




 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2022/0176
Address	470 Parramatta Road PETERSHAM NSW 2049
Proposal	To fitout and use the ground floor of the premises as a restaurant, cafe and entertainment facility and to operate the uses at varying times between 7.00am to 12.00 midnight Monday to Thursday, 7.00am to 3.00am Fridays and Saturdays, and 8.00am to 12.00 midnight Sundays
Date of Lodgement	20 March 2022
Applicant	EAST COAST FUTURES PTY LTD
Owner	Ms Lucia C Chin
Number of Submissions	1
Value of works	\$50,000.00
Reason for determination at Planning Panel	Sensitive development – new liquor licence
Main Issues	Hours of operation Acoustic impacts Waste Management
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Conditions of consent in the event that the panel recommends approval.
Attachment C	Plans of proposed development
Attachment D	Statement of Heritage Significance
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 

1. Executive Summary

This report is an assessment of the application submitted to Council to fitout and use the ground floor of the premises as a restaurant, cafe and entertainment facility and to operate the uses at varying times between 7.00am to 12.00 midnight Monday to Thursday, 7.00am to 3.00am Fridays and Saturdays, and 8.00am to 12.00 midnight Sundays at 470 Parramatta Road PETERSHAM.

The application was notified to surrounding properties and 1 submission was received.

The main issues that have arisen from the application include:

- Waste management
- Acoustic impacts
- Hours of operation – Late night trading
- Proximity to residential properties

2. Proposal

The proposal seeks development consent for a change of use to a ground floor of the premises as a restaurant, cafe and entertainment facility and associated fitout. The proposal includes:

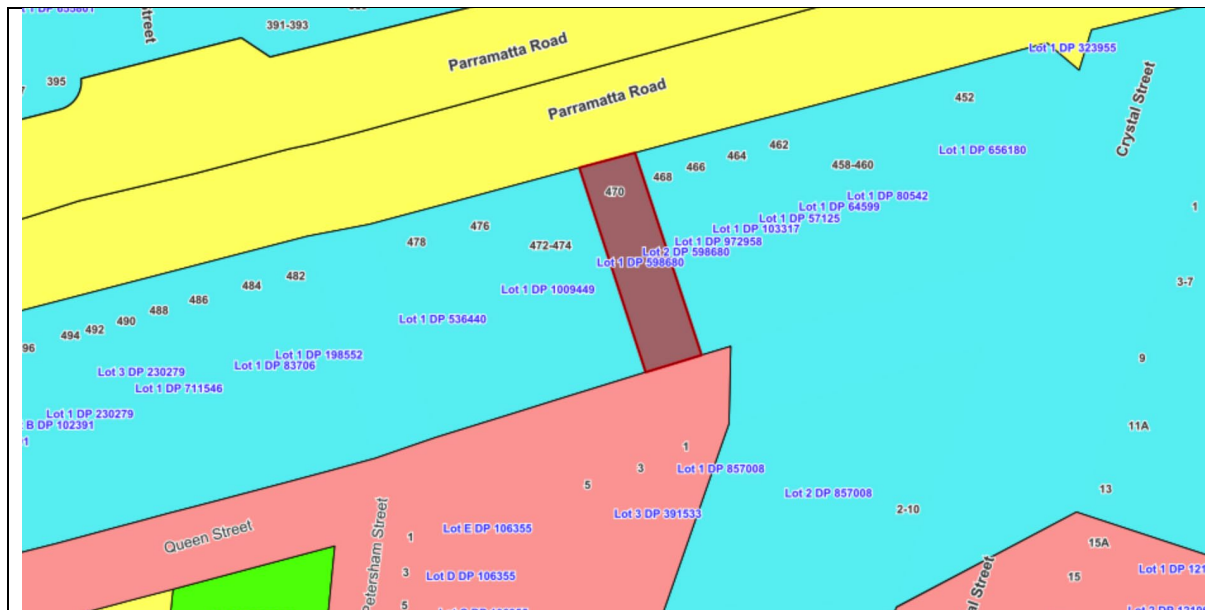
- Removal of existing walls to create;
 - An open area with tables and a bar; and
 - A separate room with a DJ stage and dancing area for the entertainment facility.
- Alterations to commercial kitchen;
- Additional accessible and women's toilet and café serving area;
- Business identification signage consisting of;
 - Awning fascia signage measuring 0.4m x 1.6m; and
 - Above door signage measuring 0.4m x 2.8m.
- Rear double glazed doors to Queen Street;
- Dual entry from Parramatta Road and Queen Street with some restrictions on entry from Queen Street;
- Limited range of food items to be served at the premises;
- Hours of operation for the restaurant 10.00am to 12.00am Sunday to Thursday 10.00am to 3.00am Friday and Saturday;
- Hours of operation for the café 7.00am to 12.00am Monday to Thursday 7.00am to 3.00am Friday and Saturday 8.00am to 12.00am Sunday; and
- Hours of operation for the Entertainment Facility 10.00pm to 3.00am Friday and Saturday.

3. Site Description

The subject site is located on the southern side of Parramatta Road, between Crystal Street and Petersham Street. The site consists of 1 allotment and is generally rectangular with a total area of 233sqm. The site has a frontage to Parramatta Road of 8 metres and a secondary rear frontage of approximately 8 metres to Queen Street.

The site contains a two storey mixed use building. The adjoining properties contains two storey mixed use commercial buildings.

The property is located within the Parramatta Road Commercial Precinct Heritage Conservation Area (HCA 5).



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	Date	Proposal	Decision
B207/95	15 August 1995	Application under Section 102 of the Environmental Planning and Assessment Act to modify a condition of consent to install two amusement machines within the coffee lounge	Approved
DA/2020/0811	5 February 2021	Change of use of ground floor of premises to a restaurant and a cafe.	Refused
REV/2021/0005	27 July 2021	Section 8.2 application to review the determination of DA/2020/0811 to fitout and use the ground floor of the premises as a restaurant and cafe	Refused

Surrounding properties

Address / Application	Date	Proposal	Decision
468 Parramatta Road DA200100820	4 March 2002	To carry out alterations to the premises and use the ground floor shop as a coffee lounge.	Approved
476 Parramatta Road DA200100475	6 November 2001	To carry out alterations to the premises at 476 Parramatta Road to convert the first floor level of the premises for use as a brothel in association with the existing brothel at 472-474 Parramatta Road.	Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
20/03/2022	Application lodged
05/05/2022	Application accepted
11/8/2022	Additional information requested in relation to Waste Management, acoustic impacts, details of the food fit out and plan of management. With 21 days to respond.
15/9/2022	Amended Acoustic Report, Waste Management Plan and Plan of Management submitted.
17/10/2022	Amended plans including waste room and details of food fit out submitted.
19/10/2022	Applicant advised that the information provided after 15 September 2022 will not be considered in accordance with Council's Development Advisory & Assessment Policy the application will be determined on the plans submitted at that point. Applicant advised that the costs of works are not representative of the true costings when reviewing industry standards.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(ii) *State Environmental Planning Policy (Industry and Employment) 2021*

Chapter 3 Advertising and Signage

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

The application seeks consent for the following signage:

Location	Sign Type	Lettering	Dimension
Northern Elevation Awning fascia signage	Business Identification	“Harry and Meghan’s”	0.4m x 1.6m;
Northern Elevation Above door	Business Identification	“Harry and Meghan’s”	0.4m x 2.8m.

Section 3 (1) (a) and the assessment criteria specified in Schedule 5 are as follows:

Criteria	Assessment
Character of the area	<ul style="list-style-type: none"> • The signage is compatible with the desired future character of the area.

Special areas	<ul style="list-style-type: none"> The signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas
Views and vistas	<ul style="list-style-type: none"> The signage does not obscure or compromise important views. The signage does not dominate the skyline.
Streetscape, setting or landscape	<ul style="list-style-type: none"> The scale proportion and form of the signage is appropriate to the streetscape and locality. The signage is of a simple design and will not contribute to visual clutter. The signage reduces and rationalises the existing signage at the site. The signage will not impact vegetation.
Site and building	<ul style="list-style-type: none"> The scale proportion and form of the signage is appropriate to the building on which the signage is to be located. The signage respects important features of the building.
Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> All elements of the signage have been well integrated into the structure which displays the signage.
Illumination	<ul style="list-style-type: none"> The proposed signage is not illuminated.
Safety	<ul style="list-style-type: none"> The signage will not reduce safe of any public road, pedestrians, bicyclists and will not obscure sightlines from public areas.

The site is not located in a prohibited area listed within Section 3.8 (1). The extent of signage having regard to the site's context is satisfactory and relatively unobtrusive. The proposal is considered acceptable noting the matters for consideration contained within Section 3.11 of the SEPP.

5(a)(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Development with frontage to classified road

In considering Section 2.119(2) of *SEPP (Transport and Infrastructure) 2021*:

The site does not contain any vehicular access and as such the development will not affect the safety, efficiency and operation of Parramatta Road. Whilst the subject site has the potential to affect the provision of parking in surrounding streets this element of the application is discussed under the provisions of Part 2.10 of Marrickville Development Control Plan 2011 later in this report.

The site does not contain any vehicular access and as such the development will not affect the safety, efficiency and operation of Parramatta Road. In addition, the proposal use is not sensitive to traffic noise or vehicle emissions.

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

The application was assessed against the following relevant sections of the *MLEP 2011*:

- Section 1.2 - Aims of the Plan
- Section 2.3 - Zone objectives and Land Use Table
- Section 2.7 - Demolition
- Section 5.10 - Heritage Conservation
- Section 6.5 - Development in areas subject to aircraft noise

Clause 1.2 – Aims of Plan

It is considered that the proposed development is inconsistent with aim 1.2(b) of MLEP 2011 as follows;

- (b) to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity*

As a result of the intensity of the proposed use which includes a high number of patrons, extensive operating hours and onsite entertainment (DJ stage and dance floor) it is considered that the application has not demonstrated nearby residential amenity will be protected. The Acoustic Assessment submitted with the application fails to demonstrate the acoustic impacts of the proposal are acceptable or can be adequately managed. Additionally, the formalisation of access from Queen Street at the rear of the site for the café use has the potential to result in adverse amenity impacts as a result of further noise, foot traffic and general use of an active commercial frontage to Queen Street which is inconsistent with the generally residential character of the street and rear service only areas of other commercial premises.

Section 2.3 Land Use Table and Zone Objectives

The site is zoned B2 under the *MLEP 2011*. The *MLEP 2011* defines the development as:

“restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.”

“entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.”

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B2 zone.

Section 5.10 - Heritage Conservation

Having regard to the provisions of Clause 5.10 of MELP 2011, Council’s Heritage Officer advises:

“Clause 5.10 of the MLEP empowers Council to request a Heritage Impact Statement for development within a HCA that may affect the significance of the Area. No such HIS was initially provided to Council in the previous applications but a document has

been provided with the current proposal. This is a thorough, well-written and apposite document which examines the proposal comprehensively and concludes in support for an absence of adverse heritage impact.

The nominated reasons for refusal of the original DA included failure pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979 to address : a. Clause 1.2 - Aims of Plan; and b. Clause 5.10 - Heritage Conservation. The submitted documentation with the current application supports a conclusion that the proposal adequately addresses the previously identified shortcomings and may be supported for consent in heritage terms. Essentially the works would deal with the interiors of the building's ground floor, and it is accepted that the HIS reasonably concludes that no adverse heritage impacts would be entailed.

This referral deals with heritage issues only and there may be planning matters which impinge upon the overall environmental performance of the building in the proposed use.

In heritage terms the proposal is now supported, having regard to the conclusions and recommendations of the project Heritage Impact Statement."

Having regard to the above, the works proposed to the front façade are unlikely to have an adverse impact on the HCA.

5(c) Draft Environmental Planning Instruments

Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 20 March 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

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 ('MDCP 2011').

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	No- see discussion
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.8 – Social Impact	No – see discussion
Part 2.9 – Community Safety	Yes – see discussion
Part 2.10 – Parking	No – see discussion
Part 2.12 – Signs and Advertising	Yes
Part 2.21 – Site Facilities and Waste Management	No – see discussion
Part 2.24 – Contaminated Land	Yes
Part 5 – Commercial and Mixed Use Development	No – see discussion
Part 8 – Heritage	Yes
Part 9.35 – Strategic Context Parramatta Road (Commercial)	Yes

The following provides discussion of the relevant issues:

Part 2.5 – Equity of Access and Mobility

Part 2.5 of MDCP 2011 contains the following objectives and controls relevant to the development:

O1 To provide equitable access within all new development, and ensure substantial alterations to existing development, or an intensification of an existing land use, provides an improved level of access for all people.

C1 When assessing a development application Council must take into account the following matters as relevant to the application:

- i. The provision for ease of use and comfort through appropriate gradients, rest areas, circulation space and user friendly entrances;*
- ii. Safety measures, including contrasting colours for points of danger, slip resistant travel surfaces and appropriate positioning of street furniture, public art installations, signage or any other obstacles, including those in the public domain;*
- iii. Legible design and way finding features, such as signs and international symbols and indicators, to assist in determining the location of handrails, guard-rails and tactile indicators where relevant;*
- iv. Opportunities for access through principal entrances of commercial buildings, public buildings and residential flat development;*
- v. The retention or improvement of existing accessible features; and*
- vi. The extent to which development may compromise or reduce the capacity for accessible features in future development.*

The applicant submitted a Statement of Access Design prepared by Ergon Consulting and it is noted that the plans show a ramped entry way at Parramatta Road and other access provisions. However, the proposal includes the provision of a café primarily fronting Queen Street which is to operate independently from the restaurant fronting Parramatta Road some of the time. During the operating hours of the café fronting Queen Street, the Queen Street entrance is proposed to be to the primary entrance to the site. The application does not address access via this entrance and there is no indication on the plans provided that the access from Queen Street is adequately accessible. As such, access to the development remains inadequate and is inconsistent with Objective 1 and Control 1 within Part 2.5 of MDCP 2011.

Part 2.6 – Acoustic and Visual Privacy

Control C7 (ii) in part 2.6.3 of MDCP 2011 requires that potential noise from sites adjoining residential areas is considered before consent is granted for those activities. The applicant has submitted an acoustic report. The acoustic report relies on a number of control measures in addition to sound system controls including:

- *Disposal of bottles/waste should be done externally prior to 10:00pm. Waste room partition construction is assumed to have a partition TL equivalent to Table 15. External access doors are assumed to be louvred for natural ventilation.*
- *Public access to Café dining via Queen Street should conclude at 3:00pm.*
- *Automatic door closing mechanisms are required to be fitted to all internal and external doorways.*
- *Patrons are not permitted to congregate outside the entrance via Queen Street.*
- *The proposed glazing on the southern façade to be minimum 10.38mm laminated with acoustic seals around the perimeter.*
- *Install absorptive materials such as acoustic panels in Section B. Acoustic panels to have a minimum NRC of 0.75 and to cover a minimum area equal to the ceiling area of the space. Panels can be installed on the underside of the ceiling or/and the walls with even distribution of absorption panels recommended.*
- *All windows and doors will remain close at night-time (except of ingress/egress)."*

It should be noted that the plan of management states:

"Access from Queen Street will be for both Café and Restaurant Patrons and delivery drivers. The Queen Street access will be available for patrons between 7.00am — 3.00pm and be closed to patrons for the extended trading hours. The Queen Street access will be available for food courier drivers until 10.00pm. After 10.00pm all access is to be achieved via the Parramatta Road entrance.

