



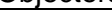


INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

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|---|---|
| Application No. | «Application_Number»201800108 |
| Address | 244-246 Marrickville Road Marrickville |
| Proposal | To fit-out and use the premises as a licensed bar operating 11:00am to Midnight Mondays to Thursdays, 11:00am to 1:00am Fridays and Saturdays and 11:00am to 10:00pm on Sundays |
| Date of Lodgement | 8 March 2018 |
| Applicant | David Jank & Momo Romic |
| Owner | Tu Phuong Quach |
| Number of Submissions | 1 |
| Value of works | \$150,000.00 |
| Reason for determination at Planning Panel | New Licensed Premises |
| Main Issues | Parking, Operating Hours |
| Recommendation | Approval |



| | |
|---|---|
| Subject Site:  | Objectors:  |
| Notified Area:  | |

1. Executive Summary

This report is an assessment of an application submitted to Council to fit-out and use the premises as a licensed bar operating 11:00am to midnight Mondays to Thursdays, 11:00am to 1:00am Fridays and Saturdays and 11:00am to 10:00pm on Sundays. The application was notified to surrounding properties and 1 submission was received.

During the assessment of the application, the applicant was required to provide further information regarding the service of food on the premise which was a concern raised by the NSW Police. Amended plans were also submitted to Council to modify the proposed waste and storage rooms and to show where the storage of food will occur. Council also requested the Plan of Management be updated to reflect the recommendations of the acoustic report and service of food.

The proposal generally complies with aims, objectives and design parameters of Marrickville Local Environment Plan 2011 (MLEP 2011). The development generally complies with the provisions of Marrickville Development Control Plan 2011 (MDCP 2011). It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site and therefore the application is recommended for approval.

2. Proposal

Approval is sought for alterations and additions to an existing commercial premises to fit-out and use the premises as a licensed bar operating 11:00am to midnight Mondays to Thursdays, 11:00am to 1:00am Fridays and Saturdays and 11:00am to 10:00pm on Sundays.

The bar component of the development is proposed to be located on the ground floor with a bar area within the front portion of the site containing seating for 80 patrons. The rear portion contains an atrium roof through to the first floor with bench style seating for 70 patrons. A waste storage room, lift and furniture storage room are located at the rear. The first floor of the development is to contain an office/storage room at the northern end, toilets in the centre, with a catwalk style access way around a void to the ground floor with lift access and the keg/beer storage room at the southern end of the site. Patron access to the first floor will be limited to the use of the toilets only.

The premises seek to employ a maximum of 8 staff on site at any one time. No live or amplified music is proposed, with background music to be played through speakers.

4 signs are proposed as follows:

- 1 X existing Under Awning Sign to be replaced with the wording "Marrickville Hotel" (1.9 metres by 500 millimetres)
- 1 X Fascia Sign with the words "Marrickville Hotel" and the "VB logo" (700 millimetres by 6.85 metres)
- 1X Vertical projecting sign with the words "Marrickville Hotel" with the "Hotel" portion in neon which is to be lit at night (3500 millimetres by 590 millimetres)
- 1 X Parapet Sign with the words "Marrickville Hotel" laser cut (1500 millimetres by 3300 millimetres)

No on-site parking is proposed.

3. Site Description

The subject site is located on the southern side of Marrickville Road, between Gladstone Street and Victoria Road, Marrickville. The site consists of 2 allotments, with the proposed use to occupy the existing shop on the eastern side of the site and is generally rectangular in shape with a total area of 188sqm and is legally described as Lot 4 Section 3 in Deposited Plan 2620 with a portion of the existing building also built over Lot 2 in Deposited Plan 1085166.

The site has a frontage to Marrickville Road of 6.6 metres, with a secondary (rear) frontage to Marrickville Lane. No on-site car parking is currently provided on-site.

The site currently contains a 2 storey brick building which is vacant. The adjoining properties support single and 2 storey commercial buildings. The surrounding context of the site is commercial premises with shop top housing along Marrickville Road and low scale residential development on the opposite side of Marrickville Lane.

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 |
|--------------|--|--|
| CDC201700056 | Complying Development Certificate Issued for fit-out of food premises 'Decolata Café' at No.246 Marrickville Road (western side) | 22 May 2017 – Private Building Certifiers (NSW) Pty Ltd - Approved |

Surrounding properties

| Application | Proposal | Decision & Date |
|-------------|---|---------------------------|
| DA201300018 | To carry out alterations and additions to the premises to create a medical centre on part of the ground floor and use the remainder of the ground floor as a pharmacy and to convert part of the first floor level into two commercial suites | 6 May 2013- Approved. |
| DA200800186 | To carry out alterations and additions and use the ground floor shop as a clothing shop and to erect associated signage | 3 October 2008 – Approved |

4(b) Application history

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

| Date | Discussion / Letter/ Additional Information |
|--|---|
| Meeting held 10 January 2018 & letter sent 28 January 2018 | Pre-DA (PDA201700209) to change use of ground and first floor to be used as licensed bar. - Advice Issued |
| 8 March 2018 | DA201800108 (the subject application) lodged |
| 21 May 2018 | The applicant submitted an email copy of correspondence with NSW Police with regard to their submission. |
| 28 May 2018 | Letter sent to applicant requesting additional information regarding service of food in relation to NSW police concerns, waste management, storage area proposed and the request for an updated plan of management. |
| 4 June 2018 | Amended Floor Plans were submitted and additional information regarding Council's request. |
| 14 June 2018 | Rear Elevation Plan, Site and Context Analysis Plan, and additional supporting documentation provided. |

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 64 – Advertising and Signage; and
- Marrickville Local Environment Plan 2011

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Marrickville Road, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007, (Infrastructure SEPP) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The development does not propose any on-site parking facilities, despite this the site maintains (utilised by the other tenancy) an existing vehicular crossing to the property from Marrickville Lane and as such is provided by a road other than the classified road. It is considered that the development would not affect the safety, efficiency and on-going operation of the classified road.

The development is a type of development that is not sensitive to traffic noise or vehicle emissions.

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

The following is an assessment of the proposed development under the relevant controls contained in State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64).

SEPP 64 specifies aims and objectives and assessment criteria for signage as addressed below. Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

Signs and Advertising Structures

The application seeks consent for the erection of the following signage:

- 1 X existing under awning sign to be replaced with the wording “Marrickville Hotel”
- 1 X painted awning sign with the words “Marrickville Hotel” and the VB logo”
- 1X Vertical projecting sign 3500 millimetres by 590 millimetres with the words “Marrickville Hotel” with the “Hotel” portion in neon which is to be lit at night.
- 1 X Parapet Sign with the words “Marrickville Hotel” laser cut 1500 millimetres by 3300 millimetres

The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64 and is discussed in greater detail in the context of local planning controls under the provisions of Part 2.20 of Marrickville Development Control Plan 2011 under Heading 5(c)(viii).

5(a)(iii) Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- (i) Clause 2.3 - Land Use Table and Zone Objectives
- (ii) Clause 2.7 - Demolition
- (iii) Clause 4.3 - Height of Buildings
- (iv) Clause 4.4 - Floor Space Ratio

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

| Height of Buildings | | | Floor Space Ratio | | |
|----------------------------|-----------------|-----------------|--------------------------|-----------------|-----------------|
| Permitted | Proposed | Complies | Permitted | Proposed | Complies |
| 20 metres | 9.9 metres | Yes | 2.5:1 | 1.77:1 | Yes |

The following provides further discussion of the relevant issues:

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

The property is zoned B2 – Local Centre under the provisions of MLEP 2011. A ‘pub’ is permissible with Council's consent under the zoning provisions applying to the land.

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

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for internal demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Acid Sulfate Soils (Clause 6.1)

The land is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. The proposed development involves the fit-out of the existing premises and would not result in any excavation and is therefore acceptable with regard to the provisions of Clause 6.1 of MLEP 2011 and Part 2.23 of MDCP 2011.

5(b) Draft Environmental Planning Instruments**5(b)(i) Draft Marrickville Local Environmental Plan 2011 (Amendment 4)**

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

5(b)(ii) State Environmental Planning Policy (Environment)

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

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

| Part | Compliance |
|--|-------------------|
| Part 2.1 Urban Design | Yes |
| Part 2.3 Site and Context Analysis | Yes |
| Part 3.5 Equity of Access and Mobility | Yes |

| | |
|--|-----|
| Part 2.6 Acoustic and Visual Privacy | Yes |
| Part 2.7 Solar Access and Overshadowing | Yes |
| Part 2.8 Social Impact Assessment | Yes |
| Part 2.9 Community Safety | Yes |
| Part 2.10 Parking | Yes |
| Part 2.12 Signs and Advertising Structures | Yes |
| Part 2.16 Energy Efficiency | Yes |
| Part 2.21 Site Facilities and Waste Management | Yes |
| Part 2.23 Acid Sulfate Soils | Yes |
| Part 5.1 Commercial and Mixed Use Development | Yes |
| Part 5.3.1.2 Plan of Management | Yes |
| Part 5.3.1.4 Hours of Operation | Yes |
| Part 9 Strategic Context | Yes |

The following provides discussion of the relevant issues:

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

Part 2.1 of MDCP 2011 contains controls relating to urban design. The works proposed as part of the subject development application are mainly internal. Improvements are proposed to the front façade which includes new double hung timber framed windows on the ground floor of the premises and a new front entry door which replaces the existing roller shutter. The existing windows on the first floor are to be maintained. New signage and a general improvement to the front façade including lighting, paintwork and tiling are proposed. It is noted that the rear façade will remain largely unchanged with the exception of bricking up some window openings.

The improvements proposed to the façade will provide a traditional hotel design complementing the existing streetscape. The introduction of new windows to the ground floor will encourage passive surveillance of Marrickville Road, with a bench and bar seating located against the front elevation wall to allow overlooking of Marrickville Road.

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles.

(ii) Acoustic and Visual Privacy (Part 2.6)

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

It is considered that the layout and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of residential properties in the immediate vicinity of the site and users of surrounding properties would be protected. As previously mentioned, the surrounding area is characterised by the Marrickville Road retail and commercial shopping strip with shop top housing and low density residential development to the south on the opposite side of Marrickville Lane.

It is considered that the development would maintain a high level of visual privacy for the surrounding properties, as the proposal does not have any new openings overlooking the adjoining properties at the rear of the site. The new windows on the front façade would overlook Marrickville Road and would not have any visual privacy impacts.

No live or amplified music is proposed at the premises, with background music from a playlist proposed as the only source of music.

The proposal does include an atrium style opening through the roof from the ground floor through to the first floor with 5 metre by 3 metre louvers enabling this to be opened and closed at the operator's discretion.

The acoustic report submitted with the application outlines several recommendations for reducing potential noise impacts to the adjacent properties including closure of the louvered atrium roof from 10:00pm. NSW Police also reviewed the proposal in relation to acoustic privacy, both assessments are discussed further under Part 5 MDCP 2011 of this report under the heading "*Hours of Operation*". The acoustic report was also referred internally to Council's Environmental Health Officer who raised no objections to the proposed development subject to conditions to be imposed on any consent granted which are included in the recommendation of this report.

(iii) Social Impact Assessment (Part 2.8)

Part 2.8 of MDCP 2011 contains objectives relating to Social Impact Assessment.

A Social Impact Statement (SIS) is required for developments such as hotels, nightclubs and registered clubs where it is proposed for a new or extended premises and/or extension of trading hours. The DCP control states 'pub' or "registered club" as requiring a SIS. The applicant has contended that whilst the proposed use is a bar and not a traditional 'pub' or registered club with the following extracted from their submission:

"The proposal is not listed as requiring an SIA in the Generic Provisions of Part 2.8 of the MDCP 2011 in that it is neither a Pub, nor a Registered Club.

