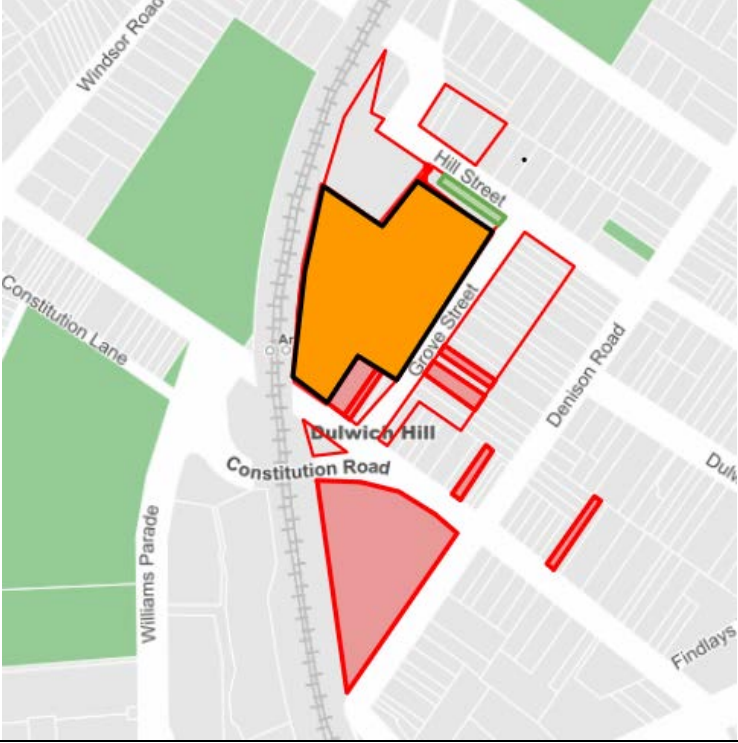





 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	DA/2020/0623			
<b>Address</b>	6-26 Grove Street DULWICH HILL NSW 2203			
<b>Proposal</b>	Use of premises as a restaurant with associated works.			
<b>Date of Lodgement</b>	05 August 2020			
<b>Applicant</b>	Henry Wolf Consulting			
<b>Owner</b>	Registered Proprietors Of Strata 90191			
<b>Number of Submissions</b>	Total 46. 3 in support, 43 in opposition.			
<b>Value of works</b>	\$70,000.00			
<b>Reason for determination at Planning Panel</b>	Number of submissions			
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Acoustic Privacy</li> <li>• Hours of operation</li> </ul>			
<b>Recommendation</b>	Approved with Conditions			
<b>Attachment A</b>	Recommended conditions of consent			
<b>Attachment B</b>	Plans of proposed development			
<b>Attachment C</b>	Plan of Management			
<b>Attachment D</b>	Amended Acoustic Report			
				
<b>LOCALITY MAP</b>				
Subject Site		Objectors		 N
Notified Area		Supporters		
Note: Due to scale of map, not all objectors could be shown. Due to the subject site being part of a shop-top housing development, the majority of the objectors are located above the subject site.				

## 5. Executive Summary

This report is an assessment of the application submitted to Council for use of premises as a restaurant with associated works at 6-26 Grove Street Dulwich Hill.

The application was notified to surrounding properties and 46 submissions were received in response to the notification, 43 in opposition and 3 in support.

The main issues that have arisen from the application include:

- Hours of operation.
- Acoustic impacts to surrounding properties.
- Community safety.

As part of DA201300375, a retail tenancy was approved on ground floor as part of development consisting of 246 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of basement car. This application seeks to modify the layout of the approved retail tenancy, extend the patronage numbers and modify the approved hours of operation.

A similar application to this application was lodged in 2017 (DA201700483). That application has lapsed and as a result this application was lodged.

Following the assessment of the proposal and public submissions received, it is considered that subject to conditions in relation to the hours of operation and patrons the proposal will generally comply with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011). Overall, the proposal is acceptable given that suitable conditions can be imposed to ensure the proposal does not adversely affect surrounding properties. As a result, the application is recommended for approval.

## 2. Proposal

The application proposes the following:

### Layout of Tenancy

The restaurant layout includes a bar area and kitchen on the ground floor and a walk-in cool room within the basement. The area for is approximately 402 sqm and comprises the following:

- 121sqm of basement area;
- 135sqm of external dining area;
- 82sqm of internal dining area;
- 36sqm of bar/kitchen area; and
- 10sqm of W.C. and stair area.

### Capacity and Operation

The application (as amended) proposes –

- 110 patrons (60 indoors and 50 outdoors)
- 15 staff maximum
- The restaurant is proposed to serve Mediterranean food, alcohol and operate via table service.

- Background music is proposed to be played throughout the hours of operation in the indoor dining area only, with no live music proposed
- 1 allocated car space within the upper basement car park level.

Hours of Operation

The proposed hours of operation (as amended) are:

Indoor hours:

Day	Hours
Monday to Wednesday	6.00am to 9:30pm
Thursday to Saturday	6.00am to 11.00pm
Sunday	7.00am to 9.30pm

Outdoor hours:

Day	Hours
Monday to Sunday	7.00am to 8:30pm

*Note. As discussed in this report, the recommendation is to amend these hours and have a trial period for certain hours.*

Signage

The proposal seeks to use the approved signage under DA201300375 with any additional signage addressed as part of a further consent.

### 3. Site Description

The subject site is located on the western side of Grove Street, near the intersection of Hill Street and Grove Street.

The subject tenancy that seeks to accommodate the restaurant use is located on the ground level of the ‘Arlington Grove’ complex which consists of 246 dwellings and 1 ground floor tenancy (subject allotment) spread over 4 buildings. The subject tenancy is known as retail lot 248 and fronts the “Arlington” Light Rail Station Platform to the west and a laneway directly to the south, with Constitution Road located further to the south.

The surrounding locality is generally characterised by low to medium density residential development with some retail, commercial and high density living located close-by along Canterbury Road to the east of the site. The “Arlington” Light Rail Station is located to the west of the site with low density residential development and recreational areas including Johnson Park, Arlington Oval and J.F. Laxton Reserve located to the west of the Light Rail Station.



Figure 1: Zoning Map of the subject site (red outline).

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
DA201300375	To consolidate 16 lots, demolish all existing improvements and remediate the land followed by comprehensive redevelopment of the site to contain 246 dwellings and 1 ground floor retail premises within 4 buildings of heights varying from 3 to 8 storeys over 2 levels of basement car parking combined with ancillary development works including civil works, internal road construction, tree removal and landscaping.	The Sydney East Joint Regional Planning Panel issued a Deferred commencement on 20 June 2014. The applicant satisfied the deferred commencement conditions and active consent was granted. The application has had a number of modifications since.
DA201700483	To use a ground floor shop as a licenced café/ restaurant for 160 patrons operating from 6.00am to 11.00pm Mondays to Wednesdays, 6.00 to 12.00am midnight Thursdays to Saturdays and 7.00am to 10.00pm Sundays with the outdoor dining area operating between 7.00am to 10.00pm daily.	Deferred commencement consent issued on 28 February 2018.  The deferred commencement conditions included the following:  <i>The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:</i>  <i>1.Environmental Health matters are addressed:</i>



		<p>a. A document providing a brief overview of the details of the proposed food to be prepared, stored and sold at the premises.</p> <p>b. Detailed floor plans and sectional elevations of all food preparation and food storage areas including the location and layout of all fixtures, fittings and equipment to be used.</p> <p>c. If applicable, the location of grease trap.</p> <p>d. If applicable, mechanical exhaust ventilation drawings shown in plans, elevation and schematic diagrams.</p> <p>2. That the submitted plan of management is amended to address all content and levels of detail for a plan of management contained within Part A1.6.2 of Marrickville Development Control Plan 2011.</p> <p>The applicant did not satisfy the deferred commencement conditions within the allocated timeframe and thus the application lapsed.</p>
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4(b) Application history

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

Date	Discussion / Letter / Additional Information
5 August 2020	Application lodged
20 August 2020 – 3 September 2020	Application notified
10 September 2020	<p>Additional information letter issued requesting the following:</p> <p>Modified Acoustic Report including:</p> <ul style="list-style-type: none"> <li>a. Details of 7 day background noise monitoring;</li> <li>b. The location of the nearest residential noise receptor;</li> <li>c. Assessment of plant noise;</li> <li>d. Details of any proposed awnings over all outdoor dining areas; and</li> <li>e. Modified plans showing the awnings proposed by the acoustic report.</li> </ul>
30 September 2020	<p>Additional information submitted by applicant included the following:</p> <ul style="list-style-type: none"> <li>f. Amended Acoustic Report.</li> <li>g. Amended floor plan showing awning over western outdoor seating area and reduction in patron capacity to show maximum of 110 patrons of which 60 are permitted internally and 50 externally.</li> <li>h. North Elevation Plan showing details of the proposed awning.</li> <li>i. Reduction in hours of operation (refer to Section 2 of this report).</li> </ul> <p><i>Note: The amended information forms the basis of this assessment.</i></p>

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments. None were considered relevant to this application.

#### *Marrickville Local Environment Plan 2011 (MLEP 2011)*

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

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is consistent with the aims of this plan as follows: <ul style="list-style-type: none"> <li>The proposal supports the efficient use of land and provides an appropriate mix of uses;</li> <li>The proposal provides employment opportunities in a location near public transport;</li> <li>The proposal promotes the use of sustainable transport, reduced car use, increase in use of public transport and increase in walking and cycling.</li> </ul>	Yes
Clause 2.3 Zone objectives and Land Use Table  <i>Zone: R1 General Residential</i>	The proposal remains consistent with the objectives of the zone in that: <ul style="list-style-type: none"> <li>The proposal assists in meeting the day to day needs of residents.</li> </ul>	Yes
Clause 4.3 Height of building	The proposal does not seek to alter the height of the building approved under DA201300375.	N/A
Clause 4.4 Floor space ratio	The application does not seek to alter the floor space ratio of the development as approved under DA201300375.	N/A
Clause 4.5 Calculation of floor space ratio and site area	The application does not seek to alter the floor space ratio of the development as approved under DA201300375.	N/A

### 5(b) Draft Environmental Planning Instruments

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

#### f) Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

The application has been assessed against the relevant Draft Marrickville Local Environmental Plan 2011 (Amendment 4).

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is

a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The development is considered acceptable having regard to the provisions of the Draft MLEP 2011 Amendment 4.

5(c) 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 development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

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

Control	Proposed	Compliance
<i>Part 2 – Generic Provisions</i>		
Part 2.5 Equity of Access and Mobility	Equity and access to the subject site was achieved under DA201300375. The Access to Premises Standard requires the use to remain accessible.	Yes, subject to conditions.
Part 2.6 – Acoustic and Visual Privacy	Refer to discussion below this table.	Yes, subject to conditions.
Part 2.9 – Community Safety	The development is reasonable having regard to community safety for the following reasons: <ul style="list-style-type: none"> <li>• The principal entrance to the restaurant is visible from the public domain;</li> <li>• The restaurant has been designed to overlook the street and public domain;</li> <li>• A Plan of Management has been submitted that appropriately addresses matters relating to security;</li> <li>• No solid roller shutters are proposed on the restaurant; and</li> <li>• The entrance to the restaurant is well lit.</li> </ul>	Yes
Part 2.10 – Parking	Refer to discussion below this table.	Yes
Part 2.21 – Site Facilities and Waste Management	The modified proposal satisfies the relevant provisions of Part 2.21 as follows: <ul style="list-style-type: none"> <li>• Standard conditions are imposed which will ensure the appropriate management of waste during the construction and operation of the proposal; and</li> <li>• Sufficiently sized areas for waste storage have been provided for the use.</li> </ul>	Yes, subject to conditions

<i>Part 5 – Commercial and Mixed Use</i>		
Part 5.1.1 – General Objectives	The proposal meets the relevant objectives of Part 5.1.1 as follows: <ul style="list-style-type: none"> <li>• The proposed development responds to its context and is compatible with the surrounding built environment and public domain; and</li> <li>• The proposal provides a safe and accessible environment.</li> </ul>	Yes
Part 5.3.1.2 Noise and vibration generation	Refer to discussion below this table.	Yes. Subject to conditions.
Part 5.3.1.4 Hours of operation	Refer to discussion below this table.	Yes. Subject to conditions.
Part 5.1.7 – Vehicle access, parking, loading and services	The proposal is considered to be acceptable having regard to this part of MDCP 2011 in that: <ul style="list-style-type: none"> <li>• A condition has been included requiring that all unloading and unloading associated with the use is carried out wholly within the property during the approved hours of occupation so as not to cause an inconvenience to the public or disrupt the flow of traffic along the southern laneway.</li> </ul>	Yes. Subject to conditions
<i>Part 9 – Strategic Context</i>		
Part 9.11 –Hoskins Park (Precinct 11)	The proposal generally meets the desired future character of the planning precinct in that the development: <ul style="list-style-type: none"> <li>• The proposal is generally consistent with the desired and future character of the precinct.</li> </ul>	Yes

Part 2.6 – Acoustic and Visual Privacy & Part 5.3.1.2 Noise and vibration generation

The application was supported by an Acoustic Report, which assessed the potential noise impacts of the proposal. This was updated and amended during the assessment  
 The amended Report determined the proposal could comply with the relevant noise criteria subject to, but not limited to, the following key measures being adopted:

- The proposed development to cater for a maximum of 110 patrons is proposed with a total of 60 patrons in the indoor dining area and 50 in the outdoor dining areas. The main southern outdoor dining area will cater to a total of 30 patrons while a smaller western outdoor dining area will cater to a total of 20 patrons.
- Doors of the restaurant are to be closed during the night and early morning hours between 10:00pm – 11:00pm & 6:00am – 7:00am.
- A proposed awning is to be located over the Western Outdoor Dining Area to protect the nearest residential receiver (Unit 1102) from noise emitted by patrons in the western outdoor dining area. The awning is to be of 10mm laminated glass or Perspex.
- Sound absorption material with a Noise Reduction Co-efficient (NRC) of minimum 0.8 is to be installed on the underside of the balcony of Unit 1102 to improve noise attenuation.