Throughout operation the café and restaurant will function as separate uses. Patrons entering through the Queen Street entry will be permitted to enter the Restaurant, however after hours when the Queen Street Entry is closed patrons will be permitted to visit the restaurant and/or walk through the restaurant to visit the café."

The plans do not indicate a waste room that is consistent with the assumptions in the acoustic report. The plans do not indicate an area within the premises for waste storage that would allow for the bottles and waste to be stored in a method consistent with the acoustic report recommendations to only dispose of bottles and waste externally prior to 10:00pm.

The plan of management is inconsistent with the acoustic report in that the plan of management allows for entry from the Queens Street Entry for food delivery drivers until 10:00pm.

The proposed plan of management grants the operator the power to change the plan of management every 6 months meaning that any commitment given in the POM can be disregarded upon a future review.

The operator does not have any power to prevent congregation of patrons at the rear of the premises as it is a public place. Given that the rear use is a café, congregation of residents outside the café entry is likely to occur.

The application was referred to Council's Environmental Health Officer who noted the following concerns regarding the acoustic impacts and lack of sufficient detail provided in the submitted acoustic assessment which were required to be addressed;

The acoustic report needs to be amended to address the following issues raised by Councils Environmental health team:

a) Assessment of patrons congregating in Queens Lane i.e. queuing up to enter, leaving site and smoking
· *Assessment of noise spillage from internal noise/music escaping premises as doors constantly opening and closing from patrons ingress and egress from Queens Lane.*
· *Assessment of acoustic impact from food couriers i.e. uber, doordash congregating in Queens Lane i.e. awaiting pickup of food delivery .*

b) Consideration has been made for the impacts of vibration or low frequency noise and internal noise and vibration transmission from the premises into most affected commercial and residential premises . Further information is required, including but not limited to:

· *Assess noise emissions and impact of low frequency noise (dB(C) weighting) e.g. bass*
· *internal noise and vibration transmission from the premises into most affected commercial and residential premises*
· *Location and direction of speakers in the party area*
· *Noise attenuation measures required for speakers, such as antivibration mounts*
· *Any building attenuation measures which are required to be implemented for the party room, to prevent noise spill out to the adjoining dining and café areas and public land/footpaths etc*

It is recommended that a noise model be prepared using the Associations of Australia Acoustical Consultants Licensed Premises Guideline, specific scenarios must be presented for day and night operations. Each scenario should include a list of assumptions made, these must include and are not limited to:-

- *Number of patrons*
- *Noise from patrons in each area*
- *Patron vocal effort*
- *Noise from music*
- *Vehicle movements relating to the proposed 200 patrons*
- *Noise from DJs*

The calculated LA10 noise levels in octave band centre frequencies from each scenario must be compared with relevant criteria (internal and external). The calculated noise levels of each noise generating activity must be presented and a combined noise level at each sensitive receiver must be included.

All exceedances (if applicable) must be clearly presented and the main noise contributor must be identified, in particular when assessing internal noise impacts.

All recommendations must be specified for each assessment period, these include and are not limited to mitigation measures such as noise limiters, restrictions on numbers or patrons etc.

A mechanical plant noise assessment must be included as the licensed venue is proposing to extend its hours of operation. The assessment must identify all mechanical plant items servicing the venue.

Noise levels from each items can be taken from the manufacturers documentation or on-site measurements can be carried out to determine the noise level for each items.

The assessment must include and it not limited to:-

- List of each mechanical item servicing the licensed venue*
- Stating the sound power level (rated or calculated) of each individual items*
- Calculation of resulting noise levels at each effected sensitive received.*
- Attenuation measures.*

Further comment is made regarding the following:-

a. 6.2.4.1 – Noise Emissions to Residential Receiver R2 (I1) External

Noise emission predictions only for front (with awning acting as an attenuator), window also located at rear of residential premise with no awning. It is unclear is this was this assessed

- b. Level directly above subject commercial on level 1 , currently used as storage? Any details on acoustic separation for future tenant/use?*
- c. Section 7- Recommendations for acoustic compliance states: that patrons are not to congregate outside the entrance via Queen Street. Concern is raised with relation to who and how will be enforced? Who has the actually powers to stop people congregating when exiting from the rear door and hanging out talking/smoking etc?*
- d. Concern is raised regarding waste disposal as there is no was storage area nominated/ submitted to Council for consideration. In addition, how will bottles and waste be managed for 5 hours if unable to be taken outside and disposed of for 200 patrons? Will there be a door with internal access? Will this enclosure be sound proofed? Plans and specs required.*
- e. Waste and recycling collection to be assessed.*

The proposal is considered to not have suitably addressed the acoustic impacts as is required by Control C7 (ii) in part 2.6.3 of MDCP 2011. In considering the applicable objectives O3 in Part 2.6.1 of MDCP 2011 is the applicable objective. The proposal does not ensure that new development does not unreasonably impact on the amenity of residential uses and is inconsistent with the applicable objective.

Part 2.8 – Social Impact

The proposed development specifically states that it will seek consent for a liquor licence and as a result a social impact comment is required. The SEE contains a statement that identifies the positive impacts of the development but does not contain a statement of the negative social impacts and the proposed mitigation measures (or any consultation with neighbours) as is required by control C1 in Part 2.8.4.1 of MDCP 2011. The applicable objectives are O1-O6 within Part 2.8.3 of MDCP 2011. The proposal is not considered to be consistent with the applicable objectives as the application fails to comprehensively assess the social impact of

the proposed development particularly having regard to the late night trading, potential impact to neighbouring development and patron numbers proposed.

Part 2.9 – Community Safety

Control C17 in part 2.9.5 of MDCP 2011 requires the provision of a plan of management to address security arrangements. The application includes a plan of management that addresses safety. The NSW Police advise:

“This application states that the primary purpose of the proposed premises is to operate as a ‘licensed restaurant is to serve a limited menu’. This application further states that the premises intends to operate as a ‘dedicated Entertainment Facility including a DJ Booth and Dance Floor for late night entertainment as a secondary service to the restaurant’.

In my experience, premises that declare this type of operation generally operate akin to a nightclub. The proposed operator intends to employ two security guards between 10pm and 3am Friday and Saturday nights to ‘assist with patron management’ with a capacity of 200 patrons.

The risks associated with operating a nightclub are high, and such premises significantly contribute to alcohol related crime and antisocial behaviour of which directly affects both the local and broader community.

Obtaining a ‘nightclub’ (Public Entertainment Venue) liquor licence may only be obtained via application to the Independent Liquor and Gaming Authority of which is a protracted process and requires the development specific control’s and strategies to mitigate the risk such premises may impact upon the public and the general quiet and good order of the neighbourhood.

In reviewing this application, it is my opinion that the applicant may be trying to circumnavigate the process of obtaining a Public Entertainment Venue Liquor Licence and instead applying for a ‘restaurant licence’ with a ‘Primary Service Authorisation’ to get around legislative restrictions and therefore implore the Council to notice the full intentions of the applicants intentions.

Whilst NSW police do not object to this application, it is requested that consideration be given to the recommendations contained within.

The recommendations contained within this submission are based upon the Crime Prevention Through Environmental Design (CPTED) principles which incorporates strategies aimed at reducing victimisation and preventing criminal offences being committed whilst creating safer communities and environments.

All licensed premises to some degree present a risk to the broader community however, the impact, albeit dependent upon the type of liquor licence associated with the licensed premises, however there is no doubt that there is a direct correlation between licensed premises and alcohol related crime.

In this particular circumstance, the application of the CPTED principles is achieved by imposing operating conditions upon the development consent of the licensed premises to mitigate the risk of crime associated with the type of licensed premises being operated and, in this case, a nightclub.”

The conditions recommended by NSW Police are included within the conditions of consent in the event that the panel recommends approval.

Notwithstanding this, it is noted in the discussion having regard to acoustic amenity that the proposal fails to adequately address concerns regarding the use of the Queen Street entry late at night by delivery drivers etc, the inconsistencies between the PoM and acoustic report indicate that there are many unresolved issues associated with the proposal, and that there is concern that this would result in adverse amenity impacts which cannot be supported.

Part 2.10 – Parking

The proposed development does not provide for any car parking on the site. The proposed change of use increased the parking generation of the site

Use	DCP Parking Requirement	Required
Restaurant/cafe	1 per 80sqm GFA	2.4 spaces
Entertainment Facility	1 per 50sqm GFA	3.88 Spaces

Rounding down as per C2(v) this equates to a requirement of 6 spaces.

Considering existing site constraints and given the site is well serviced by public transport during the day and early evening it is not considered necessary to provide onsite parking and a variation to the requirements would be acceptable.

However, the proposal seeks late trade after 12.00 midnight 6 days a week during which time the site is not well serviced by public transport. On Friday and Saturday nights when the 'party area' is proposed to operate would potentially be the most intensive use of the site and this is during the times when public transport to the site would not be viable and extremely limited. As such, give the late night trade proposed and the high number of patrons potentially using the site during late night hours, the lack of onsite car parking is not supported and the application does not comply with Control 1 within Part 2.10 of MDCP 2011. The application is recommended for refusal.

Part 2.21 – Site Facilities and Waste Management

C28 and C31 in part 2.21 of MDCP 2011 require the consideration to the development's capacity to demonstrate that the site has sufficient waste capacity to store the waste generated by the site and to provide a waste room that has sufficient size to store the waste receptacles in accordance with Appendix 4.

The plans have not identified a waste storage area on the plans. Council requested amendments that provided a waste room. Amended plans were not provided within the time provided by Council. The plans also do not identify where waste from the first floor of the building will be stored.

The applicable objectives to consider in relation to the non-compliance are O1-O8 in Part 2.21.1.1. In considering these objectives the site has not made adequate provision for site facilities. The proposal has no suitable waste management facilities for the use and is located on the property boundary.

As such, it has not been demonstrated that the site can accommodate adequate facilities and the application is inconsistent with Part 2.21 of MDCP 2011.

Part 5 – Commercial and Mixed Use Development

Part 5.3.1.4 of MDCP 2011 contains the following controls relevant to the development:

- C85** *Hours of operation for the use of a site will be restricted by Council if it is likely that the use will cause an impact on any nearby residential or other sensitive use.*
- C86** *Applications for uses outside of traditional trading hours must demonstrate the proposed development will not unreasonably affect the amenity of residential land uses.*
- C87** *Uses proposed to extend beyond traditional hours of operation must not negatively impact on nearby residential land uses by way of noise or vibration, including from patrons and staff, foot or vehicular traffic movements, excessive lighting, on-site music or entertainment or security measures.*

The application includes the following hours of operation:

Proposed use	Proposed hours
Restaurant	10.00am to 12.00am Sunday to Thursday 10.00am to 3.00am Friday and Saturday.
Café	7.00am to 12.00am Monday to Thursday 7.00am to 3.00am Friday and Saturday 8.00am to 12.00am Sunday
Entertainment Facility	10.00pm to 3.00am Friday and Saturday

As discussed in detail earlier in the report, the application has not demonstrated the use will not result in adverse impacts to nearby residents as a result of noise, vibration, patrons and the use of Queen Street as an entrance to the site. For these reasons, the proposed hours of operation, particularly the late night trade, are not consistent with Objective 69 and Controls 86 and 87 within Part 5.3.1.4 of MDCP 2011.

However, given the residential interface of the site, it is also pertinent to consider the appropriateness of the extended hours sought in the context of the current commercial operations of the area. The below table summarises the approved uses and operating hours of adjoining development on Parramatta Road:

Hours of operation for the surrounding uses are:

Address	Application & Date	Approved Use	Hours of Operation
452 Parramatta Road	DA795/98 9 March 1999	Office	8.00am to 6.00pm Mondays to Fridays 8.00am to 5.00pm Saturdays
466 Parramatta Road	336/97 9 September 1997	Manufacturing	8.00am to 5.30pm Mondays to Wednesdays 8.00am to 9.00pm Thursdays 8.00am to 4.00pm Fridays 10.00am to 3.00pm Saturdays
468 Parramatta Road	DA200100820 4 March 2002	Food and Drink Premises	10.00am to 8.00pm Mondays to Saturdays

470 Parramatta Road	Permit 4890 13 May 1970	Restaurant	10.00am to 12.00am Mondays to Sundays
472-474 Parramatta Road	LEC 10568 of 1998	Brothel	24 Hours Monday to Sunday
476 Parramatta Road	Permit 11253 28 October 1987	Office	9.00am to 5.00pm Mondays to Saturdays
478 Parramatta Road	DA200000795 29 January 2001	Office	9.00am to 5.00pm Mondays to Wednesdays, Fridays and Saturdays 9.00am to 7.00pm Thursdays

As demonstrated by the above table, the commercial activities surrounding the subject site are generally not as extensive as the hours proposed by this application and the area does not exhibit early morning or late night trade. The neighbouring site of 472-474 Parramatta Road does exhibit 24 hour trade but this premises is a brothel and as such is highly controlled with limited patrons as a result of the use. The subject site (based on the previous approval) currently has the most extensive hours for the locality under the most recent consent from 1970. However, even this consent is limited to 12.00 midnight and is for a coffee lounge only with limited seating and no additional entertainment or access from Queen Street.

Given the above, in the context of the locality and given the close proximity to residents it is considered that any substantial late night trade is not appropriate to the locality and would likely result in adverse amenity impacts simply as a result of the intensity of the use proposed.

Given the sites proximity to residential development and the proposed mix of uses the proposed hours of use are likely to result in significant amenity impacts.

The applicable objectives to consider in relation to non-compliance with this control are O52 within Part 5.3.1.4 of MDCP 2011. It is considered that the proposal has not demonstrated that the hours of operation will not cause a nuisance to residents during opening hours. Having regard to the elements of private nuisance the proposal has not demonstrated that the proposal will not interfere with the enjoyment or use of the nearby residential dwellings and that the likely interference is not substantial or reasonable. Nuisance caused by noise are well established in *Haddon v Lynch* [1911] VLR 231; *McKenzie v Powley* [1916] SALR 1; *Daily Telegraph Co Ltd v Stuart* (1928) 28 SR (NSW) 291. The proposal is not considered to be consistent with O52 within Part 5.3.1.4 of MDCP 2011 and the extensive proposed hours of operation are not supported.