The presumption must be that Council have taken the position that the name of the proposal including the word "Hotel" defines it as a pub. This problem of nomenclature has arisen from the proprietor's choice of name to reflect:

- *The type of license that has been applied for with Liquor and Gaming: Hotel License General Bar.*
- *It is important to note that this type of license was brought into existence in order to facilitate the establishment of the first small bars in the State.*
- *This type of license was until very recently widely referred to as a 'small bar license'.*
- *The Marrickville Hotel is a bar in all respects. The name offers poetic reference to an aesthetic and to a hospitality ethos that has been damaged by a focus on poker machines, particularly in the local area.*
- *It is a statement to the effect that if traditional pubs choose to pursue revenue from socially debilitating means such as gambling, that small venues will provide that hospitality at the expense of pubs. This reference does not make the proposed a pub, as would having called "The Marrickville Club" would not make it a registered club.*
- *There has been no question of behalf of Liquor and Gaming NSW as to acceptability of the name for the relevant 'small bar license'."*

However the definition of a pub under MLEP 2011 means a "*licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on*

the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.” Therefore for all accounts the proposed use can be defined as a pub. [

Given the applicant’s contentions and the intended use of the business being not strictly conforming to a typical pub in the sense with gaming machines or a registered club, yet still involving the consumption of alcohol in accordance with the definition, the submission from the applicant in the form of a Social Impact Comment (SIC) is accepted.

A SIC was prepared and submitted by Momclio Romic, the project Town Planner which outlines that it would be unlikely that the development would have a negative social impact on the local community and that the ongoing use of the premises would be in accordance with the plan of management. Furthermore the proposed whilst including the service of alcohol would not have any poker machines and would be served under a general bar license and not a club license.

Subject to the implementation of the acoustic measures outlined in the acoustic report submitted with the application and Plan of Management the proposal is considered acceptable with regard to Part 2.8 of MDCP 2011.

(iv) Community Safety (Part 2.9)

The development is reasonable having regard to community safety for the following reasons:

- The principal entrance to the premises is visible from Marrickville Road;
- No solid roller shutters are proposed on the shopfront;
- The development has been designed to overlook Marrickville Road; and
- CCTV cameras are proposed within the premises and at all entries.

A Plan of Management (PoM) was submitted with the application outlining the safety measures to be implemented by the premises. The PoM is discussed in more detail in further in this report. A condition is included in the recommendation requiring the subject use to operate at all times in accordance with the approved PoM.

In accordance with Part 2.94 of MDCP 2011, the application was referred to the NSW Police, which is discussed in further detail under *Plan of Management (POM) (Part 5.3.1.1)* in this report.

The proposal is acceptable with regards to Part 2.94 of MDCP 2011.

(v) Parking (Part 2.10)

Car and Bicycle Parking Spaces

The site is located in Parking Area 1 under Part 2.10 of MDCP 2011. The following table summarises the car and bicycle parking requirements for the development:

| Component | Control | Required | Proposed | Complies? |
|-------------------------|--|----------------------|----------|-----------|
| Car Parking | | | | |
| Car Parking | 1 space per 6 staff for patrons and staff | 8 staff = 1.3 spaces | 0 spaces | No |
| Bicycle Parking | | | | |
| Bicycle Parking - Staff | 1 bicycle parking space per 25sqm GFA bar area | 25sqm GFA = 1 space | 0 spaces | No |
| Bicycle | 1 bicycle parking | 169sqm GFA | | |

| Component | Control | Required | Proposed | Complies? |
|---------------------|--|------------|----------|-----------|
| Parking - Customers | space per 100sqm GFA other areas for patrons | = 2 spaces | | |

Table 1: Car and Bicycle Parking Control Compliance Table

The development does not propose to provide parking for any vehicles or bicycles on site and therefore does not comply with the requirements of Part 2.10. The variation is considered acceptable for the following reasons:

- Peak use is in the evening, when centre related parking demand is lowest;
- There are public car parking areas for example on Frampton Avenue which is 240 metres from the site;
- Additional parking cannot reasonably be provided in the building;
- The site enjoys high levels of public transport accessibility;
- Having regard to the nature of the use, it is pertinent to encourage patrons to utilise public transport; and
- The proposed parking is otherwise consistent with the objectives set out in Part 2.10.1.

The existing building does not have vehicular access to the site, with one parking space connected to and utilised by the other building, being a café tenancy on the site. No area for bicycle parking has been accommodated on site. This is considered acceptable as the site has limited ability to provide any car parking spaces/bicycle spaces for the proposed use as the subject building is constructed boundary to boundary.

The existing construction of the building does not appear to have afforded any car parking to the subject tenancy, the proposed development maintains this. The proposed development is also considered reasonable as the use is unlikely to generate any additional demand for off street car parking/bicycle spaces.

Notwithstanding the above, the site is located within walking distance from public transport such as Sydenham and Marrickville Railway Stations and buses along Marrickville Road and Illawarra Road. Some on street car parking exists in the immediate area and the site is located within the vicinity of public car parks on Frampton Avenue and Garners Avenue.

In light of the above, the proposed variation to car parking and bicycles is considered acceptable.

Vehicle Service & Deliveries

The development is required to provide 1 on-site vehicle service or delivery area. The Plan of Management states that arrangements for service and delivery are that these would take place from either the front of the site utilising the existing loading zones on Marrickville Road or the rear of the site, whichever Council stipulates as most appropriate. Given that directly in front of the site on Marrickville Road is a bus zone, it seems most appropriate that deliveries occur from the rear.

It is proposed that the following deliveries will occur:

- 15-20 kegs per week by 3 suppliers;
- Packaged alcohol, spirits, wines and soft drinks;
- It is envisaged that some limited food products may be delivered.

All deliveries are proposed to occur between 11.00am and 4.00pm. The proposed delivery types and hours are considered acceptable, with a condition requiring that unloading and loading to take place from the rear and to be carried out in such a manner that does not inconvenience the public to be included in the recommendation. Due to the positioning of garages on the opposite side of the laneway to the site and the narrowness of the laneway a condition is included in the recommendation restricting all deliveries of kegs to be via a maximum sized Medium Rigid (MR) – 8 tonne truck with all other deliveries to be via a utility or small van.

(vi) Signage and Advertising Structures (Part 2.12)

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, and preferred options for signage and size restrictions for signage.

The application seeks consent for the erection of the following business identification signs:

- 1 X existing Under Awning light box sign to be replaced with the wording "Marrickville Hotel" (1.9 metres by 500 millimetres)
- 1 X Fascia Sign with the words "Marrickville Hotel" and the VB logo" (700 millimetres by 6.85 metres) painted onto the existing awning fascia
- 1X Vertical projecting sign with the words "Marrickville Hotel" with the "Hotel" portion in neon which is to be lit at night (3500 millimetres by 590 millimetres)
- 1 X Parapet Sign with the words "Marrickville Hotel" laser cut (1500 millimetres by 3300 millimetres)

Part 2.12.4.2 of MDCP 2011 states that the total permissible area of all signs must not exceed 1sqm of advertising per 1.5 metre of street frontage excluding a permissible under awning sign. The property has a 6.4 metre frontage to Marrickville Road, thus allowing 4.27sqm of signage.

The fascia sign is 4.7m² in area and the vertical projecting sign is 2.06m² in area and the wall sign is 4.95m² in area, the 2 signs in total would have an area of 11.71m² which exceeds the maximum permissible by 7.44sqm. The existing awning sign is not required to be included in the total and the application will replace the content of the existing under awning light box which is considered acceptable.

Although the signs exceed the maximum area of signage, given the character of the street being a commercial shopping strip with comparable signage, the proposed signs would not be out of character and would be an improvement on the existing signage on the front façade of the building. As such, the proposal is consistent with the objectives of this control. No signage is proposed on the rear facade of the building.

The proposed signage is also required to be considered against the provisions of Part 2.12.3 which contains controls based on the type of sign. The under awning sign is existing and its replacement is considered acceptable despite it being 500 millimetres high instead of the maximum 400 millimetres prescribed. The proposed projecting wall sign also exceeds the maximum projection distance from the wall of 750 millimetres, as it is proposed to extend 900 millimetres from the wall. The proposed vertical projecting sign is considered to be in keeping with the use of the premises and style and character of the building and proposed façade improvements.

A condition is included in the recommendation requiring that the illuminated signage above the awning be switched off beyond 10:00pm to protect the residential amenity of the nearby residences.

Subject to compliance with the above the signage is considered acceptable having regard to the objectives and controls contained in Part 2.12 of MDCP 2011.

(vii) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application for demolition and construction waste and also for the ongoing operation of the premises.

Part 2.21.2.6 of MDCP 2011 prescribes a minimum of 50 litres per 100sqm of floor area per day be provide for general waste and the same for recycling.

During the assessment of the application, concern was raised that the proposed waste storage area on site was inadequate in size and required the staff to exit the building to the laneway to access the door to the bin room. Amended plans were received increasing the size of the bin storage room to cater for the required bin sizes providing internal access to the room from the bar. The Waste Management Plan submitted with the application outlines that the bins would be collected twice weekly by a private contractor.

Based on the floor area of 331.6sqm and the provision of waste being collected twice weekly as outlined in the Waste Management Plan, a total of 6 X240 Litre bins are required to be accommodated in the waste storage room. The amended plans indicate are for 2 x 660Litre bins and 3 X slim jim type bins which hold 60 Litres. The total capacity meeting the requirements under Part 2.21.2.6 of MDCP 2011 which is considered acceptable.

As discussed earlier in the report a condition is included in the recommendation requiring that all deliveries and loading/unloading be done from Marrickville Lane. The external waste storage room door will facilitate this with regards to waste collection.

The proposal is considered acceptable with regard to Part 2.21.2.6 of MDCP 2011 and is supported.

PART 5 - COMMERCIAL AND MIXED USE DEVELOPMENT

(i) General Commercial and Mixed Use Development Controls (Part 5.1)

The application seeks approval to carry out alterations to the premises and use the premises as a bar for 150 patrons. The works proposed as part of the application are mainly internal. The carrying out of the development would include improvements to the front façade facing Marrickville Road through use of new materials, front entry door, windows and signage.

The modifications to the front façade would provide a facelift to the shopfront and inclusion of windows and a bench with bar stools facing the street will increase surveillance of the street from front of the premises. The alterations and additions are acceptable with regard to Part 5.1.4 of MDCP 2011.

The building envelope and streetscape presentation to Marrickville Lane would remain. As such the development is considered to be consistent with the aims, objectives and design parameters of Part 5.1 under MDCP 2011.

(ii) Plan of Management (PoM) (Part 5.3.1.1)

A Plan of Management (PoM) was submitted with the development application. The PoM sets out general regulations and rules and guidelines associated with the on-going use of the premises as a licensed bar.

The POM submitted outlined the following as the aims of the Plan:

- *The safe and functional operation of the venue, including staff guidelines.*
- *Minimisation of alcohol related harm.*
- *Crime prevention.*
- *Noise minimisation and preservation of the local amenity.*
- *Complaints handling and resolution.*

The Plan of Management has appropriately addressed the following matters referred to in Part A.2.6 of MDCP 2011:

- Operational Details;
- Hours of operation;
- Staffing Details;
- Security Guard Details;
- Guidelines for Staff;
- Reference to operation in accordance with Acoustic Report;
- Waste Management (expanded further in WMP);
- Deliveries and loading/unloading;
- Customer & Patron Details/Procedures;
- Security Details including CCTV, cash handling;
- Complaint Handling;
- Review Process of POM;

The Plan of Management is considered to outline the appropriate measures to ensure the safe and orderly management of the hotel. The PoM was reviewed by all relevant referral officers with regard to their particular area of expertise.

