




 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	MOD/2023/0128
<b>Address</b>	198-200 Norton Street LEICHHARDT NSW 2040
<b>Proposal</b>	Development Application - Modification to original restaurant approval to allow additional late night trading hours
<b>Date of Lodgement</b>	18 May 2023
<b>Applicant</b>	Masrur Ali
<b>Owner</b>	Mr Giuseppe Farsaci Mrs Marian Farsaci
<b>Number of Submissions</b>	28
<b>Value of works</b>	\$40,000.00
<b>Reason for determination at Planning Panel</b>	Number of submissions
<b>Main Issues</b>	Noise Hours of Operation Parking
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended modified conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Original Notice of Determination DA.396/94
<b>Attachment D</b>	Plan of Management
<b>Attachment E</b>	Acoustic Report
	
<b>LOCALITY MAP</b>	
Subject Site	
Notified Area	
Objectors	
Supporters	
Note: Two (2) objections did not provide an identifiable residential address.	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for Modification to DA.396/94 to allow additional late night trading hours for the original restaurant approval at 198-200 Norton Street LEICHHARDT.

The application was notified to surrounding properties and 28 registered submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Hours of Operation
- Noise (venue & public arena)
- Use (pseudo night club)
- Parking

The hours of operation sought, being until midnight, Sunday to Thursday and 2:00am (the following day) Friday and Saturday are not supported. However, Sunday trading until 10pm is recommended in addition to an additional 30mins above the existing hours from Monday to Saturday (until 11:30pm). The reason for this recommendation is in response to objections raised, the location of the premises, the residential surrounding locale and lack of support from NSW Police.

## 2. Proposal

The proposal seeks to modify the last known consent on the premises being, DA.396/94 which approved a restaurant & coffee shop (defined under the Inner West Local Environmental Plan 2022 (IWLEP) as Food & Drink Premises) on 9 December 1994. The modification proposes to change the trading hours under condition 1 of the original consent:

From

- Monday to Saturday: 9:00am – 11:00pm
- Sunday: No trading

To

- Monday to Thursday: 9:00am till Midnight
- Friday and Saturday: 9:00am till 2:00am (the following day)
- Sunday: 9:00am till Midnight

There are no building works proposed as part of this modification application.

## 3. Site Description

The subject site is located on the western side of Norton Street, between Allen and Macauley Streets. The site consists of Lot 3 & 4 DP 32300, is rectangular in shape and is located within the E1 Local Centre and is located as part of a row of commercial premises legally described as 198-200 Norton Street LEICHHARDT NSW 2040.

The site has a frontage to Norton Street and rear lane access to an un-named lane. Due to the fall of the land, the building has single storey presentation to Norton Street and double storey presentation to the unnamed lane, being the lower part basement level.

The site supports a commercial premises with access to a lower part basement level with vehicle access and on-site parking to the lane. The premises is located within a heritage conservation area. The property is identified as a flood prone lot.

It is noted that on inspection, the nominated basement parking area had been modified without consent to cold and dry food storage and food manufacturing rather than parking. This is being dealt with by Councils Compliance Section. The site is located outside the Leichhardt Development Control Plan 2013 – Late night trading area, see figure 2.

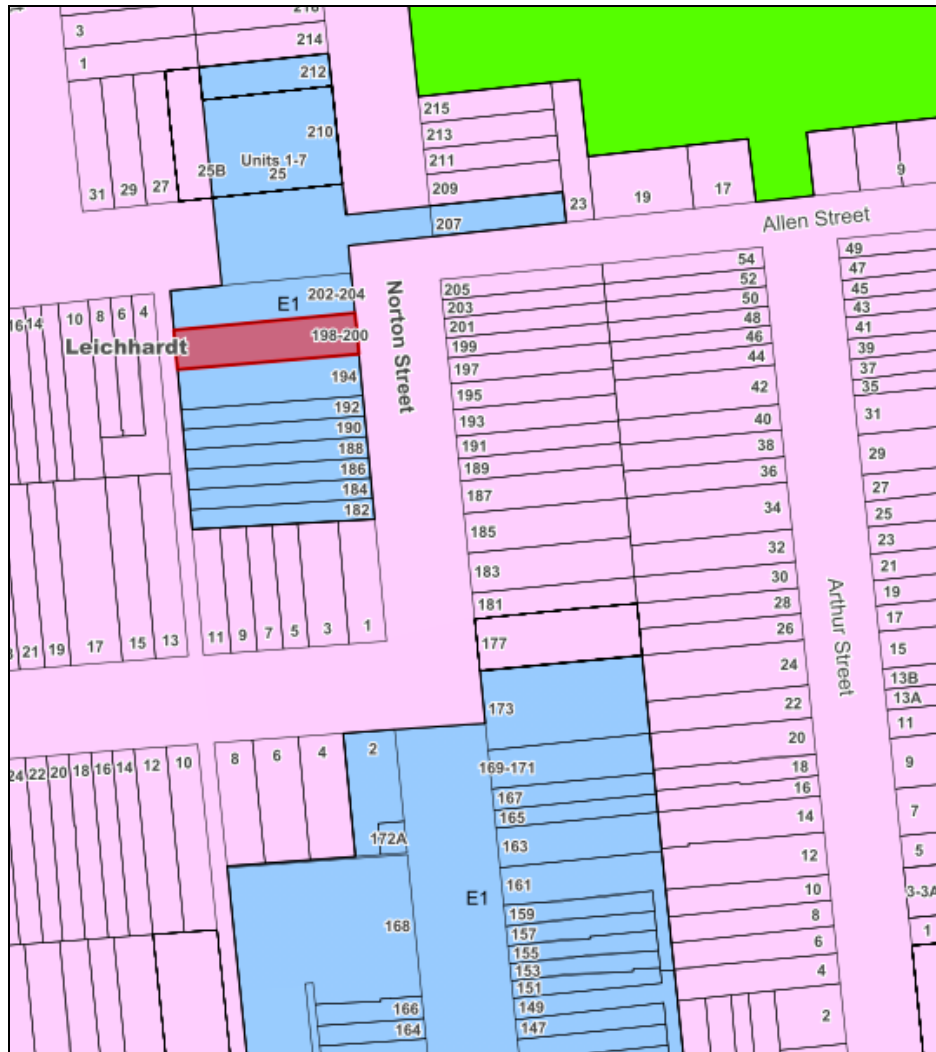


Figure 1 – IWLEP 2020 - Zoning Map, subject site in red



Figure 2 - LDCP2013 - Late Night Trading Area shown hatched, subject site in red

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
DA369/94	Change of use from Gymnasium to Restaurant & Coffee Shop	Approved 9 December 1994
CDC/2023/0051	Complying Development Certificate - Council - Revised Non-structural layout and use of basement for cold room storage and preparation.	Under Assessment

**Adjoining Restaurant trading hours**

Address	Name	Trading Hours (Weekend Friday and Saturday only)
186 Norton Street	Il Cugino Pizzeria	Friday and Saturday 12:00pm till 9:00pm
171 Norton Street	Bar Italia	Friday & Saturday 8:00am till 11:00pm
172 Norton Street	Homykai	Friday & Saturday 5:30pm till 10:00pm
165 Norton Street	Café Jolly	Friday to Sunday 8:30am to 10:00pm
163 Norton Street	Aperitivo	Friday & Saturday 5:00pm till 10:30pm
159 Norton Street	Capricco Osteria	Friday 4:00pm till 10:00pm Saturday 12:00pm till 10:00pm

**4(b) Application history**

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

Date	Discussion / Letter / Additional Information
22/5/2023	Application lodged and accepted with payment
31/05/2023	Site inspection
21/06/2023	Discussion with Planning, Compliance & Fire re issues identified from site meeting pertaining to fire exit & unauthorised use of basement parking area. Resolution with Fire – Compliance after required modifications Resolution with Compliance – Matter to be addressed under subsequent Building Information Certificate and Development Application - Pending
12/7/2023	The applicant applied for and was granted a liquor licence – on-premises licence subject to conditions – Licence reference LIQO660037317 by Independent Liquor & Gaming Authority

**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) Section 4.55(2) Modification**

Section 4.55(2) of the EPA Act 1979 allows a consent authority to modify a development consent granted by it, if:

- “(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or

- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”

In considering the above:

- Although there are a of number allegations that the premises are being used as a pseudo night club and complaints regarding the consumption of shisha (Smoking) inside the premises, the essence of the operation is food and drink premises, restaurant and café therefore Council is satisfied the development as modified is substantially the same as the original consent.
- The proposed modifications generally retain the approved envelope of the building
- The balance of the proposed modifications will not result in any adverse amenity impacts to neighbouring properties subject to the imposition of appropriate conditions.
- The environmental and streetscape impacts are minimal as discussed elsewhere in the report, subject to conditions
- The proposed modification does not require concurrence or GTA from any approval body.
- The application was notified to surrounding properties, including those who made a submission against the original application sought to be modified, where identifiable.

## 5(b) 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 (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

### 5(b)(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(b)(ii) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

**5(b)(iii) Inner West Local Environmental Plan 2022 (IWLEP 2022)**

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 5.3 – Development near zone boundaries
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned E1 Local Centre under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

The modified development is permitted with consent within the land use table. The development is consistent with the objectives of the E1 zone.

Section 4 Principal Development Standards

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

Standard	Proposal	Complies
<b>Floor Space Ratio</b> Maximum permissible: 1:1 or 414.8sqm	0.75:1 or 309.7sqm (unchanged)	Yes

It is noted that the result of the site inspection on 31 May 2023 the basement carpark identified on the submitted plans for 8 vehicle parking spaces (tandem) had been converted to wet & dry store and food manufacturing which would constitute additional gross floor area. The matter is currently under investigation at the time of writing this report (CDC/2023/0051). The unauthorised floor area change does not constitute part of this application and would be required to be dealt with a separate future application. Given no works are proposed under this application, no plans will be stamped as part of any consent.

5(c) Draft Environmental Planning Instruments

N/A

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013

The following provides discussion of the relevant issues:

LDCP2013	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Yes
<b>Part C</b>	
C1.1 Site and Context Analysis	Yes – No change
C1.4 Heritage Conservation Areas and Heritage Items	Yes – No change
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.10 Equity of Access and Mobility	Yes - No change
C1.11 Parking	Yes – no change - see discussion
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Yes - No change
C1.18 Laneways	Yes – No change
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.3.5 Leichhardt Commercial Distinctive Neighbourhood Norton Street - Centro Sub Area – Section C2.2.3.5(c)	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	<b>N/A</b>
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	No – see discussion
C4.6 Shopfronts	Yes
C4.11 Licenced Premises	No – see discussion



<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	N/A
D2.4 Non-Residential Development	Yes
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.7 Wastewater Management	Yes
<b>Part F: Food</b>	N/A
<b>Part G: Site Specific Controls</b>	N/A

The following provides discussion of the relevant issues:

C1.11 Parking

An inspection of the premises by Council staff during the assessment revealed that the basement parking for 8 vehicles required under the existing consent were not operational. The matter of the unauthorised use is yet to be determined and is subject of an ongoing investigation and subject to a CDC application under assessment (CDC/2023/0051). As such, there is no parking changes proposed under this application and the current required number of spaces is compliant.

C4.1 Objectives for Non-Residential Zones

It is considered that the granting of extended hours, specifically late-night trading hours for the restaurant will not meet the objectives of the clause when assessing the location and operation of the premises located adjacent to residential zones, feedback from community, NSW Police and Council Compliance and Health Sections response. It is considered that the following objectives are not met:

- O5 - To enhance the capacity of the community to meet future changes in resource availability, climate, social, economic and environmental conditions by supporting main street centres which are the focus of the community.*
- O8 - To achieve an appropriate balance between promoting economic prosperity and protecting established residential amenity.*
- O9 - To achieve a high quality urban environment where buildings make a positive contribution to the function and visual quality of the public domain and streetscape.*
- O10 - To ensure a sensitive transition to adjoining residential areas at zoning boundaries.*

The Plan of Management submitted with the application, specifically Sections 6.17 Amenity of Neighbourhood and Behaviour of Patrons and Section 6.19 Noise, cannot be relied upon due to the issuing of a liquor license during the assessment process which contradicts the POM, and inconsistencies of the Acoustic Report outlined further in this report. As such

Council cannot be satisfied that the extended hours proposed will result in a development that meets the above objectives.