- No patrons are to be seated in the outdoor dining area during the night and early morning hours between 10:00pm – 11:00pm & 6:00am – 7:00am.
- Access to the outdoor dining area be restricted to day (7:00am – 6:00pm) & evening (6:00pm – 10:00pm) hours only.
- No background music is to be played in the outdoor dining area at any time. No live bands are permitted on site at any time.
- A sign is to be installed in the outdoor dining area reminding patrons to be aware of the residential receivers during the evening hours and to keep noise to a minimum.
- A Noise Management Plan is to be implemented.
- A permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to.

The above are included in the recommendation by way of condition. In addition, conditions are recommended to have a trial period for certain hours of operation. Given the above, and subject to conditions it is considered the proposal satisfies the objectives of Part 2.6 and 5.3.1.2 of MDCP 2011.

Part 2.10 - Parking

The site is located in Parking Area 2 and in accordance with this Part, 1 car parking space per 80sqm GFA is required. Based on 118sqm, 1.48 (1) space is required for the restaurant. Under the original DA for the building (DA201300375), 1 accessible car parking space was provided to the retail (café). This proposal does not seek to increase GFA and therefore it is not considered that additional parking is required. A condition has been included in the recommendation requiring the retention of the allocated car parking space.

It is noted that the site is in close proximity to ‘Arlington’ Light Rail Station which offers public transport options for patrons to the restaurant as well as residents and visitors to the site as a whole. There are also bicycle parking nearby available to patrons/staff.

The delivery/unloading and loading is not proposed to change from that approved under DA201300375. A condition has been included in the recommendation to ensure appropriate unloading and loading of goods associated with the restaurant.

Given the above, the proposal is considered to be consistent with the objectives of this Part of MDCP 2011.

Part 2.12 Signage and Advertising Structures

The application seeks to utilise the approved signage under DA201300375. Any additional signage will require consent as required.

Part 5.2.1.4 Hours of Operation

The proposed hours of operation (as amended) are:

Indoor hours:

Day	Hours
Monday to Thursday	6.00am to 9.30pm
Friday & Saturday	6.00am to 11.00pm
Sunday	7.00am to 8.30pm

Outdoor hours:

Day	Hours

Monday to Sunday	7.00am to 8.30pm
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The approved hours of operation under DA201300375 were:

Indoor hours:

Day	Hours
Monday to Sunday (excluding Public Holidays)	7.00am to 7.00pm

Outdoor hours:

Day	Hours
Monday to Sunday (excluding Public Holidays)	7.00am to 5.00pm

The approved hours of operation under DA201700483 were:

Indoor hours (Core hours):

Day	Hours
Monday to Sunday	7.00am to 7.00pm

Indoor trial hours (12 month trial):

Day	Hours
Monday to Thursday	6.00am to 9.30pm
Friday and Saturday	6.00am to 11.00pm
Sunday	7.00am to 9.30pm

Outdoor hours (Core hours):

Day	Hours
Monday to Sunday (excluding Public Holidays)	7.00am to 7.00pm

Outdoor trial hours (12 month trial):

Day	Hours
Monday to Sunday	7.00am to 8.30pm

As mentioned above, the amended Acoustic Report recommended that the hours be reduced to indoor closures of 9:30pm Sunday to Thursday; 11:00pm Friday & Saturday; and outdoor closures of 8:30pm.

In addition, it is considered that due to the proximity of residential uses that a conservative approach be given to the extended hours to enable a review the performance of the restaurant. As a result, it is recommended that a 12-month trial period for the outdoor and indoor hours in the evening be applied to enable a review. After that period, an application can then be made to have the permanent and a further review of the appropriateness of the hours be undertaken.



As a result, the recommended hours of operation are as follows:

Indoor hours (Core hours):

Day	Hours
Monday to Sunday	7.00am to 7.00pm

Indoor trial hours (12 month trial):

Day	Hours
Monday to Thursday	6.00am to 9.30pm
Friday and Saturday	6.00am to 11.00pm
Sunday	7.00am to 9.30pm

Outdoor hours (Core hours):

Day	Hours
Monday to Sunday (excluding Public Holidays)	7.00am to 7.00pm

Outdoor trial hours (12 month trial):

Day	Hours
Monday to Sunday	7.00am to 8.30pm

It is considered that subject to the above hours, that the proposal satisfies the objectives of this Part.

**5(e) The Likely Impacts**

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

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

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

**5(g) Any 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, 46 submissions were received, including 43 objections and 3 in support.

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

- i. Achievement of zone objectives;
- j. Acoustic amenity;
- k. Community safety;
- l. Consistency with existing and desired future character of Hoskins Park Planning Precinct;
- m. Acoustic amenity
- n. Hours of operation;
- o. Accessibility;
- p. Community safety; and
- q. Traffic and parking.

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

<b>Issue</b>	<b>Comment</b>
Traffic congestion	The use of the premises as a restaurant was approved under DA201300375 in which matters relating to the suitability of the use on the subject site were addressed. This application seeks approval for matters relating to hours of operation, seating capacity and internal configuration.
The provision of toilet facilities is insufficient.	Conditions have been included requiring the proposal to comply with relevant Australian Standards and BCA requirements.
Venue to operate as a shisha smoking(water pipe) bar	The documentation submitted by the applicant does not make mention that the venue will be used as a shisha smoking (water pipe) bar. The application has been assessed based on the information provided from the applicant.
Proposal is not Covid-19 compliant and may result in the spread of Covid-19.	The restrictions relating to Covid-19 are implemented and governed by the NSW Government. This application has been assessed against the relevant planning controls applicable to the site.
Pedestrian Access to common areas	A condition has been included requiring that any furniture placed in common areas must ensure any pedestrian and bicycle movements are not obstructed or disrupted.
Litter caused by take-away coffee cups and cigarette butts.	At this stage, there is no clear evidence to suggest that this will occur. It is considered that the use and patrons will utilise bins
Light rail station does not operate as late as the proposed hours of the restaurant and will result in patrons loitering and adverse traffic impacts with taxi's/ride-share companies.	There is no evidence to suggest this will occur. However, the recommendation includes a trial for the later hours which can enable an assessment of the use.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Environmental Health

### 6(b) External

The application was not referred to any external bodies.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

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

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0623 for internal layout works associated with restaurant, patron seating layout and hours of operation with associated works at 6-26 Grove Street Dulwich Hill subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
A001 Rev 1	Cover Sheet and Site Plan	2020	Building Design & Draft
A100 Rev. 2	Proposed Ground Floor Plan	2020	Building Design & Draft
A110 Rev. 1	Cafe-Bar	2020	Building Design & Draft
A120 Rev. 1	Section	2020	Building Design & Draft
A111 Rev. 1	Kitchen Elevations	2020	Building Design & Draft
Reference No.: 2017- 430 Rev 1	Acoustic Report	30 September 2020	Acoustic Noise & Vibrations
	Plan of Management	July 2020	Henry Wolf Consulting

As amended by the conditions of consent.

**GENERAL CONDITIONS**

**2. Car Parking**

The development must provide and maintain within the site:

- a. 1 accessible car space is to be allocated to the retail/commercial tenancy..

**3. Advertising structures**

- 1. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage

approved in this consent. The cafe windows must not be painted with advertisements and no flashing lights must be installed on the premises.

2. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.

#### **4. Loading/unloading and Storage**

1. All loading and unloading in connection with the use must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public or disruption to the flow of traffic along the South Lane.

Reason: To prevent use and obstruction of the adjacent public thoroughfare.

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

Reason: To ensure the premises are kept in a neat and tidy manner.

#### **5. Sale of Goods**

No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.

#### **6. Noise – Consultant’s Recommendations**

The recommendations contained in the acoustic report prepared by Acoustic Noise & Vibration Solutions, reference No.: 2017- 430 Rev 1 dated 30 September 2020 must be implemented, including the following:

- a. The proposed development to cater for a maximum of 110 patrons is proposed with a total of 60 patrons in the indoor dining area and 50 in the outdoor dining areas. The main southern outdoor dining area will cater to a total of 30 patrons while a smaller western outdoor dining area will cater to a total of 20 patrons.
- b. Doors of the café/restaurant are to be closed during the night and early morning hours between 10:00pm – 11:00pm & 6:00am – 7:00am.
- c. A proposed awning is to be located over the Western Outdoor Dining Area to protect the nearest residential receiver (Unit 1102) from noise emitted by patrons in the western outdoor dining area. The awning is to be of 10mm laminated glass or Perspex.

- d. Sound absorption material with a Noise Reduction Co-efficient (NRC) of minimum 0.8 is to be installed on the underside of the balcony of Unit 1102 to improve noise attenuation[RL1] .
- e. No patrons are to be seated in the outdoor dining area during the night and early morning hours between 10:00pm – 11:00pm & 6:00am – 7:00am.
- f. Access to the outdoor dining area be restricted to day (7:00am – 6:00pm) & evening (6:00pm – 10:00pm) hours only.
- g. No background music is to be played in the outdoor dining area at any time. No live bands are permitted on site at any time.
- h. A sign is to be installed in the outdoor dining area reminding patrons to be aware of the residential receivers during the evening hours and to keep noise to a minimum.
- i. A Noise Management Plan is to be implemented.
- j. A permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to.

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

##### **7. Coolroom**

1. The coolroom which is of sufficient size for a person to enter must have:
  - a) a door which is capable of being opened by hand from inside without a key;
  - b) internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the coolroom;
  - c) an indicated lamp positioned outside the coolroom which is illuminated when the interior lights are switched on; and
  - d) an alarm that is -
    - (i) located outside but controllable only from within the coolroom; and
    - (ii) able to achieve a sound pressure level outside the coolroom of 90dB(A) when measured 3 metres from the sounding device,in accordance with Clause G1.2 of the National Construction Code (Building Code of Australia).

##### **8. Compliance with Relevant Standards**

1. The premises are to be designed, constructed and operated in accordance with the:
  - Food Act 2003
  - Food Regulation 2010
  - Australia and New Zealand Food Standards Code



- Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- Australian Standard AS 1668 Part 1 – 1998
- Australian Standard AS 1668 Part 2 – 2012; and
- Building Code of Australia

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

2. To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

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

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council (the consent authority).

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

#### **9. 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.

**DURING DEMOLITION AND CONSTRUCTION****10. 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.

**PRIOR TO OCCUPATION CERTIFICATE**

**11. 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.

**12. Licensed Premises – Plan of Management**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Plan of Management for the operation of the licensed premises that addresses the following:

- (a) restricting setup and removal of seating and tables in the outdoor dining areas to the hours of operation of the outdoor areas, and;
- (b) detailing methods for washing down outdoor dining areas without causing stormwater pollution.

**13. Food Premises Grease Trap – Trade Waste Agreement**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**ON-GOING**

**14. Hours of Operation**

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

Day	Hours
Monday to Thursday	7.00am to 9.00pm
Friday & Saturday	7.00am to 9.00pm
Sunday	7.00am to 8.00pm

- b. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the cafe/restaurant approved in this consent, the indoor hours of

operation of the premises must not exceed the following:

Day	Hours
Monday to Thursday	6.00am to 9.30pm
Friday & Saturday	6.00am to 11.00pm
Sunday	7.00am to 9.30pm

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

d. The outdoor hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Thursday	7.00am to 8.00pm
Friday & Saturday	7.00am to 8.00pm
Sunday	7.00am to 8.00pm

e. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the cafe/restaurant approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Thursday	7.00am to 8.30pm
Friday & Saturday	7.00am to 8.30pm
Sunday	7.00am to 8.30pm

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

**15. Reviewable Hours of Operation**

This condition is imposed under Section 4.17 (10B) of the *Environmental Planning and Assessment Act 1979* to enable Council to review the performance of the approved development with respect to extended hours of operation. Council will carry out a review annually or, with 14 days' notice, upon receipt of a complaint being received by Council.