NSW Police raised concern with regard to the addition of another licensed premises in the Marrickville locality with recent statistics demonstrating an increase in alcohol related violence in the immediate vicinity of the site. Despite these concerns, conditions were provided to be imposed on any consent granted. The applicant met with the Police and provided a response to the concerns raised in the NSW Police referral received by Council. The three main areas of concerns as outlined in the referral relate to the inadequate provision of food, security proposed and hours of operation which are discussed below;

Service of Food

The floor plan for the premises does not include a commercial kitchen of any kind. The Statement of Environment Effects outlined that “substantial toasted sandwiches” would be offered until last drinks are called. It also suggested that antipasto plates would be available to purchase. The operator of the proposed bar states that they have an existing bar in Redfern that operates in the same manner with the same level of food offering without incidence which complies with their obligations under their liquor license. Council raised similar concerns with the applicant and subsequently amended floor plans and further written details demonstrating where the storage of food and toasted sandwich makers would be provided in the bar area was submitted. The amended floor plans and commentary regarding the service of food was referred back to NSW Police who considered the further details acceptable subject to the Plan of Management being updated to reflect the provision of food so that in any event that the premise changed hands that the future owner/operator

would be aware of their obligations to provide the level of food offering proposed. A condition is included in the recommendation requiring the premises to operate in accordance with the PoM which requires the service of food be provided.

Security

Concern was also raised by NSW Police regarding the inadequate provision of security guards for the proposed use. The PoM states that 1 security guard would be employed on Friday and Saturday evenings from 10pm-1am. The NSW Police referral requests that a minimum of 1 licensed security guard be provided from 7pm on Friday and Saturday nights until half an hour after the last patron has left the venue. If trade is permitted until 1am then 2 licensed guards are required from 10pm till half an hour after the last patrons has left the venue. It is recommended that provision of security in line with NSW Police recommendation is adopted and imposed on any consent granted.

Concerns regarding Hours of Operation are discussed in detail later in this report.

Overall it is considered that the PoM submitted in relation to the proposed development outlines appropriate measures to mitigate any potential negative impacts that could arise from the operation of the premise, combined with Council's recommended conditions and that of the NSW Police. A condition is included in the recommendation to ensure that the PoM is implemented and abided by to ensure the ongoing operation of the premises complies with the plan in accordance with Part 5.3.1.1 of MDCP 2011.

(iii) Hours of Operation (Part 5.3.1.4)

The application seeks approval to use the premises as a licensed bar/hotel with the operating hours of 11.00am to 12.00 midnight Mondays to Thursdays, 11.00am to 1.00am (the following day) Friday and Saturdays and 11.00am to 10.00pm on Sundays.

As previously mentioned, the surrounding area is characterised by the Marrickville Road retail and commercial shopping strip with shop top housing and low density residential development to the south. It is noted that the operating hours of the surrounding commercial/retail premises within the area are generally between 7.00am to 10.00pm Mondays to Sundays, including Public Holidays.

The operating hours of licensed premises in the vicinity of the site are as follows:

The Marrickville Tavern located at 296 Marrickville Road

4 year trial period from 29 July 2016 – 29 July 2020

10.00am to 3.00am the following day Mondays to Saturdays

10.00am to 10.00pm on Sundays

The Lazy Bones licensed restaurant at 294 Marrickville Road

12 month trial period hours (Lapsed 14 February 2015):

10.00am to 12.00 midnight Mondays to Wednesdays and Public Holidays and

10.00am to 3.00am the following day Thursdays to Saturdays

10.00am to 10.00pm Sundays

No live entertainment being permitted within the premises between the hours of 12.00 midnight and 3.00am the following day Thursdays to Saturdays.

Ongoing Hours:

10.00am to 12.00 midnight Mondays to Saturdays including Public Holidays

10.00am to 10.00pm Sundays

No live entertainment being permitted within the premises between the hours of 12.00 midnight and 3.00am the following day Thursdays to Saturdays.

Gasoline Pony located at 115 Marrickville Road**Ongoing Hours****Internal Areas**

10.00am to 11.30pm Mondays to Saturdays

10.00am to 9.30pm Sundays and Public Holidays

Rear Courtyard and footpath seating

10.00am to 10.00pm Monday to Saturdays

10.00am to 9.00pm Sundays and Public Holidays

Royal Exchange Hotel at 203-205 Marrickville Road**4 year trial period from 7 November 2007 to 7 November 2011 (Lapsed 7 November 2011)****Hotel excluding beer garden**

10.00am to 3.00am the following day Monday to Saturdays and Public Holidays

11.00am to 10.00pm Sundays

Beer garden hours

10.00am to 10.30pm Mondays to Thursdays and Sundays

10.00am to 12.00 midnight Fridays, Saturdays and Public Holidays

Outdoor Terrace

10.00am to 10.30pm Mondays to Thursdays and Sundays

10.00am to 12.00 midnight Fridays, Saturdays and Public Holidays

Town & Country Hotel at 220 Marrickville Road**1 year trial period commencing from operation – not yet commenced (13 April 2016)**

9.00am – 12.00 midnight Monday to Wednesday

9.00am – 2.00am the following day Thursday to Saturday

10.00am – 12.00pm Sunday

Ongoing Hours

9.00am – 12.00 midnight Monday to Saturday

10.00am – 12.00 midnight Sunday including public holidays.

The hours of operation proposed are consistent and compatible with the operating hours of the licensed premises within the surrounding vicinity of the site.

An Acoustic Report, prepared by GHD, dated February 2018 was submitted with the application. The Acoustic Report was referred to Council's Environmental Health Officer who raised no objections to the proposal subject to the imposition of conditions. The Acoustic Report carried out an assessment of the acoustic impact of the proposed premises with regard to mechanical plant noise and operational noise emission including background music. Noise prediction testing was undertaken with regard to the residential receivers surrounding the site. The testing indicates significant exceedances of the night-time octave band noise criteria for residential receivers to the rear of the premises. The report recommended that to reduce the noise emission, the front door remain in the closed position from 6:00pm and the rear louvered atrium roof be closed from 10:00pm. Further testing was undertaken with these parameters in place which demonstrated that the operation of the premises would then comply with the maximum night time octave band noise criteria.

The above submission accompanying the application has been considered and all recommendations within the report should be complied with as part of any development consent. A Plan of Management (PoM) and Social Impact Comment (SIC) were also provided as part of the application. The PoM sets out general regulations and rules associated with the on-going use of the premises as a bar. The PoM also includes safety provisions and makes reference to the acoustic report to reduce any potential amenity

impacts arising from the development. It is considered that compliance with the recommendations of the Acoustic Impact Report and the rules and regulations outlined by the Plan of Management should alleviate any potential amenity impacts that may arise from the development.

To further reduce any potential amenity impacts on the surrounding area, a condition is included in the recommendation requiring the use of the premises not give rise to a sound pressure level that exceeds the background noise level by more than 5dB(A) in neighbouring residential properties. And that future testing be undertaken after commencing operation to ensure the development is operating in accordance with the maximum noise emission criteria.

The application was referred to NSW Police for comment. The following comments with regards to trading hours were provided:

- Trading hours Monday to Saturday 11am to midnight, and Sundays 11am to 10pm. If the council deems it suitable to grant the applicant trading hours past the standard trading hours as governed by the Liquor Act, police respectfully request that trade until 1am on Friday and Saturday Nights be on a trial basis only.
- Liquor sales are to cease 15 minutes before close.
- From 9pm, all windows and doors are to remain closed except to allow patrons to enter and egress.

Further conditions were provided by the NSW Police to ensure the development has minimal social, environmental and acoustic impacts on the street and surrounding residents. The comments provided by NSW Police have been included in the recommendation. A condition was provided recommending the provision of a kitchen for service of food, but for reasons discussed earlier in this report, this condition is no longer required.

It is noted that the former Marrickville Council has an adopted Hotel Trading Hours Policy, extracts of which have been reproduced below:

“Council adopted a merit based approach for the assessment of applications in relation to extended trading hours of hotels on 6 September, 2005. Council endorsed that merit based approach, including the use of management plans and limited consents as the preferred approach for dealing with applications for extended trading hours for licensed premises.

Under Council’s Hotel Trading Hours Policy, any approval granted for extended hotel trading hours would be limited to a trial period to ensure that the extended trading hours are reviewed and assessed in the light of the performance of the hotel and to ensure that the extended trading hours do not interfere with the amenity of the locality.

Under Council’s Hotel Trading Hours Policy the length of the trial periods are as follows:

(i) Initial Application

An application for extended trading hours of a hotel considered suitable for approval would be subject to an initial one (1) year trial period.

(ii) Second Application

Subject to the satisfactory conduct of the hotel premises during that initial trial period, an application for a continuation of the extended trading hours approved in the initial trial period may be granted for a trial period of two (2) years.

(iii) *Third and Subsequent Applications*

Subject to the satisfactory conduct of the hotel premises during that second (or subsequent) trial period, an application for a continuation of the extended trading hours approved in the second (or subsequent) trial period may be granted for a trial period of four (4) years.”

Council Officers have consistently applied the trial period approach for licensed premises throughout the local government area seeking approval with extended trading hours beyond 12.00 midnight. The proposed 12 month trial period for the extended trading hours of the subject use is considered to be consistent with the requirements of this ‘Hotel Trading Hours Policy’. A trial period would give Council the opportunity to review the performance and operation of the hotel with extended trading hours. In this instance the trial period will apply to trade from 12 midnight to 1am on Fridays and Saturdays.

The restricted trading hours included in the recommendation are consistent with surrounding licensed premises and aim to balance reasonable operation of the hotel with protection of the acoustic privacy and amenity for the surrounding residents.

(iv) Part 9 - Strategic Context

The site is located in the Marrickville Town Centre Planning Precinct (Precinct 40) under Part 9.40 of MDCP 2011.

The visual surveillance of the street will be enhanced and the proposal will provide a contemporary design complimenting the existing streetscape. The rear façade on Marrickville Lane will be retained reasonably intact with the exception of the bricking up of some existing windows.

The proposal meets the desired future character of the Marrickville Town Centre Planning Precinct and is considered acceptable.

5(d) The Likely Impacts

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

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

The site is zoned B2 Local Centre under MLEP 2011. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's Notification Policy. A total of 1 submission was received.

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

- Car Parking – see Section 5 (c) – Part 2.10 MDCP 2011
- Acoustic and Visual Privacy – see Section 5 (c) – Part 2.6 MDCP 2011
- NSW Police objections – see Section 5 (c) - Part 5.3.1.2 MDCP 2011

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

Issue: There are too many licensed premises in the area
Comment: The use as a pub is permissible in accordance with the B2 land zone applying to the site. Council does not have clustering controls for licensed premises and as the proposal meets the objectives and controls of the Marrickville Local Environment Plan 2011 and Development Control Plan the proposal is supported.

Issue: The use is not compatible with the residential and commercial nature of the street and will detract from the nature of the area.
Comment: The objective of the B2 – Local Centre zone applying to the site is to provide a range of business, retail, entertainment and community uses, the provision of a pub would provide a business use. The development would be acceptable subject to compliance with the recommendations of the acoustic report having regard to amenity for adjoining land uses and is supported.