#### C4.5 Interface Amenity

The subject site is approved as a restaurant and café located in the E1 Local Centre Zone. The premises is outside of the Late-Night Trading Area as shown in Figure 2 earlier in this report (Appendix F LDCP2013) nor is it located in a recognised shopping street under C1.11.7 of the LDCP2013.

Matters relating to patron behaviour, noise from the venue, amplified music, proposed hours of operation, and non-compliance with the approved operating hours, in addition to noise complaints to Inner West Council and NSW Police are matters relevant for consideration when assessing an application under the objectives and controls under this part.

An external referral from NSW Police objects to the extension of trading hours and identified concern over behavioural issues and on-going noise complaints pertinent to the restaurant operating outside of the approved hours on Friday and Saturday until 2am (the following morning of the days trade).

Due to the close proximity of adjoining residential zone and objections from neighbours in relation to noise (music) from the venue and its patrons (waiting, entering and exiting the venue) and the alleged use of the restaurant as a night club, NSW Police considers the venue is not operating solely as a restaurant, by definition, and has been found not to be operating in accordance with the existing consent. Given the above it is not considered that the development meets objective O1 as it would result in unreasonable noise and nuisance to the surrounding area.

#### C4.11 Licenced Premises

During the assessment of this application the applicant was granted a on-premises liquor licence granted on the 12 July 2023 by Independent Liquor & Gaming Authority with conditions to comply with *Smoke Free Environment Act 2000*.

Council considers the following hours of operation to be imposed by way of condition to ensure that the 198-200 Norton Street operates as a restaurant that is appropriate for its locale.

As mentioned under C4.5, NSW Police have concern of the premises trading as late night hours. NSW Police provided a submission in response to the application and raised concern if Council were to support the extended late night trading houses due to ongoing complaints of noise from the venue

Councils internal Environmental Health Officer assessed the acoustic report prepared by Acoustic Noise & Vibration Solutions P/L dated 28 April 2023 and concluded that the report appears to be confused as to what sound was being assessed and what is permitted for the business to comply with noise criteria. Council officers inspected and found that amplified music and a DJ were in operation. Commentary regarding noise reduction through the glass façade is unfounded. It was also advised that the acoustic report failed to provide assessment in regard to the amplified music on the site in operation and that the acoustic report appears conflicted. As such the acoustic report was insufficient for Council to support the extended hours proposed.

Council has received numerous complaints in relation to the premises trading outside their current approved hours, which is further informed by evidence advertised on their website

and social media of longer hours. The operator of the restaurant has been investigated by Councils Compliance Section due to operating outside their approved hours and noise. This results in Council not being confident or satisfied that the late hours being requested would be adhered to if supported.

It is considered that the objectives under this section are considered not able to be achieved if late night hours were supported by Council, as the premises has not demonstrated in the documentation provided nor the current operation that they are capable of meeting the following:

*O1 To ensure that development, including the cumulative impact of development:*

- a. is compatible with the distinct village character of the area's centres;*
- b. is of a scale, form and design that is compatible with the character of the neighbourhood;*
- c. ensures a high level of safety and security;*
- d. does not have significant adverse amenity impacts on the neighbourhood, considering:*
  - i. location and context of the premises, including proximity to sensitive and residential land uses;*
  - ii. primary and secondary uses of the premises and the proposed hours of operation;*
  - iii. surrounding business uses and the predominant business hours of the area;*
  - iv. size and capacity of the premises;*
  - v. operation of the premises during day time hours;*
  - vi. strength of the plan of management and its ability to manage potential impacts on surrounding areas;*
  - vii. safety, security and crime prevention measures; and*
  - viii. public transport arrangements.*
- e. ensures large venues are not concentrated; and*
- f. provides for the development of innovative small bars in appropriate locations that enhance the area's vibrancy and night-time economy and promote the area's centres as unique, innovative, culturally diverse and low impact entertainment destinations of choice..*

Control C5 allows for trading 8:00am to 10:00pm, with hours outside of this considered on merit. Control C8 allows for later trading on Thursday, Friday and Saturday night where it is demonstrated that the hours will not have an adverse impact on the amenity of the surrounding area. Given the information outlined in this report, it is considered that Council cannot support trading until Midnight (Monday-Thursday) or 2:00am (Friday and Saturday) as proposed and that the following hours are more suitable given the site history, objections, internal and external referral comments, and lack of adequate acoustic report.

- **Monday to Saturday – 9:00am till 11:30pm.**
- **Sunday – 9:00am till 10:00pm** (Cease service of food & Alcohol 30 mins prior)

This condition will ensure the objectives and controls of the clause are met, whilst allowing the operator to trade for an additional 30 mins and trade on Sunday in line with similar surrounding uses.

### 5(e) The Likely Impacts

The assessment of the modification application demonstrates that the requested hours would have detrimental impacts on the amenity of the surrounding area, subject to the recommended reduced hours, the proposal will have minimal impact in the locality.

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

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

### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 28 registered submissions were received in response to the notification. Elimination of duplicated submissions results in the total number of submissions being 17, the sentiment as follows:

- 1 in support
- 16 in objection

The objections raised the following issues which have been discussed earlier in Section 5d) of this report:

- Hours of operation (7 days a week and 2am trading Friday & Saturday)
- Parking
- Noise (Patron noise when smoking, leaving, or waiting for pick up on street, patron, and operational noise when bifold doors open, hotted up cars on street)
- Noise (From restaurant – drums, patrons, amplified music, and DJ)

The following objections have been raised which are discussed below:

- Alcohol consumption surrounding venue
- Smoking of Shisha (unregulated)
- Trading outside approved hours
- Trading as a pseudo night club
- Pedestrian safety, proximity to zebra crossing

The consumption of alcohol outside the venue should be greatly decreased with the granting of an on-licence liquor licence by the Liquor and Gaming Authority

The matter of smoking on the premises is outside of Councils jurisdiction. The condition of the liquor licence and the requirement for the operator to abide by the Smoke Free Environment Act 2000.

Trading outside the hour's operation is being dealt with councils Compliance Section. The formalisation of modified hours should reduce non-compliance.

The recommended hours of operation should curb the matter of the venue operating as a pseudo night club

The concerns in relation to the nearby zebra crossing pedestrian safety should be adequately addressed by the limitation on trading hours.

#### 5(h) The Public Interest

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

The proposal is not contrary to the public interest subject to the recommended conditions.

## 6 Referrals

#### 6(a) Internal

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

- Health – not supported
- Development Engineer - supported

#### 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.

- NSW Police – not supported

## 7. Section 7.11 Contributions/7.12 Levy

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

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022 and Leichhardt Development Control Plan 2013*.

The development as modified to reduce the extended trading hours sought will not result in any significant impacts on the amenity of the adjoining premises and properties and is considered to be in the public interest.

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

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to approve Application No. MOD/2023/0128 for Development Application DA.396/94 Modification to original restaurant approval to allow additional trading hours at 198-200 Norton Street, Leichhardt subject to the conditions listed in Attachment A below.

## Attachment A – Recommended modified conditions of consent

### Attachment A – Recommended modified conditions of consent

Condition 1 to be amended as follows

~~4. The premise shall be open for business between the hours of 9 a.m. to 11 p.m. Monday to Saturday inclusive and shall not be open for business on Sunday~~

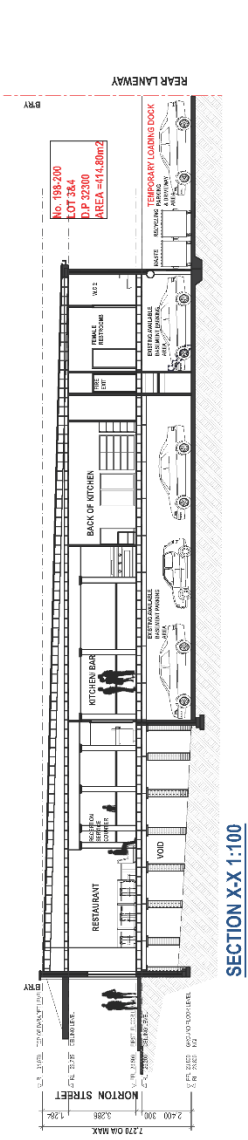
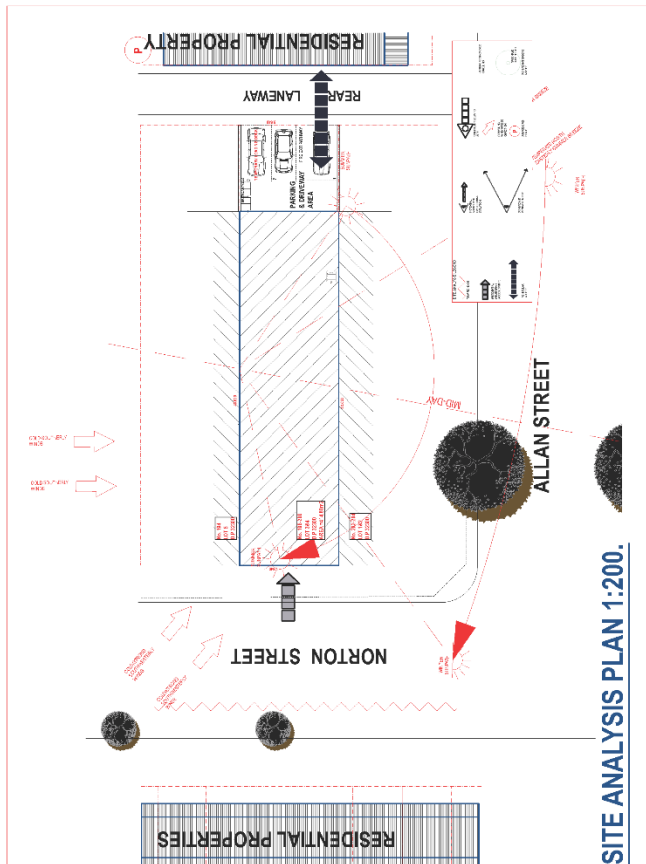
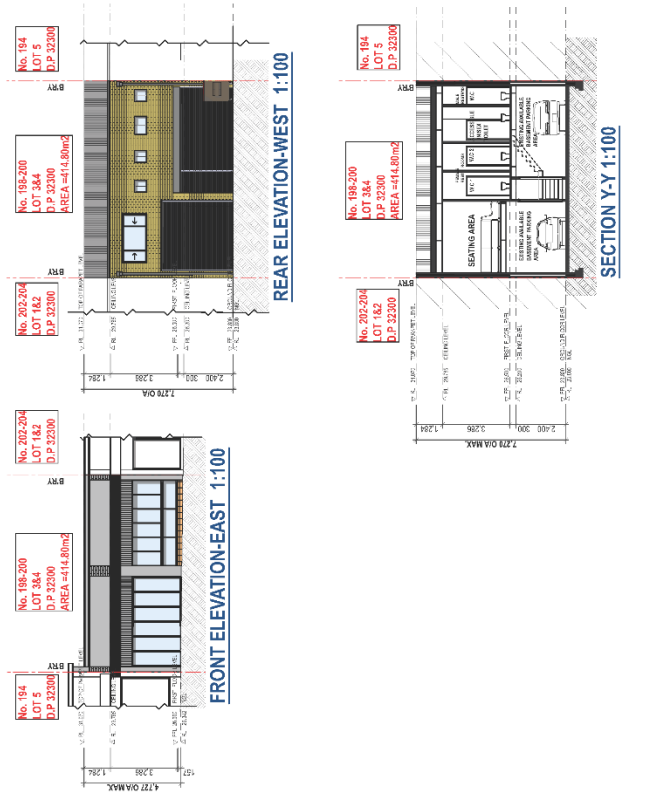
1. The hours of operation of the premises must not exceed the following:

Restaurant	Hours
Monday to Saturday	9am till 11:30pm
Sunday	9am till 10:00pm

Service is to cease 30 minutes before ceasing of trading hours

*(Amended by the IWLPP– MOD/2023/0128 - 12/09/2023)*

Attachment B – Plans of submitted with application



- CONSTRUCTION MATERIALS OF EXISTING BUILDING:**
- ROOF CONSTRUCTION: METAL DECK ROOF-FALL TO THE REAR
  - WALL CONSTRUCTION: EXISTING WALL CONSTRUCTION = EXTERNAL WALLS - 270mm CAVITY BRICK WALLS. INTERNAL WALLS = 100mm TIMBER FRAMED WALLS.
  - FLOOR CONSTRUCTION: EXISTING CASERITE FLOOR LEVEL - BCG SLAB ON GROUND. PROPOSED GROUND FLOOR - PART TIMBER FRAME FLOOR.
  - WINDOWS & SHOP FRONT DOOR: ALUMINIUM FRAME

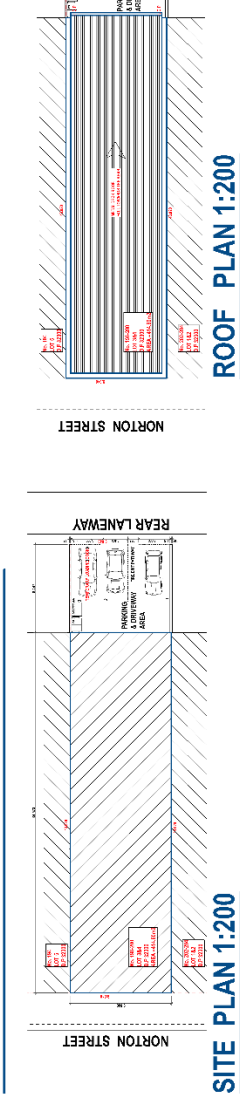
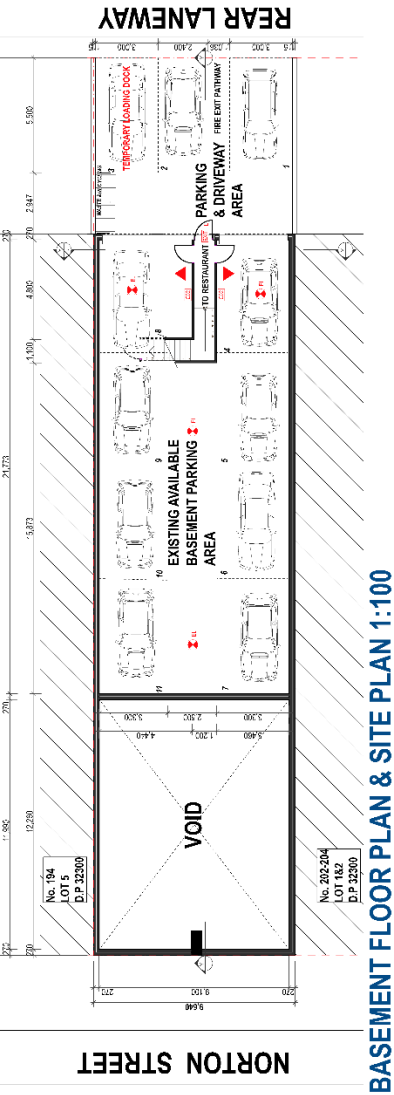
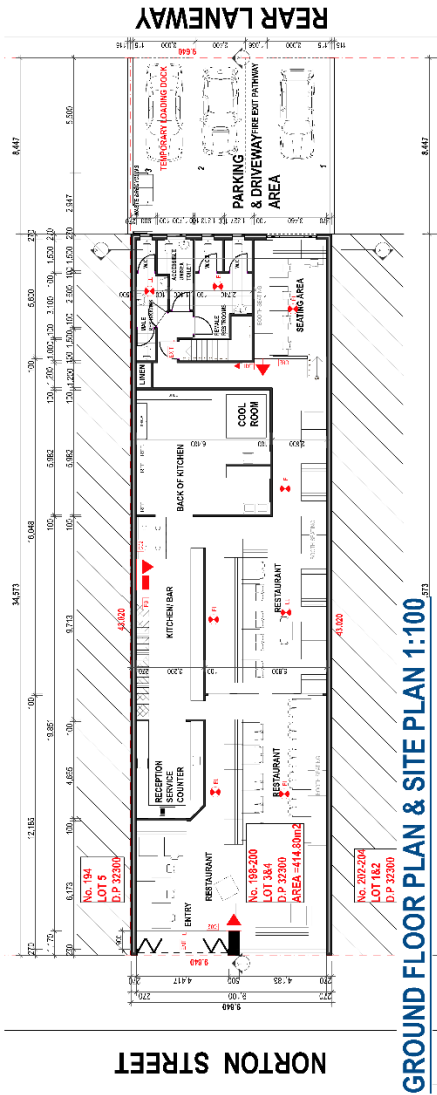
<b>NOTES:</b> 1. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2018 AND THE NSW BUILDING ACT 2016. 2. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2018 AND THE NSW BUILDING ACT 2016. 3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2018 AND THE NSW BUILDING ACT 2016. 4. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2018 AND THE NSW BUILDING ACT 2016. 5. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2018 AND THE NSW BUILDING ACT 2016.	<b>MR. MASRUR ALI</b> 188-200 NORTON STREET LEICHHARDT NSW C. 9411	<b>INDICATIONS TO THE DAYS &amp; HOURS OF OPERATIONS OF EXISTING RESTAURANT:</b> From 188-200 NORTON STREET LEICHHARDT	<b>SITE ANALYSIS PLAN/ELEVATIONS &amp; SECTIONS:</b> 323-131 project drawing no. A Issue drawing no. 20202
This drawing is issued upon the condition that it not be copied, reproduced, loaned or disclosed to any other party without the prior written consent of the author.	<b>188-200 NORTON STREET LEICHHARDT</b>	<b>Accreditation No. 6447</b>	<b>Tr-N</b>
77462/20	54 55/54, 54/55/54	<b>Ergo Designs P/L</b> building designers and consultants 133/33-35 Spring Street, Sydney, NSW 2000 1300 654 554	<b>bdaa</b> ACCREDITED



**SCHEDULE OF EXISTING & PROPOSED ESSENTIAL SERVICES**  
As shown on drawings as approved by this council consent

ESSENTIAL SERVICE	PLAN SYMBOL	STANDARD OF PERFORMANCE	COMPLIANCE ASSESSMENT
FIRE SAFETY	AS 1939	AS 1939	AS 1939
WATER SUPPLY	AS 1939	AS 1939	AS 1939
WASTE DISPOSAL	AS 1939	AS 1939	AS 1939
VENTILATION	AS 1939	AS 1939	AS 1939
ACoustic	AS 1939	AS 1939	AS 1939
DISPOSAL OF SOLID WASTE	AS 1939	AS 1939	AS 1939
WATER SUPPLY	AS 1939	AS 1939	AS 1939
WASTE DISPOSAL	AS 1939	AS 1939	AS 1939
VENTILATION	AS 1939	AS 1939	AS 1939
ACoustic	AS 1939	AS 1939	AS 1939
DISPOSAL OF SOLID WASTE	AS 1939	AS 1939	AS 1939

ALL REQUIREMENTS SHALL BE MET BY THE END OF THE PROJECT. THE PROPOSER SHALL PROVIDE EVIDENCE TO THE COUNCIL THAT ALL REQUIREMENTS ARE MET BY THE END OF THE PROJECT. THE PROPOSER SHALL PROVIDE EVIDENCE TO THE COUNCIL THAT ALL REQUIREMENTS ARE MET BY THE END OF THE PROJECT.



**BUILDING CALCULATIONS**

NO	CONTROLS	PROPOSAL
1	AS 1939	AS 1939
2	FEB-11-44.8m <sup>2</sup>	EXISTING FEB-741, 326.7m <sup>2</sup>
3	BLDG-H-HEIGHT MAX = N/A	ACTUAL DWELLING BUILDING HEIGHT = 7.27m
4	AS 1939	AS 1939
5	AS 1939	AS 1939

**Ergo Designs P/L**  
ACCREDITED  
Accreditation No. 4447

**FLOOR PLANS SITE PLAN**  
323-131 A01 A  
Project Drawing No. 4923

**MODIFICATIONS TO THE DAYS & HOURS OF OPERATIONS OF EXISTING RESTAURANT:**  
From 195-200  
LEIGHARDT  
LEIGHARDT

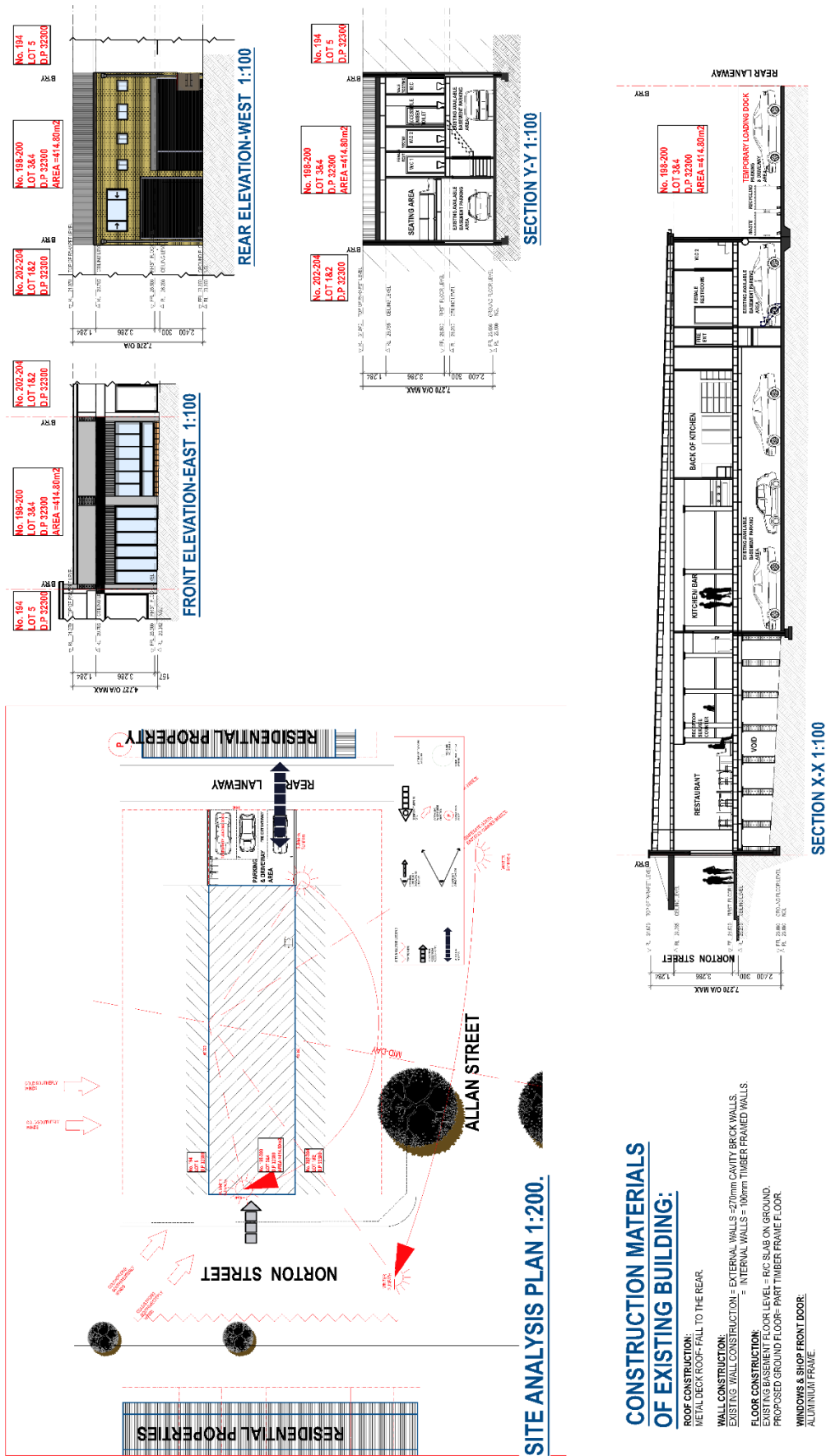
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195-200 NORTON STREET  
LEIGHARDT NSW  
client

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**NOTES:**  
- GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL SERVICES AND UTILITIES PRIOR TO CONSTRUCTION.  
- ALL SERVICES AND UTILITIES TO BE LOCATED AND DEPTH TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.  
- ALL SERVICES AND UTILITIES TO BE LOCATED AND DEPTH TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

**DATE:** 27/04/20  
**SCALE:** 1:100





**MR. MASSRUP ALI**  
 198-200 NORTON STREET  
 LEICHHARDT NSW

**Ergo Designs P/L**  
 ACCREDITED  
 BUILDING DESIGNER  
 Accreditation No. 6667

**INDICATIONS TO THE DATES & HOURS OF OPERATIONS OF EXISTING RESTAURANT:**

page  
**198-200**  
**NORTON STREET**  
**LEICHHARDT**

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NO.	DATE	REVISION	BY	CHKD BY
1	27/04/23	ISSUED FOR PERMIT	REV	MDS
2	14/05/24	ISSUED FOR PERMIT	REV	MDS

**NOTES:**

- 1. EXISTING WALL CONSTRUCTION = EXTERNAL WALLS = 270mm CAVITY BRICK WALLS
- 2. EXISTING WALL CONSTRUCTION = INTERNAL WALLS = 100mm TIMBER FRAMED WALLS
- 3. FLOOR CONSTRUCTION = EXISTING BASEMENT FLOOR LEVEL = R/C SLAB ON GROUND
- 4. PROPOSED GROUND FLOOR = PART TIMBER FRAME FLOOR.
- 5. WINDOWS & SHOP FRONT DOOR: ALUMINIUM FRAME.