5(e) The Likely Impacts

The proposed development is likely to result in unreasonable impacts to the nearby residential dwellings, The submitted acoustic report relies on assumptions that are not borne out the proposed development and beyond the power of the operator to control.

The development does not provide adequate carparking and is not well served by public transport during all the hours of operation proposed resulting in greater demand for on-street parking which is limited in the vicinity of the site (particularly for the 200 patrons proposed).

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

Given the sites proximity to residential dwellings the site is not suitable for the proposal with dual frontage development for a late night trading purpose. The sites development boundary to boundary means that the site is not suitable for development for late night trading or an Entertainment facility without a suitable acoustic measures and management measures in place as well as a waste room that allows for waste from the premises to be held within the site and disposed of without impacting the amenity of neighbouring resident. Additionally the late night trade has the potential to result in increased amenity impact by way of not only noise impact but also adding to parking pressures in surrounding residential streets due to the lack of provision for on-site parking.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

1 submission was received in response to the initial notification.

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

Issue: Hours of operation/ Acoustic impacts/ Proximity to residential properties
The proposal seeks to operate till 3am. The café area has a bar area and appears to be an extension of the party area. The restaurant is indicated as having limited food items. The night club is in close proximity to residential dwellings. The hours of operation for the Café and Restaurant should be restricted.

Assessing Officer's Comment: The sites proximity and dual frontage makes the management of the acoustic impacts difficult and the application has not satisfactorily demonstrated that a change of use to an entertainment facility or operation until 3:00am is appropriate. The range of food items is a matter for the Liquor and Gaming NSW. Notwithstanding it is agreed that the limited size of the kitchen would unlikely to be able to adequately service 200 patrons.

Issue: Community consultation
The referrals from NSW Police have not been completed and residents should be able to consider the licencing for the café.

Assessing Officer's Comment: Referrals are not subject to notification requirements of the *EPA Act 1979*, however their comments have been included in this report. Residents can lodge a separate submission for any approval under the *Liquor Act. 2007*.

Issue: Costs of works and soundproofing
The cost of works is unrealistic given the application includes structural changes, four bathrooms, changes to the front and back façades, the installation of a DJ booth and dancefloor, a platform lift, air-conditioning and significant soundproofing.

The costs of works have not been updated despite the fact that the application includes soundproofing and the provision of mechanical ventilation.

Assessing Officer's Comment: The costs of works appear to be significantly under costed. This issue was raised with the applicant.

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 contrary to the public interest as the applicant has not adequately addressed the environmental impacts to manage them.

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.

- Waste Management
- Building Certification
- Environmental Health
- Heritage
- Development Engineering

6(b) External

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

- Ausgrid
- NSW Police

7 The Regulations

The proposed development appears to have significantly undervalued the cost of works and as a result it is not apparent that the application has paid the appropriate level of fees.

Plans are internally inconsistent, and the sections label the front of the site as Bar area and the rear of the site as lounge/dining area while the floor plans label these spaces as Dining and Café. The application is therefore unclear as to what is proposed.

8. Conclusion

The proposal has not demonstrated that the amenity impacts are acceptable and that the proposed use can operate with acceptable impacts having regard to the amenity of the surrounding residential dwellings. The proposal has not adequately addressed the requirements of the MDCP 2011. The proposal is therefore recommended for refusal.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s 4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2022/0176 for fitout and use the ground floor of the premises as a restaurant, cafe and entertainment facility and to operate the uses at varying times between 7.00am to 12.00 midnight Monday to Thursday, 7.00am to 3.00am Fridays and Saturdays, and 8.00am to 12.00 midnight Sundays at 470 Parramatta Road, PETERSHAM for the reasons in Attachment A.

Attachment A – Recommended Reasons for Refusal

1. The proposed development has not suitably demonstrated that the proposed use and hours of operation will not result in unreasonable acoustic impacts to the nearby residential dwellings having regard to control C7 (ii) in part 2.6.3, controls C85, C86 and C87 in part 5.3.1.4 and is inconsistent with objective O52 within Part 5.3.1.4 of Marrickville Development Control Plan 2011 and section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*.
2. The proposed development is inconsistent with Clause 1.2(b) of Marrickville Local Environmental Plan 2011 as it fails to protect the amenity of nearby residences.
3. The proposed development does not provide for a suitable waste area as is required by controls C28 and C31 in part 2.21 and is inconsistent with the applicable objectives of O1-O6 within part 2.8.3 of Marrickville Development Control Plan 2011.
4. The proposed development does not comply with the provisions of Part 2.5- Equity of Access and Mobility of Marrickville Development Control Plan 2011 as the information provided fails to demonstrate equitable access for café patrons from Queen Street.
5. The proposed development does not comply with the provisions of Part 2.10- Parking of Marrickville Development Control Plan 2011 as the development fails to provide any on-site parking and is not well serviced by public transport during late trading hours creating increased pressure for on-street parking in the vicinity of the site.
6. The application appears to have a significant underestimated of the cost of works having regard to schedule 4 of the *Environmental Planning and Assessment Regulations 2021*.
7. The plans are internally inconsistent as the sections label the front of the site as Bar area and the rear of the site as lounge/dining area while the floor plans label these spaces as dining and café having regard to section 39(1)(a) of the *Environmental Planning and Assessment Regulations 2021*.
8. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
9. The application as submitted has not provided adequate information in order to undertake a full and proper assessment of the application in accordance with the *Environmental Planning & Assessment Act 1979*.

Attachment B – Conditions of consent in the event that the panel recommends approval.

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:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Job 19-0118, Sheet 2.1 Revision K	Street Neighbourhood Analysis	19/11/21	Draftee
Job 19-0118, Sheet 3.1 Revision K	Existing Floor Plan	19/11/21	Draftee
Job 19-0118, Sheet 4.1 Revision K	Plan and Elevations	19/11/21	Draftee
Job 19-0118, Sheet 5.1 Revision K	Interior Elevations	19/11/21	Draftee
-	Operational Plan of Management	15 September 2022	Knight Frank Town Planning and Dennis Pahos
	Noise Emission Assessment	14 September 2022	Michael Philips Acoustics
Revision C	Access Report	2 February 2022	Ergon Consulting
Issue B	Statement of Heritage Impact	20 December 2021	Louise Thom

As amended by the conditions of consent.

FEES

2. Long Service Levy

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

3. Security Deposit - Standard

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

Security Deposit:	\$2,800.00
Inspection Fee:	\$350.00

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

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

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

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

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

GENERAL CONDITIONS

4. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Michael Phillips Acoustics reference 20220204.1 dated 14/09/2022 must be implemented.

5. Works Outside the Property Boundary

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

6. NSW Police POM

Plan of Management – Premises to be managed in accordance approved plan of management submitted with the application. Plan to be available to staff at all times and produced upon request of Council Inspector or Police Officer. This plan can only be updated via a modification of consent with consultation with the Inner West Police Area Commander.

Reason: Ensure persons involved in the operation of the premises are aware of the manner in which the premises are to be operated and procedures when dealing with certain types of incidents. Ensure compliance with the agreed terms of operation.

7. NSW Police Incident Register

Incident Registers – Incident registers are to be utilised on site whilst trading and record incidents involving minors on the premises, acts of violence, refusal of service, incidents of theft, incidents of injury to staff/customers, CCTV system operational issues.

Reason: To provide persons in charge of the premises access to a centralised document to make/record any incident/s that occur on the premises in a timely and effective manner

(contemporaneously). Assist in the prosecution of criminal acts that occur on or in the vicinity of the licensed premises.

8. NSW Police Surveillance Cameras

Surveillance Cameras – The submitted plan of management failed to address the use of a CCTV system within the premises.

1) Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
- (b) recordings must be in digital format and at a minimum of ten (10) frames per second,

(c) any recorded image must specify the time and date of the recorded image,

(d) the system's cameras must cover the following areas:

- (i) all entry and exit points on the premises,
- (ii) the footpath immediately adjacent to the premises, and
- (iii) all publicly accessible areas (other than toilets) within the premises.

2) Management must also:

(a) keep all recordings made by the CCTV system for at least 30 days,

(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

(c) provide any recordings made by the system to Police or Council Officers, or Special Investigator within 24 hours of such request.

Reason: For the protection and safety of employees, security and patrons of the premises, police believe that a premises of this type should be required to install and operate a CCTV system fulfilling the following requirements.

9. NSW Police Availability of Food

Availability of Food – Liquor may only be sold or supplied on the licensed premises if food of a nature and quantity consistent with the responsible sale, supply and service

of alcohol is made available whenever liquor is sold or supplied under the authorisation of the licence.

Reason: To ensure the premises continues to operate as a bona fide Restaurant/Café at all times whilst operating.

10. NSW Police

Crime Scene Preservation - Crime scene preservation condition Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- I. take all practical steps to preserve and keep intact the area where the act of violence occurred,
- II. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- III. make direct and personal contact with NSW Police to advise it of the incident, and
- IV. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

Reason: To ensure person operating the premises contact police when a serious act of violence occurs on or about the licensed premises.

11. NSW Police Maximum Patron Capacity

Maximum Patron Capacity – The PoM dated 18 March 2022 prepared by Knight Frank Town Planning and Dennis Pahos has indicated that based on the number of sanitary facilities and available floor space within the premises the proposed patron capacity is 200 plus five staff.

Reason: To assist the premises to operate in a safe and manner and ensure the venue does not exceed its permissible capacity.

PRIOR TO ANY DEMOLITION**12. Dilapidation Report**

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

13. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE**14. Noise General – Acoustic Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the cumulative operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans. The assessment must include noise emissions from mechanical equipment as per Section 8 of acoustic report prepared by Michael Phillips Acoustics reference 20220204.1 dated 14/9/22.

15. Structural Certificate for retained elements of the building

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

16. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

17. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

DURING DEMOLITION AND CONSTRUCTION**18. Documentation of Demolition and Construction Waste**

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

19. 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

20. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997* and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

21. 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.

22. Aircraft Noise –Alterations and Additions

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Prior the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

ON-GOING**23. 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.

24. 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.

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

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

26. 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.

27. 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.

28. Bin and Reusable Item Storage

All bins and reusable items are to be stored within the site.

29. Documentation of Businesses Waste Services

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

30. Operation

There is to be no access by patrons from the Queen Street entry after 3pm.

31. Hours of Operation

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

Proposed use	Proposed hours
Restaurant	10.00am to 9.00pm Sunday to Thursday 10.00am to 10.00pm Friday and Saturday
Café	8.00am to 8.00pm Sunday to Thursday 7.00am to 10.00pm Friday and Saturday
Entertainment Facility	7.00pm to 10.00pm Friday and Saturday

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

Proposed use	Proposed hours
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Restaurant	10.00am to 12.00am Sunday to Thursday 10.00am to 3.00am Friday and Saturday.
Café	7.00am to 12.00am Monday to Thursday 7.00am to 3.00am Friday and Saturday 8.00am to 12.00am Sunday
Entertainment Facility	10.00pm to 3.00am Friday and Saturday

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

ADVISORY NOTES

Health Premises Registration

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

- a. *Food Shop - Food Act 2003*

Food Premises Certification

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

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 where the floor of the garbage room shall be impervious, coved at the intersections with the walls with coving integral to the floor and graded and drained to a floor waste gully connected to the sewerage systems and traps of the premises.

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.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

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*.

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.

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

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

Waste Service - SITA 1300 651 116
Environmental Solutions www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

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

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

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

REASONS FOR REFUSAL

1. The proposed development has not suitably demonstrated that the proposed use and hours of operation will not result in unreasonable acoustic impacts to the nearby residential dwellings having regard to control C7 (ii) in part 2.6.3, controls C85, C86 and C87 in part 5.3.1.4 and inconsistent with objective O52 within Part

5.3.1.4 of Marrickville Development Control Plan 2011 and section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979*.

2.

The proposed development does not provide for a suitable waste area as is required by controls C28 and C31 in part 2.21 and is inconsistent with the applicable objectives are O1-O6 within part 2.8.3 of Marrickville Development Control Plan 2011.

3.

The application appears to have a significant underestimate of the cost of works having regard to schedule 4 of the *Environmental Planning and Assessment Regulations 2021*.

4.

Plans are internally inconsistent, and the sections label the front of the site as Bar area and the rear of the site as lounge/dining area while the floor plans label these spaces as Dining and Café having regard to section 39(1)(a) of the *Environmental Planning and Assessment Regulations 2021*.

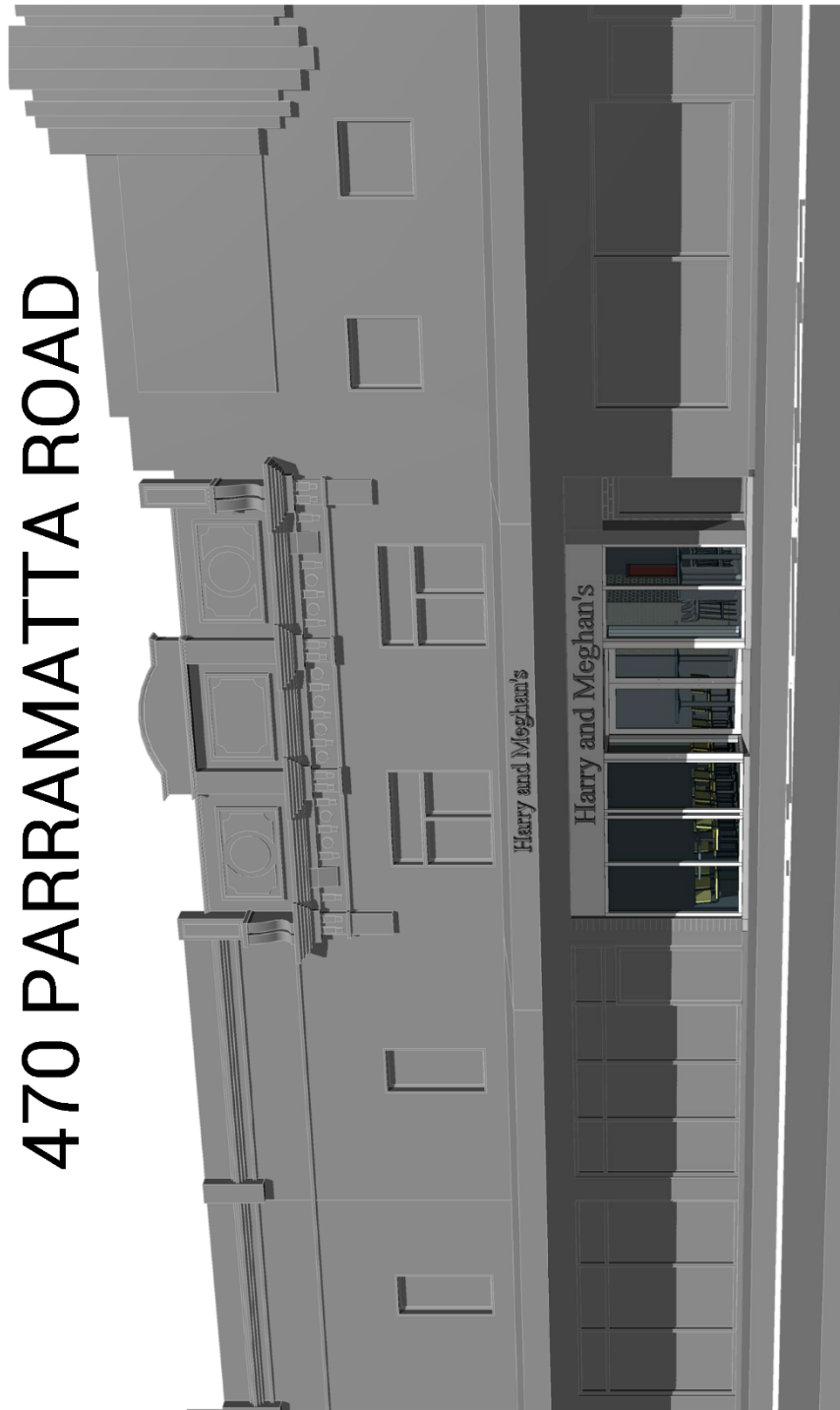
5.