Other Matters

The section plan submitted as part of the application indicates that the office/storage area will open as a bar in the 3rd year. This is not outlined on any of the other plans or supporting documents. Based on the information submitted with the application, consent is not sought nor given to use the first floor of the premises as a bar or for any patrons, with the exception of the use of the lift and toilets. A condition is included in the recommendation reaffirming this. A future application would need to be lodged if consent was sought to utilise the first floor for anything other than storage/office space.

5(g) The Public Interest

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

The development is consistent with the aims, and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011 and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in the public interest.

6 Referrals

6(a) Internal

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

- Building
- Health

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

7. Section 7.11 Contributions

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$750.00 would be required for the development under Marrickville Section 94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 (MLEP 2011). The proposal is generally consistent Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is suitable for the issue of consent subject to appropriate terms and conditions.

9. Recommendation

- A. That the Panel, as the consent authority pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201800108 to fit-out and use the premises as a licensed bar operating 11:00am to Midnight Mondays to Thursdays, 11:00am to 1:00am Fridays and Saturdays and 11:00am to 10:00pm on Sundays. Subject to the conditions listed in Attachment A below.
- B. That the NSW Police be notified of the determination of the application.

Attachment A – Recommended conditions of consent

GENERAL

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

| Plan, Revision and Issue No. | Plan Name | Date Issued | Prepared by | Date Submitted |
|------------------------------|----------------------------|---------------|-------------|----------------|
| DA01-DA14, Revision F | Architectural Plans | 13 June 2018 | Kreativ | 14 June 2018 |
| - | Plan of Management | 13 June 2018 | | 14 June 2018 |
| 2127067 | Acoustic Assessment Report | February 2018 | GHD | 8 March 2018 |

and details submitted to Council on 8 March 2018, and 21 May, 4 and 14 June 2018 with the application for development consent and as amended by the following conditions.

- All waste associated with the use is to be accommodated wholly within the premises and collected from within the premises via the door on Marrickville Lane.
- A full and current copy of all current development consents for the operation of the licensed premises and the Plan of Management must be kept on-site and made available to Police or Council Officers upon request.
- The operation of the premises complying at all times with the 'The Marrickville Hotel – 244 Marrickville Road, Marrickville: Plan of Management_The Marrickville Hotel' and 'Acoustic Assessment No. 2127067, prepared by GHD, dated February 2018' submitted on 8 March 2018 to Council. The Plan of Management as approved shall not be amended without the prior written approval of the Inner West Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.
- The operation of the premises complying at all times with the operation requirements of Part 4.1.3 of the 'Acoustic Assessment No. 2127067, prepared by GHD, dated February 2018' submitted on 8 March 2018 to Council.
- The Licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
 - The system must record continuously from opening time until one hour after the last person (including employees/contractors) have left the premises.
 - Recording must be in digital format and a minimum of 15 frames per second
 - Any recoded image must specify the time and date of the recorded image; and the system's camera must cover the following areas
 - All entry and exit points on the premises,
 - The footpath immediately adjacent to the premises, and
 - All publicly accessible areas (other than the toilets) on the premises.

The Licensee must also keep all recordings made by the CCTV system for at least 30 days and ensure that at least one member of staff is on the premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage and provide any recordings

- made by the system to a police officer or inspector within 24 hours of any request by a Police officer or Inspector to provide such recoding
7. The proprietor of the hotel being responsible at all times to ensure the orderly dispersal of patrons from the premises.
 8. The proprietor of the hotel is responsible for ensuring that the staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the premises.
 9. The following conditions must be complied with at all times :
 - a) No patrons are to be allowed entry or re-entry to the premises after 1am.
 - b) Liquor sales are to cease 15 minutes before close or trade
 - c) All doors and windows are to remain closed from 9:00pm except to allow patrons to enter and egress.
 - d) No packaged liquor is to be sold after 10pm and no person is permitted to take open containers of liquor off the premises when leaving.
 - e) The licensee will ensure no shots, doubles or ready to drink (RTD) beverages above 5% alcohol, and no more than four alcoholic drinks per person per order.
 - f) CCTV systems to be maintained on premises under strict conditions.
 - g) Details of late night transport options should be provided to patrons
 - h) The licensee will ensure that the NSW Police Crime Scene Preservation guidelines are followed for any violent incident to increase the likelihood of successful prosecutions.
 10. Not more than 150 patrons and 8 staff to be present within the premises at any one time without the prior approval of Council.
 11. The manager/licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to:-
 - a) The manager/licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police.
 - b) The manager/licensee and/or staff make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident; and
 - c) The manager/licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
 12. Signs are to be installed within the pub at each exit from the building which state that:
 - a) There are dwellings within close proximity of the premises;
 - b) Patrons are requested to enter and leave in a quiet and orderly manner;
 - c) No entry or exit is permitted from the rear lane except in the event of an emergency; and
 - d) No glass or bottles are to be taken from the premises.
 13. The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:

- a) The name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlands, Brothers for Life, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Joker, Hells Angels, Highway 61, Iron Horsemen, Life and Death, Lone Wolf, Mobshitters, Mongrel Mob, Mongols, Nomads, No Surrender, Odin's Warriors, Outcasts, Outlaws, Phoenix, Rebels, Rock Machine, Satudarah, or
 - b) the colours, club patch, insignia or logo of any such organisation, or
 - c) the "1%" or "1%er" symbol, or
 - d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in paragraph (a).
14. The shop window display area must be maintained at all times with no roller shutters being installed across the shopfront.
 15. The use of the premises as a hotel is limited to the ground floor with patrons not permitted to utilise the first floor with the exception of the toilet facilities.
 16. No alcohol is to be sold or consumed on the footpath or paved area adjacent to the site.
 17. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
 18. The signage must be erected substantially in accordance with the Plan No/s. DA11, Revision A– Proposed Elevations dated 13 June 2018 and details submitted to Council with the application for development consent as amended by the following conditions.
 19. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The shop windows must not be painted with advertisements and no flashing lights must be installed on the premises.
 20. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.
 21. The illuminated vertical projecting sign approved under this consent is to be turned off between the hours of 10:00pm to 7:00am.
 22. Any advertisement to be displayed must be only to identify the premises, the occupier of the site, the activity conducted thereon or the goods and services available on the premises associated with the use approved in this development consent.
 23. The signage must:
 - a) not flash, move, be animated, or be decorated with rotating or flashing lights;
 - b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
 - c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure must be promptly repaired with materials to match those of the existing building;
 - d) comply with the Advertising Code of Ethics; and
 - e) comply with the requirements of the Roads and Maritime Services Authority.

24. No storage of goods or equipment external to any building on the site being permitted.
25. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
26. The required fee under Council adopted fees and charges for "Signs and Advertising Structures Projecting onto or Over Public Space" must be paid to Council. The advertisement/advertising structures must only remain in place when the annual licensing fee for that year has been paid.

Note: The fee needs to be paid annually.

27. Certification by a Structural Engineer as to the adequacy of the method of affixing the sign must be submitted to Council prior to the erection of the sign.
28. All loading and unloading in connection with the use must be carried out from Marrickville Lane, between 11.00am and 4.00pm Monday to Sunday and in such a manner as not to cause inconvenience to the public.
29. All loading and unloading of kegs for the hotel are to be via a truck with a maximum size of 8 tonnes – Medium Rigid, with all other deliveries to be restricted to a utility or small van and in such a manner as not to cause inconvenience to the public.
30. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.
 - a)
 - (i) The hours of operation must be restricted to between the hours of 11.00am to Midnight Monday – Saturday and 11.00am to 10.00pm Sundays including public holidays.
 - (ii) A minimum of 1 security guard must be present on site from 7pm on Friday and Saturday nights till half an hour after closing.
 - b)
 - (i) For a period of not more than 12 months from the issue of any Occupation Certificate (Interim or Final) for the works approved in this consent, the hours of operation must be restricted to between the hours of 11.00am to Midnight Monday to Thursdays including public holidays, 11.00am to 1.00am the following day Friday and Saturday and 11.00am to 10.00pm Sunday.
 - (ii) A minimum of 2 licensed security guards must be present patrolling the hotel from 10pm till half an hour after closing on Friday and Saturday nights.
 - c) A continuation of the extended hours will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.
31. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
32. All trade waste must be stored within the site boundaries and must be contained in such a manner so as not to cause a nuisance.
33. The construction, fitout and finishes of the food premises must comply with the Food Act 2003, the Australian and New Zealand Food Standards Code and Australian Standard 4674 - Design, Construction and Fitout of Food Premises.
34. All waste and waste receptacles associated with the usage of the premises are to be stored within the site boundaries of the subject premises and are to be contained in

such a manner so as to comply with the requirements of the Food Act 2003 and Australian Standard 4674 - Design, Construction and Fitout of Food Premises.

35. The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent condition shall prevail.

36. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

37. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
38. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.
39. Signs being appropriately located within the hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the hotel.
40. No live music or entertainment to be provided within the premises.
41. A complaints register must be maintained and must detail the following:
- a) All complaints made to the Hotel are to be recorded in an incident book and note the: date and time of incident, nature of complaint, address and contact details,

- and any actions proposed to deal with the complaint, and whether it has been or needs to be followed up; and
- b) The incident register is to be reviewed by the licensee to ensure that complaints are being dealt with.
42. All new building work shall be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

43. No work must commence until:
- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice given to Council of the intention to commence work.
44. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
45. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.
Facilities must be located so that they will not cause a nuisance.
46. All demolition work must:
- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
47. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
48. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

49. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign must include:
- The name, address and telephone number of the PCA;
 - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
50. The person acting on this consent must be responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and are to be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at 248 Marrickville Road and 242 Marrickville Road, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

51. A levy of \$750.00 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC002317)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

52. Before the issue of a Construction Certificate amended plans shall be submitted to the Certifying Authority's satisfaction addressing the applicable requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

53. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority’s satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

54. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

| | |
|-------------------------|-----------|
| Security Deposit (FOOT) | \$2100.00 |
| Inspection fee (FOOTI) | \$225.00 |

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

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

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

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

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

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

55. The premises are to be designed, constructed and operated in accordance with the:
- Food Act 2003
 - Food Regulation 2010
 - Australia and New Zealand Food Standards Code
 - Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
 - Australian Standard AS 1668 Part 1 – 1998
 - Australian Standard AS 1668 Part 2 – 2012; and
 - Building Code of Australia

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

56. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

SITE WORKS

57. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
58. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
59. All demolition work must be carried out in accordance with the following:
- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
 - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
 - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
 - e) the generation of dust and noise on the site must be controlled;
 - f) the site must be secured to prohibit unauthorised entry;
 - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
 - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;

- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
 - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
 - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
60. The works must be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

61. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.

BEFORE OCCUPATION OF THE BUILDING

62. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
63. Occupation of the building must not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.
64. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule.

The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

65. Before the issue of an Occupation Certificate, Council's Environmental Health Unit must be notified that the premises are being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.
66. The existing whiteway lighting scheme must be maintained and incorporated into the design of the development. Any defects must be repaired at no cost to Council and before occupation of the site.
67.
 - (i) Upon completion of the required noise attenuation measures referred to in the "Acoustic Assessment" prepared by GHD dated February 2018 and prior to commencing trading a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Acoustic Assessment report. Such report shall include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
 - (ii) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.
68. Attached to the Development Consent is a Fire Safety Schedule which has been issued in accordance with clause 168(1)(a) of the Environmental Planning & Assessment Regulation 2000. The Principal Certifying Authority shall ensure the existing and proposed fire safety measures are installed and certified to be operating in accordance with the BCA and Australian Standards. A Fire Safety Certificate shall be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate.