**CONSTRUCTION MATERIALS OF EXISTING BUILDING:**


- ROOF CONSTRUCTION: METAL DECK ROOF - FALL TO THE REAR.
- WALL CONSTRUCTION: EXISTING WALL CONSTRUCTION = EXTERNAL WALLS = 270mm CAVITY BRICK WALLS
- INTERNAL WALLS = 100mm TIMBER FRAMED WALLS
- FLOOR CONSTRUCTION: EXISTING BASEMENT FLOOR LEVEL = R/C SLAB ON GROUND
- PROPOSED GROUND FLOOR = PART TIMBER FRAME FLOOR.
- WINDOWS & SHOP FRONT DOOR: ALUMINIUM FRAME.

Attachment C – Original Notice of Determination DA.396/94

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

**Appendix:**

**Original D.A approval letter**

	<p align="center"><b>Leichhardt Council</b></p> <p>Administrative Centre 7-15 Wetherill Street Leichhardt NSW 2040          Telephone: (02) 367 9222 DX: 3914 Annandale Fax: (02) 367 9111</p>	<p>Please address all          Communications to  <b>THE TOWN CLERK</b>          PO BOX 45          LEICHHARDT 2040</p>
---	--	---

D.A. 369/94/S. Kolkia

Phillip Parisi  
 63-65 Pyrmont Bridge Road,  
CAMPERDOWN N.S.W. 2050

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979  
NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION

Pursuant to Section 92 of the Act notice is hereby given of the determination by the consent authority of the development application No. 369/94 to convert gymnasium to restaurant and coffee shop at **198-200 Norton Street, Leichhardt.**

The development application has been determined by granting of consent subject to the conditions specified in this notice.

The conditions of the consent are attached.

The reason for the imposition of the conditions is that Council's decision is relative to town planning considerations and the conditions attached have been imposed to ensure a high standard of development of the site having regard to the effect upon the environment generally.

Notes:

1. To ascertain the date upon which the consent becomes effective refer to section 93 of the Act.
2. To ascertain the extent to which the consent is liable to lapse refer to section 99 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

A. Coker *A. Coker*  
MANAGER TOWN PLANNING

Per: *B-J*

Date: *9 December 1994.*

*Mr Hayes to note  
 Mr Coker to refer to Water Board*

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

CONDITIONS OF CONSENT - D.A. 369/94

- 1 The premises shall be open for business only between the hours of 9 a.m. to 11 p.m. Monday to Saturday inclusive and shall not be open for business on Sunday.
- 2 Provision shall be made within the subject property for eight (8) clearly marked vehicular parking spaces, each to be of minimum dimensions 5.5 x 2.5m.
- 3 Three (3) parking spaces at the rear of 202-204 Norton Street shall be made available for use by patrons of the restaurant and coffee shop during the hours in which these premises are closed for business.
- 4 A notice shall be clearly displayed at the Norton Street frontage to indicate that visitor parking is available within the property with access from the rear lane. X
- 5 Signage is to be placed on the parking spaces at the rear of 202-204 Norton Street to indicate that they are available for use by patrons of the restaurant and coffee shop after 6.00 p.m. The parking area shall be illuminated between the hours of 6 p.m. to 11 p.m. Monday to Saturday. X
- 6 A unisex toilet for disabled persons shall be provided on ground floor in accordance with the requirements of the Building Code of Australia.
- 7 A ramp shall be provided on the Norton Street entry for access by disabled persons. Details to be submitted with the Building Application.
- 8 Any recorded music, live music or other entertainment played or provided within the premises shall be controlled so as to conform with the noise levels determined for the immediate environment to comply with the requirements of the Environmental Noise Control Manual (1985) and the Noise Control Act Regulations.
- 9 The amount of seating provided on the premises shall not exceed 90 seats.
- 10 This approval shall be regarded as being in accordance with the particulars and information set out and described in the Development Application registered in Council's records as D.A. 369/94 of 31.8.94 except where varied by any or all of the attached conditions, and any alterations, variation or extension of the development for which approval is hereby given shall require the further consent of Council.

ADVISORY

- (a) A Certificate of Classification must be obtained from Council before the building is occupied.

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

- (b) The building is classified as Class 6 building (requiring type C construction). The applicant should confer with the District Health and Building Surveyor.
- (c) Detailed plans and specifications of building work are to be submitted to Council for determination in accordance with the building control provisions of the Local Government Act. You are advised to contact the Health and Building Surveyor in this regard prior to commencement of any work.
- (d) The building application shall be accompanied by a list of -
  - (a) The essential services that are currently installed in the building, and
  - (b) The essential services that are to be installed in the building in connection with the proposed structural alteration or change of use.

The list shall describe the extent and capability and the basis of design of each such service.
- (e) When submitting building plans, full details of mechanical ventilation or air conditioning system for use in the building must accompany such plans.
- (f) Toilet facilities to serve the occupants of the completed building are to be provided in accordance with the building control provisions of the Local Government Act. The applicant is advised to discuss this matter with the Health and Building Surveyor in order to determine the number and type of toilet facilities required.
- (g) Compliance with the requirements of Council in relation to:
  - (i) Safety of persons in the building in the event of fire,
  - (ii) prevention of fire,
  - (iii) suppression of fire,
  - (iv) prevention of the spread of fire.

The applicant is to confer with the Health and Building Surveyor prior to the building being occupied for the proposed use.
- (h) The proposed restaurant must be fitted out in accordance with the requirements of the National Code for Food Premises, produced by the Australian Institute of Environmental Health. This particularly applies to the kitchen, dry store room and cold room.
- (i) Full details of the kitchen fit out must be submitted to Council with a building application. Work must not commence on the fit out until approval has been granted.

## Attachment D – Plan of Management

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

# PLAN OF MANAGEMENT:

## 6.00 - OPERATIONAL PLAN OF MANAGEMENT FOR THE RESTAURANT:

### 6.10. Introduction

The purpose of this Plan of Management is to establish performance criteria for various aspects of the operations of the existing approved restaurant at **190-200 Norton Street Leichhardt**.

### 6.11. Key Objectives

The key objectives of the plan are as follows:

- a. To ensure the safety and well being of staff and patrons;
- b. To ensure that quiet and good order of the local environs through minimal disturbance caused by patrons arriving and departing the restaurant / restaurant ;
- c. To ensure compliance with Statutory requirements;

### 6.12 Use of Plan

All staff shall be made familiar with this Plan of Management.

### 6.13 The Proposed Days and Hours of Trade:

The existing hours of operation as they stand are :

Monday	9.00am to 11.00pm
Tuesday	9.00am to 11.00pm
Wednesday	9.00am to 11.00pm
Thursday	9.00am to 11.00pm
Friday	9.00am to 11.00pm
Saturday	9.00am to 11.00pm
Sunday	NO WORK ON SUNDAY

The proposed hours of operation shall be:

Monday	9.00am-12.00am (mid night)
Tuesday	9.00am-12.00am(mid night)
Wednesday	9.00am-12.00am(mid night)
Thursday	9.00am-12.00am(mid night)
Friday	9.00am-2.00am
Saturday	9.00am-2.00am
Sunday	9.00am-12.00am(mid night)

### 6.14. The Number of Patrons and Staff:

- 4 staff members shall be working in the kitchen, patron area and front reception counter area
- **40 patrons** will be seated in the restaurant area – maximum at any given time.

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

#### **6.15 Parking and Servicing Vehicle Access:**

##### ***Staff and Patron Parking***

There is a basement parking area access from the rear lane with a total of 11 parking spaces altogether -4 spaces for staff and the rest for patrons, there is also a generous amount of on-street parking such as James Street public parking off Allen Street around the corner and public transport nearby with a public bus stop at the front of the property.

The restaurant shall make it known to patrons of the availability of public parking locations as well as public transport availability and the specific bus route numbers - through the following means:

- Restaurant Website
- Restaurant social media sites (eg Facebook, Instagram etc)
- Business directory and advertising sites (eg Good Food.com)
- Advertising Leaflets and brochures

The Staff person on the reception counter shall assist on the phone or otherwise the coming patrons with a vehicle in orientating themselves to the parking location and access from the rear.

##### ***Delivery and Waste Disposal***

1. All unloading goods are already and shall continuous to be carried out via the service access lane at the rear,
2. Parking space No 3 shall also be used as a temporary unloading area as well an area to be used by the waste and recycling trucks in both cases before 9.00am otherwise it reverts into a parking area as mentioned above.
3. All goods arriving on site are either delivered into the restaurant by hand through the rear fire exit door or otherwise if they are heavy they are to be transported by a trolley around the front entrance since it is only around the corner.
4. All waste and recycling materials are to be taken to the bins located at the rear -(refer to basement floor plan) via the rear fire exit door which is also to be used as a service door and must be kept clear of goods and should not be used for storage purposes, including garbage storage, this door must be able to be opened from outside so that it is accessible both ways.
5. The size of vehicles servicing the property is limited to small delivery vans, while the waste/recycling trucks are to be small back loading trucks since the bins are also small (1.5m3).
6. Deliveries and waste/recycling disposals to and from the premises shall be restricted to:  
6:00am – 9:00am Monday to Saturday.
7. All wastes shall be stored in approved containers placed inside the premises as shown on the basement level floor plan and mentioned in the waste management plan before being removed for disposal by private contractors twice a week. All in accordance with the Conditions of Consent, all waste collection must be between 6:00am and 9:00am, 6 days per week-NOT ON SUNDAY.
8. The manager shall ensure that the delivery areas are cleaned regularly and maintained to a high standard at all times.
9. 2 x 1.50m3 mobile garbage bins will be used for waste and recycling service as indicated on the architectural plans and are to be picked up directly from garbage storage area and avoid bins left in the required parking space No.3.
10. The waste and recycling bin storage area is to be kept clean and washed regularly to avoid

#### **6.16 Signage:**

All signage are existing as the premises has been in use as a restaurant for over 29 years.

No additional signs, including banners, shall be displayed on the building or its curtilage without prior consent from Council.



Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

### 6.17 Amenity of Neighbourhood & Behaviour of Patrons

The existing restaurant as it has been operating so far -does **NOT** service liquor as a matter of customary and religious principles-therefore, any patrons who may misbehave they are **DEFINITELY NOT DRUNK**, or otherwise they should not relating to this premises as there is a public bus stop at the front of the premises which attract a lot of after hours noisy characters from other venues waiting for public transport.

#### **As a general rule the manager of the restaurant shall:**

- consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the business does not impact adversely on the surrounding area.
- He shall take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the premises do not detrimentally affect the amenity of the neighbourhood.
- The business shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood.
- The business shall establish a procedure to progressively shut down the business, such as ceasing music and increasing lighting to ensure the orderly dispersal of patrons.
- Signs must be places in clearly visible positions within the restaurant requesting patrons upon leaving the premises do so quickly and quietly, having regard to the amenity of the area.