The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.

6.

The application as submitted has not provided adequate information in order to undertake a full and proper assessment of the application in accordance with the *Environmental Planning & Assessment Act 1979*.

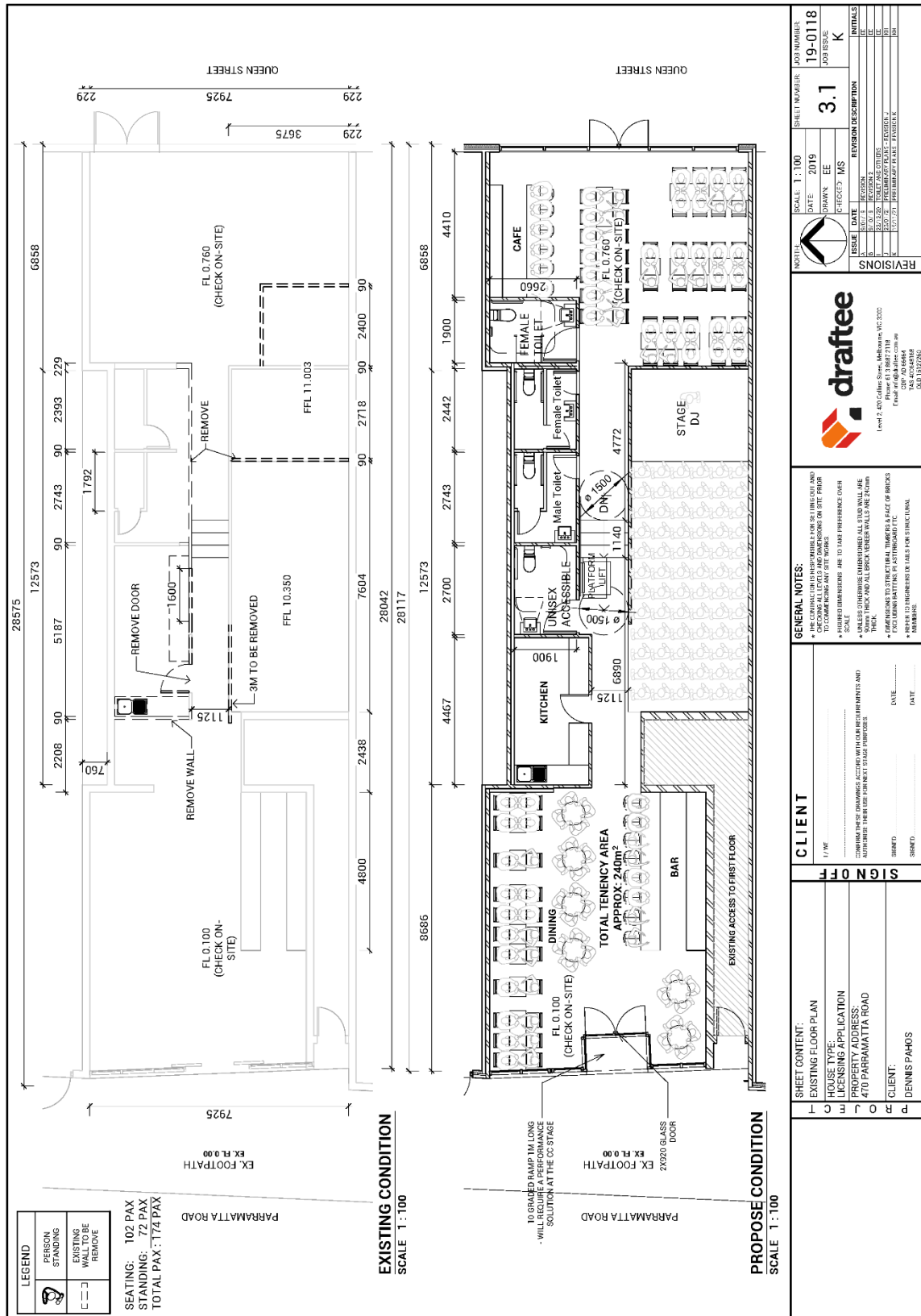
470 PARRAMATTA ROAD

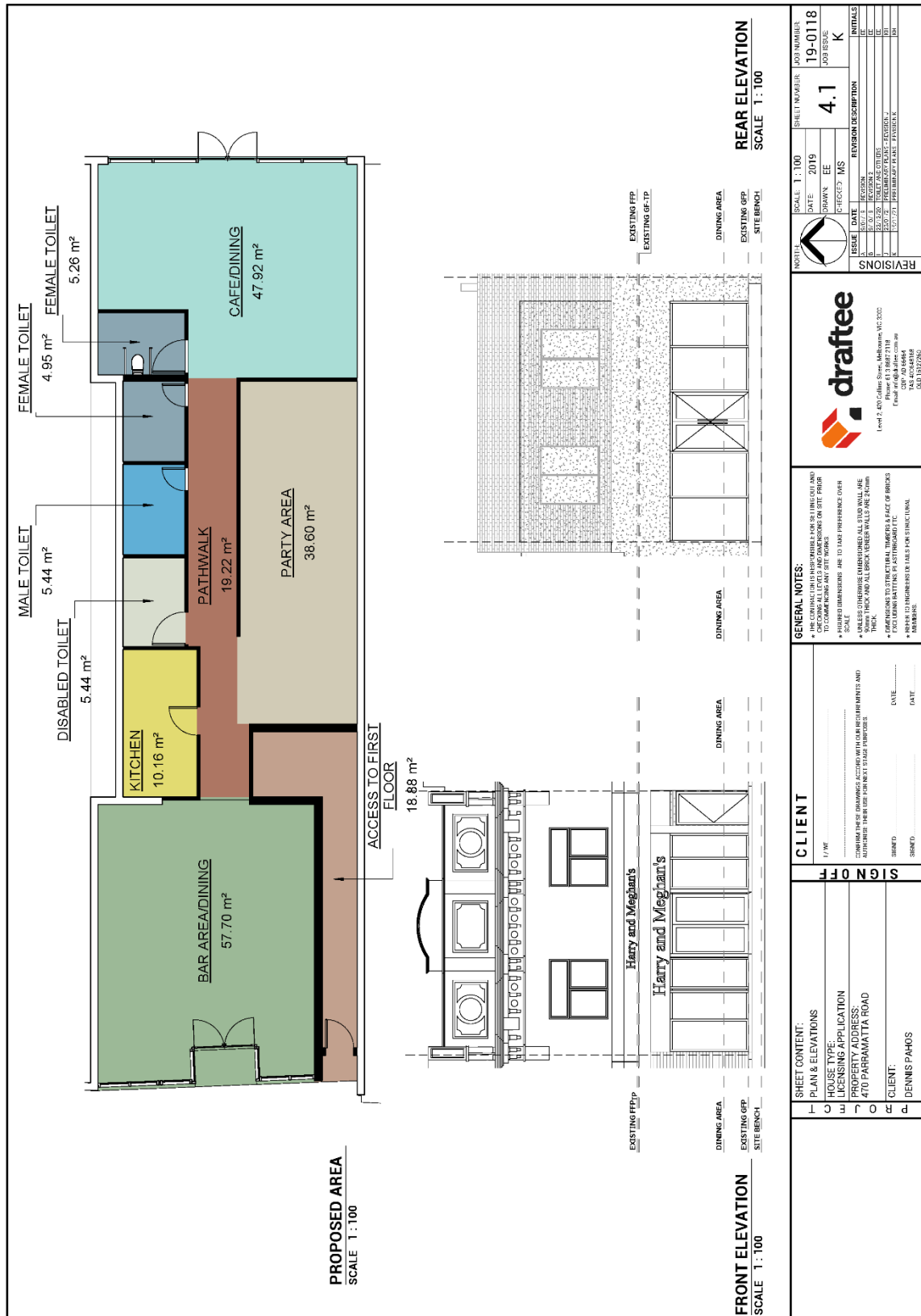


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<p>INTERIOR A SCALE 1 : 100</p>	<p>INTERIOR B SCALE 1 : 100</p>	<p>INTERIOR C SCALE 1 : 100</p>	<p>INTERIOR D SCALE 1 : 100</p>
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<p>CLIENT</p> <p>NAME: _____</p> <p>DATE: _____</p> <p>SIGNED: _____</p>	<p>SIGN OFF</p> <p>DATE: _____</p> <p>SIGNED: _____</p>	<p>SHEET CONTENT</p> <p>INTERIOR ELEVATION</p> <p>HOUSE TYPE: _____</p> <p>LICENSING APPLICATION</p> <p>PROPERTY ADDRESS: _____</p> <p>470 PARAMATTA ROAD</p> <p>CLIENT: _____</p> <p>DENNIS PAHOS</p>	<p>GENERAL NOTES:</p> <ul style="list-style-type: none"> THE CONTRACTOR IS RESPONSIBLE FOR SETTING OUT AND CHECKING ALL LEVELS AND DIMENSIONS ON SITE PRIOR TO COMMENCING ANY SITE WORKS. ALL DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALE. UNLESS OTHERWISE DIMENSIONED ALL STILD WALL ARE 100mm THICK AND ALL BRICK VENEER WALLS ARE 240mm. ALL DIMENSIONS TO STRUCTURAL TOLERANCES & FACE OF WORKS. EXCLUDING GATEWAYS, PLASTERWORK ETC. REFER TO ENGINEERS SET OUTS FOR STRUCTURAL REQUIREMENTS.
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<p>SCALE: 1 : 100</p> <p>DATE: 2019</p> <p>PROJECT: KH</p> <p>DESIGNED: MS</p>	<p>SHEET NUMBER: 19-0118</p> <p>JOB NUMBER: 5.1</p> <p>DATE: 19/01/18</p> <p>REVISIONS:</p>	<p>draftee</p> <p>Level 2, 420 Talbot Street, Melbourne VIC 3000</p> <p>Phone: 61 3 8662 2118</p> <p>Email: info@draftee.com.au</p> <p>GPW 40 4534</p>
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Attachment D – Statement of Heritage Significance

470 Parramatta Road, Petersham

Statement of Heritage Impact

Proposed restaurant/cafe



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Statement of Heritage Impact for 470 Parramatta Road, Petersham

Cover Image: Extract from Drawing 4.1, 470 parramatta Road, Petersham by Drafee 19/11/2021

STATEMENT OF HERITAGE IMPACT – 470 PARRAMATTA ROAD, PETERSHAM			
ISSUE	DESCRIPTION	DATE ISSUED	SENT TO
A	Preliminary Draft (not for release)	15/12/2021	Denis Pahos
	Preliminary Draft (not for release)	15/12/2021	Nick Cavallo
B	Final	20/12/2021	Denis Pahos
B	Final	20/12/2021	Nick Cavallo

Statement of Heritage Impact for 470 Parramatta Road, Petersham

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Statement of Heritage Impact for 470 Parramatta Road, Petersham

1. Executive Summary

470 Parramatta Road, Petersham is a contributory building within Parramatta Road Commercial Precinct Heritage Conservation Area, designated C5 in Schedule 5 of Marrickville Local Environmental Plan 2011. The proposed development will only impact non-significant fabric on the ground floor of the building, with most of the work occurring on the interior. A large projecting sign on the parapet that is highly intrusive will be removed which will reveal the original Victorian detailing of the facade. The proposed development will have an acceptable level of impact upon the heritage significance of the Heritage Conservation Area.

The proposed work is considered to be appropriate in that:

- It maintains a continuing use in keeping with the original intention of the place,
- The heritage values of the place will be maintained,
- It improves and enhances the amenity of the place for the users,
- It ensures the ability to correctly interpret the past use of the place,
- It complies with the general heritage objectives identified for this place,
- It complies with the heritage provisions of Marrickville Local Environmental Plan 2011,
- It complies with the heritage objectives and controls of Marrickville Development Control Plan 2011.

The development is supported on heritage grounds and recommended for approval by Inner West Council.

2. Introduction

2.1. Report Objectives

This Statement of Heritage Impact (SoHI) aims to provide a report to address Clause 5.10 of Marrickville Local Environmental Plan 2011 (LEP) where a place is a heritage item, within a heritage conservation area or within the vicinity of a heritage item.

2.2. Methodology and Structure

This Statement of Heritage Impact report has been prepared to meet the requirements of Inner West Council.

The report is guided by the documents published by the former Heritage Division of the Office of Environment and Heritage.

What is a Statement of Heritage Impact?

A SOHI, together with supporting information, addresses:

- *why the item is of heritage significance*
- *what impact the proposed works will have on that significance*
- *what measures are proposed to mitigate negative impacts*
- *why more sympathetic solutions are not viable¹*

¹ Statements of Heritage Impact, (NSW Heritage, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham

The report also follows the guidelines of the Australia ICOMOS *Charter for Places of Cultural Significance (The Burra Charter)*.

2.3. Authorship

This report was prepared by Louise Thom, Heritage Consultant. Interior photographs were provided by Dennis Pahos.

2.4. Location

Petersham is an Inner-west residential suburb on the southern side of Parramatta Road. 470 Parramatta Road, Petersham faces Parramatta Road with its rear boundary to Queen Street. The subject property is described as Lot 1 DP598680 in the Parish of Petersham, County of Cumberland.