ADVISORY NOTES


- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit those plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The property lies within the 20-25 Australian Noise Exposure Forecast (ANEF) Contour (2033), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Council's determination of the application does not relieve those persons who have obligations under the Smoke-Free Environment Act and Smoke-Free Environment Regulation to comply with those provisions of the Act and Regulation. A copy of the guidelines produced by the NSW Department of Health is attached to this consent for further assistance in this matter.

- Useful Contacts


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| BASIX Information |  1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au |
| Department of Fair Trading |  13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance. |
| Dial Before You Dig |  1100 www.dialbeforeyoudig.com.au |
| Landcom |  9841 8660 To purchase copies of Volume One of "Soils and Construction" |
| Long Service Payments Corporation |  131441 www.lspc.nsw.gov.au |
| Marrickville Council |  9335 2222 www.marrickville.nsw.gov.au Copies of all Council documents and application forms can be found on the web site. |
| NSW Food Authority |  1300 552 406 www.foodnotify.nsw.gov.au |
| NSW Government | www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage |  131 555 www.environment.nsw.gov.au |

Sydney Water

 13 20 92

www.sydneywater.com.au

Waste Service - SITA
Environmental Solutions


 1300 651 116

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and
Standards (WELS)

www.waterrating.gov.au

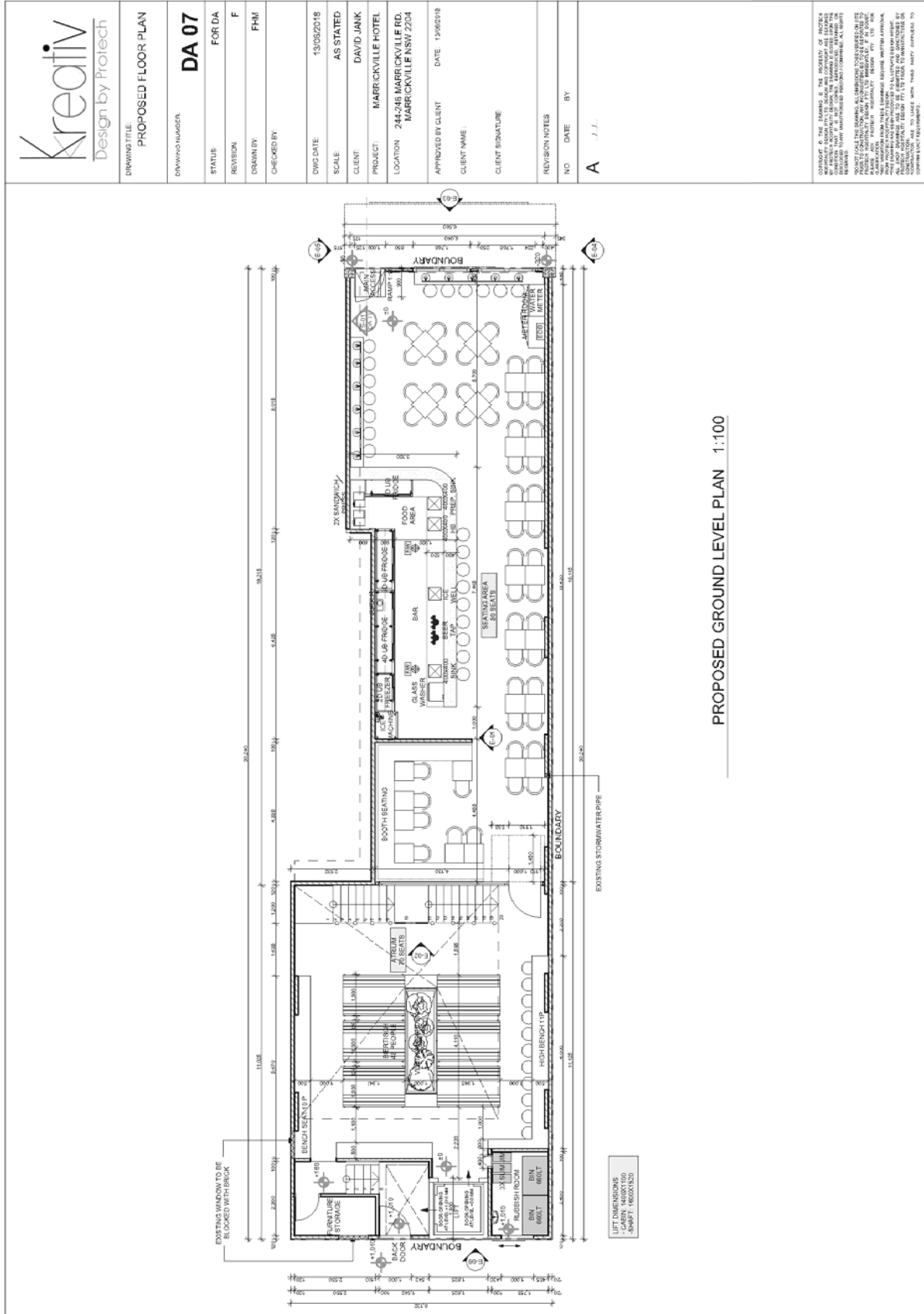
WorkCover Authority of NSW

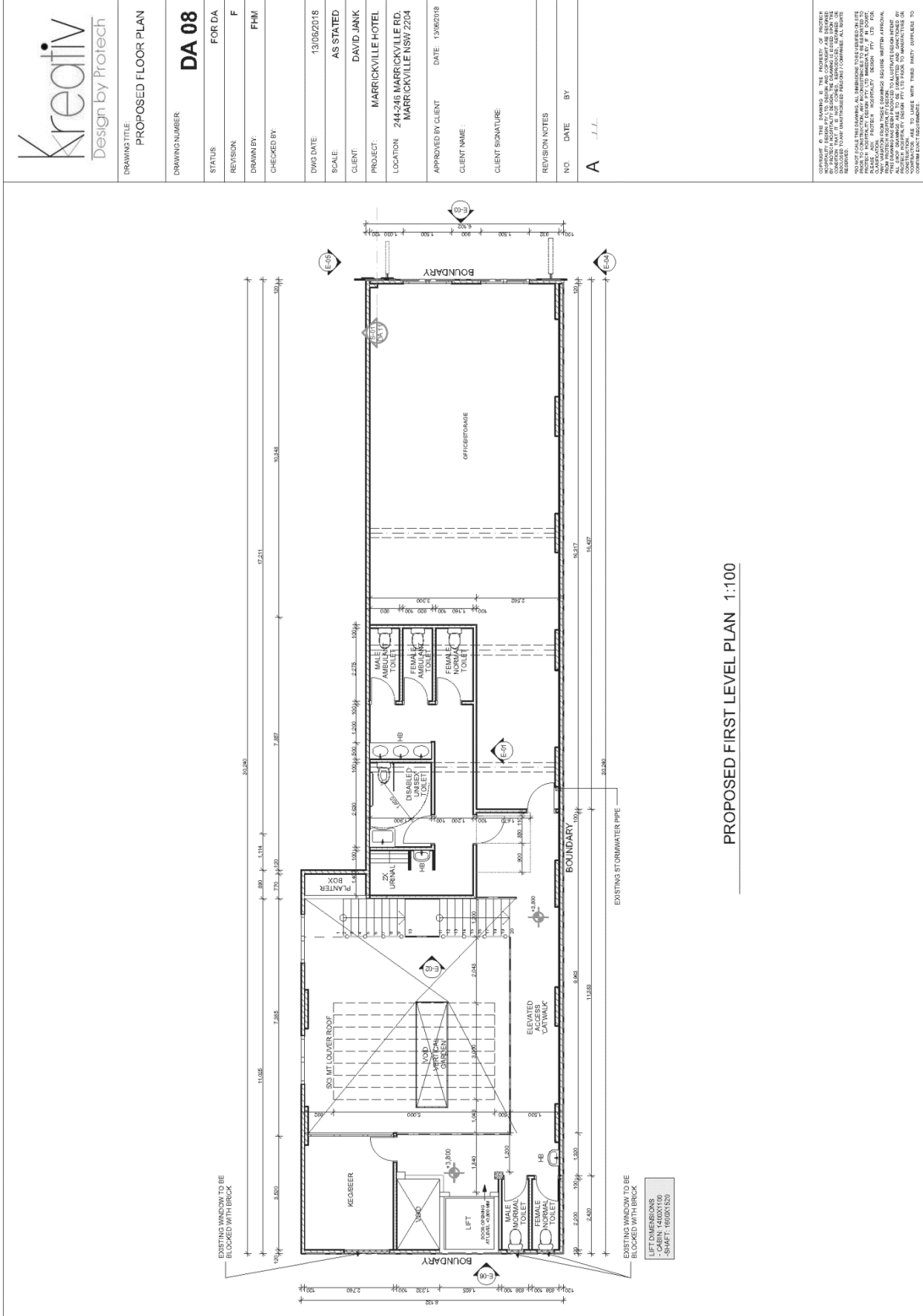
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www.workcover.nsw.gov.au

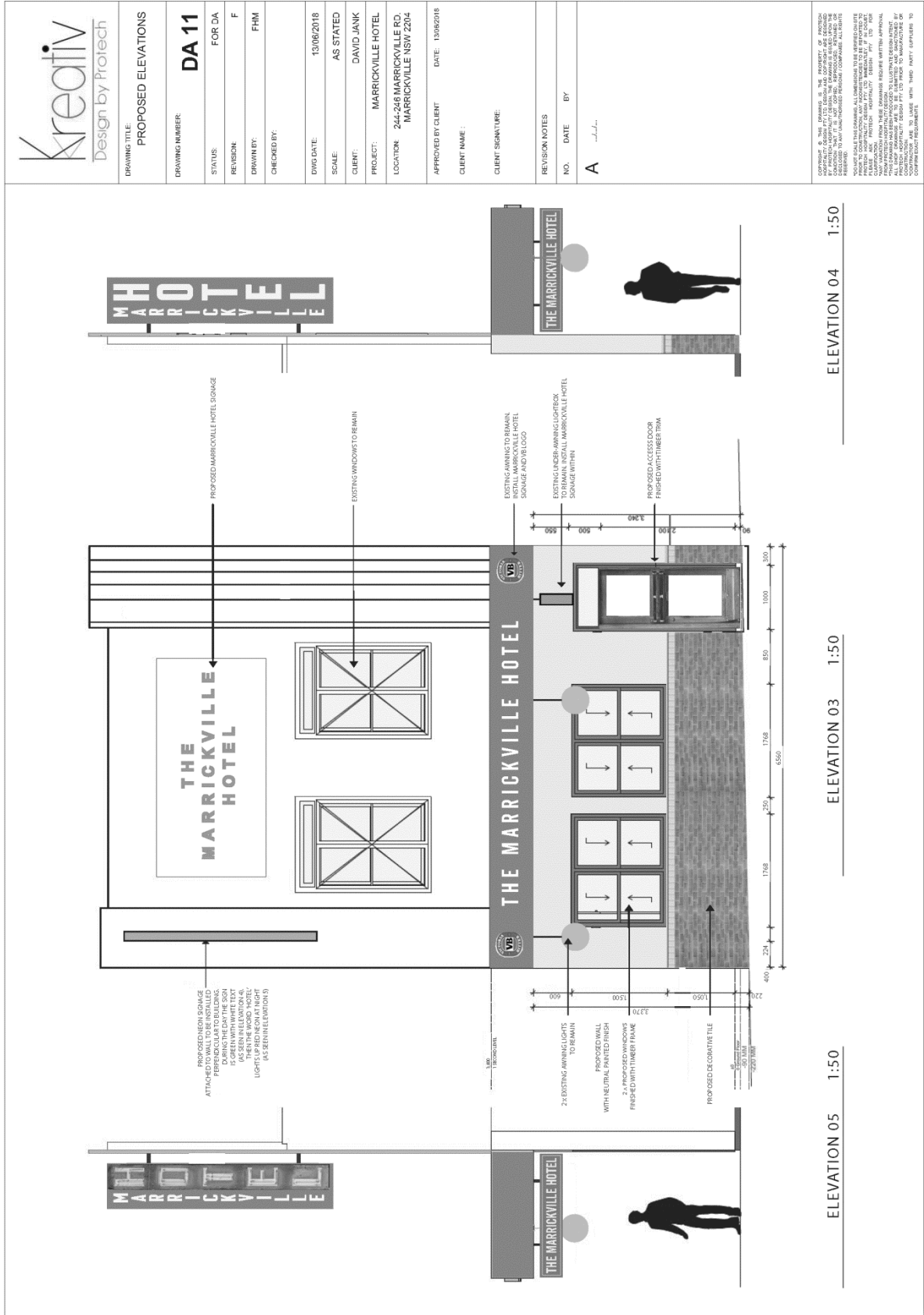
Enquiries relating to work safety and asbestos
removal and disposal.


