Museum</p>

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