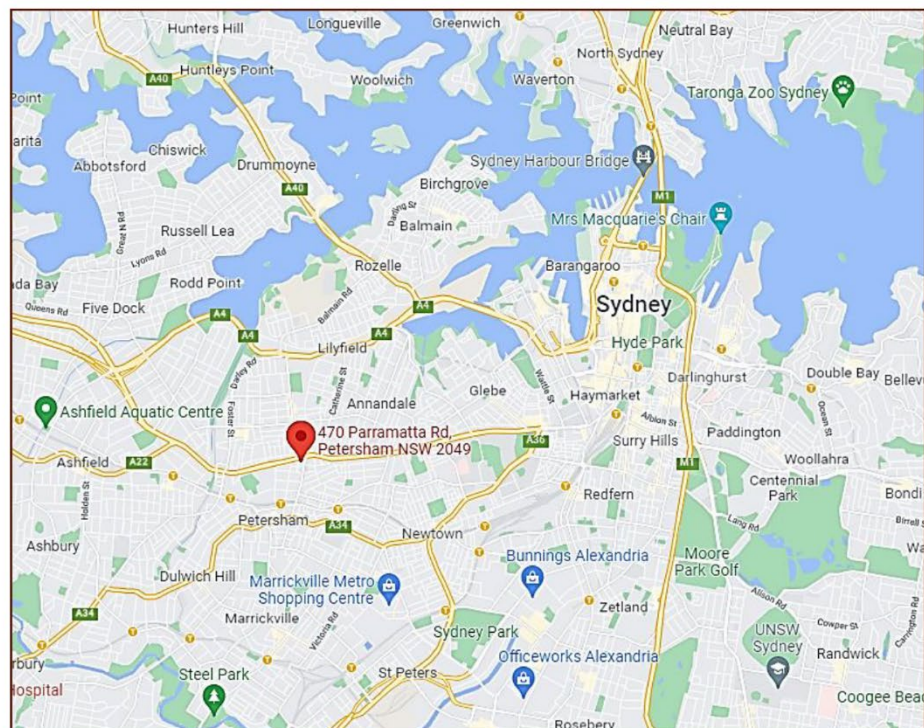


Figure 1. Location of 470 Parramatta Road, Petersham (Google, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham

3. Heritage Status

3.1. Marrickville Local Environmental Plan 2011

The property at 470 Parramatta Road, Petersham is located in the Parramatta Road Commercial Precinct Heritage Conservation Area (HCA 5). Significance – Local.

The Parramatta Road Commercial Precinct Heritage Conservation Area is located in North Petersham and extends along the southern side of Parramatta Road from Palace Street to just east of Northumberland Avenue.

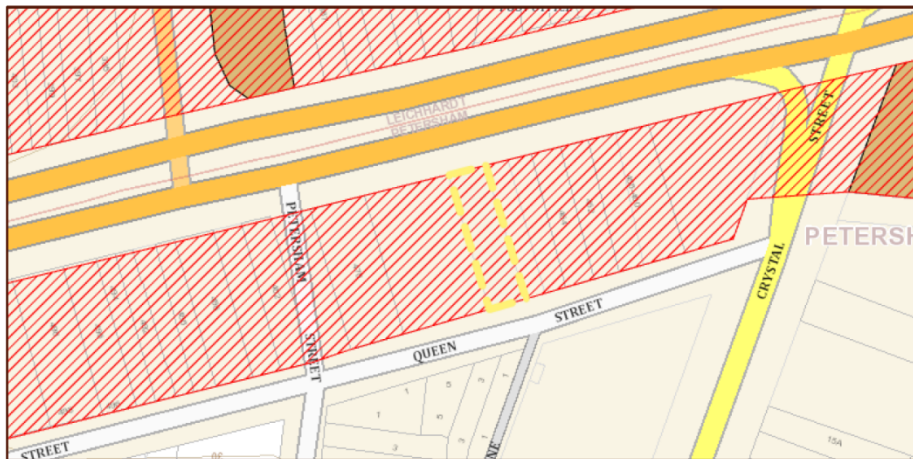


Figure 2. Extract from the Heritage map showing part of HCA 5, Marrickville LEP 2011. (NSW Government, 2021)

The north side of Parramatta Road is covered by the Leichhardt Local Environmental Plan. The northern side of Parramatta Road is also an HCA (C2) in the Leichhardt LEP.

Statement of Heritage Impact for 470 Parramatta Road, Petersham

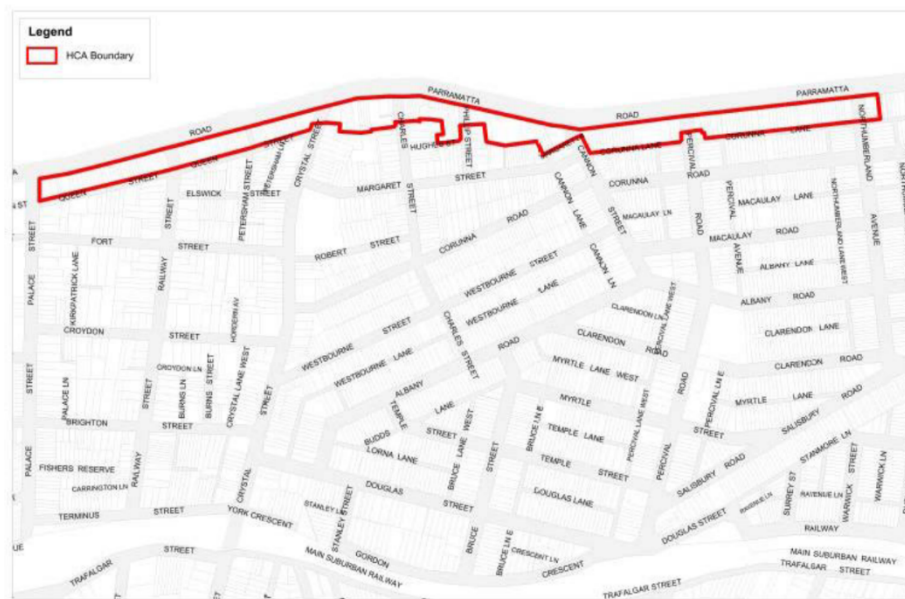


Figure 3. HCA 5 Parramatta Road Commercial Precinct Heritage Conservation Area

3.2. Marrickville Development Control Plan 2011

There are specific clauses in the Marrickville DCP relating to the HCA. These are addressed in Section 9 of this report.

4. Historical Background

The original owners of the land within the Marrickville Council area were the Cadigal and Wangal clans of the coastal Eora people. They spoke Eora, which may have been a dialect of the Dharug (Darug) language, though sources differ on this point. With the establishment of the penal colony at Sydney Cove in 1788 the dispossession of the original inhabitants was begun. In 1789 a smallpox plague decimated the Aboriginal population, though descendants of the Cadigal and Wangal people still reside within the Sydney metropolitan area. (NSW Heritage, 2021)

4.1. The Parramatta Road

By 1794 the track to Parramatta settlement had developed into the first road out of the colony. A map from 1802 shows Parramatta Road clearly marked. As it began to develop so too did businesses such as hotels to accommodate the travellers using the route. When Governor Macquarie arrived in 1817 he published his plan to improve the road between Sydney Town and Parramatta, stating that "The whole line of road... will be rough paved with stone, and then covered with earth and gravel... which must necessarily prevent in future these deep and disagreeable ruts." (City of Parramatta, 2021)

Industry such as brickworks and sawmills developed adjacent to the road which provided good access to Sydney Town and Parramatta. The development of Parramatta Road led to an expansion of the colony and growth of outer suburbs. (Dictionary of Sydney)

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 4. Detail of plan de la ville de Sydney: Capitale des colonies Anglaises, aux terres Australes 1802. By Charles Alexandre Lesueur. National Library of Australia [nla.map-f307 (detail)] (Dictionary of Sydney)

4.2. Petersham

The suburb of Petersham was named in 1794 by Lieutenant-Governor Francis Grose after his home village in Surrey, England. Initially Petersham was an agricultural area producing crops and winning awards for some of the best crops and livestock in the Colony in 1803. Dr Robert Wardell purchased land from many grantees in the district and in 1831 his estate eventually stretched 8.1 km² from Petersham to the Cooks River. Following his murder by escaped convicts in 1834, the estate was subdivided. The arrival of the railway and establishment of a railway station in 1857, lead to development of smaller estates into suburban allotments.

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 5. Rutter, William & Allan & Wigley & W. Dean & Co. (1855). Plan of eligible villa sites and capital market gardens, portion of the Petersham Estate known as Marrickville to be sold by auction by Messrs. W. Dean & Co Retrieved November 2, 2021, from <http://nla.gov.au/nla.obj-232472878>

4.3. 470 Parramatta Road, Petersham

The subject property is part of 100 acres of land originally granted to John White on 28 May 1793.

The one hundred acres granted to White was known as Hammond Hill Farm situated in the District of Petersham Hill, bounded on the north west side by Parramatta Road and separated on the south east side from Annandale Farm. (NSW Land Registry Services, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 6. Plan of Sydenham [Petersham], Parramatta Road, 3 miles from Sydney, showing railway station c1855. The property at 470 Parramatta Road is in Section 1. National Library (<http://nla.gov.au/nla.obj-232450370>)

Statement of Heritage Impact for 470 Parramatta Road, Petersham

In the plan from 1855 the only buildings depicted on Parramatta Road in the vicinity of the subject site are Petersham Cottage, the Old Bay Horse Inn, Clarks Blacksmiths Shop on the corner of Crystal Street and opposite Hearn's Public house the "Bald Face Stag". Other buildings are depicted along Balmain Road. Opposite the site is the Elswick Estate, the property of James Norton Esq.

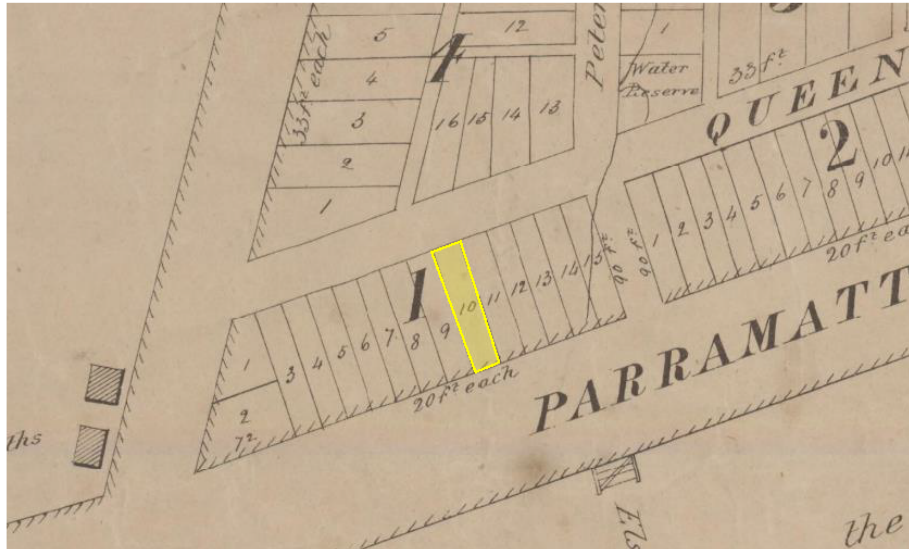


Figure 7. Detail from plan of Petersham (originally called Sydenham) c1855. Lot 10 Section 1 is now known as 470 Parramatta Road.

In 1884 the Sands Directory² listed one property between Chrystal Street and Petersham Street. The unnumbered property was registered as the address of R.H. Hewett, Chemist. Robert H Hewett was also listed in 1885 and 1886. In 1886 there were three businesses listed in the directory, the chemist Hewett and an auctioneer and a fuel merchant. 1887 was a busy year for the strip between Chrystal Street and Petersham Street with 7 businesses listed in the directory, suggesting at least half of the shops were built at this time.

Numbering of properties was not identified until 1894 however these numbers do not correspond to the numbers used today. The numbers corresponding to today's street numbering were introduced in 1905. In 1904 the subject property described was described as 276 Parramatta Road, Petersham and the following year became 470 Parramatta Road, this is deduced from the same occupant being listed before and after the numbering change – Page's Confectionary Shop.

In 1894 George Altorfer, Chemist is listed at 276 Parramatta Road Petersham. Altorfer was first listed in the directory in 1888 and is lastly listed in the 1898 directory.

From this information it is likely that the building at 470 Parramatta Road Petersham was built circa 1887-1888.

² John Sands Ltd published the Sydney, Suburban and Country Commercial Directory each year from 1858 to 1932-33 (except for 1872, 1874, 1878 and 1881).

Statement of Heritage Impact for 470 Parramatta Road, Petersham

In the 1943 aerial photograph the building is seen occupying the front portion of the lot. In the current aerial photograph the building has been built to all boundaries.



Figure 8. 1943 aerial photograph showing the smaller building and rear wing



Figure 9. 2021 aerial photograph showing additions to the building.

5. Physical Evidence

The following discussion of the physical evidence focuses on the ground floor only as the proposed development does not include the first floor.

Statement of Heritage Impact for 470 Parramatta Road, Petersham

5.1. Interior

There is no original fabric from the 1888 building evident on the interior. Successive renovations for multiple uses have led to substantial superficial change. The building has been modified with additions right to the rear boundary.

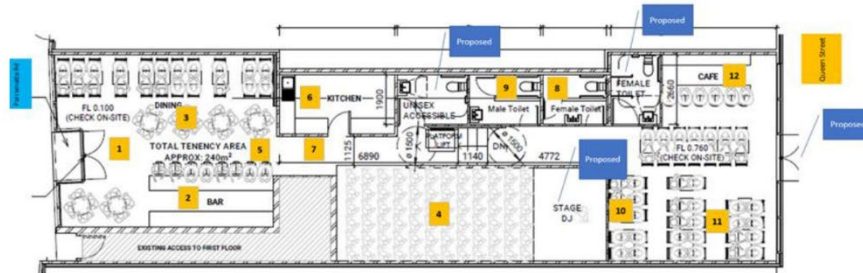


Figure 10. Diagram showing location of photographs numbered yellow.