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|  | <p>DRAWING TITLE: GENERAL NOTES</p> <p>DRAWING NUMBER: DA 03</p> <p>STATUS: FOR DA</p> <p>REVISION: F</p> <p>DRAWN BY: PHM</p> <p>CHECKED BY:</p> <p>DWG DATE: 13/06/2018</p> <p>SCALE: AS STATED</p> <p>CLIENT: DAVID JANIK</p> <p>PROJECT: MARRICKVILLE HOTEL</p> <p>LOCATION: 244-246 MARRICKVILLE RD, MARRICKVILLE NSW 2204</p> <p>APPROVED BY CLIENT: DATE: 13/06/2018</p> <p>CLIENT NAME:</p> <p>CLIENT SIGNATURE:</p> <p>REVISION NOTES:</p> <p>NO DATE BY</p> <p>A J.J.</p> | <p>CONTRACTOR: THE DRAWING IS THE PROPERTY OF PROTECH DESIGN BY PROTECH. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF PROTECH DESIGN BY PROTECH. THE DRAWING IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF PROTECH DESIGN BY PROTECH.</p> |
| <p>ELECTRICAL NOTES</p> <p>1. NECESSARY APPROVALS FOR THE WORKS PRIOR TO COMMENCEMENT AND PAY ALL FEES REQUIRED. ALLOW FOR AND COORDINATE STAGING OF THE WORKS, OUT OF NORMAL HOURS WORK AND POWER INTERRUPTIONS TO THE PROJECT.</p> <p>2. ELECTRICAL SERVICES LAYOUT ACCURACY OF SITE CONDITIONS SHALL BE DETERMINED BY SITE SURVEY AS REQUIRED APPROPRIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE LOCAL COUNCIL FOR VERBAL CLARIFICATIONS AND LIAISE WITH MAIN CONTRACTOR TO COORDINATE ANY SITE VISITS.</p> <p>3. THE WORK TO BE CARRIED OUT COMPRISES THE SUPPLY, DELIVERY, INSTALLATION, TESTING, COMMISSIONING, WARRANTY AND MAINTENANCE OF THE ELECTRICAL SERVICES FOR THE PROJECT, ALONG WITH ALL MINOR INCIDENTAL WORK ASSOCIATED THERE WITH INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:</p> <p>4. PERFORMANCE DESIGN CRITERIA THE SYSTEM SHALL BE DESIGNED BASED ON THE FOLLOWING PARAMETERS:</p> <p>4.1 MAXIMUM DEMAND IN ACCORDANCE WITH THE AS3000.</p> <p>4.2 VOLTAGE DROP TO END OF SUBMANS LESS THAN 3.5%.</p> <p>4.3 SHORT CIRCUIT FAULT RATING SHALL BE AS COMPUTED AT THE INCOMING TERMINATIONS AND LIMITED BY THE PROTECTION DEVICES ON THE MAIN DISTRIBUTION SWITCHBOARD BUT NOT LESS THAN 18KA RMS FOR 1 SEC. SHALL BE SIZED TO WITHSTAND THE COMPUTED FAULT LEVEL AT THE RESPECTIVE SWITCHBOARD BUT SHALL BE NOT LESS THAN 60KA.</p> <p>4.4 EMERGENCY AND EXT LIGHTING DESIGNED AND INSTALLED IN ACCORDANCE WITH AS2293.1 AND MAINTAINED IN ACCORDANCE WITH AS2293.2.</p> <p>4.5 LIGHTING STANDARDS: AS1180.1, AS1180.2, AS1180.2.1 MINIMUM LFLD 0.7 GENERALLY (TRIPHOSPHOR LAMPS) ALL WORKS SHALL COMPLY WITH THE REGULATIONS AND REQUIREMENTS OF THE LOCAL COUNCIL AUTHORITIES AND ANY OTHERS HAVING JURISDICTION OVER THE WORKS:</p> <ul style="list-style-type: none"> - METROPOLITAN FIRE BRIGADE. - RETROFIT BUILDING SURVEYOR. - ELECTRICITY SUPPLY AUTHORITIES. - ACA. <p>4.6 LIGHTING FINAL SUB-CIRCUITS TOTAL LOAD PER FINAL SUB-CIRCUIT PROTECTED BY 20KA CIRCUIT BREAKER EXCEPT CALCULATED TO BE 3000VA OR AS DETERMINED BY VOLTAGE TOTAL LOAD PER FINAL SUB-CIRCUIT PROTECTED BY 16A CIRCUIT BREAKER & 2.5MM² E CABLE SHALL BE 2500VA OR AS DETERMINED BY VOLTAGE DROP CALCULATION. DIMMERS SHALL BE SIZED TO ACCOMMODATE LUMINAIRE LOADS.</p> <p>4.7 DEMOLITION, TEMPORARY AND AFTER-HOURS WORKS WHERE THE WORKS, INCLUDING AREAS ADJACENT THE MAIN WORK AREAS, REQUIRE ALTERATIONS TO EXISTING WIRING, SWITCHBOARDS, ELECTRICAL PANELS, AND/OR EQUIPMENT TO BE CARRIED OUT. ALL EXISTING WIRING AND CIRCUITS ARE SATISFACTORY IN EVERY PARTICULARS EXISTING WIRING, CONDUITS, FITTINGS, EQUIPMENT, APPARATUS AND THE LINE IF ENCOUNTERED, OBSTRUCTED, OR DAMAGED IN THE COURSE OF THE WORK SHALL BE DEALT WITH AS FOLLOWS:</p> <p>(A) IF TO REMAIN: REPAIR, DIVERT, RELOCATE AS REQUIRED TO ACHIEVE AND EQUIVALENT INSTALLATIONS EXISTING.</p> <p>(B) IF TO BE REMOVED: ACCESS PROTECTED OTHERWISE DISCONNECT ELECTRICAL BY REMOVED. SURFACE FINISH TO BE RESTORED TO WORKMANLIKE MANNER, CONSISTENT WITH MINIMISING DAMAGE TO SURFACES WHICH WOULD NEED TO BE MADE GOOD.</p> <p>IN EITHER CASE, TO SATISFY THE AUTHORITIES CONCERNED AND TO APPROVAL AND WITHOUT COST VARIATION TO THE CONTRACTOR.</p> <p>4.8 EXT & EMERGENCY LIGHTING REFER TO ELECTRICAL SUB CONTRACTORS DRAWINGS.</p> | <p>JOINERY NOTES</p> <p>ALL DIMENSIONS TAKEN FROM FINISHED FLOOR LEVEL, ALL FIXINGS TO OPEN SHELVES AND CUPBOARDS SHALL BE ALIGNED WITH JOINERY & CONCEALED FROM SIGHT IN FINISHED WORKS. VENEERS & LAMINATE FINISHES TO HAVE APPROPRIATE COMPENSATORY MATERIAL TO OTHER SIDE OF BOARD. SITE SPECIFIC DIMENSIONS TAKE PRECEDENCE OVER STANDARD DETAIL DRAWINGS.</p> <p>EXTERNAL CARCASE SHALL BE CONSTRUCTED OF 18MM THICK PRELAMINATED PARTICLE BOARD AS NOTED, UNLESS OTHERWISE SPECIFIED. ALL EXPOSED EDGES TO BE LAMINATED, COLOUR/FINISH AS NOMINATED.</p> <p>INTERNAL CARCASE SHALL BE CONSTRUCTED OF 16MM THICK PRELAMINATED PARTICLE BOARD UNLESS SPECIFIED OTHERWISE INCLUDING ALL INTERNAL SURFACES & EDGES UNLESS NOTED OTHERWISE. BACKS SHALL BE CONSTRUCTED OF PRELAMINATED 18MM PARTICLE BOARD WHERE LOCATED AGAINST A PARTITION. CONSTRUCT EXPOSED EDGES OF 18MM PRELAMINATED PARTICLE BOARD.</p> <p>DOORS TO CUPBOARD & DRAWER FRONTS SHALL BE CONSTRUCTED OF 18MM THICK PRELAMINATED BOARD FOR UNDER BENCH AND OVERHEAD CUPBOARDS.</p> <p>TIMBER REFER TO FINISHES SCHEDULE FOR TIMBER FINISHING DETAILS</p> <p>SHELVES CONSTRUCTED OF 18MM THICK PRELAMINATED PARTICLE BOARD UP TO 600MM WIDE SPAN UNLESS NOTED OTHERWISE. AREAS OVER 600MM WIDE SPAN TO HAVE 20MM THICK PRELAMINATED PARTICLE BOARD SHELVES.</p> <p>BRECHTORS - (BACK OF HOUSE AREAS) SHALL BE CONSTRUCTED OF 18MM THICK PRELAMINATED PARTICLE BOARD WITH EDGES AS DETAIL. UNLESS NOTED OTHERWISE LAMINATE JOINTS AS INDICATED ON PLAN. NO OTHER JOINTS WILL BE ACCEPTED WITHOUT PRIOR APPROVAL.</p> <p>DRAWER LOCK (BACK OF HOUSE AREAS) SINGLE SIDED CD CENTRAL LOCKING SYSTEM OR EQUIVALENT.</p> <p>DRAWER RUNNERS (BACK OF HOUSE AREAS) CONCEALED. METAL & FULLY EXTENSION TYPE RUNNERS TO SUIT SIZE & WEIGHT OF DRAWERS - 18MM WIDE. UNLESS NOTED OTHERWISE APPROVED.</p> <p>SHELF SUPPORT 18MM SHELF SUPPORTS CAT NO. 292.04.711 NICKEL PLATED FINISH.</p> <p>GLAZING GLAZING TO AS 1288.</p> <p>HINGES SHALL BE FULLY CONCEALED SELF CLOSING METAL HINGES WITH 90° OPENING - BLUM CLIP OR HETICH EURO MATT TOP SAFE OR SIMILAR APPROVED.</p> <p>HANDLES (BACK OF HOUSE AREAS) CUPBOARD & DRAWER - HORIZONTAL SILVERS 10MM DOOR PULL (128X10X28MM) ON DRAWERS. SET IN 60MM FROM TOP & SIDE EDGE OF CUPBOARDS.</p> <p>DOOR CATCHES - HMFPE TOUCH CATCH/AUTOMATIC SPRING CATCH OR EQUIVALENT CAT NO. 246.55.913 IN BRUSH GALVANISED STEEL.</p> <p>CABLE HOLES (BACK OF HOUSE AREAS) CABLE HOLES TO BE 60MM WITH HAFLE CABLE CAP INSERT (CAT NO. 429.96.520) COLOUR - LIGHT GREY POSITION AS INDICATED ON PLAN. CASH DRAWER PROPRIETRY DRAWER CONNECTED TO POS COMPUTER SUPPLIER 'BC' INSTALLED BY JOINER.</p> <p>EQUIPMENT ALL EQUIPMENT SHALL BE SUPPLIED BY CLIENT.</p> <p>DEFINITIONS: EQ= EQUIPMENT</p> <p>FFL= FINISHED FLOOR LEVEL</p> <p>FCI= FINISHED CEILING LEVEL</p> | <p>14. SWITCHING THE CONTRACTOR IS REQUIRED TO SUBMIT SCHEMATICS TO THE ARCHITECT FOR REVIEW AND APPROVAL BASED ON THE FOLLOWING DESIGN PARAMETERS:</p> <ul style="list-style-type: none"> (A) ALL FITTINGS ARE TO BE SWITCHED/DIMMED VIA LIKE TYPES I.E. ALL AS, ALL BS, SWITCHING SYSTEM. (B) TRAINING TO BE PROVIDED TO CLIENT'S STAFF IN THE OPERATION OF THE SWITCHING SYSTEM. (C) SWITCH POINTS TO BE LOCATED AS SHOWN ON THE PLANS. PLATES TO BE SUPPLIED BY CLIENT. APPROVAL AND COLOUR TO BE GIVEN IN COLOUR UNLESS OTHERWISE STATED ON ARCHITECTURAL DRAWINGS. <p>5. BUILDING PENETRATIONS SEAL ALL PENETRATIONS TO BCA C3.16 AND AS3000 REQUIREMENTS.</p> <p>6. SAMPLES SUBMIT SAMPLES OF ALL LUMINAIRES, SWITCHES, DIMMING PLATES, POWER OUTLETS ETC. FOR APPROVAL BY THE ARCHITECT AND CLIENT PRIOR TO ORDERING AND INSTALLATION.</p> <p>7. REDUNDANT LUMINAIRES & EQUIPMENT REDUNDANT LUMINAIRES & EQUIPMENT SHALL BE RETURNED TO CLIENT UNLESS NOTED OTHERWISE. REMOVE REDUNDANT WIRING CAUSED BY ALTERATIONS TO WALL AREAS.</p> <p>8. EQUIPMENT ALL EQUIPMENT SHALL BE NEW UNLESS STATED OTHERWISE. ALL WORK TIMES AND ACCESS SHALL BE COORDINATED WITH THE ARCHITECT AND THE CONSTRUCTION MANAGER.</p> <p>9. OUTLETS ALLOW FOR MOVEMENT OF THE OUTLETS UP TO 2 METRES PRIOR TO INSTALLATION WITHOUT COST VARIATION</p> <p>10. FLOOR CHASING, DRILLING ETC. FLOOR CHASING, DRILLING, ETC. SHALL BE CARRIED OUT IN 'OUT OF NORMAL' HOURS TO APPROVAL.</p> <p>11. RE-COMMISSIONING ALL ELECTRICAL SERVICES & DEMONSTRATE SATISFACTORY PERFORMANCE TO APPROVAL. PROVIDE MAINTENANCE AND WARRANTY FOR THE DEFECTS LIABILITY PERIOD SET OUT IN THE CONTRACT.</p> <p>12. MANUALS AND 'AS INSTALLED' DRAWINGS BUSINESS DAYS BEFORE THE DATE OF PRACTICAL COMPLETION SUPPLY 4 COPIES OF OPERATING SERVICE AND MAINTENANCE MANUALS AND CAD DISK COPIES OF 'AS INSTALLED' DRAWINGS. INFORMATION SHALL BE RECORDED IN THE MANUALS TO INCLUDE: COLOURS, COPIES OF ALL LUMINAIRES, LAMP REQUIREMENTS FOR ALL LUMINAIRES, EXCEPT LAMP LIFE AND TRADE PRICE OF LAMP SPECIFIED. ORIGINAL COPIES OF DINING MANUALS AND CONTRACT PROGRAMS ARE REQUIRED.</p> <p>13. ALTERNATIVE LUMINAIRES / SWITCH PLATES (A) NO ALTERNATIVES WILL BE ACCEPTED WITHOUT THE WRITTEN APPROVAL OF ARCHITECT. COMPANY SUBMITTING ALTERNATIVES FOR REVIEW MUST SUPPLY THE FOLLOWING INFORMATION OR FITTING MAY BE REJECTED</p> <ul style="list-style-type: none"> (B) CALCULATIONS OF FITTING BEING OFFERED INCLUDING CALCULATION OF LUMINAIRES IN THE GENERAL AREA THAT EFFECT THE OVERALL CALCULATION (C) CALCULATIONS MUST BE PROVIDED PERFORMED BY AN INDEPENDENT QUALIFIED PERSON. BUSINESS DAYS BEFORE THE DATE OF REVIEW BEING OFFERED. (D) COMPANY OFFERING ALTERNATIVE MAY INCUR CHARGES FROM ARCHITECT AND/OR ENGINEER FOR THE REVIEW OF LUMINAIRES. (E) COMPANY OFFERING ALTERNATIVE MUST PROVIDE ALL APPROVALS MUST BE PROVIDED. I.E. IP RATINGS, C-TOCK, PHOTOMETRICS, ETC. (F) COST SAVINGS MUST BE INCLUDED WITH ANY ALTERNATIVE SUBMISSION INCLUDING UNIT RATE. <p>SHOULD YOU HAVE QUESTIONS IN RELATIONS TO THE ABOVE SPECIFICATION CONTRACT THE NOMINATED LIGHTING CONSULTANT.</p> <p>14. ALL FITTINGS TO BE SUPPLIED AS SPECIFIED.</p> <p>15. SWITCHBOARDS ARE TO BE INSTALLED IN ACCORDANCE WITH BCA-02</p> <p>16. ALL DATAPHONE CABLEING TO BE COMPLETED IN ACCORDANCE WITH BCA-02 COMMUNICATIONS AND MEDIA AUTHORITY (ACMA) CABLEING STANDARDS. AS/ACF 500P/200L. ALL CABLEING WORK MUST BE PERFORMED OR SUPERVISED BY A QUALIFIED PERSON.</p> <ul style="list-style-type: none"> - THIS STANDARD APPLIES TO THE INSTALLATION AND MAINTENANCE OF FIXED OR CONCEALED CABLEING OR EQUIPMENT THAT IS CONNECTED, OR IS CONNECTED AS FIXED OR CONCEALED CABLEING. - ALL CABLEINGS IS TO BE: CAUSE MINIMUM, AND EACH PHONE AND DATA POINT IS TO BE PROVIDED WITH 4 PAIR. |