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

Day	Hours
Monday to Thursday	7.00am to 9.00pm
Friday & Saturday	7.00am to 9.00pm
Sunday	7.00am to 8.00pm

- b. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the cafe/restaurant approved in this consent, the indoor hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Thursday	6.00am to 9.30pm
Friday & Saturday	6.00am to 11.00pm
Sunday	7.00am to 9.30pm

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

- d. The outdoor hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Thursday	7.00am to 8.00pm
Friday & Saturday	7.00am to 8.00pm
Sunday	7.00am to 8.00pm

e. For a period of not more than 12 months from the issue of the Final Occupation Certificate for the cafe/restaurant approved in this consent, the outdoor hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Thursday	7.00am to 8.30pm
Friday & Saturday	7.00am to 8.30pm
Sunday	7.00am to 8.30pm

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

**16. Capacity**

The use must be restricted to not more than 60 seats internally and 50 seats externally.

**17. Ongoing Management**

1. The cafe windows must be maintained at all times with no roller shutters being installed across the windows.
2. No live music or entertainment must be provided within the premises.
3. The proprietor(s) of the cafe/restaurant being responsible at all times to ensure the orderly dispersal of patrons from the restaurant.
4. Staff employed by the cafe/restaurant are responsible to ensure that patrons of the restaurant do not loiter or linger in the surrounding area or cause nuisance or annoyance to the neighbourhood.
5. Signs are to be appropriately located within the restaurant advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the restaurant, ensuring that staff give appropriate directions to and take reasonable steps to control noisy behaviour of patrons entering or leaving the restaurant.
6. No audio / music speakers are to be installed or positioned outside the premises in the outdoor seating area and any internal audio / music speakers must be positioned in such a manner as to not project sound to the street.
7. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.



8. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.
9. Any furniture placed in common areas must ensure any pedestrian and bicycle movements are not obstructed or disrupted

#### **18. 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.

#### **19. 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.

#### **20. Noise General**

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

#### **21. Noise – Licensed Premises/Entertainment Venues – Acoustic Report**

During the first sixty (60) days of operation of 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 during peak evening operations (including Friday and Saturday), 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 operation of 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 use) on the premises must cease until such time as the recommendations are implemented and verified.

## **22. 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**

#### **Prescribed Conditions**

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

#### **Food Premises Certification**

The food premises design, construction and operation is in accordance with the following:

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

**Mechanical Ventilation System Certification**

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

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

**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.

**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.

**Notification of commencement of works**

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

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

**Permits from Council under Other Acts**

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

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

**Dial before you dig**

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

**Useful Contacts**

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm  
[www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Department of Fair Trading 13 32 20  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100  
[www.dialprior toyoudig.com.au](http://www.dialprior toyoudig.com.au)

Landcom 9841 8660

To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation Payments 131441  
[www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au)

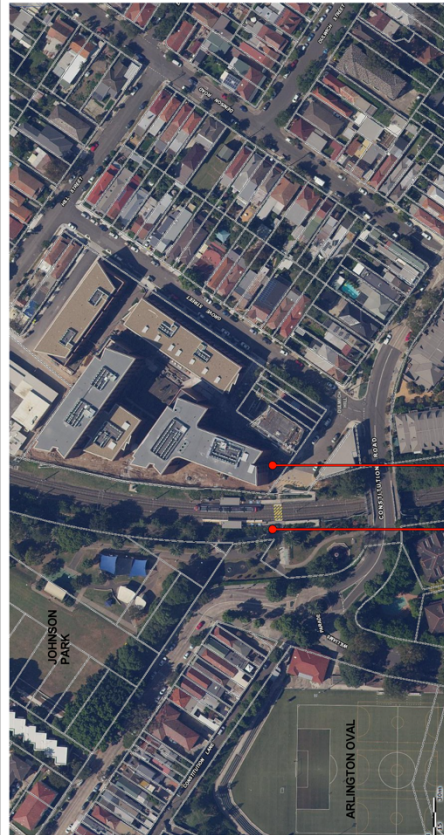
NSW Food Authority 1300 552 406  
[www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

NSW Government [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au)

Information on asbestos and safe work practices.



Attachment B – Plans of proposed development



LOCATION PLAN

PROPOSED RESTAURANT / CAFE & LICENSED BAR USE & FITOUT

NUMBER	SHEET NAME	REV
A001	COVER SHEET & SITE PLANS	1
A003	EXISTING PLANS	1
A100	PROPOSED PLANS FOR DA	1
A110	CAFE-BAR ELEVATIONS	1
A111	KITCHEN ELEVATIONS	1
A120	SECTION	1
Grand total:		6



EXISTING SITE PLAN  
1:200



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GENERAL NOTES:  
 • KITCHEN TO COMPLY WITH AS/NZS FOOD STANDARDS  
 • DRAINAGE TO COMPLY WITH PART 11 OF THE BCA & AS3600.3  
 • NEW KITCHEN EXHAUST SYSTEM TO COMPLY WITH F4.12.  
 • NEW LIGHTING TO COMPLY WITH PART J6

CAFE CALIBRE  
 RESTAURANT FIT-OUT  
 ARLINGTON GROVE, DULWICH HILL

Figured dimensions are to be taken in preference to scaled dimensions.  
 Contractors shall verify all dimensions on the job before preparing shop drawings or materials. All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

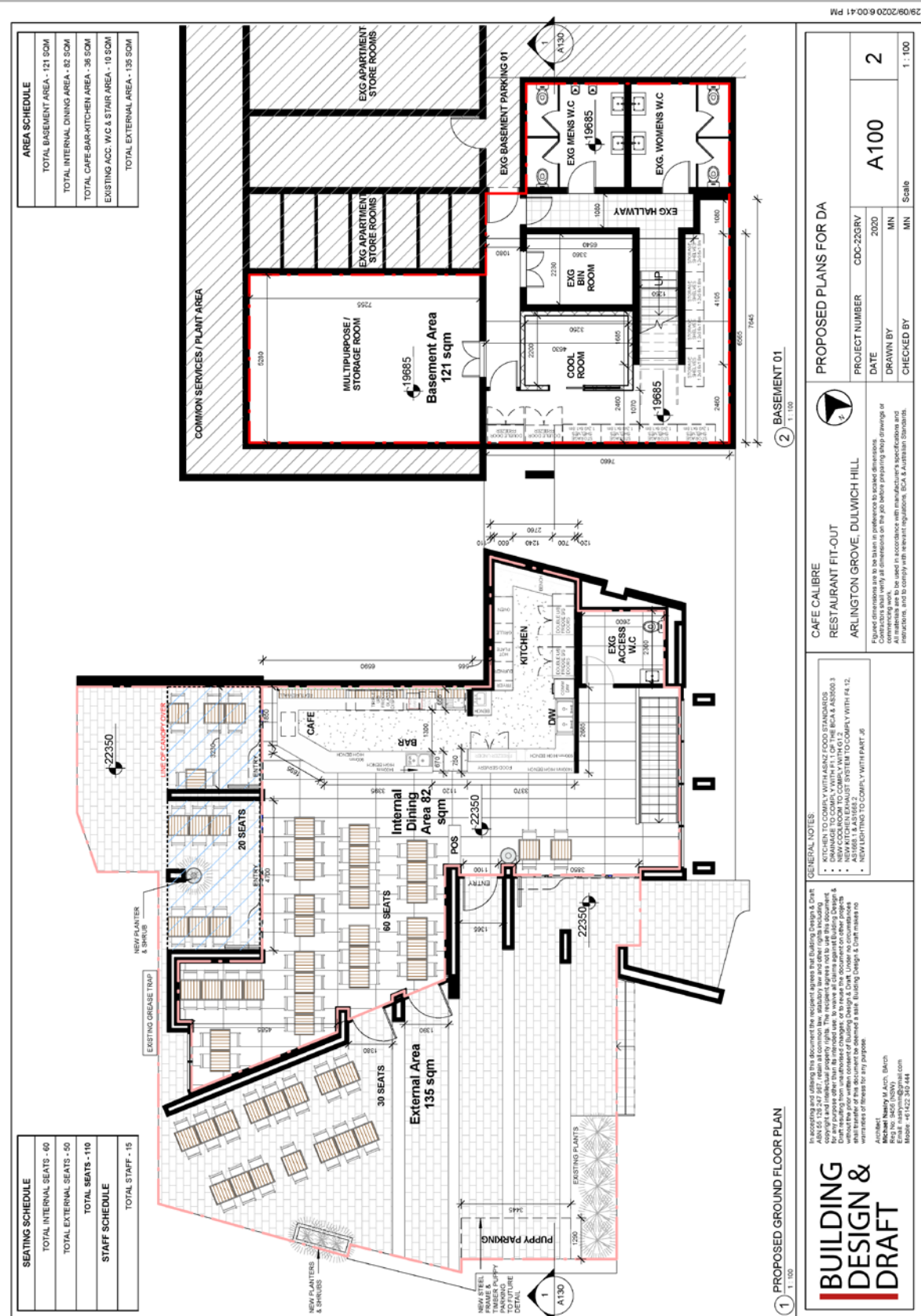
COVER SHEET & SITE PLANS

PROJECT NUMBER	CDC-22GRV
DATE	2020
DRAWN BY	MN
CHECKED BY	MN
Scale	As indicated

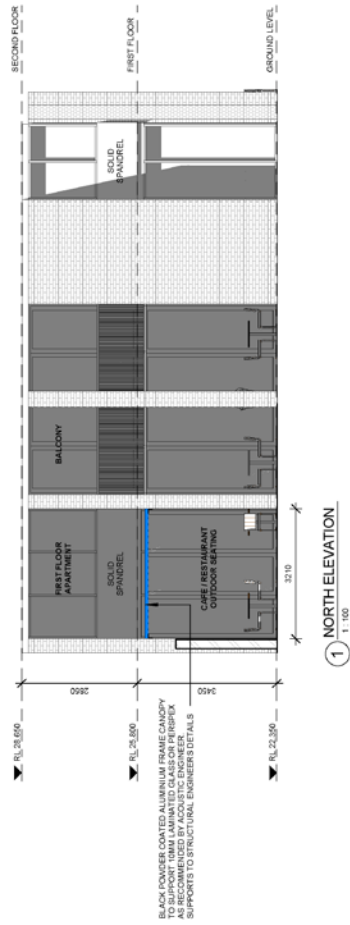
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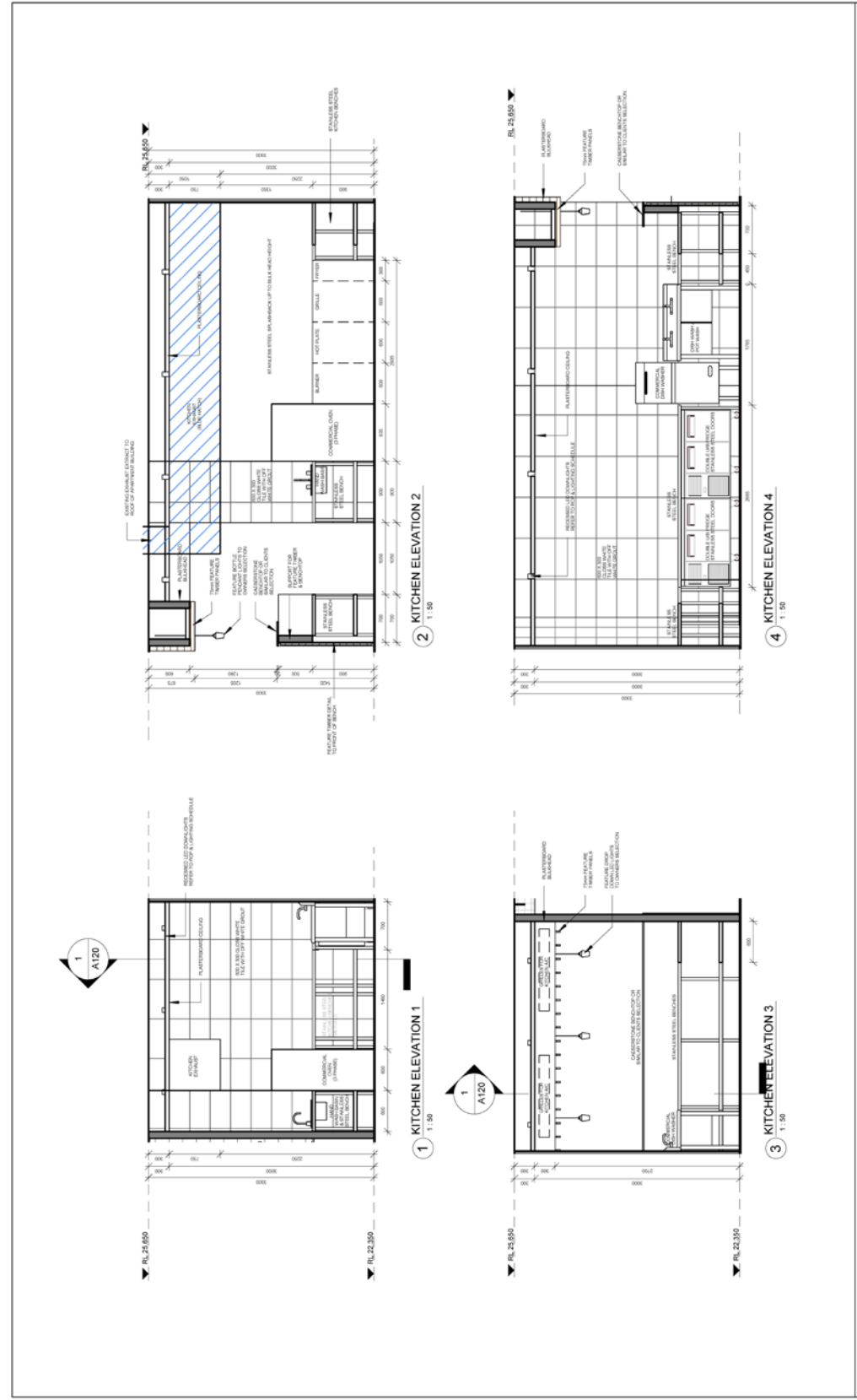
Architect:  
 Michael Nairn M. Arch. BArch  
 Email: m.nairn@bdandd.com  
 Mobile: +61 822 240 444



GENERAL NOTES:  
 Figured dimensions are to be taken in preference to scaled dimensions.  
 All materials are to be used in accordance with manufacturer's specifications and standards, and to comply with relevant regulations, Code of Australia Standards.