Figure 11. 1. Interior facing in from Parramatta Rd left and right side - Restaurant & Kitchen left, Bar & Entertainment right, corridor middle respectively (Pahos, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 12. 2. Interior facing in from Parramatta Rd right side – Bar (Pahos, 2021)



Figure 13. 3. Interior facing in from Parramatta Rd left side - Restaurant seating (Pahos, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 14. 4. Interior facing in from Parramatta Rd right side – Entertainment (Pahos, 2021)

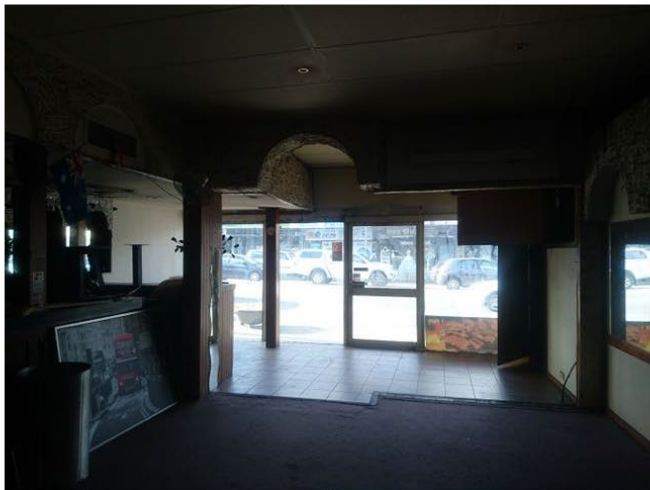


Figure 15. 5. Interior facing out to Parramatta Rd Bar Left and Restaurant right respectively (Pahos, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 16. Interior facing in from Parramatta Rd left side – Kitchen (Pahos, 2021)



Figure 17. 7. Interior facing in from Parramatta Rd left side - 2 toilet corridor (photo flipped) (Pahos, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 18. 10. Interior facing in from Queen Street left side – Café (Pahos, 2021)



Figure 19. 12. Interior facing out to Queen Street left side – Café (Pahos, 2021)

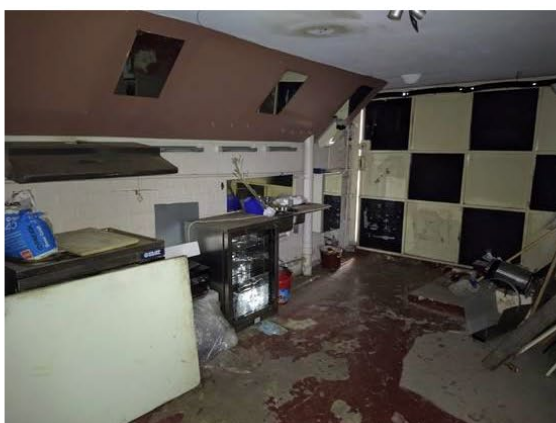


Figure 20. 12. Interior facing out to Queen Street left side - Cafe (Pahos, 2021)

Louise Thom Heritage

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Statement of Heritage Impact for 470 Parramatta Road, Petersham

5.2. Exterior

The exterior shop front and awning are not original and do not contribute to the significance of the building as an 1888 shop building.



Figure 21. View of existing shop front to Parramatta Road (Pahos, 2021)

The rear elevation is an addition and is a late 20th century modification.



Figure 22. View from Queen Street (Pahos, 2021)

Statement of Heritage Impact for 470 Parramatta Road, Petersham

Above the awning the building retains its original 1888 detail but has been modified by the insertion of two aluminium framed windows not in proportion with the original facade. An oversized redundant sign protrudes from the parapet.

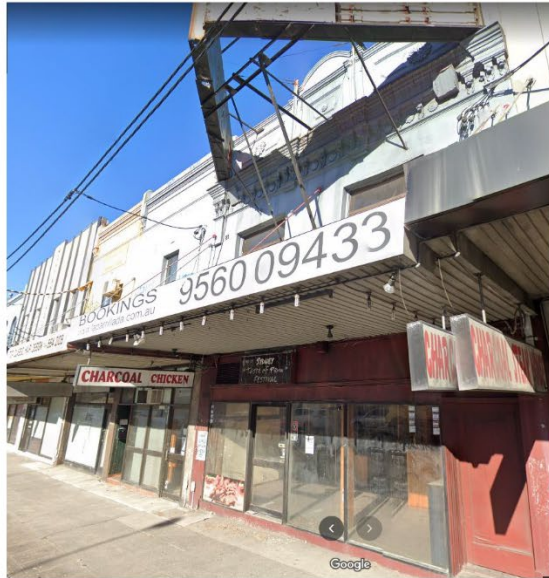


Figure 23. Looking up at the parapet

Statement of Heritage Impact for 470 Parramatta Road, Petersham

Context

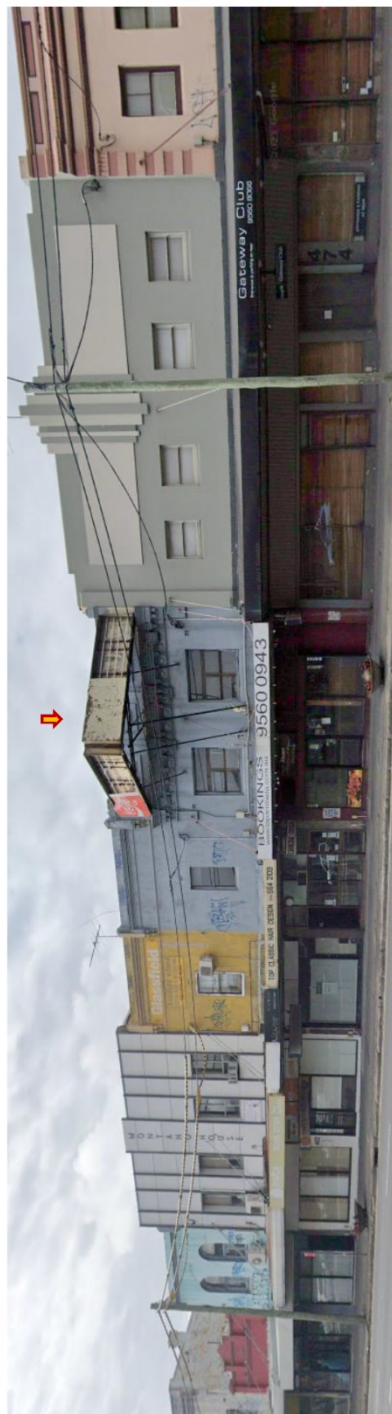


Figure 24. 470 Parramatta Road marked with an arrow, showing existing development either side



Figure 25. 470 to 478 Parramatta Road and Petersham Street

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 26. 452 to 470 Parramatta Road

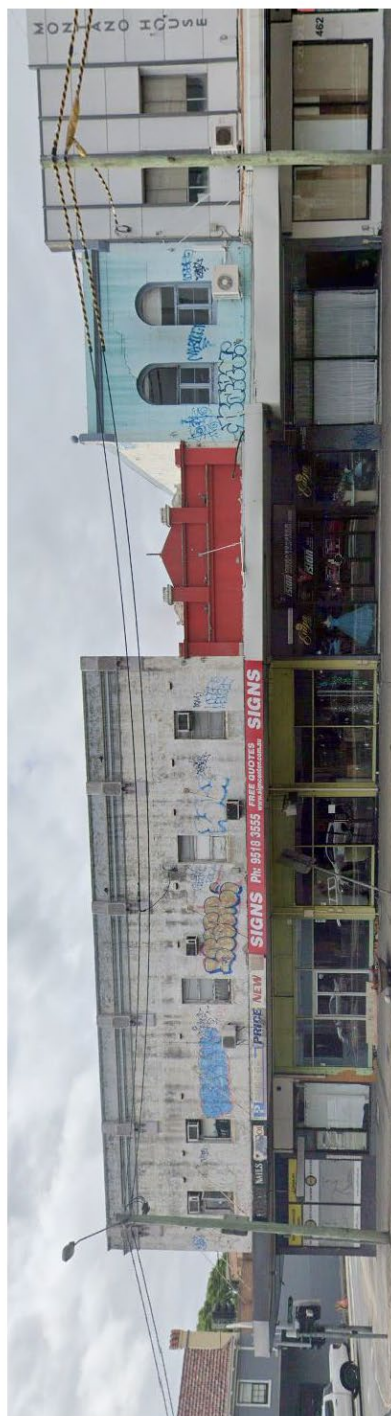


Figure 27. 452 to 462 Parramatta Road

The existing Parramatta Road streetscape is in a poor condition. Little maintenance is being carried out and quite a few shops are vacant. Facades have unsympathetic air conditioning units and many original windows have been replaced by aluminium framed windows with uncharacteristic proportions.

Statement of Heritage Impact for 470 Parramatta Road, Petersham



Figure 28. View looking east along Queen Street

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6. Significance Assessment

6.1. Summary Statement of Significance for HCA

8.2.7.1 Statement of heritage significance

The Parramatta Road Commercial Precinct Heritage Conservation Area is of historical significance as it demonstrates the changing role and expectations of retail and commercial development of land adjoining Sydney's main arterial corridors since Colonial settlement. The HCA includes a variety of retail and commercial built forms, some of which – such as the former drive-under petrol station – are now rare in the Sydney Metropolitan area. Its built form provides evidence of the final subdivision of the South Annandale Estate in 1906 as well as evidence of the effect of later road widening on the built environment.

The aesthetic significance of the Parramatta Road Commercial Precinct HCA is derived from its ability to demonstrate the changing role of retail centres along major arterial roads and the ability of the fabric of those buildings to adapt to the changing needs and commercial imperatives. The buildings are predominantly representative of the period 1906 to 1940 and include some rare examples of their type. The streetscape of shops has retained its original configuration with individual bays presenting glazed shopfronts with direct access to the public footpath. Upper levels are used for commercial or residential purposes although high levels of traffic noise and pollution have affected the desirability of premises.

7. Proposed Development

The proposed development is for an interior fit out to the ground floor of 470 Parramatta Road, Petersham to use the property as a café, restaurant and small entertainment venue. There is no proposed change to the building envelope other than removal of uncharacteristic signage. The façade to Queen Street will have a pair of glass doors set within new glazing. The Parramatta Road shopfront will be altered to accommodate a ramp. For a copy of architectural drawings referred to in this assessment see Appendix One.

The development will help to revitalise a precinct which is currently neglected.

8. Heritage Impact Assessment

8.1. Impact upon Significance

The following aspects of the proposal respect or enhance the heritage significance of the heritage item for the following reasons:

Significance	Significance	Respects or enhances
Historic	Evidence of the historic development of Parramatta Road. Demonstrates the changing role and expectations of retail	Respects. 470 Parramatta Road will continue to present its historic façade to

Statement of Heritage Impact for 470 Parramatta Road, Petersham

	and commercial development of land adjoining Sydney's main arterial corridors since colonial settlement.	the public domain. The historic retail and commercial use will be retained.
Aesthetic	The original Victorian façade above the awning has aesthetic value.	Respects. The original façade is to be retained.
Aesthetic	Contributes to the streetscape	Respects and enhances by restoring the awning and shopfront and removing uncharacteristic and intrusive signage.
Representative	Representative example of a late 19 th century commercial building in Parramatta Road.	Respects and enhances by providing a new active commercial use.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

Significance	Impact upon Significance	Detrimental	Mitigation
Historic	The façade and built form will be retained, the interior of the ground floor will be stripped out.	Nil.	The interior has no significant fabric.
Aesthetic	The shop front will be removed.	Nil.	The shop front is not original.
Representative	The building will retain its contributory qualities.	Nil.	The contributory qualities of the building are its presentation to Parramatta Road.

8.2. Other questions to be answered in a statement of heritage impact

Can all the significant elements of the contributory item be kept, and any new development be located elsewhere on the site?

The principal building form and appearance to the street has been maintained. The elements representing the historic, aesthetic, and representative significance of the property are being retained.

Has the advice of a heritage consultant been sought?

Yes, this report provides that advice.

How is the impact of the proposed works on the heritage significance of the item to be minimised?

The proposed works are located on the ground floor interior. The original building retains its contribution in the streetscape.

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Are the proposed works sympathetic to the contributory item? In what way (e.g. form, proportions, design)?

Yes, the proposed alterations only affect fabric that has been previously modified.

Is the development sited on any known, or potentially significant archaeological deposits?

There are no known archaeological deposits. No excavation is proposed.

Will the public, and users of the item, still be able to view and appreciate the significance of the heritage conservation area?

Yes, the contributory building will still be viewed as a Victorian commercial building on Parramatta Road.

9. Marrickville Development Control Plan

Part 8 – Heritage

The proposed development complies with the objectives and controls of Marrickville DCP 2011 as demonstrated in the discussion below.

8.1.8 Requirement for a HIS or CMP

This report meets this requirement.

8.2 Heritage Conservation Areas directions and controls

8.2.7 Parramatta Road Commercial Precinct Heritage Conservation Area – HCA 5

8.2.7.2 Summary of core heritage values	Commentary
<i>i. The HCA demonstrates a historical continuity of retail and commercial land uses lining one of the most important transport corridors in NSW. Shops and buildings from each major period of retailing have survived and continue to contribute to the aesthetic, historic and social values of the HCA.</i>	The proposed use is a commercial use consistent with the historic and social values of the HCA.
<i>ii. The HCA provides very clearly expressed examples of the retail shopping strip typology through its built form, streetscapes and public domain improvements developed since the first release of land for development from the Annandale and Petersham Estates in the mid-late 19th century and early 20th century.</i>	The retail shopping strip will be unchanged as the proposed alterations are internal.
<i>iii. Streetscape rhythms are modulated by regular structural bays derived from traditional shopfronts.</i>	The streetscape rhythm will be retained intact.

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<i>iv. Several pairs and groups of shops demonstrate high streetscape and individual architectural qualities.</i>	The individual architectural character of the Parramatta Road façade will be retained.
<i>v. Rare and highly intact individual examples of retail premises include the Olympia Milk Bar located near the former entry to Annandale Farm at Stanmore.</i>	The former historic fabric of the building on the ground floor has been substantially modified and is no longer intact.
<i>vi. Views to the skyline above the line of parapets contribute strongly to the aesthetic values of the streetscape.</i>	There will be no change to the parapet other than to remove intrusive signage.
<i>vii. The aesthetic value of the streetscape is defined and enhanced by the streetscape wall as it follows the changing alignment of Parramatta Road.</i>	This continuity will be retained.

8.2.7.3 Specific elements

The HCA also contains many details or fine-grained elements found throughout the LGA on buildings of different styles and types that contribute to the integrity and heritage significance of the LGA. The elements are not found on all buildings, but where present need to be retained in any new development.

The existing building façade is to be retained.

<i>8.2.7.5 Elements that contribute to the consistency of the streetscape (visible from the public domain)</i>	Commentary
<i>i. Commercial land uses;</i>	Consistent
<i>ii. Active street frontage at ground level;</i>	Consistent
<i>iii. Zero setback from street frontage and side boundaries;</i>	Consistent
<i>iv. Two storey parapet to street frontage;</i>	Consistent
<i>v. Integrity of skyline view and of parapet detailing against the sky from northern footpath and important oblique views;</i>	Consistent
<i>vi. Presentation of street elevation formed by regularly spaced bays reflecting historic lot widths;</i>	Consistent
<i>vii. Orientation of active uses to Parramatta Road;</i>	Consistent
<i>viii. Traditional shoptop of late 19th century commercial design;</i>	Consistent
<i>ix. Surviving original land uses, including the Olympia Milk Bar at Stanmore;</i>	Not relevant

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<i>x. Surviving original shopfronts;</i>	Not an original shop front
<i>xi. Vertical separation of land use with retail at ground floor and commercial/residential above;</i>	Consistent
<i>xii. Individual shops with high quality detailing including arched openings to verandahs and high quality detailing to brickwork and quoining;</i>	Not relevant
<i>xiii. Division of larger buildings into vertically proportioned bays;</i>	Not relevant
<i>xiv. Vertically proportioned windows at upper levels;</i>	The first floor above the awning is beyond the scope of the proposed development.
<i>xv. Detailed building typology appropriate to architectural type; and</i>	Consistent
<i>xvi. Signage appropriate in scale, materials, location and content related to business.</i>	Existing intrusive signage will be removed. New signage will be located in traditional positions on the awning and over the door.