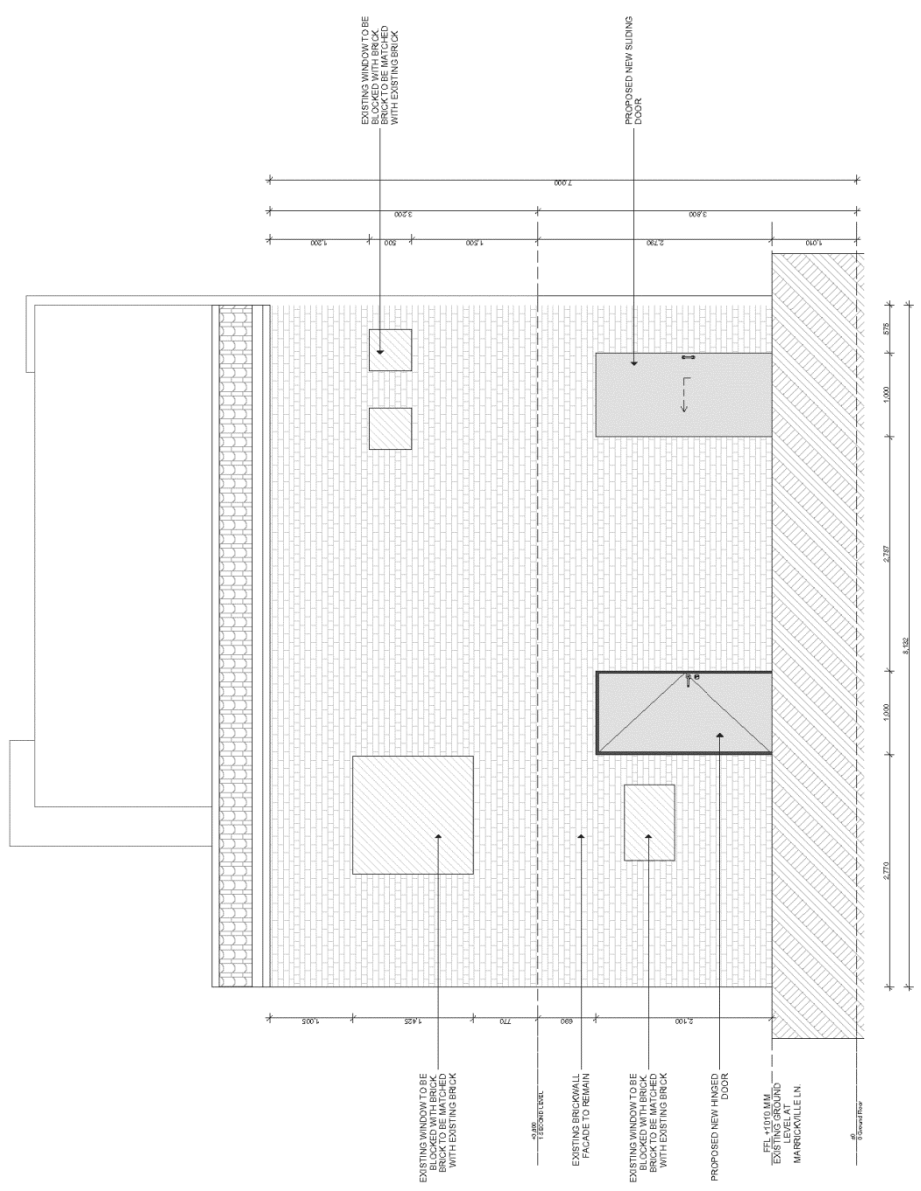



PROPOSED FIRST LEVEL PLAN 1:100



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| DRAWING TITLE | PROPOSED ELEVATIONS | |
| DRAWING NUMBER | DA 12 | |
| STATUS | FOR DA | |
| REVISION | F | |
| DRAWN BY | FHM | |
| CHECKED BY: | | |
| DWG DATE: | 13/06/2018 | |
| SCALE | AS STATED | |
| CLIENT | DAVID JANIK | |
| PROJECT | MARRICKVILLE HOTEL | |
| LOCATION | 244-246 MARRICKVILLE RD. MARRICKVILLE NSW 2204 | |
| APPROVED BY CLIENT | DATE: 13/06/2018 | |
| CLIENT NAME: | | |
| CLIENT SIGNATURE: | | |
| REVISION NOTES | | |
| NO. | DATE | BY |
| A | J.J.J. | |

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DRAWING TITLE: EQUIPMENT PLAN