CAFE CALIBRE  
 RESTAURANT FIT-OUT  
 ARLINGTON GROVE, DULWICH HILL

PROJECT NUMBER		CDC-23GRV	
DATE	2020	DRAWN BY	
CHECKED BY		MIN	
NORTH ELEVATION		A135	
Scale		1:100	



**BUILDING DESIGN & DRAFT**

Document Set ID: 3084E765  
Version: 1, Version Date: 05/08/2020

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**GENERAL NOTES:**

- KITCHEN TO COMPLY WITH AS/NZS FOOD STANDARDS
- KITCHEN TO COMPLY WITH AS/NZS 2210
- NEW KITCHEN EXHAUST SYSTEM TO COMPLY WITH F4.12.
- NEW LIGHTING TO COMPLY WITH PART 4.6

**KITCHEN ELEVATIONS**

**RESTAURANT FIT-OUT**  
ARLINGTON GROVE, DULWICH HILL

PROJECT NUMBER: CDC-23GRV  
DATE: 2020  
DRAWN BY: MN  
CHECKED BY: MN  
Scale: 1:50

## Attachment C – Plan of Management

### Plan of Management

### *Café Calibre*

Lot 248

6-26 Grove Street Dulwich Hill

July 2020

Prepared by Henry Wolf Consulting

## 1 Site and Locality

The site is located at Lot 248, 6-26 Grove Street Dulwich Hill. The plan covers all aspects of the operation. The licensed cafe is spread over one level, consisting of an indoor area and outdoor seating. There is a basement level area for bathrooms and staff, no seating. All areas will operate under an On Premise License and management.

The licensed area is available for dining and the consumption of alcohol and non-alcoholic beverages with a meal. The entire restaurant will be table service i.e. All service will be carried out by waiters to the patrons table.

The restaurant consists of indoor and outdoor areas.

The floor plans are as per Annexure "A" in this document.

## 2 Operational Details

### 2.1 Organisational Overview

#### Capacity

The maximum number of patrons and employees is 130.

#### Staff

There will be a minimum of 15 staff employed, including floor staff, back of house and management on duty during trading hours.

#### The Licensee

The licensee will be a member of the Licensing Liquor Accord within the Marrickville LGA. The licensee will take action to liaise with the local community about premise management and activities.

### 2.2 Hours Of operation

#### Indoor

- 6am to 10pm Monday to Thursday
- 6am to Midnight Friday to Saturday
- 7am to 10pm on Sunday

#### Outdoor

- The proposed hours of operation for outdoor seating is 7am to 10pm daily

### 2.3 Noise

Management will take reasonable steps to ensure that there is no loitering in the vicinity of the licensed premise by potential staff or patrons;

All patrons are encouraged to wait inside, rather than outside, if a table is not yet available for them, and when waiting for a taxi when one has not been called;

There will be no live entertainment provided to the venue;

Patrons displaying disruptive or disorderly behaviour will not be served and will be asked to leave the premise;

Staff will be trained in managing groups leaving the licensed premise, making sure the noise is kept to a minimum;

Signs shall be placed in clearly visible positions to advise patrons leaving the premise to do so having regard to maintaining the amenity of the area;

Refer to acoustic report for recommendations; and



The removal of recycled bottles will only occur between 7am and 8pm weekdays and 9am and 5pm weekends and public holidays to avoid noise disruption to the surrounding area.

### 3 Security and Safety

Management will be responsible for ensuring that the objectives of this plan are maintained;

Management at all times will ensure that all people entering and leaving the premise and area do so in a manner that respects the nature of the surrounding locality. When premises are cleared both security and management will ensure this is undertaken in a safe and orderly manner through direction of, and the provision of assistance to patrons;

Signs shall be placed in clearly visible positions to advise patrons leaving the premise to do so having regard to maintaining the amenity of the area;

The licensee and other management shall maintain a register of all incidents and responses made in respect of the premise in an incident report book, to record:

! any complaints made directly to the management or staff about the operation of the licensed premise or the behaviour of its patrons and it is to include, date, time, name, contact, address, nature of the complaint, staff on duty and action taken by premise to resolve the complaint;

! any visits by any law enforcement personnel noting their agencies or departments, badge numbers, reasons for the visits and results of the visits, and;

! any detail of incidents, which require intervention by staff/management within the premise or in the vicinity of the premise.

The manager shall make the incident book available to council and police at all times and within 7 days of receipt of written request from the council to do so;

Patrons will not be permitted to leave the premise with any glass or open bottles on their person;

Management will conduct checks of both male and female toilets to ensure the well being of staff and patrons visiting the premise. NB management will conduct checks on the female toilets with a female member of staff;

All staff and management will use best endeavours to promptly remove glass on the premise once the product is consumed; and

All staff will actively participate in communicating with management to ensure an early detection of any problems arising.

#### 3.1 Crowds and Queues

Crowds and queues will be contained within the site;

Management will take all reasonable steps to ensure there is no loitering in the vicinity of the licensed premise by potential patrons or staff; and

#### 3.2 Patron Behaviour

The primary purpose is the serving of food where alcohol is available;

Management shall take reasonable measures to ensure the conduct of business does not impact adversely on the surrounding area;

The manager is to be present at the hour of closing to strictly supervise the departure of patrons and to ensure that they leave the licensed premise quickly and quietly;

Management shall ensure that the entry points and immediate vicinity are kept clean and tidy during the use of the licensed premise;

Management shall take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the premise does not detrimentally affect the amenity of the neighbourhood; and

The licensed premise shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smell or otherwise.

### 3.3 Responsible Service of Alcohol

All bar/floor staff, managers and licensees employed at the venue will have completed an accredited responsible service of alcohol course as outlined by the AHA NSW and lectures, as required, will be participated in to ensure that RSA standards are adhered to;

The licensee and management will maintain a register containing copies of the competency cards showing the satisfactory completions of the RSA course undertaken by the licensee and all staff required to complete the course. That register will be made available for inspection on request by a NSW Police officer or special inspector;

Staff are to check the ID of all patrons suspected to be under the age of 25;

The licensee and management shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor;

It is an offence to sell or supply liquor to intoxicated person; the licensee and management shall adhere to this and follow the guidelines of what an intoxicated person is from the Liquor Act 2007 NSW;

Any person who is intoxicated shall not be permitted to enter the premise;

The licensee and management will not permit intoxication or any indecent, violent, quarrelsome or discriminatory conduct by patrons on the premise; and

## 4 Management Measures

### 4.1 Waste Management

All waste and recyclable material will be sorted in designated refuse areas;

A contract for regular removal of waste will be established by an authorised contractor and shall only occur between the hours of 7am and 5pm daily;

Cooking oil will be filtered on site and replaced regularly by a recycling contractor; and

### 4.2 Public Transport Awareness

Given the location and availability of public transport on Canterbury Road and New Canterbury (bus and taxi stations) and the Light Rail, no additional measures should be required within the site;

With regard to the above, staff as a courtesy shall provide to guests, as requested, the details of all available public transport in the vicinity; and

Managers and staff will arrange promptly and without charge, for taxis to collect any patron from the licensed premise as and when requested.

### 4.3 Cleaning

The premise shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of council, both internally and externally.

### 4.4 Outdoor Dining

Outdoor furniture shall be set up and removed within 30 minutes of approved outdoor seating trading hours; and

All service of food and alcohol shall cease immediately at the approved trading hours with all patrons being required to leave within 15 minutes of closing time.

4.5 Smoking

Smoking patrons will be asked to smoke at the required distance from the main entry of the site.

5.0 Amendment to the Plan

If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premise, that modification shall be made to the plan only with prior notification of council, which consent shall not be unreasonably withheld.

6.0 Conclusion

It is imperative that all staff members have knowledge and expertise to encourage responsible serving practices and be aware of the necessity to implement strategies to prevent intoxication occurring. By ensuring that staff are supported in preventing intoxication and underage drinking it will ensure that patrons and employees enjoy a friendly and safe environment.

**Attachment D – Amended Acoustic Report**



**ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L**

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*Acoustic Impact Report*

**For proposed Licensed Café/Restaurant**

**at**

**Retail Lot 248, No. 6-26 Grove St,**  
**Dulwich Hill**

**Prepared by: Domeniki Tsagaris (M.I.E.Aust), B.E.(UNSW)**

Australian Acoustical Society (Sub)

**Approved by: Moussa Zaioor (M.I.E. Aust), CPENG,**

Australian Acoustical Society (Member).

**Date: September 30<sup>th</sup>, 2020**

**Reference No.: 2017- 430 Rev 1**

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## **1.0 CONSULTING BRIEF**

Acoustic Noise & Vibration Solutions Pty Ltd (ANAVS P/L) was engaged to investigate the environmental noise impact on the surrounding environment of the proposed licensed café/restaurant at Retail Lot 248 at No. 6-26 Grove St, Dulwich Hill; as per Inner West Council requirements (Figure 1 – Site Location).

As per our calculations and the acoustical study below, the operation of the proposed café/restaurant will comply with the requirements of the NSW Environmental Protection Authority (EPA) Noise Guide for Local Government, Noise Policy for Industry (2017), the NSW Office of Liquor, Gaming and Racing (OLGR) and Inner West Council.

This commission involves the following:

- Inspect the site and environs.
- Measure the background noise levels at critical locations and times.
- Prepare an Environmental Noise Impact Report.
- Establish acceptable noise level criterion.
- Quantify noise emissions from the proposed licensed café/restaurant
- Calculate the level of noise emission, taking into account building envelope transmission loss, screen walls and distance attenuation.
- Provide in principle noise control recommendations (if necessary).

## **2.0 PROJECT DESCRIPTION**

The development at No. 6-26 Grove St consists of four (4) multi-storey buildings with the proposed licensed café/restaurant to be located in Building A (Figure 2). Building A is an eight (8) storey mixed-use building with two (2) levels of basement parking and fronts Constitution Rd and Arlington Light Rail Station & Corridor. The proposed licensed café/restaurant is located on the ground floor, occupying Lot 248 with residential units directly above (Figures 3 & 4).

Under plans lodged through Development Application (DA/2020/0623), the proposed licensed café/restaurant caters to a total of 130 patrons with 42 patrons in the indoor dining area and 88 patrons in the outdoor dining areas.

However, the following report will assess the number of patrons presented in the Recommended Seating Plan prepared by Building Design & Draft (dated the 29<sup>th</sup> September, 2020) in order to ensure the operation of the proposed café/restaurant complies with the requirements of the NSW Environmental Protection Authority (EPA) Noise Guide for Local Government, Noise Policy for Industry (2017), the NSW Office of Liquor, Gaming and Racing (OLGR) and Inner West Council requirements.

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As per the recommended seating plan, the proposed licensed café/restaurant will cater to a total of 110 patrons with 60 patrons in the indoor dining area and 50 patrons in the outdoor dining areas (Figure 5 –Recommended Seating Plan). The main southern outdoor dining area will cater to a total of 30 patrons while a smaller western outdoor dining area will cater to a total of 20 patrons (refer to Figure 5). A total of fifteen (15) staff members are expected to be in the licensed café/restaurant at any one time.

The proposed hours of operation for the licensed café/restaurant will be as follows:

**Indoor Dining Area (60 patrons)**

- Monday – Thursday: 6:00am – 9:30pm
- Friday – Saturday: 6:00am – 11:00pm
- Sunday: 7:00am – 9:30pm

**Outdoor Dining Area (30 + 20 = 50 patrons)**

- Monday – Thursday: 7:00am – 8:30pm
- Friday – Saturday: 7:00am – 8:30pm
- Sunday: 7:00am – 8:30pm

No parking spaces will be designated for the patrons of the proposed licensed café/restaurant, with limited on-street parking available on Constitution Rd, Grove St & Hill St. One car space located in the basement of Building A will be allocated to staff parking. It is expected that the majority of patrons visiting the proposed licensed café will be residents living in the development and surrounding properties, including commuters from the light rail station.

Background music will be played throughout hours of operation in the indoor dining area only, with *no* live music. No music is proposed to be played in the outdoor dining areas.

Mechanical Plant & Equipment for the proposed licensed café/restaurant connect through the building with fans and condenser units located on the roof of the building (Figure 6 – Existing Rooftop Mechanical Plant & Equipment). Any proposed mechanical plant associated with the café's kitchen or cool room will be located in the basement.