8.2.7.6 Applicable conservation controls

The core period of heritage significance is the late 18th Century to 1940. Any buildings or significant elements of the fabric from this period must be retained and maintained.

The building at 470 Parramatta Road was built in the late 19th century and was substantially modified in the 20th century. The building retains its historic Victorian parapet and form facing Parramatta Road and there is no change proposed to this elevation, other than removal of the uncharacteristic sign on the parapet.

Relevant heritage conservation area DCP section:

- *Retail streetscapes. See Section 8.4.*

This section is discussed below.

Primary relevant historic architectural style. See Section 8.5 (note: other styles will exist for some buildings in the area):

- *Victorian Italianate/Victorian Filigree;*
- *Federation Styles; and*
- *Inter-War Art Deco residential flat buildings.*

The building at 470 Parramatta Road is a Victorian commercial building.

<i>Additional area-specific controls:</i>	<i>Commentary</i>
• <i>Conserve remaining original façade detailing (both to ground and upper levels) to include façade repairs and retention of face brickwork facades without rendering or painting.</i>	The existing Victorian façade is rendered and painted and will be retained.

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• <i>Original façade detailing to be used as a template for façade reinstatements within rows.</i>	The proposed development is not an infill.
• <i>Where no evidence remains of original ground floor shopfronts and the existing modern shopfront detracts from the appearance of the building, encourage the shop window replacement with a more sympathetic modern shopfront (for example consisting of timber framed glazed bifold doors with timber framed fanlights above).</i>	The original shopfront is no longer extant. The proposed shopfront is designed to provide equal access for all.
• <i>Reinstatement of post-supported balconies to shopfronts where there is physical or historical evidence of their existence is encouraged.</i>	The original configuration of the shopfront is not known. No changes to the awning are proposed.
• <i>Reinstatement of original arched recessed balconies is encouraged. Due to the noise impacts of Parramatta Road it is considered reasonable to allow sympathetically designed enclosure of recessed balcony openings (such as glazing with minimal framing or timber-framed windows) provided that unsympathetic alterations (such as brickwork infill of original arched balcony openings) are removed concurrently.</i>	The proposed development affects the ground floor only.
• <i>Retention of suspended awnings is required.</i>	The existing suspended awning will be retained.
• <i>Any future redevelopment of Nos. 266-310 and 230-264 Parramatta Road must ensure they are complementary to the character of HCA 5 in terms of scale, height, form and façade detail.</i>	The proposed redevelopment does not impact the existing building façade.
• <i>Contributory buildings within the HCA have been identified and mapped. Refer to Section 8.4.2 of this DCP for details.</i>	470 Parramatta Road is a contributory building

8.4 Controls for retail streetscapes in Heritage Conservation Areas

Minor additions not visible from the street are not subject to these heritage controls. Internal alterations to properties in HCAs are also not subject to these heritage controls.

The following controls are not relevant to the development proposal:

- Control 8.4.1.1 Public Domain
- Control 8.4.1.2 Subdivision
- Control 8.4.1.3 Setbacks
- Control 8.4.1.4 Building heights
- Control 8.4.1.5 Building form – see common controls below
- Control 8.4.1.6 Roof form
- Control 8.4.1.1 Public Domain

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8.4.1.7 Building facades

Characteristics of the significant period of development

- i. The facades of retail buildings are characterised by their consistent street elevations, in some places featuring traditional timber or copper framed and clad and glazed shopfronts, awnings and with first floor facades frequently with balconies.
- ii. The facade proportions, where the retail building is part of a group, are usually highly consistent and often identical.
- iii. This consistency is apparent even when a streetscape contains a range of forms and building scales due to the design approach towards retail buildings in the 19th and early 20th centuries.
- iv. The consistency of facade scales, proportions, materials and detailing in each HCA contributes strongly to the cohesiveness of the streetscape and its aesthetic value.
- v. Balconies to the first floor are a key element of the facade design and visual appearance in each of Marrickville's retail streetscape HCAs. They provide depth, shade and interest to the first floor facades.
- vi. Each architectural style is characterised by variations in design and detailing of balconies. Refer to the style sheets in Section 8.5 for details.
- vii. Windows (first floor) and French doors (first floor, opening onto balconies) to retail buildings are generally simple timber framed double hung or casement windows, or simple timber framed French doors.
- viii. Original or early awnings are an important detail to many buildings. They provide both interest to the facade and shade to the shopfront and are highly contributory to the aesthetic quality of the streetscape.
- ix. The predominant facade material is face or rendered brick (rendered to Victorian period buildings and face brick for Federation to 1930s buildings). Tiled shopfronts are found across the HCAs. A major change in appearance is the painting of former face brick shops and the application of painted signs.
- x. Common bricks were often used to rear elevations.
- xi. Many buildings have been changed by the addition of security devices such as security grilles or roller doors to shopfronts and bars.

Controls common to all retail HCAs applicable to proposed development	Response to Controls
C11 Signage to first floor facades is not permitted, other than painted signage to windows.	No signs are proposed to the first floor.
C17 The original scale, proportion, materials and detailing of contributory buildings in the streetscape must be retained.	The original building can only be viewed from Parramatta Road and is being retained.
C18 Shopfronts must not be covered by solid roller doors or security screens.	No screens or roller doors are proposed.
C19 Original shop awnings must be retained and repaired.	The existing awning is not original but is being retained.

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C20 <i>Original shopfronts must be retained and repaired.</i>	The shopfront is not original. It will be redesigned to accommodate disabled access.
C21 <i>Original windows and French doors to upper levels must be retained in their original position and in operable condition.</i>	The proposed development is on the ground floor only.
C22 <i>New windows to principal facades must be appropriate for the style of the building (based on original fabric or photographic evidence, or on the evidence of original buildings of the same style in the streetscape). Generally they must be timber framed.</i>	The proposed development does not include the first floor.
C23 <i>The size and location of existing original window openings on principal facades must not be altered.</i>	Not applicable.
C24 <i>If sound amelioration is required, double glazing must be applied to the internal face of windows.</i>	Not applicable.
C25 <i>Infilling of balconies with solid construction, glazing or security screens is not permitted.</i>	Not applicable.
C26 <i>Original rendered and painted finishes to 19th century facades must be retained.</i>	The existing façade is to be retained as a rendered façade.
C27 <i>Original face brick facades must be retained and original un-painted elements must not be painted.</i>	The façade is rendered and painted.
C28 <i>Original render to 19th century buildings must not be removed. If repair or replacement is necessary it must be achieved using lime-based mortar or appropriate traditional materials and techniques. Cement based or other sealing finishes must not be used.</i>	No change render on the façade is proposed.
C29 <i>New materials must be compatible with the colour, texture, finishes and proportions of the existing materials of the property and, where appropriate, the materials of original properties within a matching group.</i>	The building is not in a matching group.
C30 <i>Colour schemes to principal elevations (including from rear lanes) must be appropriate to the architectural style and period of the retail building and based on historical evidence, if available. Paint schemes related to advertising or corporate colours will generally not be appropriate on contributory buildings.</i>	The colour scheme is to be in dark shades and to have gold trim as highlights to emphasise the theme of the new restaurant. The colour scheme will be a contemporary interpretation of a Victorian colour scheme. A Victorian colour scheme was provided to the applicant to provide guidance on Victorian colours, see appendix 2.
C31 <i>Original painted signs on walls must not be painted over or damaged.</i>	There are no original painted signs

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C32 Security mesh must not be used to elevations visible from the street.	Security mesh is not proposed.
C33 Roller shutters must not be used to elevations visible from the street.	Roller Shutters are not proposed.

8.4.2 Contributory and period buildings mapping

470 Parramatta Road, Petersham is mapped as a contributory building.

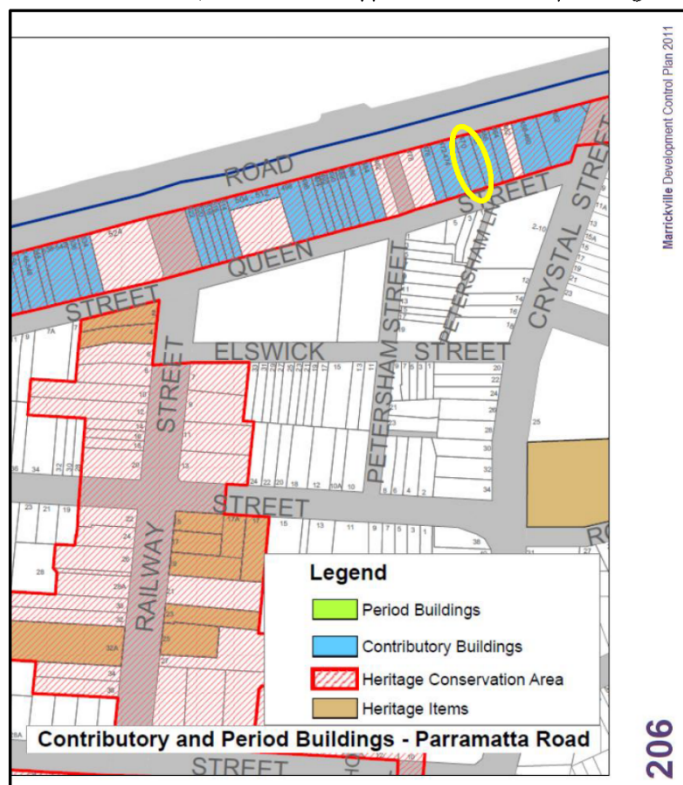


Figure 29. Extract from Marrickville Development Control Plan 2011 page 206.

10. References

- City of Parramatta. (2021). *Parramatta History and Heritage*. Retrieved from City of Parramatta Research and Collections: <https://historyandheritage.cityofparramatta.nsw.gov.au/research-topics/streets/parramatta-origin-of-street-names-0>
- Dictionary of Sydney. (n.d.). *The Dictionary of Sydney*. Retrieved from <https://dictionaryofsydney.org/media/3566>
- Google. (2021). *Google Maps*. Retrieved from Google Maps.

Statement of Heritage Impact for 470 Parramatta Road, Petersham

Inner West Council. (n.d.). HCA 5 Parramatta Road Commercial Precinct Heritage Conservation Area.
<https://www.innerwest.nsw.gov.au/develop/heritage-and-conservation/heritage-conservation-areas>.

NSW Government. (2021). *ePlanning Spatial Viewer*. Retrieved from NSW Planning Portal.

NSW Heritage. (2021). *NSW Heritage*. Retrieved from Department of Premier and Cabinet:
<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>

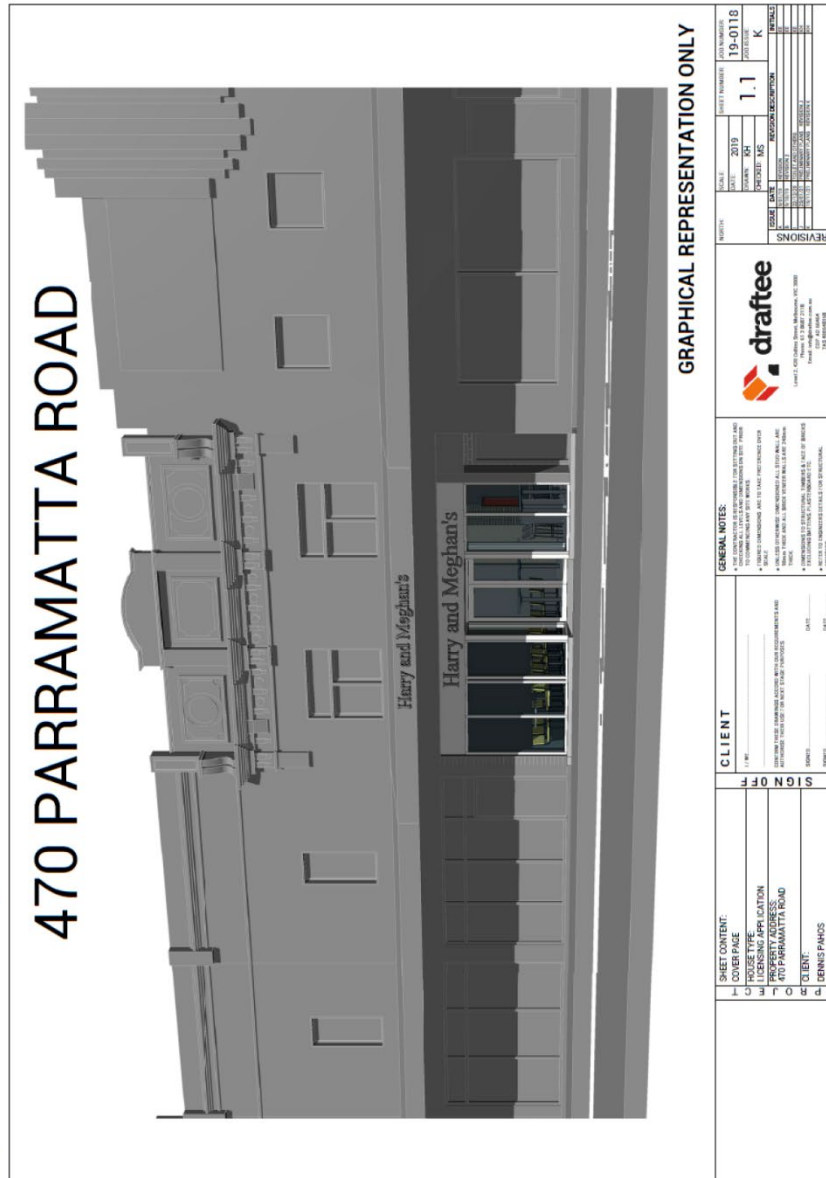
NSW Land Registry Services. (2021). *Historic Land Records Viewer*. Retrieved from Certificates of Title.

Pahos, D. (2021, October 29). Photographs of 470 Parramatta Road, Petersham.

SIX Maps. (2016). *Spatial Information Exchange*. Retrieved from Land and Property Information.