---

**However, since this application is lodged to Council -asking Council's consideration to allow the restaurant to be able to open and operate on Sunday as well to extent the closing down hours mostly by 1 extra hour everyday except for Friday and Saturday by as much as 3 extra hours -as explained above, the manager of the restaurant shall take extra steps for the smooth operation of the business while at the same time not to impact on the neighbouring residential properties especially across the street by doing the following:**

---

In order to further minimise possible noise emanating from the premises and bad behaviour of patrons leaving the premises, he is willing to have a managing (security) staff member outside the premises to politely guide the patrons to their respective vehicles and help them drive off.

Furthermore he wants to be responsible and have:

**Responsible hospitality practices and a set of rules which will relate to this venue in order to be able to help reduce any internal and external noises and bad behaviour emanating from his premises, these rules may include:**

The managing person to be placed in charge of this task -shall inform the menacing patron that:

- He is required by law to move more than 50 metres away from the venue.
- He must not re-enter the 50 metre vicinity within 6 hours.
- He can't return to the venue for at least 24 hours.
- If he fails to comply, he will commit an offence.
- He shall approach individually all or any offending or noise disorderly person and ask him or her to leave the front of the venue with words, not force and if he or she refuses, then there should be arrangements to remove the patron from inside or outside the front of the premises.
- Failing all the above it is the duty of the managing person to call the NSW Police Force as the principal enforcement force to take care of the matters thereafter.
- Finally, the managing person for the good relationship with patrons and at the same time protection of the reputation of the restaurant shall:
  1. Treat the patron right.
  2. Make the process simple and clear.
  3. Make the patron fill right and that he is important.
  4. Suggest a solution and say thank you.

Generally the following rules must be observed at all times during the day throughout the opening days.

- The restaurant managing (security) person and staff shall take all reasonable steps to control the behaviour of patrons as they enter and leave the premises.
- The restaurant managing (security) and staff shall take all reasonable steps to ensure that there is no loitering by persons seeking admittance to the premises in the vicinity of its entrance on Norton Street.
- The restaurant managing (security) and staff shall ensure patrons do not congregate outside the premises or in the entrance / exit ways.
- Signs will be placed in clearly visible positions within the restaurant requesting patrons upon leaving the premises to do so quickly and quietly, having regard to the amenity of the area.
- Persons under the age of 18 years for good behaviour shall be admitted to the premises, only when accompanied by an adult or production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
  - Photo driver's license;
  - RTA proof of age card; or
  - Current passport.

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

#### 6.18 Safe Transport Option

The restaurant shall promote safe transport options.

The restaurant is located within an area that is adequately serviced by bus public transport facilities with a public bus stop at the front of the property.

Furthermore, the area is serviced by taxi cabs at all hours.

To enhance the safety of patrons waiting for taxis, managing (security) officer engaged by the restaurant is to monitor the vicinity of the restaurant.

Staff will also be available to arrange taxis for patrons leaving the restaurant.

Signage will be located at the door to notify patrons that staff can arrange taxis if needed.

#### 6.19 Noise

The noise from the premises shall at all times be within the parameters set down by Council and contained in other regulations.

An acoustic report is also included with the application suggesting solutions around reducing any noise impacts emanating from the premises.

Since the premises is not currently and shall not in the future service any liquor for reasons as mentioned above and therefore does not have to adhere to Liquor Administration Board rules, it may be a good practice to abide by these rules which will include:

- *The LA10 noise level emitted from the premises shall not exceed the background noise in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 9:00am and 12:00 midnight, at the boundary of any affected residence.*
- *The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12:00 midnight and 2:00am, at the boundary of any affected residence.*
- *Notwithstanding compliance with above, the noise from the premises shall not be audible within any habitable rooms in any residential premises between 12:00 midnight and 2:00am.*

The restaurant is to observe these parameters continually, together with the acoustic engineer's report and for double safety an acoustic engineer can verify compliance with the controls, at a subsequent time in the future requested by Council. The restaurant will continue to comply with the standards set out above, and furthermore will not permit noise levels to exceed safe hearing levels within the premises.

#### 6.20 Control on Number of Patrons

- *At all times, the restaurant manager shall ensure that the total numbers of persons present in the restaurant do not exceed the numbers referred to in this operational management plan, without prior application and approval to vary the amount from Council.*
- *The restaurant manager or duty manager shall monitor the number of persons in the premises at all times.*
- *When the numbers of persons in the premises gets to within 10 persons of the maximum permissible number of patrons, the duty manager at that time will ensure that a physical head count of the patrons present is undertaken.*
- *If such a count reveals that there are within 10 persons of the maximum number of patrons on the premises, the duty manager shall assign staff or security personnel to monitor the number of patrons entering and leaving the premises to ensure that the maximum number of persons present (including staff, security personnel and entertainers) does not exceed the maximum.*
- *In addition to the sign showing the restaurant manager's name, there must be affixed alongside, details of the maximum number of patrons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises.*

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

#### **6.21: Security**

The restaurant manager shall require any security personnel employed at the restaurant to:

- be dressed in readily identifiable uniform displaying identification as a security officer and be appropriately;
- fill in a time sheet (start and finish times) which is to be signed by the manager/restaurant manager on duty;
- report to the manager/restaurant manager to obtain a briefing on any specific duties to be addressed on the evening before commencing duty;
- note details of any incidents which require intervention by security personnel within the premises or in the vicinity of the premises in log books (see Security Plan of Management);
- ensure that persons entering the premises are suitably attired in accordance with the restaurant 's dress code which shall require patrons, at least, to be neatly dressed in casual wear, to wear shoes and to be clean;
- prevent any person, detected as intoxicated, entering the premises and bring to notice of the restaurant manager or manager, any person on the premises who might be considered intoxicated;
- prevent patrons leaving the premises with glasses or other opened drinking containers;
- ensure patrons do not loiter or drink outside the premises or adjoining area;
- monitor patron behaviour in, and in the vicinity of, the premises until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons;
- collect any rubbish on the streets that may be associated with the business; and
- co-operate with the Police and any other private security personnel operating in the vicinity of the premises.

The restaurant shall exhibit, on an appropriately located sign on the exterior of the building, a telephone number to which any complaints should be directed.

The restaurant manager shall maintain and record in the Incident Book:

- Any complaints made directly to the management or staff of the restaurant by local residents or business people about the operation of the restaurant or the behaviours of patrons;
- Any visits by any law enforcement personnel noting their agencies, departments, badge numbers, reasons for visits and results of visits.
- The restaurant manager shall make the Incident Book available to Council and the Police at all reasonable times and within 7 days of receipt of a written request from Council to do so.
- The restaurant manager may employ a reputable Security Company for any major events (such as cultural events) to control and monitor entry to premises. Security guards are to be uniformed, licensed and are to carry out their duties in an appropriate manner.

#### **6.22: Opportunistic Theft**

The possibility of opportunistic theft is to be treated seriously by the restaurant management and staff.

The following measures should be put in place to reduce the potential threat.

- A high quality digital CCTV camera system shall be installed in strategic locations around the premises. The surveillance tapes will be kept for a period of 15 days to viewing by the Police upon request.
- Only the approved entry and exist points of the restaurant may be used by patrons. These will be covered by CCTV as well as security personnel.
- Security personnel have a responsibility to the patrons for their care and safe conduct while on the premises. It is important to notify patrons of our pro-active patron care programs. Security should when the opportunity arises inform patrons of the restaurant policies and ask if they can provide any assistance. Signs will be displayed which require patrons to be vigilant with their personal possessions whilst in the premises.

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.

#### **6.23 Drug Management:**

The Management will take substance abuse very seriously and any employee found to be in violation of this policy will be subject to disciplinary action up to and including termination.

Any employee proven to be selling, purchasing, using or in possession of narcotics or other legally controlled substances off premises or during company business will be dismissed.

The duty manager, security and house personnel will always be vigilant for persons taking drugs or trying to enter the premises under the influence of drugs.

Regular patrols of the bar area, toilets and observation of vehicles and patrons near the premises will reduce any opportunity for such action.

The following measures will also reduce the likelihood of persons using illegal substances on the premises:

No floor to ceiling toilet doors are permitted.

There are to be no flat surfaces within the cubicles.

Toilets should be adequately lit to allow observation and detection of hazards, unlawful or disorderly conduct.

Toilets should be regularly cleaned and maintained, particularly during peak periods.

#### **6.24: Maintenance**

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

In addition to Council's daily street sweeping and cleaning operations, the manager shall ensure that the external footpath and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

#### **6.25: Relations with Surrounding Neighbourhood**

The restaurant manager shall make efforts to keep good relations with neighbours and may take the following measures:

- Keep surrounding residential occupants (across Norton Street) and business owners of surrounding commercial premises, advised of key events that may create additional activity with patrons accessing the restaurant (eg. opening night, New Year etc.)
- Keep surrounding residential occupants (across Norton Street) and business owners of surrounding commercial premises, advised of key phone numbers to report any complaints and follow up and inform them of any resolutions
- Consider offering residential occupants (across Norton Street) and business owners of surrounding commercial premises, occasional free or discounted offers (eg. dinners at the restaurant) in compensation of nuisance likely cause by a major event or in relation to complaints.

#### **6.26: Removal of Soft Liquor from the Premises**

The manager shall prevent patrons leaving the premises with liquor in opened containers, glasses or the like.

#### **6.27: Fire Safety Measures:**

The manager shall ensure that all essential services installed at the premises are certified annually and shall ensure that they remain in good working order.

In the event of any malfunctioning of any essential service, the manager shall ensure that it is rectified as quickly as is reasonably possible.

List of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.

All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises.

#### **6.28: House Policy**

The businesses' house policy relating to matters including:

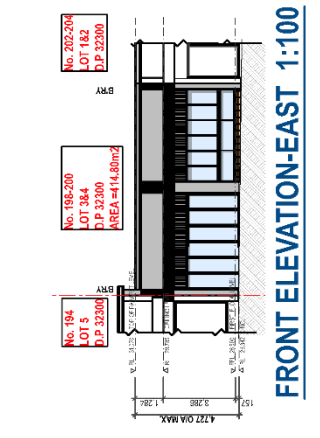
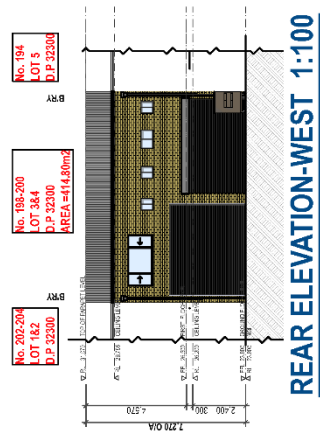
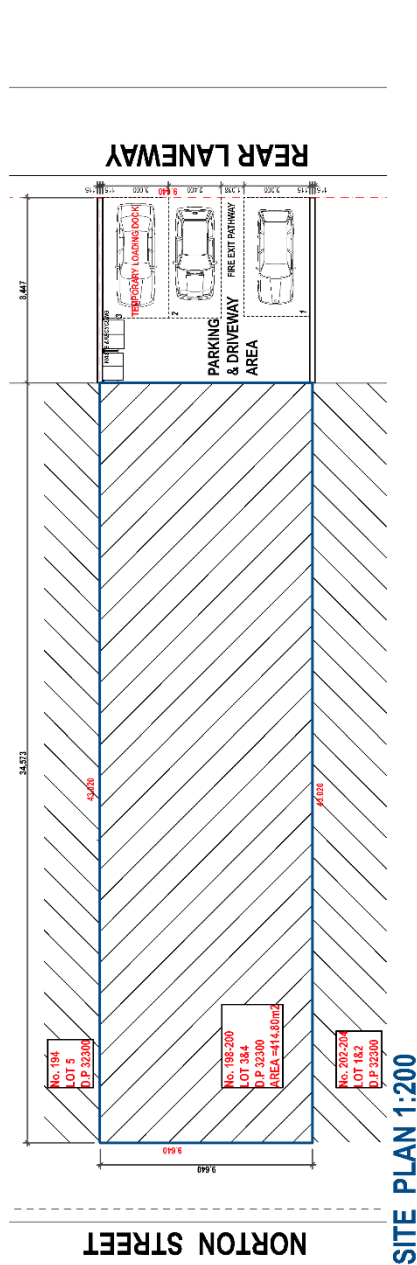
- Dress code
- The responsible service of alcohol
- Harm minimisation
- The admission of minors.