The surrounding area consists of residential properties to the east along Grove St and Constitution Rd with Arlington Light Rail Station & Corridor directly west of the site (Figure 7 – Surrounding Environment). An eight (8) level mixed use development is proposed at No. 62 Constitution Rd, located directly south of the site, with commercial tenancies to be located on the ground floor.

For the purpose of this assessment, the nearest residential receiver will be the residential properties located directly above the proposed licensed café/restaurant, Units 1101 & 1102 (Figures 8 & 9 – Nearest Residential Receiver).



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The noise emissions from the proposed licensed café/restaurant must not exceed the acceptable levels at the nearby receptor location (Units 1101 & 1102 above the licensed café). Noise control may be required for the proposed licensed café/restaurant to comply with the noise criteria set out in Section 4 of this report. The noise controls in Section 6 of this report are reasonable and feasible in reducing the noise to an acceptable level.

### **3.0 NOISE SURVEY, INSTRUMENTATION & RESULTS**

On the 15<sup>th</sup> September, 2020, an engineer from this office visited the site to carry out unattended acoustic measurements of the existing background noise levels. A noise reading machine was placed at the front boundary of the nearest residential receiver Unit 1102 (Figure 10 – Noise Reading Location). Noise readings were carried out for a period of seven (7) days between the 15<sup>th</sup> September, 2020 – 22<sup>nd</sup> September, 2020.

The survey was conducted to determine a sample of the existing  $L_{(A90, 15 \text{ minutes})}$  and  $L_{(Aeq, 15 \text{ minutes})}$  during the day (7:00-18:00), evening (18:00-22:00) and night (22:00-7:00).

All measurements were taken in accordance with the Australian Standards AS 1055 “*Acoustics-Description and Measurements of Environmental Noise*”. The measurement procedure and the equipment used for the noise survey are described below. All sound pressure levels are rounded to the nearest whole decibel.

- Type 1 sound level measurements meeting IEC 61672:2002
- General vibration measurements (acceleration, velocity and displacement) and HVM meeting ISO 8041:2005 standard
- Three parallel independent profiles
- 1/1 and 1/3 octave real time analysis
- Acoustic dose meter function
- FFT real time analysis (1920 lines in up to 22.4 kHz band)
- Reverberation Time measurements (RT 60)
- Advanced Data Logger including spectra logging
- USB Memory Stick providing almost unlimited logging capacity
- Time domain signal recording
- Advanced trigger and alarm functions
- USB 1.1 Host & Client interfaces (real time PC “front end” application supported)
- RS 232 and IrDA interfaces
- Modbus protocol

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The noise reading machine Microphone was positioned a minimum 1.5m above ground level. The noise reading machine were calibrated prior to and after reading, using our Svantek SV 33A S/N: 90200 Class 1 Calibrator. Any readings affected by strong wind or rain have been disregarded.

The Full Average Statistical Noise Parameters  $L_{(Aeq, 15 \text{ minutes})}$ ,  $L_{(A90, 15 \text{ minutes})}$ ,  $L_{(A10, 15 \text{ minutes})}$ ,  $L_{(A1, 15 \text{ minutes})}$  are presented in Figure 11 – Noise Survey. A Summary of those readings is presented in the table below.

**Table 3.0 - Existing Noise Survey Results at Point A (Boundary of Unit 1102)**  
15<sup>th</sup> September, 2020 – 22<sup>nd</sup> September, 2020

<b>Point A – Noise Reading Location</b>	<b><math>L_{Aeq15min}</math> dB(A)</b>	<b><math>L_{A9015min}</math> dB(A)</b>	<b>RBL</b>
Day Time 7:00am – 6:00pm	55	48	42
Evening Time 6:00pm – 10:00pm*	54	48	42
Night Time 10:00pm – 11:00pm – 6:00am – 7:00am*	52	45	39

\*Café/Restaurant will only partially operate during evening & night hours depending on day of the week

The Noise representation of the existing background noise level ( $L_{90}$ ) during the day, evening & night in Octave Band Centre Frequency are presented in table 3.2 below.

**Table 3.1- Summary of Existing Background Noise Levels at Point A (Octaves)**  
15<sup>th</sup> September, 2020 – 22<sup>nd</sup> September, 2020

<b>Description</b>	<b><math>L_{(A90, 15 \text{ minutes})}</math> dB(A)</b>	<b>Octave Band Centre Frequencies (Hz) of Background Noise Measurements at Point A</b>								
		<b>31.5</b>	<b>63</b>	<b>125</b>	<b>250</b>	<b>500</b>	<b>1k</b>	<b>2k</b>	<b>4k</b>	<b>8k</b>
<b>Day (7:00am – 6:00pm) &amp; Evening (6:00pm – 10:00pm)</b>	<b>48</b>	19	32	36	39	42	42	39	34	29
<b>Night Period (6:00am – 7:00am) &amp; (10:00pm – 11:00pm)</b>	<b>45</b>	16	29	33	36	39	39	36	31	26

The existing background noise is dominated by traffic noise from Hill St, Grove St, Constitution Rd, the adjacent Arlington Light Rail Station & Corridor and nearby commercial Properties.

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#### **4.0 ACCEPTABLE NOISE LEVELS**

##### **4.1 NOISE GUIDE FOR LOCAL GOVERNMENT & POEO**

The Department of Environment and Conservation (NSW) published the *Noise Guide for Local Government* in June 2004. The policy is specifically aimed at assessing noise from light industry, shops, entertainment, public buildings, air conditioners, pool pumps and other noise sources in residential areas.

Section 2.2.1 of the Noise Guide for Local Government states that a noise source is generally considered to be intrusive if the noise from the source when measured over a 15-minute period exceeds the background noise by more than 5 dB(A).

Therefore, the acceptable noise criterion is as follows:

- **48 + 5 = 53 dB (A)** during the day
- **48 + 5 = 53 dB (A)** during the evening
- **45 + 5 = 50 dB (A)** during the night

The appropriate regulatory authority (Local Council) may, by notice in writing given to such a person, prohibit the person from causing, permitting or allowing:

1. (a) any specified activity to be carried on at the premises, or
2. (b) any specified article to be used or operated at the premises,

or both, in such a manner as to cause the emission from the premises, at all times or on specified days, or between specified times on all days or on specified days, of noise that, when measured at any specified point (whether within or outside the premises,) is in excess of a specified level.

It is an offence to contravene a noise control notice. Prior to being issued with a noise control notice, no offence has been committed.

The Protection of the Environment Operations Act 1997 defines “Offensive Noise” as noise:

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

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**4.2 NSW NOISE POLICY FOR INDUSTRY (2017)**

Noise emitted from any Mechanical Plant & Equipment associated with the proposed café/restaurant is governed under Section 2 of the Noise Policy for Industry 2017. The above policy seeks to promote environmental well-being through preventing and minimizing noise by providing a frame work and process for deriving noise limits conditions for consent and licenses.

The Noise Policy for Industry 2017 recommends two separate noise criteria to be considered, the Intrusive Noise Criteria and the Amenity Noise Criteria. A project noise trigger level being the lowest of the amenity and the intrusiveness noise level is then determined.

If the predicted noise level  $L_{Aeq}$  from the proposed project exceeds the noise trigger level, then noise mitigation is required. The extent of any ‘reasonable and feasible’ noise mitigation required whether at the source or along the noise path is to ensure that the predicted noise level  $L_{Aeq}$  from the project at the boundary of most affected residential receiver is not greater than the noise trigger level.

*Note\** Noise from mechanical plant & equipment is governed under the NSW Noise Policy for Industry. However, Section 1.5 of the above policy, excluded the assessment of noise from amplified music/patron noise from premises. Therefore patron noise from the use of the outdoor area is governed under the Noise Guide for Local Government.

**4.2.1 AMENITY NOISE CRITERIA**

The amenity noise levels presented for different residential categories are presented in Table 2.2 of the Noise Policy for Industry 2017. These levels are introduced as guidance for appropriate noise levels in residential areas surrounding industrial areas. Therefore, the recommended amenity noise levels are presented in Table 4.2.1.1 below:

Table 4.2.1.1- Recommended Amenity Noise levels

TYPE OF RECIEVER	AREA	TIME PERIOD	RECOMMENDED Leq NOISE LEVEL, dB(A)
Residence	Urban	Day	60
		Evening	50
		Night	45

Where a noise source contains certain characteristics such as tonality, impulsiveness, intermittency, irregularity or dominant low-frequency content, a correction is to be applied which is to be added to the measured or predicted noise levels at the receiver, before comparison with the criteria. Shown below are the correction factors that are to be applied:

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Table 4.2.1.2 – Modifying Factor Corrections as per Fact Sheet C (Noise Policy for Industry 2017)

FACTOR	CORRECTION
Tonal Noise	+ 5 dB
Low Frequency Noise	+ 5 dB
Impulsive Noise	Apply difference in measured fast and impulse response levels, as the correction, up to a maximum of 5 dB.
Intermittent Noise	+ 5 dB

According to Section 2.4 of the above policy, the project amenity noise level is determined as follows:

$$\text{Project amenity noise level for industrial developments} = \text{recommended amenity noise level (Table 2.2) minus 5 dB(A)}$$

To convert from a period level to a 15-minute level, a plus 3 is added as per section 2.2 of the policy. Therefore, the project amenity noise levels are as follows:

- Day:  $60 - 5 + 3 = 58 \text{ dB(A)}$
- Evening:  $50 - 5 + 3 = 48 \text{ dB(A)}$
- Night:  $45 - 5 + 3 = 43 \text{ dB(A)}$

**4.2.2 INTRUSIVENESS NOISE CRITERIA**

Section 2.3 of the Noise Policy for Industry summarises the intrusive criteria as below:

$$L_{Aeq,15 \text{ minute}} \leq \text{rating background level plus 5}$$

While the background noise level known as  $L_{A90,15 \text{ minutes}}$  is the Noise exceeded 90% percent of a time period over which annoyance reactions may occur (taken to be 15 minutes). The RBL is defined as the overall single-figure  $L_{A90,15 \text{ minutes}}$  background level representing each assessment period (day/evening/night) over the whole monitoring period.

For the short-term method, the rating background noise level is simply the lowest measured LAF90,15min level. For the long-term method, the rating background noise level is defined as the median value of all the evening assessment background levels over the monitoring period for the evening

The predicted noise from the source  $L_{Aeq,15 \text{ min}}$  is measured as at the most affected point within the most affected residential at the point where the most impact occurs. Therefore, the acceptable  $L_{eq}$  noise intrusiveness criterion for broadband noise is as follows:

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- 42 + 5 = 47 dB (A) during the day
- 42 + 5 = 47 dB (A) during the evening
- 39 + 5 = 44 dB (A) during the night

**4.2.3 PROJECT NOISE TRIGGER LEVEL**

A summary of intrusiveness and amenity noise levels as determined in sections 4.2.1 & 4.2.2 are shown in the table below:

Table 4.2.3 - Summary of Intrusiveness and project amenity noise levels

Period	Intrusiveness Noise Level	Project Amenity Noise level
Day Time (7:00-18:00)	47	58
Evening Time (18:00 – 22:00)	47	48
Night Time (22:00 – 7:00)	44	43

The project noise trigger level is the lower (that is, the most stringent) value of the amenity and intrusiveness noise levels for the day, evening & night time. Therefore, the project noise trigger levels for the mechanical plant & equipment associated with the proposed café/restaurant are as shown below

- **Day-Time:**  $L_{Aeq,15\ min}$  47 dB(A)
- **Evening-Time:**  $L_{Aeq,15\ min}$  47 dB(A)
- **Night-Time:**  $L_{Aeq,15\ min}$  43 dB(A)

The noise levels from the mechanical plant & equipment associated with the proposed café/restaurant will not exceed the project noise trigger level at the most sensitive location (Units 1101 & 1102), provided all noise control recommendations in Section 6 are adhered to.

**4.3 OFFICE OF LIQUOR & GAMING (OLGR) CRITERION RELATED TO NOISE FROM LICENCED HOTELS, CLUBS & RESTAURANTS**

The NSW Office of Liquor, Gaming and Racing (OLGR) requires the following noise criteria for all licensed premises:

*“The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence”*

The noise levels from the proposed café/restaurant will not exceed the above noise criteria provided all noise control recommendations in Section 6 are adhered to.

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**5.0 NOISE EMISSION FROM PROPOSED LAYOUT**

The main sources of noise from the proposed licensed café/restaurant will be from patron noise and background music in the indoor area and patron noise from the outdoor dining area (no background music will be played in the outdoor dining area).

**5.1 PATRON NOISE FROM INDOOR & OUTDOOR DINING AREAS**

As per the recommended seating plan, the proposed café/restaurant will cater to a maximum of 110 patrons is proposed with a total of 60 patrons in the indoor dining area and 50 in the outdoor dining areas (Figure 5 – Recommended Seating Plan). The main southern outdoor dining area will cater to a total of 30 patrons while a smaller western outdoor dining area will cater to a total of 20 patrons.

Residential units located directly above the proposed café/restaurant (Units 1101 & 1102) have the potential to be impacted by the operation of the café, particularly from the outdoor dining area.

It is usually the case that approximately 20% to 60% of patrons in a seating area could be talking loudly, at any one time. The following table lists the sound level of different level of speech.