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Appendix 1. Drawings reviewed for this assessment



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Version: 1, Version Date: 08/11/2022

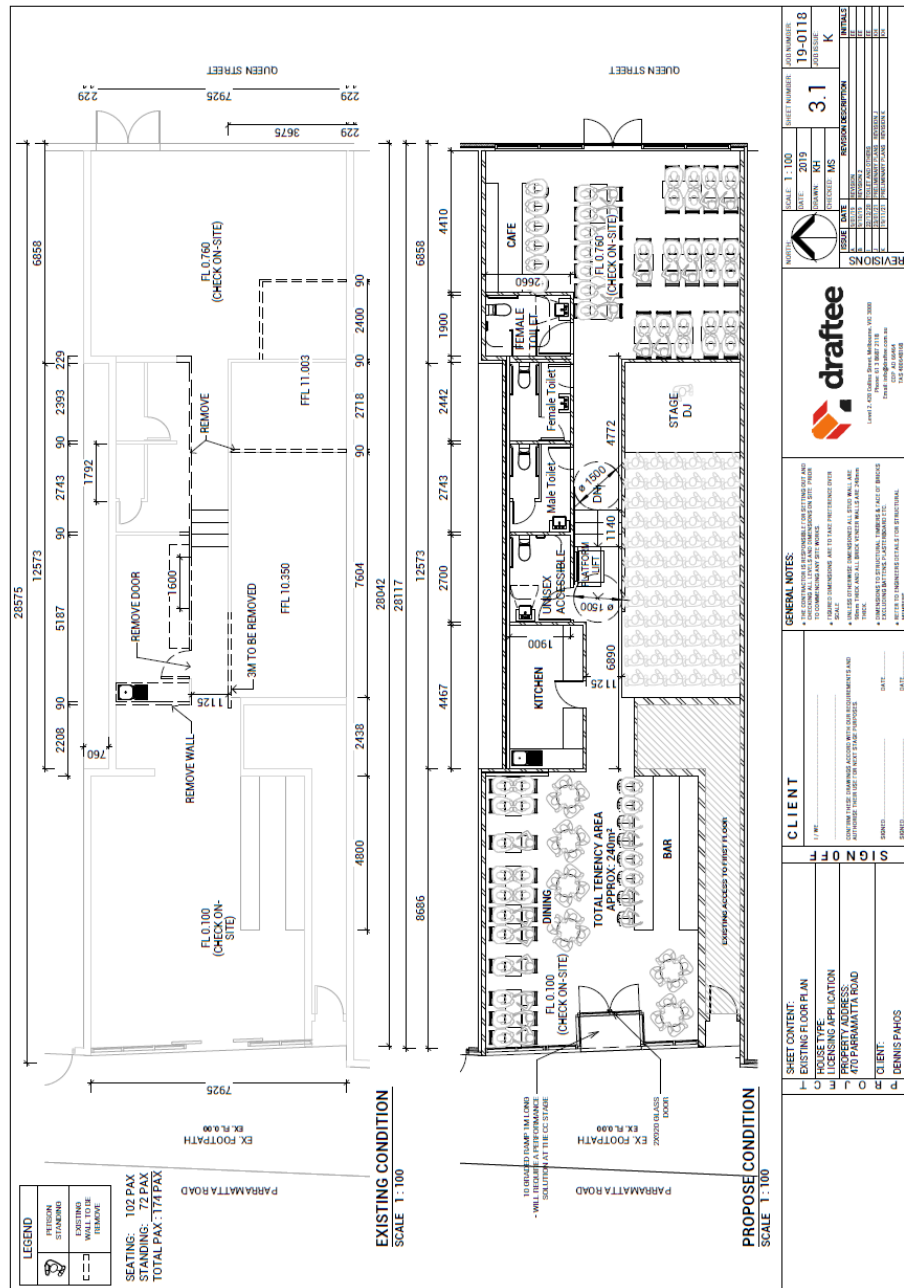
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<p>NOTE: SITE SCRAPE VEGETATION AND PROVIDE LEVEL BUILDING SURFACE TO ACCOMMODATE DOWN SLOPE DRAINAGE AREA TO ACCOMMODATE DOWN SLOPE STEP DOWN.</p> <p>NOTE: AUTHORITY APPROVAL OBTAIN APPROVAL FROM RELEVANT LOCAL AUTHORITY.</p> <p>NOTE: BACK FILL WITH REINFORCED CONCRETE TO STABILISE IT & FILL AWAY FROM DWELLING.</p> <p>NOTE: DRIVEWAY GRADIENT PROVIDE GRADIENT TO MAINTAIN MAXIMUM 1% GRADIENT FROM CROSSOVER TO DRIVEWAY FLOOR.</p> <p>NOTE: TERMITES PROTECTION PROVIDE TERMITES TREATMENT IN ACCORDANCE WITH AS 3602.1</p> <p>NOTE: DRAINAGE REQUIREMENTS 1. SITE DRAINAGE REQUIREMENTS SHALL BE COMPLIED WITH AS 3602.1-2017 RESIDENTIAL SLABS & FOOTINGS, AS 3602.1-2017 DRAINAGE AND DRAINAGE CODE. 2. DRAINAGE SHALL BE INSTALLED AWAY FROM FOOTING MINIMUM FALL 1:200. 3. TEMPORARY CONCRETE CONNECTED TO INSTALLED UPON COMPLETION OF THE 4. BASE OF CUT GRADED TO SLOPE (1:200) TO PROVIDE DRAINAGE TO SLOPE TO REMOVED SURFACE WATER AWAY FROM FOOTINGS. 5. DESIGN OF SITE & DRAINAGE DRAINAGE CONTRACTOR. 6. DRAINAGE AND DRAINAGE TREATMENT SHALL BE COMPLIED WITH RELEVANT AUTHORITIES OF SITE DRAINAGE AND DRAINAGE REQUIREMENTS SHALL BE APPROVED BY THE DRAINAGE CONTRACTOR.</p>	<p>LEGEND</p> <ul style="list-style-type: none"> - GAS METER - HOT WATER SYSTEM - METER BOX - TITLE PEG - SEWER VENT I/S - TELSTRA PIT - TREE - STREET SIGN - SEWER MANHOLE - ELECT. POLE - SIDE ENTRY PIT - WATER VALVE - SW PROPERTY INLET - WATER METER - STORM WATER PIT - TEM - HABITABLE ROOM WINDOW - SIGN STAMPED ON CONCRETE KERB - NON-HABITABLE ROOM WINDOW - PROPOSED FENCE - EXISTING FENCE - SEWER PIPE - STORM WATER PIPE - EASEMENT - SILT PIT - AG DRAIN - RETAINING WALL 	<p>NOTE: BOUNDARY PEGS 1. BOUNDARY PEGS SHALL BE COMPLIED WITH AS 3602.1-2017 RESIDENTIAL SLABS & FOOTINGS, AS 3602.1-2017 DRAINAGE AND DRAINAGE CODE. 2. DRAINAGE SHALL BE INSTALLED AWAY FROM FOOTING MINIMUM FALL 1:200. 3. TEMPORARY CONCRETE CONNECTED TO INSTALLED UPON COMPLETION OF THE 4. BASE OF CUT GRADED TO SLOPE (1:200) TO PROVIDE DRAINAGE TO SLOPE TO REMOVED SURFACE WATER AWAY FROM FOOTINGS. 5. DESIGN OF SITE & DRAINAGE DRAINAGE CONTRACTOR. 6. DRAINAGE AND DRAINAGE TREATMENT SHALL BE COMPLIED WITH RELEVANT AUTHORITIES OF SITE DRAINAGE AND DRAINAGE REQUIREMENTS SHALL BE APPROVED BY THE DRAINAGE CONTRACTOR.</p>	<p>NOTE: BOUNDARY WALLS 1. WALL ON DRAINAGE CONTRACTOR SHALL BE COMPLIED WITH AS 3602.1-2017 RESIDENTIAL SLABS & FOOTINGS, AS 3602.1-2017 DRAINAGE AND DRAINAGE CODE. 2. DRAINAGE SHALL BE INSTALLED AWAY FROM FOOTING MINIMUM FALL 1:200. 3. TEMPORARY CONCRETE CONNECTED TO INSTALLED UPON COMPLETION OF THE 4. BASE OF CUT GRADED TO SLOPE (1:200) TO PROVIDE DRAINAGE TO SLOPE TO REMOVED SURFACE WATER AWAY FROM FOOTINGS. 5. DESIGN OF SITE & DRAINAGE DRAINAGE CONTRACTOR. 6. DRAINAGE AND DRAINAGE TREATMENT SHALL BE COMPLIED WITH RELEVANT AUTHORITIES OF SITE DRAINAGE AND DRAINAGE REQUIREMENTS SHALL BE APPROVED BY THE DRAINAGE CONTRACTOR.</p>									
<p>STREET NEIGHBORHOOD (EXISTING CONDITION) SCALE 1:200</p>				<p>STREET NEIGHBORHOOD (PROPOSED CONDITION) SCALE 1:200</p>	<p>CLIENT Louise Thom Heritage</p> <p>SIGN OFF DATE: 08/11/2022</p> <p>GENERAL NOTES 1. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 2. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 3. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 4. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 5. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 6. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 7. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 8. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 9. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING. 10. THE PROPOSED DEVELOPMENT IS A REPAIR AND MAINTENANCE OF THE EXISTING BUILDING.</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>19-01-18</td> <td>ISSUED FOR PERMIT</td> </tr> </tbody> </table> <p>PROJECT INFORMATION</p> <p>PROJECT NAME: 470 PARRAMATTA ROAD, PETERSHAM</p> <p>PROJECT ADDRESS: 470 PARRAMATTA ROAD, PETERSHAM</p> <p>PROJECT NUMBER: 2.1</p> <p>PROJECT DATE: 19-01-18</p> <p>PROJECT STATUS: K</p>	NO.	DATE	DESCRIPTION	1	19-01-18	ISSUED FOR PERMIT
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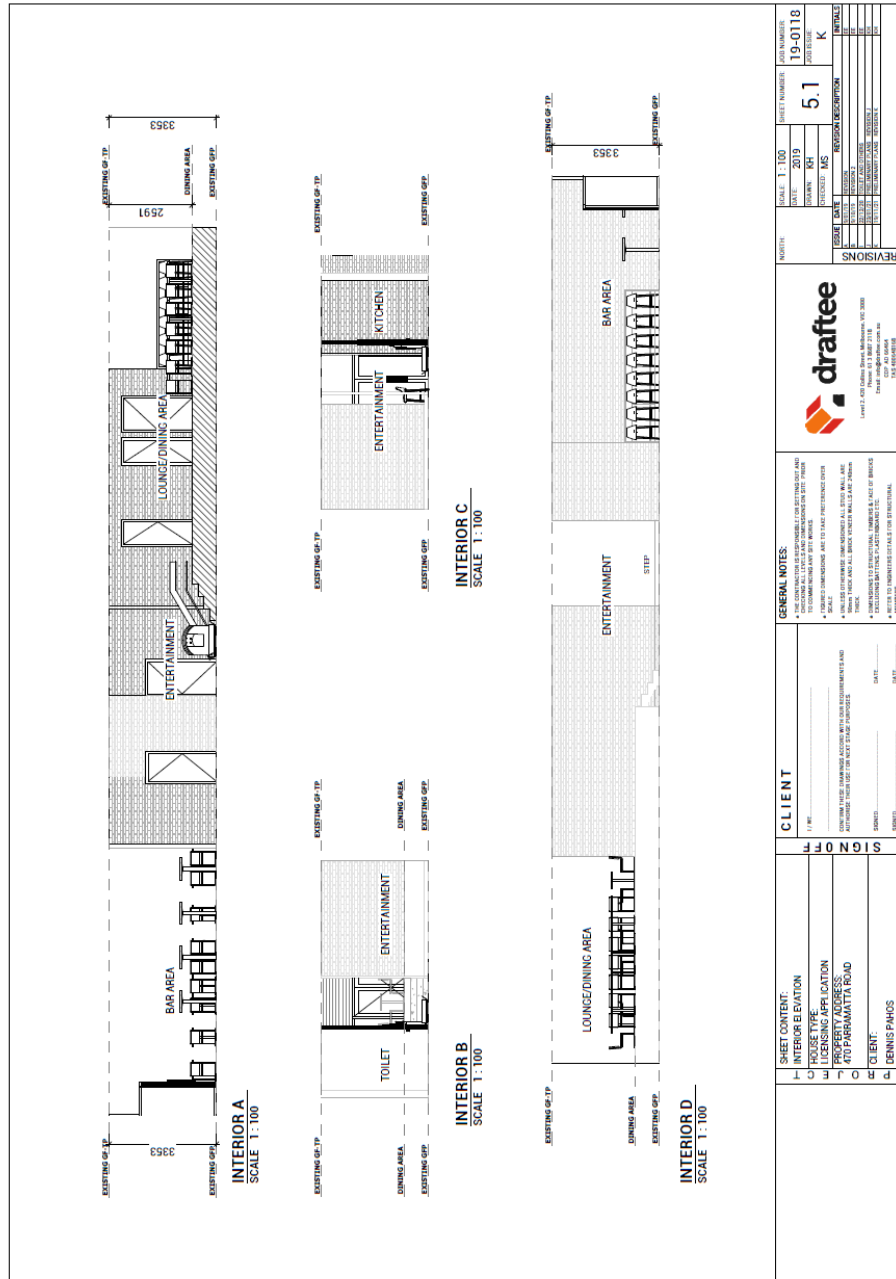
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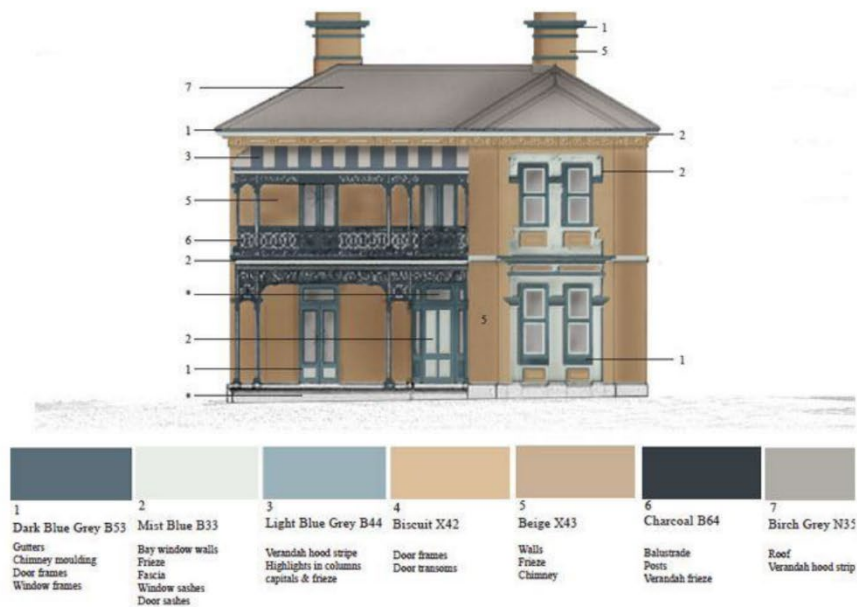
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Appendix Two – Victorian colour palette

HIGH VICTORIAN 1880 - 1890



Notes:

- * All colour selections based on Australian Standards Colour Samples Chart AS2700 - 2011
- * Leadlight was frequently found in the upper portion of the front door.