Shall be displayed both within the premises and on a suitable plaque or notice at the entry in to the premises.

#### **6.29: Amendment to this Plan**

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

Extend the day & hours of operation to existing Restaurant @ 198-200 Norton Street Leichhardt.



**NOTES:**

1. This drawing is based on the conditions of the site and is subject to change without notice.
2. All dimensions are in meters unless otherwise stated.
3. The client is responsible for obtaining all necessary approvals.
4. The client is responsible for providing all necessary information.
5. The client is responsible for providing all necessary information.
6. The client is responsible for providing all necessary information.
7. The client is responsible for providing all necessary information.
8. The client is responsible for providing all necessary information.
9. The client is responsible for providing all necessary information.
10. The client is responsible for providing all necessary information.

**MR. MASRUR ALI**  
198-200 NORTON STREET  
LEICHHARDT NSW  
2043

**Ergo Designs P/L**  
10/100 STATION STREET  
LEICHHARDT NSW  
2043  
Accreditation No. 44877

**NEIGHBOUR NOTIFICATION PLANS**  
No. 322-131 A03 A  
Date: 15/05/2023

## Attachment E – Acoustic Report

Acoustical Report – No. 198-200 Norton St, Leichhardt  
Reference No.: 2023-095



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

Suite 9, No. 438 Forest Rd, Hurstville, NSW 2220

ABN: 37 169 392 456

Phone: (02) 9793 1393

Email: info@acousticsolutions.com.au

### *Acoustic Report*

### **For Proposed Extension of Restaurant Hours Of Operation**

### **No. 198-200 Norton St, Leichhardt**

**Prepared By: Domeniki Tsagaris (MIE. Aust), B.E.(UNSW)**

Australian Acoustical Society (Sub).

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

Australian Acoustical Society (Member).

**Date: April 28, 2023**

**Reference No: 2023-095**



Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**DOCUMENT CONTROL**

<i>Date</i>	<i>Revision History</i>	<i>Prepared By</i>	<i>Reviewed and Authorised by</i>
18/04/2023	Initial Report	Domeniki Tsagaris	Moussa Zaioor
28/04/2023	Draft Report	Domeniki Tsagaris	Moussa Zaioor
4.05.2023	Report for DA		Moussa Zaioor

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**TABLE OF CONTENTS**

1.0 CONSULTING BRIEF ..... 4

2.0 SCOPE AND INTRODUCTION..... 4

3.0 NOISE SURVEY, INSTRUMENTATION & RESULTS ..... 5

4.0 ACCEPTABLE NOISE LEVELS ..... 7

4.1 NSW NOISE POLICY FOR INDUSTRY (2017) ..... 7

4.1.1 AMENITY NOISE CRITERIA ..... 8

4.1.2 INTRUSIVENESS NOISE CRITERIA ..... 9

4.1.3 PROJECT NOISE TRIGGER LEVEL ..... 10

4.2 NSW NOISE GUIDE FOR LOCAL GOVERNMENT , POEO & SLEEP  
DISTURBANCE CRITERIA ..... 11

4.3 OFFICE OF LIQUOR & GAMING (OLGR) CRITERION RELATED TO NOISE FROM  
LICENCED HOTELS, CLUBS & RESTAURANTS ..... 12

4.4 NSW ROAD NOISE POLICY - TRAFFIC NOISE GENERATION CRITERIA 13

5.0 PREDICTED NOISE FROM PROPOSED EXTENSION OF RESTAURANT  
OPERATING HOURS ..... 13

5.1 NOISE FROM OPERATIONAL NOISE INSIDE THE PREMISES ..... 13

5.2 vehicular movement noise in/out of the carpark ..... 15

5.3 MECHANICAL PLANT NOISE EMISSION ..... 16

6.0 NOISE CONTROL RECOMMENDATIONS ..... 17

6.1 INDOOR RESTAURANT AREA ..... 17

6.2 OUTDOOR RESTAURANT AREA ..... 17

6.3 Deliveries and Waste Collection ..... 17

6.4 MECHANICAL PLANT OPERATION ..... 17

6.5 MUSIC SOUND LEVELS CONTROL ..... 17

6.6 SIGNS ..... 18

6.7 NOISE MANAGEMENT PLAN ..... 18

7.0 NOISE IMPACT STATEMENT ..... 18

6.0 APPENDIX ..... 20



Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**1.0 CONSULTING BRIEF**

Acoustic, Noise & Vibration Solutions Pty Ltd was engaged to investigate the environmental noise impact on the surrounding environment of the proposed extension of operating hours for the existing Restaurant at No. 198-200 Norton St, Leichhardt as per Inner West Council requirements.

As per our calculations and the acoustical study below, the proposed extension of operating hours is to comply with the requirements of the NSW Noise Policy for Industry (2017), Noise Guide for Local Government, The NSW Office of Liquor, Gaming and Racing (OLGR) and other Inner West Council requirements.

This commission involves the following:

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

**2.0 SCOPE AND INTRODUCTION**

The existing Restaurant is located on No. 198-200 Norton St, Leichhardt (Figure 1 – Site Location) is currently operating from 9:00am – 11:00pm on Mondays to Saturdays. A proposal has been submitted to Council that seeks to extend the Restaurant operating hours to the times listed in Table 2.1 below.

**Table 2.1 –Existing and Proposed Hours of Operation of Restaurant**

DAY	EXISTING HOURS OF OPERATION (RESTAURANT)	PROPOSED HOURS OF OPERATION (RESTAURANT)
Monday to Thursday	9:00am – 11:00 pm	8:00am – 12:00 am
Friday to Saturday	9:00am – 11:00 pm	8:00am – 02:00 am
Sunday	N/A	8:00am – 12:00 am

There are no proposed changes to any other aspects of the existing development, only the hours of operation.

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

The existing site is currently occupied by a one-story commercial building. The site is located in a mixed residential and commercial area with background noise levels dominated by traffic noise arising from Norton St and Allen St, as well as operational noise from the commercial premises located north and south of the subject site (Figure 2 – Surrounding Environment).

The existing Restaurant has a maximum of four (4) staff members and will cater to a total maximum of forty (40) patrons in the indoor Restaurant area at any one time.

The nearest residential receivers that have the potential to be impacted by the proposed extension of operating hours are located as per Table 2.2 below :

**Table 2.2 – Nearest Residential Receivers**

<b>Receiver</b>	<b>Address</b>	<b>Type of Dwelling</b>
<b>R1</b>	No. 201 Norton St, Leichhardt (East of site)	Single-Storey Residential Dwelling
<b>R2</b>	No. 199 Norton St, Leichhardt (East of site)	Single-Storey Residential Dwelling
<b>R3</b>	No. 197 Norton St, Leichhardt (East of site)	Single-Storey Residential Dwelling
<b>R4</b>	No. 4 Allen St, Leichhardt (West of site)	Single-Storey Residential Dwelling

The nearest existing commercial receivers that may be affected by the proposed extension of the Restaurant operating hours are as follows:

- Grinders Coffee Roasters, North of the site at No. 204 Norton St, Leichhardt (C1),
- Il Negozio, South of the site at No. 196 Norton St, Leichhardt (C2).

Residential and Commercial receivers are depicted in (Figure 3 – Nearest Residential and Commercial Receivers).

The noise emissions from the proposed extension of operating hours must not exceed the acceptable levels at the locations of the receivers. Noise control may be required for the proposed licensed Restaurant to comply with the noise criteria set out in Section 4 of this report. The noise controls in Section 6 of this report are reasonable and feasible in reducing the noise to an acceptable level.

**3.0 NOISE SURVEY, INSTRUMENTATION & RESULTS**

An engineer from this office visited the site to inspect the surroundings and carry out unattended noise measurements for the existing development. Unattended noise readings were carried out on the opposite side of the site **away from the Restaurant** to obtain noise readings that are representative of the existing background noise levels without the Restaurant being in operation (Figure 4 – Noise Reading Location- Points A)

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

Unattended noise readings were carried out from 28<sup>th</sup> of March 2023 to 4<sup>th</sup> of April, 2022.

All measurements were taken in accordance with the Australian Standards AS 1055 “*Acoustics – Description and Measurements of Environmental Noise*”.

The noise surveys were conducted to determine a conservative reading of the existing  $L_{(A90, 15 \text{ minutes})}$  and  $L_{(Aeq, 15 \text{ minutes})}$  for the day (7:00 – 18:00), evening (18:00 – 22:00) and night (22:00 – 7:00) periods.

All sound level measurements and analysis performed throughout this project are carried out with a NSRTW\_MK3 wireless sound level data logger (Serial No. CPp0Dd04c1c9iLtiSwBRPD- Office Tag -Machine 1-). The sound logger specification is as follows:

- Type 1 digital MEMS microphone
- Non-volatile 128 Mb recording memory
- Records L-max, L-min and Leq levels
- Log interval adjustable from 125 ms (8 points per second) up to hours
- A, C and Z weighting curves
- Oscilloscope and spectrum analyser features
- Observes and records 100% of the acoustic signal
- Software calculates global Leq according to ISO and OSHA methods
- WIFI connectivity to report measured levels remotely
- Weatherproof casing designed for indoor/outdoor applications
- Activity detection and logging.
- Long-term measurement and recording of acoustic levels for environmental impact studies.

The microphone of the noise reading machine was positioned 1.5m above ground level/balcony floor. The factory-calibrated noise reading machine (Figure 5 – Calibration Certificate) was calibrated prior to and after reading with our Svantek SV 33A S/N: 90200 Class 1 Calibrator with no significant drift encountered. Any readings affected by strong wind or rain have been disregarded.

The Full Average Statistical Noise Parameters  $L_{(Aeq, 15 \text{ minutes})}$ ,  $L_{(A90, 15 \text{ minutes})}$ ,  $L_{(A10, 15 \text{ minutes})}$ ,  $L_{(A1, 15 \text{ minutes})}$  are presented in Figure 6 – Noise Survey (Point A). A summary of those readings is presented in Table 3.1 below:

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**Table 3.1 - Summary of Existing Noise Survey between 28<sup>th</sup> March, 2023 – 4<sup>th</sup> of April, 2023 (Point A)**

<i>Location</i>	<i>Time Period</i>	<i>Arithmetic Mean LAeq dB(A)</i>	<i>Arithmetic Mean LA90 dB(A)</i>	<i>RBL dB(A) *</i>
Point A	Day Time (7:00am-6:00pm)	64	52	50
	Evening Time (6:00pm-10:00pm)	61	49	46
	Nighttime (10:00pm-7:00am)	54	40	35

\* RBL is calculated in accordance with the Noise Policy for Industry 2017 (Fact Sheet B).

**4.0 ACCEPTABLE NOISE LEVELS**

The Restaurant is proposing to extend their operations until the hours listed in Table 2.1 with patrons expected to leave the premises after these times. The noise emitted by the proposed extension of operating hours must comply with the noise criteria listed in the following guidelines:

- NSW Policy for Industry NPfI (2017)-Patron Noise and Music does not apply to this policy as per section 1.5 exclusions, the NPfI applies to the noise from the mechanical plant and noise from the carpark ( if any) servicing the development.
- NSW Noise Guide for Local Government (Sleep Disturbance Criteria) and POEO
- The NSW Office of Liquor, Gaming and Racing (OLGR) Act 2007
- NSW Road Noise Policy (for Traffic Generation)

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

The above policy seeks to promote environmental well-being through preventing and minimizing noise by providing a framework and process for deriving noise limits conditions for consent and licenses.

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

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

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**4.1.1 AMENITY NOISE CRITERIA**

The amenity noise levels presented for different residential categories are presented in Table 2.2 of the Noise Policy for Industry 2017. These levels are introduced as a guide for appropriate noise levels in residential areas surrounding industrial areas.