Table 5.1 – Noise Produced in Conversation (Mean speech levels -Men-)

<i>Descriptor</i>	<i>Mean Sound Level</i>	<i>Standard Deviation</i>
Casual Speech	52 dB(A)	± 4dB
Normal Speech	58 dB(A)	± 4dB
Raised Speech	65 dB(A)	± 6dB
Loud Speech	76 dB(A)	± 6dB
Shouting	89 dB(A)	± 7dB

Tables 5.2, 5.3 & 5.4 below present noise levels from the maximum number of patrons in the indoor & outdoor dining areas.

Table 5.2 –Sound Power Level of Background Music and 60 Patrons in the Indoor Dining Area

Activity	dB(A)	Sound Power Level dB(A)- LAeq* at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Noise from 60 Patrons in Indoor Dining Area with Background Music Playing (50% Speaking)	<b>84</b>	46	56	71	79	78	76	71	70

\* Average Speech Levels - Pearson, Bennet, & Fidell ( 1977) Report.- L<sub>10</sub>= Leq +3.

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Table 5.3 – Sound Power Level of 30 Patrons in the Southern Outdoor Dining Area

Activity	dB(A)	Sound Power Level dB(A) -L <sub>Aeq</sub> * at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Noise from 30 Patrons in Outdoor Dining Area (50% Speaking)	80	43	69	77	80	73	69	63	61

\* Average Speech Levels - Pearson, Bennet, & Fidell ( 1977) Report.- L<sub>10</sub>= L<sub>eq</sub> +3.

Table 5.4 – Sound Power Level of 20 Patrons in the Western Outdoor Dining Area

Activity	dB(A)	Sound Power Level (db) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Noise from 20 Patrons in Outdoor Dining Area (50% Speaking)	78	41	67	75	78	72	67	61	59

\* Average Speech Levels - Pearson, Bennet, & Fidell ( 1977) Report.- L<sub>10</sub>= L<sub>eq</sub> +3.

The predicted noise levels at the potentially most affected receiver (residential units 1101 & 1102 above the licensed café) are presented in the tables below and have taken into consideration factors such as Distance Attenuation and Room Enclosure Attenuation (for indoor dining area only). This is assuming that all noise control measurements as described in Section 6 of this report are adhered to.

*Note\** The outdoor dining area will only operate during the day and evening (ie between 7:00am – 8:30pm). Patrons dining in the proposed licensed café during the early hours of the morning (6:00am – 7:00am) and late at night (10:00pm – 11:00pm), will be restricted to the indoor dining area only.

Tables 5.5 below lists predicted noise levels from the indoor dining area at the boundary of the nearest receivers Units 1101 & 1102.

Table 5.5 – Predicted Sound Pressure Level of Background Music and 60 Patrons in Indoor Dining Area at Boundary of Nearest Receiver (Units 1101 & 1102) – Day & Evening

Activity	dB(A)	L <sub>10</sub> Sound Pressure Level (db) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Existing L <sub>90</sub> Assessed at Point A in the <i>day &amp; evening time period</i>	48	19	32	36	39	42	42	39	34
LAB & EPA Noise Criterion = L <sub>90</sub> + 5	53	24	37	41	44	47	47	44	39
Predicted L <sub>10</sub> of 60 Patrons	47	11	21	36	43	41	36	36	35



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(50% Speaking) in <i>Indoor Dining Area</i> with Background Music Playing at Boundary of Units 1101 & 1102									
<b>Complies with LAB &amp; EPA Noise Criteria (<math>L_{10} &lt; L_{90} + 5</math>)</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓

\*Provided recommendations in Section 6 of the report are adhered to; \*\*

Tables 5.6 & 5.7 below show the predicted noise levels from the southern and western outdoor dining areas, at the boundary of the nearest receivers Units 1101 & 1102 respectively.

Table 5.6 – Predicted  $L_{10}$  30 Patrons in Southern Outdoor Dining Area at Boundary of Nearest Receiver (Unit 1101)

Activity	dB(A)	$L_{10}$ Sound Pressure Level (db) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Existing $L_{90}$ Assessed at Point A in the <i>day &amp; evening time period</i>	48	19	32	36	39	42	42	39	34
LAB & EPA Noise Criterion = $L_{90} + 5$	53	24	37	41	44	47	47	44	39
Predicted $L_{eq}$ of 30 Patrons (50% Speaking) in <i>Southern Outdoor Dining Area</i> at Boundary of Nearest Receiver Unit 1101	48*	11	37	45	48	42	37	31	29
<b>Complies with LAB &amp; EPA Noise Criteria (<math>L_{eq} &lt; L_{90} + 5</math>)</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓

\*Provided recommendations in Section 6 of the report are adhered to

Table 5.8 – Predicted  $L_{10}$  20 Patrons in Western Outdoor Dining Area at Boundary of Nearest Receiver (Unit 1101)

Activity	dB(A)	$L_{10}$ Sound Pressure Level (db) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
Existing $L_{90}$ Assessed at Point A in the <i>night time period</i>	48	19	32	36	39	42	42	39	34
LAB & EPA Noise Criterion = $L_{90} + 5$	53	24	37	41	44	47	47	44	39
Predicted $L_{10}$ of 20 Patrons (50% Speaking) in <i>Western Outdoor Dining Area</i> with at Boundary of Nearest Receiver Unit 1102	46*	9	35	43	46	40	35	29	27

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<b>Complies with LAB &amp; EPA Noise Criteria (<math>L_{eq} &lt; L_{90} + 5</math>)</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓
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\*Provided recommendations in Section 6 of the report are adhered to

**5.2 NOISE EMISSION FROM MECHANICAL PLANT & EQUIPMENT**

Mechanical Plant & Equipment for the proposed licensed café/restaurant will connect through the building with fans and condenser units located on the roof of the building (Figure 6 – Existing Rooftop Mechanical Plant & Equipment).

No new mechanical plant is proposed at this stage. Any proposed mechanical plant associated with the café’s kitchen or cool room will be located in the basement and is not to exceed 80 dB(A) – Sound Power Level-.

The addition of any mechanical plant (if required) is to be assessed at CC stage such that the combined noise from operation of the café/restaurant and any mechanical plant doesn’t exceed the noise criteria listed in this report.

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## **6.0 NOISE CONTROL RECOMMENDATIONS**

In the context of the recommended seating plan (Figure 5), the operation of the proposed café/restaurant, will comply with the noise criteria as shown in Section 4 of this report, provided the following recommendations are adhered to.

### **6.1 Indoor Dining Area (Background Music & Doors)**

The predicted noise levels from background music and people talking in the indoor dining area, complies with the criteria among all octave frequency bands. Sound System volume controls should be always used to control the level of noise in the indoor dining area.

Doors of the café/restaurant are to be closed during the the night and early morning hours (ie between 10:00pm – 11:00pm & 6:00am – 7:00am).

### **6.2 Western Outdoor Dining Area**

A proposed awning is to be located over the Western Outdoor Dining Area (Figure 12 – Proposed Awning Location) to protect the nearest residential receiver (Unit 1102) from noise emitted by patrons in the western outdoor dining area. The awning is to be of 10mm laminated glass or Perspex.

Sound absorption material with a Noise Reduction Co-efficient (NRC) of minimum 0.8 is to be installed on the underside of the balcony of Unit 1102 to improve noise attenuation. (Figure 13).

### **6.3 Outdoor Dining Area (Background music & recommended seating).**

No patrons are to be seated in the outdoor dining area during the night and early morning hours (ie between 10:00pm – 11:00pm & 6:00am – 7:00am). Access to the outdoor dining area is restricted to day (7:00am – 6:00pm) & evening (6:00pm – 10:00pm) hours only.

We recommend that patrons are seated as per the recommended seating plan example (shown in Figure 5) to ensure compliance with the noise criteria listed in this report.

No background music is to be played in the outdoor dining area at any time. No live bands are permitted on site at any time.

### **6.4 Signs**

We recommend that a sign is installed in the outdoor dining area reminding patrons to be aware of the residential receivers during the evening hours and to keep noise to a minimum.

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### 6.5 Noise Management Plan

A Noise Management Plan should be implemented and should include the following:

- Install a contact number at the front of the café/restaurant so that complaints regarding the operation can be made.
- Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a Complaint Form. The Complaint Form should contain the following:
  - Name and Address of the Complainant
  - Time and Date the Complaint was received
  - The nature of the complaint and the time/date the noise was heard
  - The name of the employee that received the complaint
  - Actions taken to investigate the complaint and the summary of the results of the investigation
  - Indication of what was occurring at the time the noise was happening (if applicable)
  - Required remedial action (if applicable)
  - Validation of the remedial action
  - Summary of feedback to the complaint

Also a permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complaint should also be notified of the results and actions arising from the investigation.

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#### **7.0 NOISE IMPACT STATEMENT**

Measurements and computations presented in this report show that the noise emissions from the proposed licensed café/restaurant at Lot 248, No. 6-26 Grove St, Dulwich Hill with a maximum of 110 patrons, does not exceed the noise criteria set out in the NSW EPA Noise Guide for Local Government, Noise Policy for Industry, the NSW Office of Liquor, Gaming and Racing (OLGR) and Inner West Council requirements, provided noise control recommendations in Section 6 of this report are adhered to.

Should you require further explanations, please do not hesitate to contact us.

Yours sincerely,



M. Zaioor.  
M.S. Eng'g Sci. (UNSW).  
M.I.E. (Aust), CPEng.  
Australian Acoustical Society (Member).

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**8.0 APPENDIX**

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Figure 1 – Site Location

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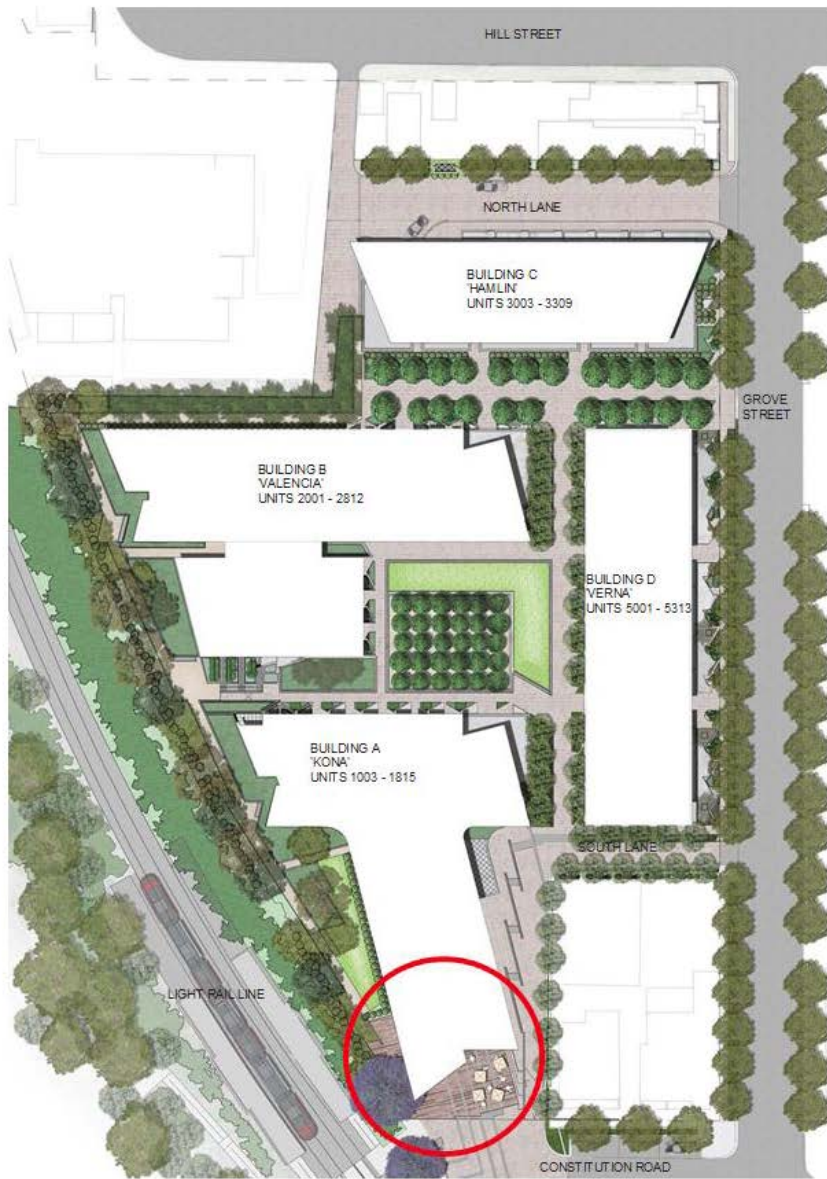