DRAWING NUMBER: DA 14

STATUS: FOR DA

REVISION: F

DRAWN BY: FHM

CHECKED BY: FHM

DWG DATE: 13/08/2018

SCALE: AS STATED

CLIENT: DAVID JANK

PROJECT: MARRICKVILLE HOTEL

LOCATION: 244-248 MARRICKVILLE RD. MARRICKVILLE NSW 2204

APPROVED BY CLIENT: DATE: 13/08/2018

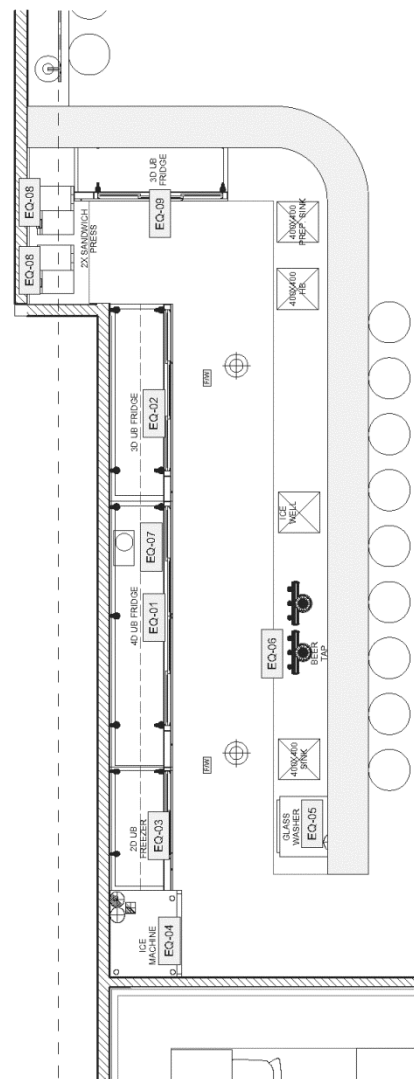
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KITCHEN/BAR EQUIPMENT PLAN 1:40

| CODE | QTY | EQUIPMENT |
|-------|-----|-----------------|
| EQ-01 | 1 | 4 DOORS FRIDGE |
| EQ-02 | 1 | 3 DOORS FRIDGE |
| EQ-03 | 1 | 2 DOORS FREEZER |
| EQ-04 | 1 | ICE MACHINE |
| EQ-05 | 1 | GLASS WASHER |
| EQ-06 | 1 | BEER TAP SYSTEM |
| EQ-07 | 1 | JUICER |
| EQ-08 | 2 | SANDWICH PRESS |
| EQ-09 | 1 | 3 DOORS FRIDGE |

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Attachment C – Plan of Management

The Marrickville Hotel, 244 Marrickville Rd, Marrickville.

Title

Plan of Management The Marrickville Hotel

Address: 244 Marrickville Rd, Lot 4 Sect 3 DP2620

Use of premises as a licensed bar.

Date of preparation: 13 June, 2018

Objectives

This Plan of Management (POM) has been prepared to ensure the following in relation to the Hotel's operation:

- *The safe and functional operation of the venue, including staff guidelines.
- *Minimisation of alcohol related harm.
- *Crime prevention.
- *Noise minimisation and preservation of the local amenity.
- *Complaints handling and resolution.

Management accepts that the service of alcohol and presence of liquor establishments in an area, if not conducted in a careful and considerate manner and according to the law, can lead to serious negative effects on the local amenity, as well as its patrons. This document sets out a framework for staff to operate the venue, ensuring that it maintains a positive influence on the neighbourhood and surrounds.

The POM also sets out processes for the handling of all resident's concerns regarding operations of the hotel and the manner in which they will be resolved.

Operational Details

Surrounding land uses; Development surrounding the subject site consists of commercial and retail uses at Marrickville Road with nearby residential development along the rear of the premises at Marrickville Lane.

Activity Types within Premises- The premises will be divided into four sections for the purposes of this document.

Main Bar- patron seating area and service of food and drink for whole venue.

Atrium- seating area at rear with louvered roof for patrons to enjoy a different environment.

Upstairs-Toilets and Office. Sanitary facilities for entire venue, accessible by stairs and lift.

Office for storage and staff use only.

Rear Area- bin room and general storage to be accessed by staff only, as well as door for emergency egress only. Wheelchair lift is contained in this area and it is expected that it will be used infrequently.

Potential Adverse Impacts on Amenity- to reduce the impact of patron noise to the rear residential receivers, the louvered roof will be closed at 10pm. The recommendations of the acoustic report that is to accompany this document will be followed in full. This includes closing the front door at 6pm.

Activity Variations- There are not expected to be seasonal variations. Generally, the venue will not be at capacity, and will be at its busiest on Friday and Saturday nights.

Licensing Information

The venue will be a licensed bar trading under a General Bar, Hotel License. Capacity is to be 150+8 staff. The bar will trade 7 days a week.

Hours of Operation

Monday-Thursday, 11am-Midnight

Friday, 11am-1am

Saturday, 11am-1am

Sunday-11am-10pm.

Staffing Details

The maximum number of staff at any one time will be 8. One Manager or Shift Supervisor will be onsite during each shift and will take responsibility for the management of the venue, as well as handle any incidents, reporting them appropriately via the incident register and shift report. A minimum of two staff will be present at all times and no staff shall ever be left alone on the premises.

The venue will be staffed according to the day of the week. The following staff numbers include one Manager or Shift Supervisor.

Mon-Thursday

11am-5pm-2 staff

5pm-midnight-5 staff

Friday/Saturday

11am-5pm-2 staff

5pm-1am-8 staff

Sun

11am-5pm-2 staff

5pm-10pm-4 staff

It is not thought that staffing levels will change seasonally, but management will increase staff as demand requires.

Security

The venue will employ security on Friday & Saturday night between the hours of 10pm-1am. There will be one security guard on the door in charge of patron I.D & ensuring the security of patrons and staff. Security will remain on site until patrons have departed and ensure that they disperse from the venue in an orderly fashion.

Guidelines for Staff

Staff will enter and exit the building through the front entrance only, and will be encouraged to do so in a quiet fashion after closing time. The rear entrance will be used strictly as an emergency exit. The exit will also be used for the purposes of accessing the bin room when transferring waste from nightly bins to main receptacles (see Waste Management) and for removing the bins from the venue on collection day. The laneway door to the bin room will not be used after 6pm, or before 7am.

Waste Management

Waste Profile and Recycling

The Marrickville Hotel is committed to waste reduction and recycling. As such, no plastic straws or other single use plastics will be used at the site and napkins used for food will be biodegradable. Non-recyclable/ non compostable waste will include citrus, light plastics, food scraps and will amount to approximately one 61L 'slim jim' bins per day.

Recycling material will also be kept to a minimum through the primary use of tap beer and also tap wine. Bottled and canned stock will be kept to an absolute minimum. Recyclable material will not exceed one 61L slim jim/day.

Waste Collection

Waste and recycling will be separately collected in the bar area using two 61 litre 'slim jim' bins. Once full, the bin bags will be tied, the bins will be sealed with their appropriate lids and transported to the bin room at the rear of the building. Spare bins will be stored under the bar.

Staff will access the bin room internally via a purpose built door located in the rear corner of the 'atrium'/courtyard, that is large enough to slide the bins into. All bins during trade and after close will be transferred in this way and will remain in the room until the following day. No staff will enter the bin room via the laneway after 6pm, or prior to 7am.

Waste Transfer

Upon arriving at the venue to set up the bar, staff will carry out the transfer of bagged rubbish from the slim jims to the 660L waste and recycling bins. This will occur at approximately 10am. Bins will then be washed and dried and returned to the bar for trade.

The 660L bins that service the venue will be taken out to the street evening of emptying and will be promptly collected in the morning. This will occur twice weekly.

The 660L bins will be cleaned fortnightly by a contractor.

Deliveries and Loading/Unloading

Deliveries will take place between the hours of 11am and 4pm each Wednesday. They will consist of a small amount of boxed stock for spirits, wines and soft drink and a small number of packaged beers. Principally, beer will be delivered in keg form, consisting of approximately 15-20 kegs per week, delivered from 3 suppliers.

Deliveries will be through the front door using the loading zone on Marrickville Road, or via the deliveries entrance on Marrickville Lane. Management will stipulate to suppliers the most appropriate entrance for deliveries after liaising with council during DA process.

Waste and Recycling. General waste bin (660L) will be emptied twice weekly by a contracted company. Co-mingled recycling will be emptied twice weekly in the form of a single bin (660L). The location of collection points will be either Marrickville Road, or Marrickville Lane. The hotel seeks the directive of Council in determining the best location for this in relation to vehicular noise and traffic considerations.

Customers and Patrons

Venue Entry/Exit -Patrons will enter and exit through the front door only fronting Marrickville Rd. As is typical of such establishments, patrons will find their own seats. Staff will be trained to greet patrons casually wherever possible and monitor at all times, patron behaviour and numbers.

Patron Waiting Area- As is typical of such venues, patrons will be served from the bar, and waiting as such will be performed in front of the bar and will be for a short time only. A waiting area is not applicable.

Patron's Congregating-Patrons will congregate in either of the areas designated in this document as the Main Bar or the Atrium.

Location of Amenities-Toilet amenities are located upstairs and are accessible via the stairs in the Atrium or the lift at the rear of the premises.

Customer Assistance-Staff will be constantly visible in all areas of the Hotel and are available to assist all patrons. During peak late night (Fri/Sat, 10pm-1am) customers can also be assisted by the trained security guard.

Security

Customer and staff safety is of utmost importance. The venue will have a zero tolerance toward intoxication and all forms of illicit drugs.

CCTV

Patrons will be made aware that CCTV is in operation 24 hrs a day. Footage will be kept for 30 days and will be offered to Police when required.

RSA

During trading hours, all areas of the hotel will be monitored by routine staff inspections and CCTV. RSA will be carried out both at the time of ordering at the bar, and by staff trained to monitor patron behaviour. Communication between staff, management and security (when onsite) will ensure that all patrons maintain the standards of the venue and that patrons do not become intoxicated.

Food

Food will be available at all times that the premises is open. Food stocks will be maintained in such a way that shortages do not occur.

The following indicates the minimum on offer at all times;

*substantial toasted sandwiches-selection of minimum 2 styles, often more.

*antipasto plates-these will be either meat, cheese, or a combination

From time to time hotdogs and other foods will be served at the discretion of management and in accordance with demand.

Menus from neighbouring restaurants will be available for patrons to order takeaway.

Closing Procedure

Patrons will be made aware of the closing of the venue when 'last drinks' are called approximately half an hour prior to the closing time of the venue. After the venue closes staff will instruct patrons to finish their drinks within the legal guidelines set by the liquor license, and then to vacate the venue. Upon exiting the venue, patrons will be reminded to consider the amenity of the neighbourhood by signage at the exit point, as well as staff and security (when present). Information will be on hand offering the various forms of transport in the area.

Incidents

An incident register will be kept in the bar and all incidents will be recorded for viewing by Police during regular license checks. Any criminal activity will be reported to local Police.

Police

The venue will work closely with Marrickville Police which is located 400m to the west. Management believes in maintaining an active relationship with local police.

Money Handling

Money will be stored in a locked safe at all times and will be accessible only by management staff. During trade, excess cash will be added to the safe periodically. Banking will be done weekly and at staggered times. Change will be collected during banking and will comprise of a small amount of cash and coins. The majority of transactions at the bar will be card related.

Glassware

Management understands that glassware, if not promptly collected by staff, is a source of potential injury for patrons and staff. It will be a focus of staffing to ensure that no glassware is left longer than required in floor areas.

Complaint Recording and Handling

Management will maintain an active relationship with residential neighbours wherever possible. Telephone and email contact will be offered via internal signage and on the company website. Any complaints or request for information will be handled immediately by Management. It will be company policy to relate complaints immediately to the owners of the business. Complaints and their solutions will be recorded in a complaints log which will be available to council upon request.

Review

In order to maintain relevance, the POM will be annually reviewed by operating managers and the owners.