For the proposed extension of operating hours at No. 198-200 Norton St, Leichhardt, the recommended amenity noise levels are presented in Table 4.1.1.1 below:

**Table 4.1.1.1 - Recommended Noise Levels from Industrial Noise Sources**

<i>Type of Receiver</i>	<i>Area</i>	<i>Time Period</i>	<i>Recommended Leq Noise Level, dB(A)</i>
Residence	Urban*	Day	60
		Evening	50
		Night	40
Commercial	All	When in Use	65

\*RBL > 45,40,35 for Day, Evening and Night.

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

**Table 4.1.1.2 – Modifying Factor Corrections as per Fact Sheet C (Noise Policy for Industry 2017)**

<i>Factor</i>	<i>Correction</i>
Tonal Noise	+ 5 dB <sup>1,2</sup>
Low-Frequency Noise	+ 2 or 5 dB <sup>1</sup>
Intermittent Noise	+ 5 dB
Duration	+ 0 to 2 dB(A)
Maximum Adjustment	Maximum correction of 10 dB(A) <sup>1</sup> (excluding duration correction)

1. Where a source emits tonal and low-frequency noise, only one 5-dB correction should be applied if the tone is in the low-frequency range, that is, at or below 160 Hz.
2. Where narrow-band analysis using the reference method is required, as outlined in column 5, the correction will be determined by the ISO1996-2:2007 standard.

Correction for duration is to be applied where a single-event noise is continuous for a period of less than two and a half hours in any assessment period. The allowable exceedance of the  $L_{Aeq,15min}$  equivalent noise criterion is depicted in Table 4.1.1.3 for the duration of the event. This adjustment accounts for unusual and one-off events and does not apply to regular and/or routine high-noise level events.

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**Table 4.1.1.3 – Adjustment for Duration as per Fact Sheet C (Noise Policy for Industry 2017)**

<i>Allowable duration of noise (one event in any 24-hour period)</i>	<i>Allowable exceedance of LAeq,15min equivalent project noise trigger level at receptor for the period of the noise event, dB(A)</i>	
	<i>Daytime &amp; evening (7 am–10 pm)</i>	<i>Night-time (10 pm–7 am)</i>
1 to 2.5 hours	2	Nil
15 minutes to 1 hour	5	Nil
6 minutes to 15 minutes	7	2
1.5 minutes to 6 minutes	15	5
less than 1.5 minutes	20	10

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

**Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB(A)**

To convert from a period level to a 15-minute level, a plus 3 is added as per Section 2.2 of the policy.

Therefore, the project amenity noise levels for the proposed extension of operating hours at No. 198-200 Norton St, Leichhardt, are as follows:

- **Day period:**             $60 - 5 + 3 = 58 \text{ dB(A)}$
- **Evening period:**     $50 - 5 + 3 = 48 \text{ dB(A)}$
- **Night period:**         $40 - 5 + 3 = 38 \text{ dB(A)}$

**4.1.2 INTRUSIVENESS NOISE CRITERIA**

The Noise Policy for Industry in Section 2.3 summarizes the intrusive criteria as below:

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

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

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

For the short-term method, the rating background noise level is simply the lowest measured  $L_{AF90,15min}$  level. For the long-term method, the rating background noise level is defined as the median value of the daily lowest tenth percentile of  $L_{90}$  background noise levels and calculated in accordance with Fact Sheet B of the NPFI 2017.

Therefore, the acceptable  $L_{eq}$  noise intrusiveness criteria for broadband noise during the day, evening and night are as follows:

**Point A**

- **Day period:**  $50 + 5 = 55 \text{ dB(A)}$
- **Evening period:**  $46 + 5 = 51 \text{ dB(A)}$
- **Night period:**  $35 + 5 = 40 \text{ dB(A)}$

**4.1.3 PROJECT NOISE TRIGGER LEVEL**

A summary of intrusiveness and amenity noise levels as determined in Section 4.1.1 and 4.1.2 are shown in Table 4.1.3.1 below:

**Table 4.1.3.1 - Summary of Project Noise Trigger Levels (Point A)**

<i>Period</i>	<i>Intrusiveness Noise Level</i>	<i>Project Amenity Noise level</i>
Day Time (7:00am-6:00pm)	55	58
Evening Time (6:00pm-10:00pm)	51	48
Night and Early Morning (10:00pm – 7:00am)	40	38

The project noise trigger level is the lower (that is, the most stringent) value of the amenity and intrusiveness noise levels for the day, evening and night-time. Therefore, the project noise trigger levels for the proposed development are as shown below:

**Point A**

- **Day period  $L_{Aeq,15 \text{ min}}$ :**  $55 \text{ dB(A)}$
- **Evening period  $L_{Aeq,15 \text{ min}}$ :**  $48 \text{ dB(A)}$
- **Night period  $L_{Aeq,15 \text{ min}}$ :**  $38 \text{ dB(A)}$

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

#### **4.2 NSW NOISE GUIDE FOR LOCAL GOVERNMENT, POEO & SLEEP DISTURBANCE CRITERIA**

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

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

Therefore, the acceptable noise criterion is as follows:

- **52 + 5 = 57 dB (A)** during the day – **Point A**
- **49 + 5 = 54 dB (A)** during the evening – **Point A**
- **40 + 5 = 45 dB (A)** during the night – **Point A**

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

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

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

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

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

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



Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

In order to minimize the potential of sleep disturbance due to transient noises from extended operating hours during the night hours (10:00pm – 12:00am), Section 2.2.4 of the Noise Guide For Local Government recommends that  $L_{A1,1\text{-minute}}$  level of any noise outside a bedroom should not exceed the background noise level by more than 15 dB. Therefore, the following criteria will apply at the outside window of the nearest residential receiver:

- $L_{A1,1\text{ minute}} \leq 40 + 15 = 55 \text{ dB(A)}$  at external window of nearest residential receiver –  
**Point A**

Similar text about sleep arousal is adopted in the Noise Policy for Industry 2017 as below:

**Where the subject development/premises night-time noise levels at a residential location exceed:**

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

a detailed maximum noise level event assessment should be undertaken.

Further studies by the enHealth Council (2004) and the guidelines published by the World Health Organisation (1999) were reviewed and analysed in terms of the guidance on noise exposure and sleep disturbance. The enHealth report states that:

*'As a rule for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A)  $L_{A, (Max)}$  more than 10 or 15 times per night'.*

As per acoustic calculations presented in Table 5.1.5 below, the development will comply with the Sleep Disturbance criteria above.

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

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

*"The  $L_{A10}$ \* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence"*

*The  $L_{A10}$ \* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight*

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am. Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the NSW Office of Liquor, Gaming and Racing.

*\*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premise"*

The LA10\* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

**The Restaurant will not serve alcohol thus the above section will not apply.**

#### **4.4 NSW ROAD NOISE POLICY - TRAFFIC NOISE GENERATION CRITERIA**

Table 3 on Page 11 of the Road Noise Policy states that the  $L_{eq,(1\text{ hour})}$  level of noise intrusion from land use developments with the potential to create additional traffic on local roads should not exceed 55 dB(A) during day time (7am to 10pm) and 50 dB(A) during night time (10pm to 7am).

#### **5.0 PREDICTED NOISE FROM PROPOSED EXTENSION OF RESTAURANT OPERATING HOURS**

The main sources of noise from the proposed extension of operating hours of the existing Restaurant will be as follows:

- Patrons in the indoor areas of the Restaurant
- Vehicular movement noise in/out from the carpark
- Operation of existing mechanical plant and equipment

#### **5.1 NOISE FROM OPERATIONAL NOISE INSIDE THE PREMISES**

At any time, a total maximum of forty (40) patrons can be in the indoor Restaurant area. There will be amplified music being played at all times and all sliding doors/windows will be shut.

It is usually the case that approximately 20% to 50% of the patrons could be talking loudly at any one time in the dining areas.

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

As per Harris /Pearson, Bennet, & Fidell (1977) report, the sound power level of (1) person talking is as per the table below.

Vocal Effort	No. of Talkers	Sound Power Levels [dB] at Octave Band Centre Frequencies [Hz]*, **, ***							
		125	250	500	1000	2000	4000	8000	dB(A)
<b>Females</b>									
Casual	1	48.0	61.0	61.0	54.0	51.0	47.0	48.0	61.0
Normal	1	49.0	63.0	66.0	61.0	56.0	44.0	50.0	66.0
Raised	1	47.0	67.0	72.0	70.0	66.0	61.0	54.0	74.0
Loud	1	47.0	62.0	77.0	79.0	76.0	70.0	62.0	82.0
Shouted	1	48.0	68.0	82.0	89.0	88.0	81.0	71.0	93.0
<b>Males</b>									
Casual	1	58.0	62.0	63.0	55.0	53.0	51.0	48.0	63.0
Normal	1	60.0	66.0	69.0	62.0	58.0	54.0	48.0	69.0
Raised	1	65.0	71.0	76.0	70.0	66.0	61.0	55.0	76.0
Loud	1	69.0	78.0	85.0	84.0	79.0	73.0	63.0	87.0
Shouted	1	58.0	83.0	93.0	97.0	93.0	85.0	76.0	100.0

For a number of patrons (n) in any vocal category the increase in noise level at any octave band centre frequency is  $\Delta L = 10 \log_{10}(n)$ .

The total noise level from all groups is determined using the equation

$$L = 10 \text{Log}_{10} \left( \sum_{i=1}^n 10^{(L_i/10)} \right)$$

Where  $L_i$  is the noise level from each group.

Tables 5.1.1 below lists the Total Noise Levels (Sound Power)  $L_{Aeq}$  from patrons and music in the Restaurant area.

Table 5.1.1- Sound Power Level  $L_{Aeq}$  from 40 Patrons - Indoor Restaurant Area -

Description	dB(A)	Octave Band Centre Frequencies (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
40 Patrons - Indoor Dining Area (50% talking) + Amplified Music-	87	**	**	60	74	83	81	79	74	72

The sound loss through the façade of the building in general is given at any center frequency using Lord/Templeton as follows:

$$L_2 = L_1 - R + 10 \log S - 17 - 20 \log(r) + DI$$

Where;

$L_2$  is the noise level at location 2 outside the room;

$L_1$  is the internal noise level at the source;

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

$r$  is the distance in meters to location 2 from the source;  
 $R$  is the weighted sound reduction index of the façade;  
 $S$  is the area of the façade; and  
 $DI$  is the directivity associated with the source.

Table 5.1.2 below presents the predicted  $L_{Aeq,15\text{ min}}$  noise levels from the inside of the Restaurant operations at the boundary of the nearest residential receivers.

Table 5.1.2 – Predicted Sound Pressure Levels  $L_{Aeq}$  from 40 Patrons and Amplified Music\*

Activity	Period	Expected $L_{Aeq, 15\text{min}}$ at boundary of No. 201 Norton St	Expected $L_{Aeq, 15\text{min}}$ at boundary of No. 199 Norton St	Expected $L_{Aeq, 15\text{min}}$ at boundary of No. 197 Norton St	Complies with Noise Guide for Local Government as per Section 4.2**
40 Patrons - Indoor Dining Area (50% talking) + Amplified Music*-	Day	21 dB(A)	22 dB(A)	21 dB(A)	< 57 dB(A)
	Evening				< 54 dB(A)
	Night				< 45 dB(A)
					<b>Yes ✓</b>

\*Assuming all recommendations in section 6 are adhered to.

\*\* NPfI does not apply – Exclusions listed in section 1.5 page 5 of the policy, background noise + 5 applies..

**5.2 VEHICULAR MOVEMENT NOISE IN/OUT OF THE CARPARK**

The site features an existing underground carpark with eight (8) parking spaces and proposed three (3) parking spaces outside. Access to the carpark is from the rear laneway.

Car parking noises may typically comprise of adults talking, car radios, cars starting up and car doors closing. Typical Noise levels for car parking activities are listed in Table 5.2.1 below:

Table 5.2.1 – Car Park Noise Source Levels

Car Park Noise Source	Average Sound Power Level, dB(A)
Car Door Closing	95
Car Starting	95
Car Accelerating	90
Car Moving at 10km/hr	81

For vehicles entering the basement carpark, the only noise generated will be from cars moving in and out of the driveway. The remainder of car activities listed in the table above will occur inside the basement and therefore noise produced by those activities will be attenuated by the basement enclosure.