Figure 2 - 6-26 Grove St Development



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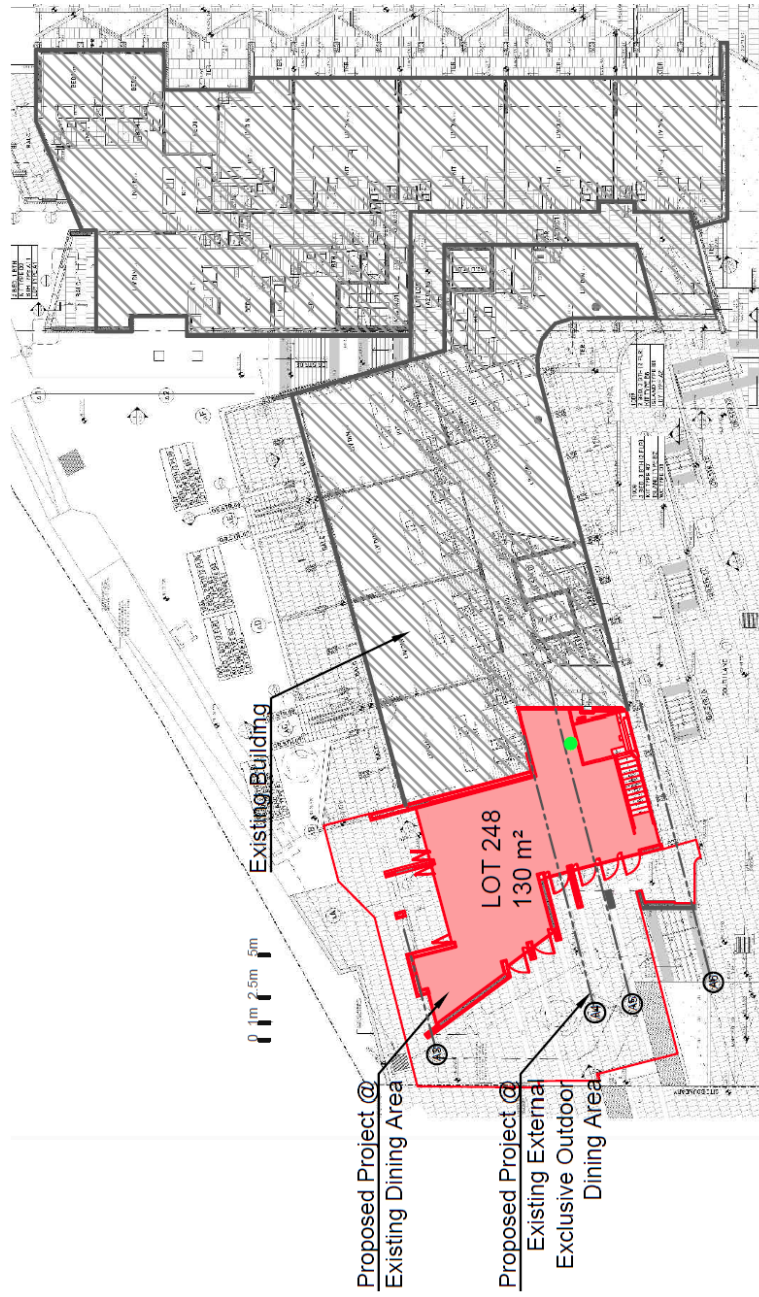


Figure 3 – Proposed Cafe/Restaurant Location

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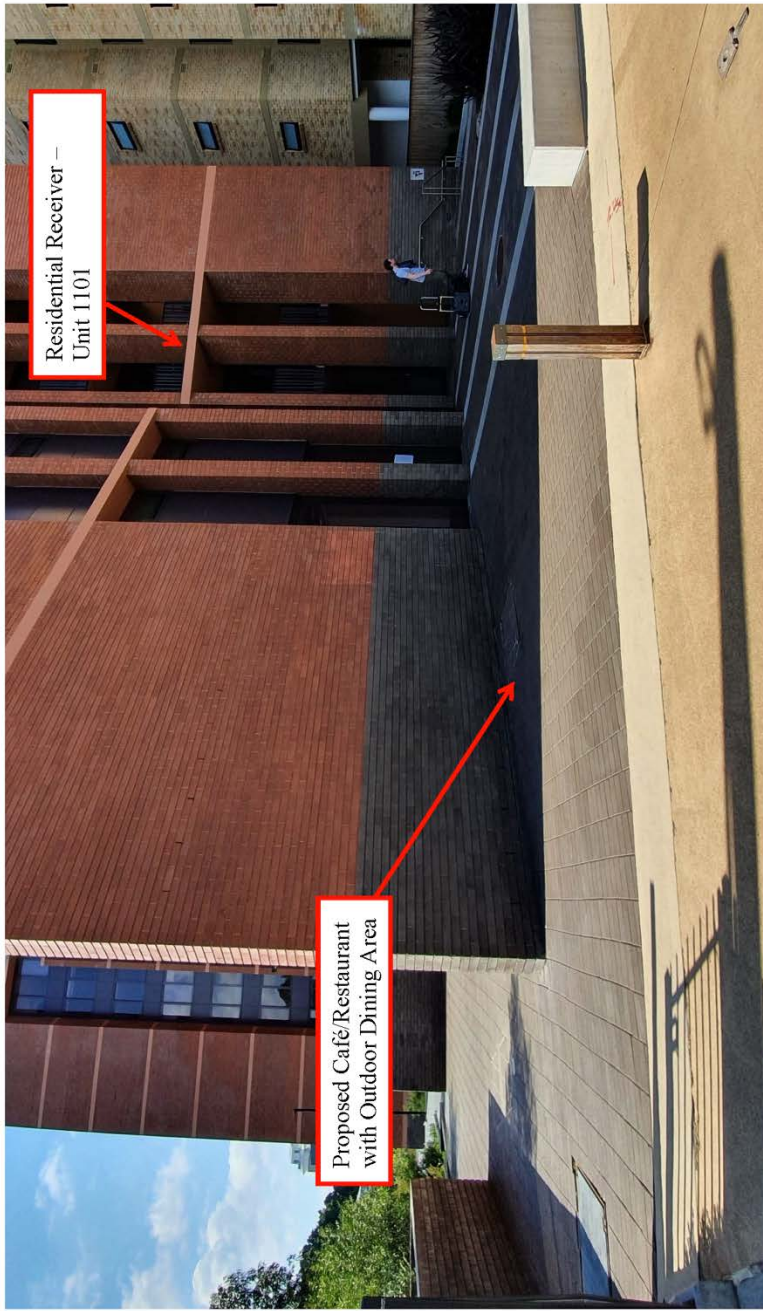


Figure 4 - Proposed Cafe/Restaurant Location & Receiver

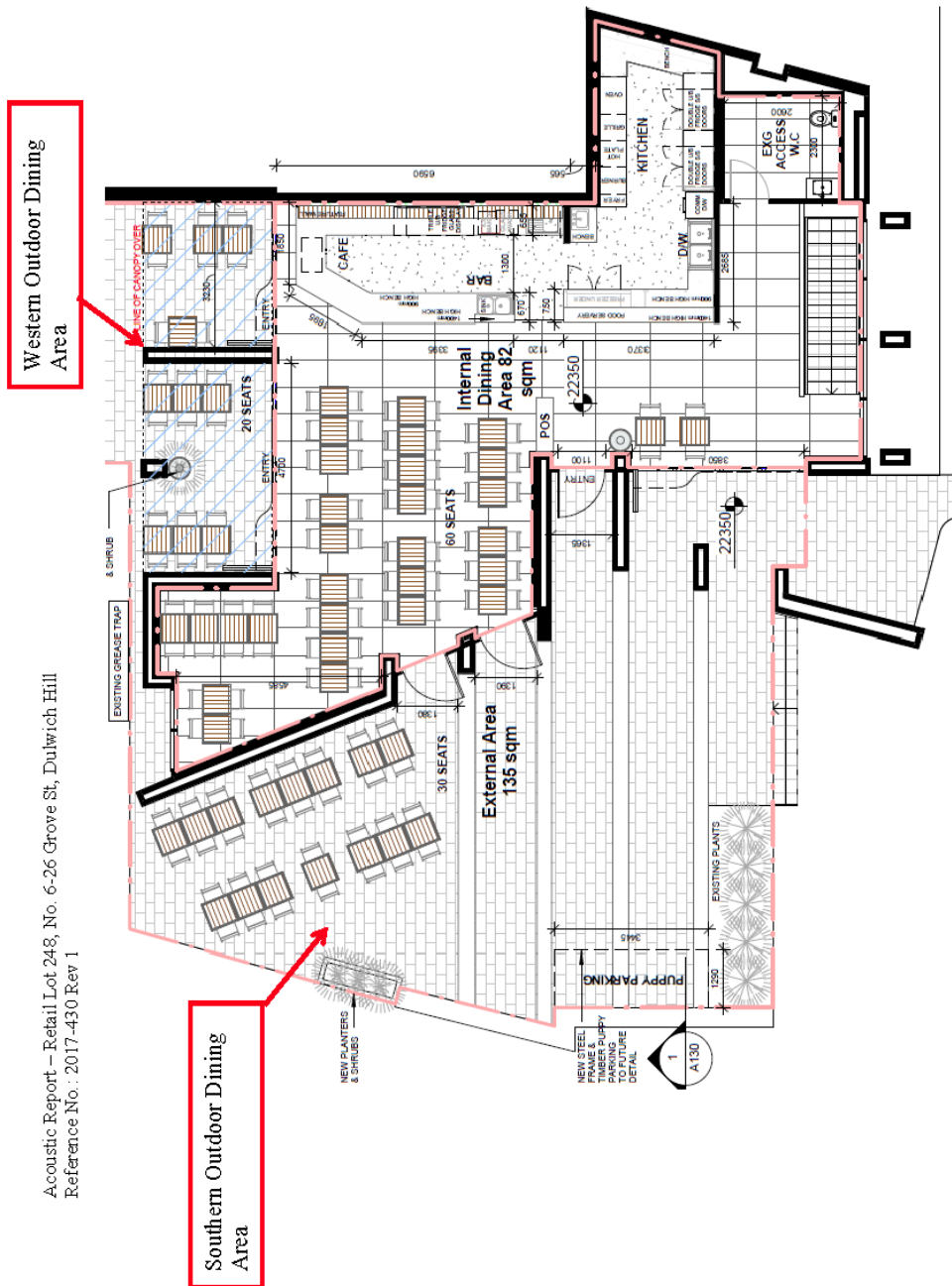


Figure 5 – Recommended Seating Plan for Indoor & Outdoor Dining Areas

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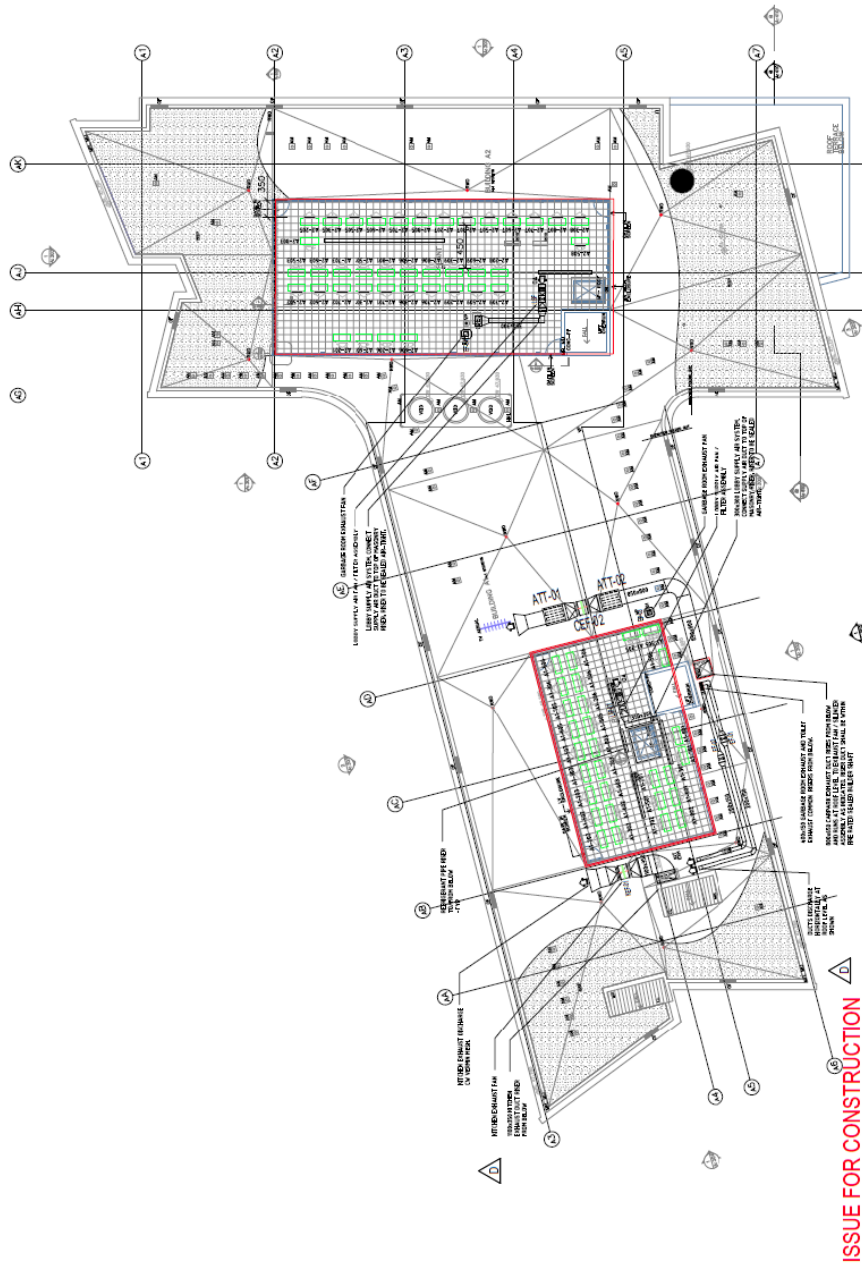


Figure 6 – Existing Rooftop Mechanical Plant



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Figure 7 - Surrounding Environment

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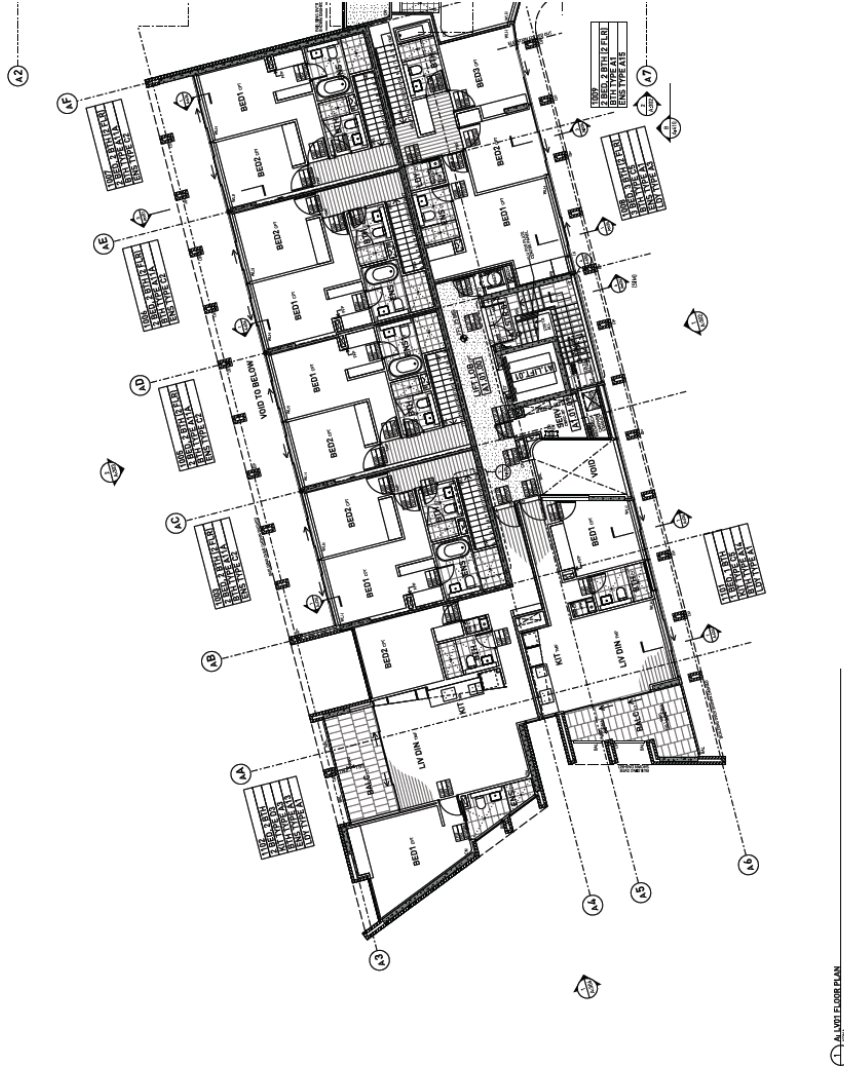


Figure 8 - Nearest Residential Receivers (Units 1101 & 1102)

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Figure 9 - Residential Receiver above Western Outdoor Dining Area



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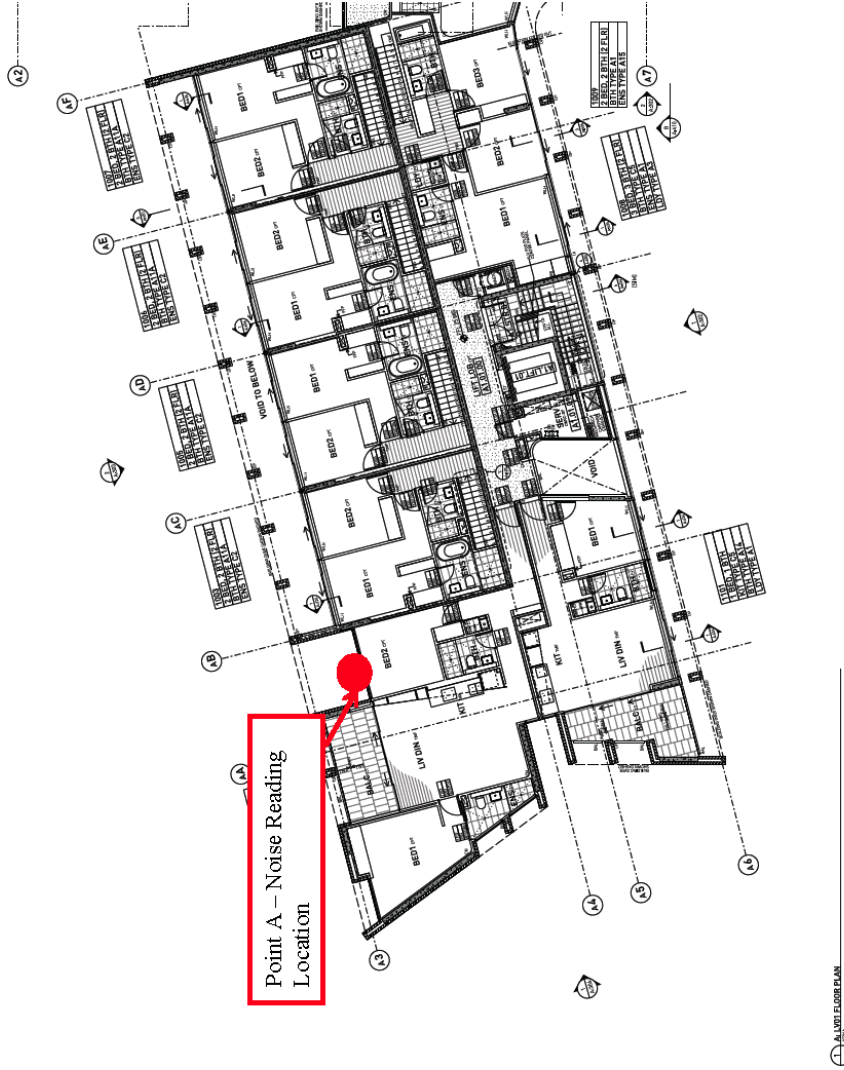


Figure 10 – Noise Reading Location at Nearest Residential Receiver



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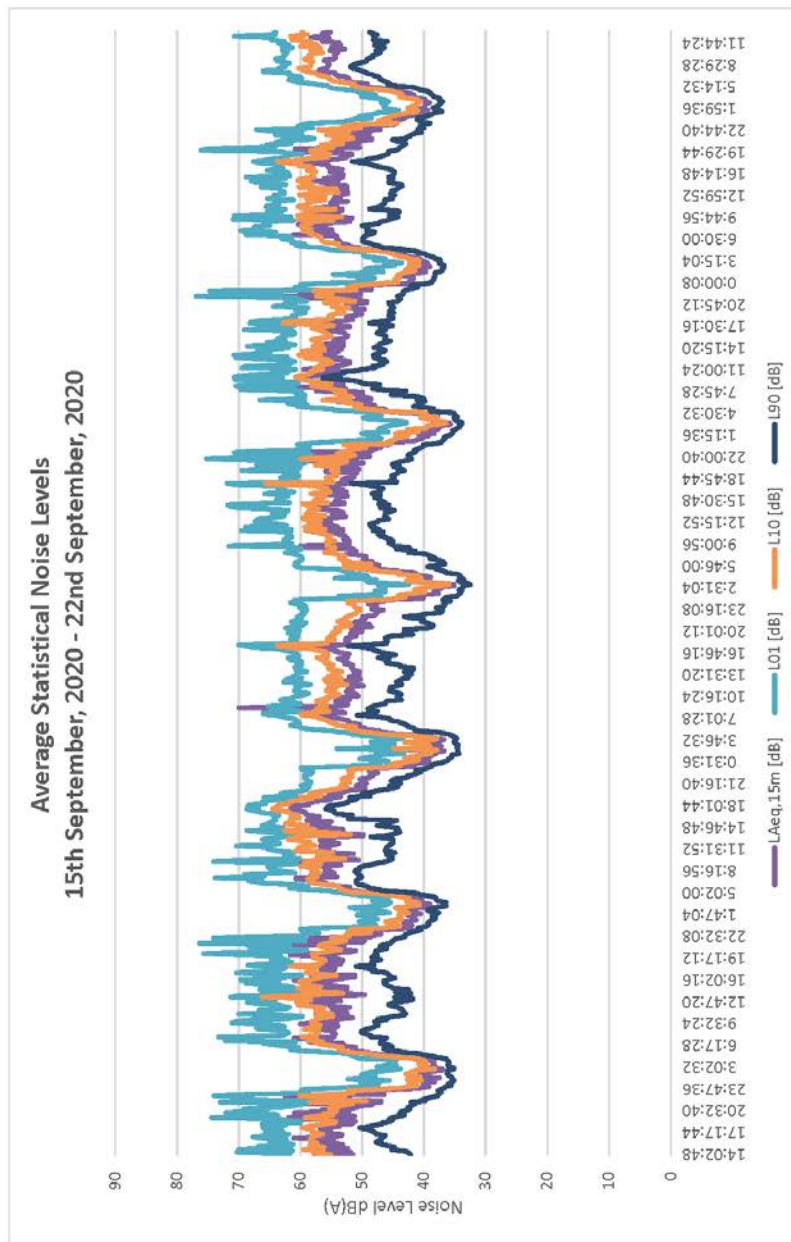


Figure 11 - Noise Survey at Point A

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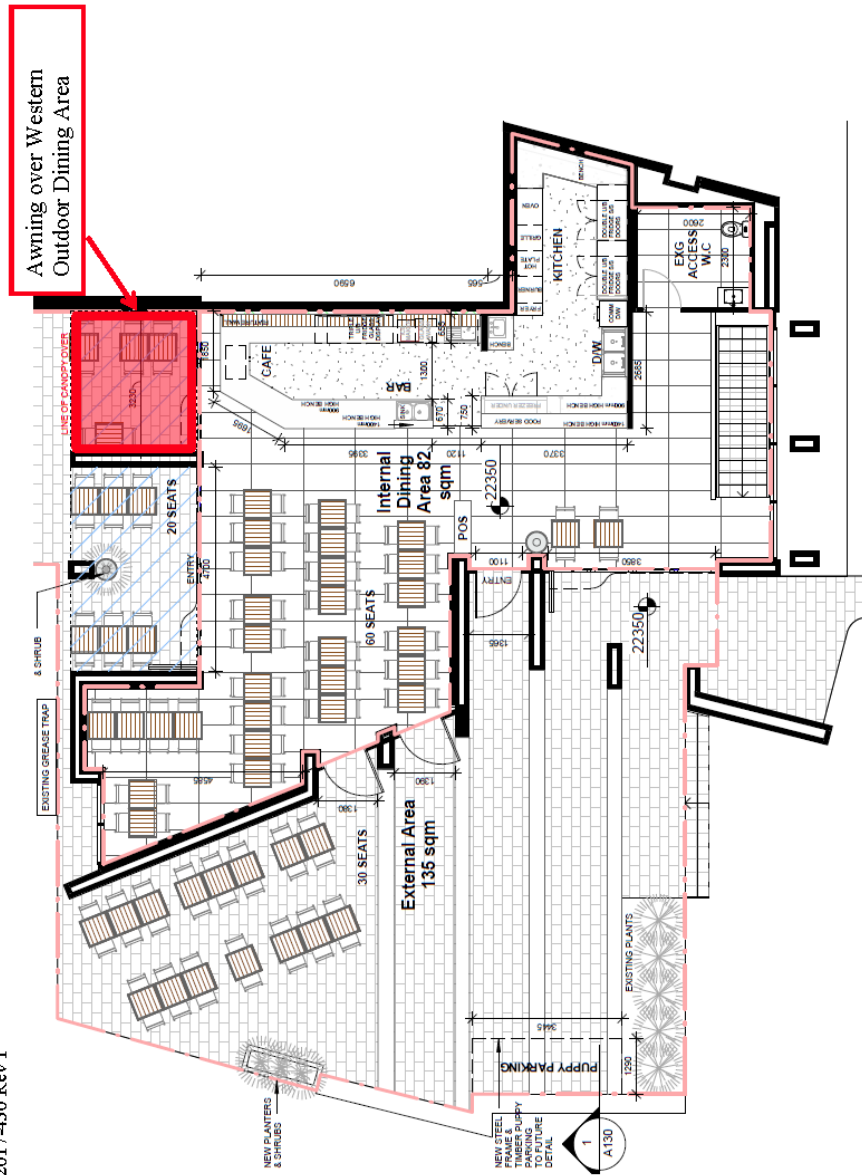


Figure 12 – Proposed Awning over Western Outdoor Dining Area

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Figure 13 - Sound Absorption Material under Balcony of Unit 1102