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

Predicted noise levels at the nearest residential receiver due to cars entering and exiting the Restaurant are presented in Table 5.2.2 below.

**Table 5.2.2 – Predicted Noise from Vehicles Entering and Exiting the Carpark**

Activity	Period	Expected $L_{Aeq, 15 \text{ min}}$ dB(A) at No. 4 Allen St	Complies with the Project Noise Trigger level as per Section 4.1.3*
Vehicles Entering/Exiting the On-site Car Park	Day Evening Night	38 dB(A)	< 55 dB(A) < 48 dB(A) <= 38 dB(A) <b>Yes ✓</b>

\*Provided all recommendations in section 6.0 are adhered to.

Table 5.2.3 below represents the predicted  $L_{A1,1 \text{ minute}}$  noise level from the Restaurant carpark operations at the nearest residential receiver and its compliance with the Sleep Disturbance Criteria.

**Table 5.2.3 – Predicted Max Sound Pressure Level  $L_{A1,1 \text{ minute}}$  from Maximum Noise produced in the carpark.**

Activity	Period	Expected $L_{A1,1 \text{ minute}}$ at boundary of No. 4 Allen St,	Compliance with Sleep Disturbance Criteria as per Section 4.2
Maximum Noise Generated in the Carpark	Night	46 dB(A)	Yes <55 dB(A) [L90+15] $L_{Aeq, 15 \text{ min}} < 40$ , $L_{A1, 1 \text{ minute}} \text{ dB(A)} < 52$ , <b>Yes ✓</b>

**5.3 MECHANICAL PLANT NOISE EMISSION**

As previously mentioned, there are no proposed changes to the existing mechanical plant and equipment on site. The existing plant is located within the site premises away from the nearest residential and commercial receivers.

Noise measurements carried out on site during the extended hours of operation found that the operation of the existing mechanical plant and equipment will not audible at the nearest residential receiver ( No. 4 Allen Street- No windows facing the rear lane, solid brick boundary walls).

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

Provided recommendations in Section 6 of this report are adhered to, the operation of mechanical plant and equipment will comply with the criteria set out in Section 4 of this report.

## **6.0 NOISE CONTROL RECOMMENDATIONS**

### **6.1 INDOOR RESTAURANT AREA**

The predicted noise levels from people talking with amplified music playing in the indoor Restaurant area comply with the relative Noise criteria.

Operable windows and sliding doors must be closed at all times after 6:00 p.m. No patrons are permitted to congregate outside the Restaurant.

### **6.2 OUTDOOR RESTAURANT AREA**

No patrons are permitted to congregate outside the Restaurant on the footpath or in the rear carpark.

### **6.3 DELIVERIES AND WASTE COLLECTION**

We recommend that all deliveries to the site and waste collection to be carried between the hours of 7:00 a.m to 6:30 p.m.

### **6.4 MECHANICAL PLANT OPERATION**

No new mechanical plant and equipment is proposed at this stage. Any new mechanical plant and equipment proposed to be installed on-site is to be assessed by an acoustic engineer.

### **6.5 MUSIC SOUND LEVELS CONTROL**

No live Music or amplified music is permitted to be played at the Restaurant. Noise Volume Controls should always be used to control the level of amplified music and noise from any wall mounted TV's/Speaker inside the Restaurant. Noise levels from amplified music is not to be audible at any residential receiver after 10:00 p.m. This can be easily achieved and can be confirmed by standing at the boundary listening and adjusting until the background Music/Tv played is inaudible.

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

### **6.6 SIGNS**

We recommend that signs are installed outdoor in the carpark and at the entry reminding patrons not to congregate outside and be aware of the residential receivers during the evening and night hours by keeping noise to a minimum.

### **6.7 NOISE MANAGEMENT PLAN**

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

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

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

### **7.0 NOISE IMPACT STATEMENT**

Acoustic, Noise & Vibration Solutions Pty Ltd have taken noise level measurements at the most noise-sensitive locations for the proposed extension of operating hours at the existing Restaurant at No. 198-200 Norton St, Leichhardt. The levels of noise emission from the proposed extension of operating hours have been calculated and quantified using reliable test data.

Provided the noise controls recommended in Section 6 of this report are fully implemented, we are confident that the noise emission levels from the proposed extension of operating hours at No. 198-200 Norton St, Leichhardt will be controlled and meet Inner-West Council requirements.

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

We hope this report meets your requirements. Should you require further explanations, please do not hesitate to contact us.

Yours sincerely,



M. Zaioor  
Australian Acoustical Society (Member #1032)  
M.S. Eng'g Sci. (UNSW).  
M.I.E.(Aust), CPEng



Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

**6.0 APPENDIX**

Figure 1 – Site Location .....21  
Figure 2 – Surrounding Environment.....22  
Figure 3 – Nearest Residential and Commercial Receivers .....23  
Figure 4 – Noise Reading Location (Point A).....24  
Figure 5 – Calibration Certificate.....25  
Figure 6 – Noise Survey (Point A).....26

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No. 2023-095

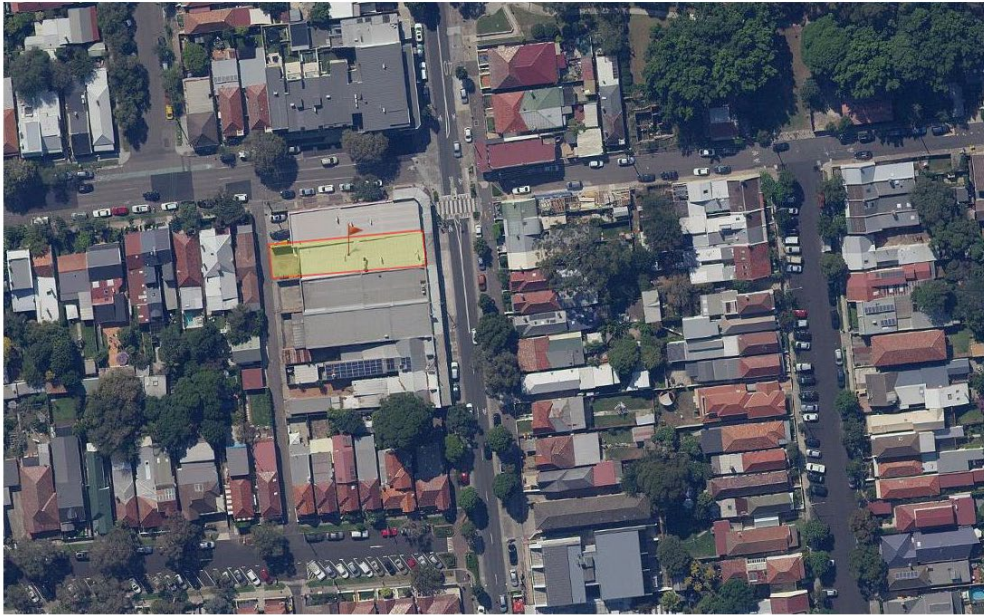


Figure 1 – Site Location

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

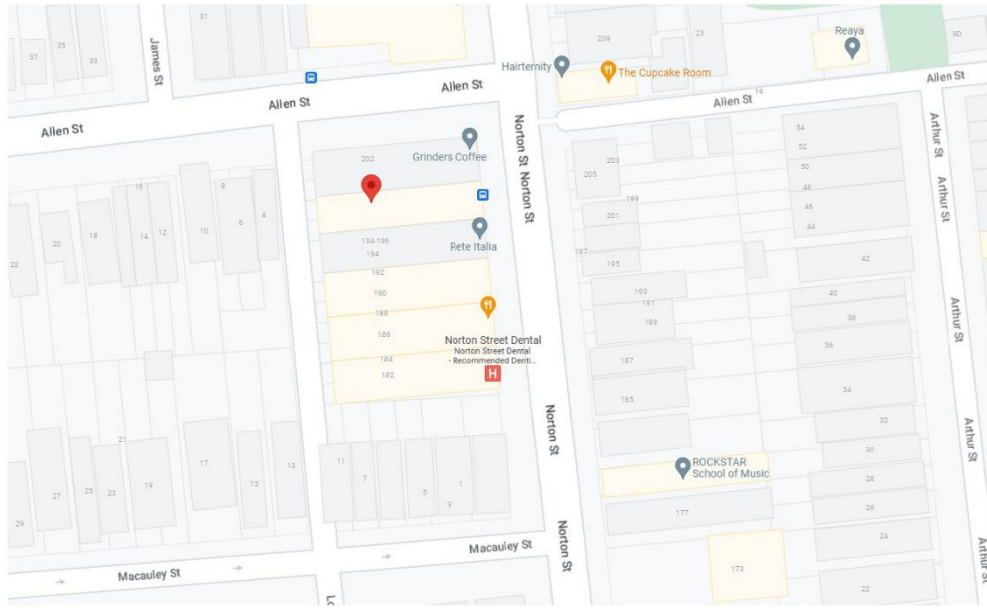


Figure 2 – Surrounding Environment

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No. 2023-095



Figure 3 – Nearest Residential and Commercial Receiver

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No. 2023-095



Figure 4 – Noise Reading Location (Point A)

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

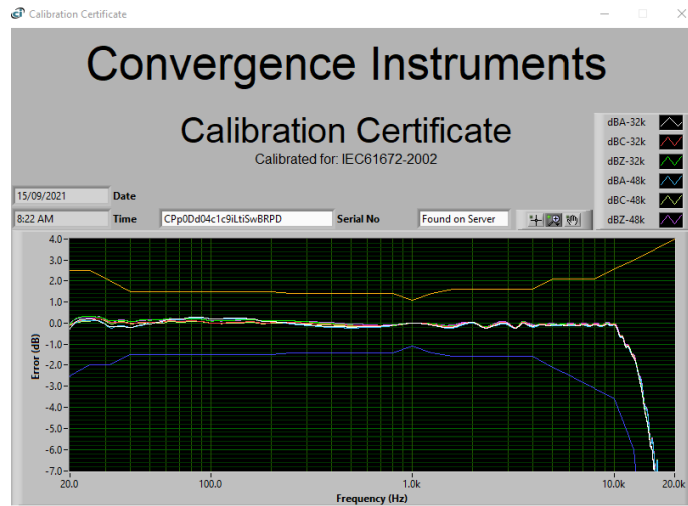


Figure 5 – Calibration Certificate

Acoustic Report 198-200 Norton St, Leichhardt.  
Reference No: 2023-095

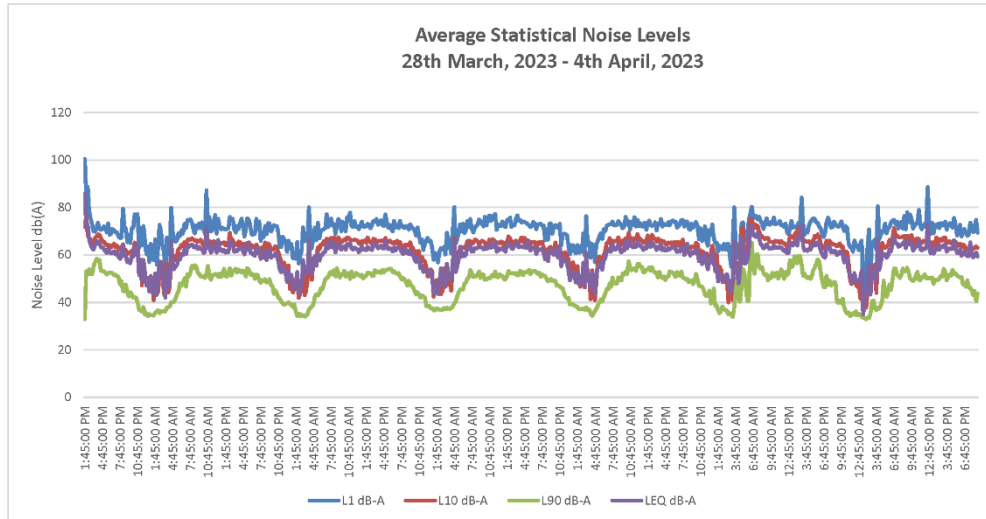


Figure 6 – Noise Survey (Point A)