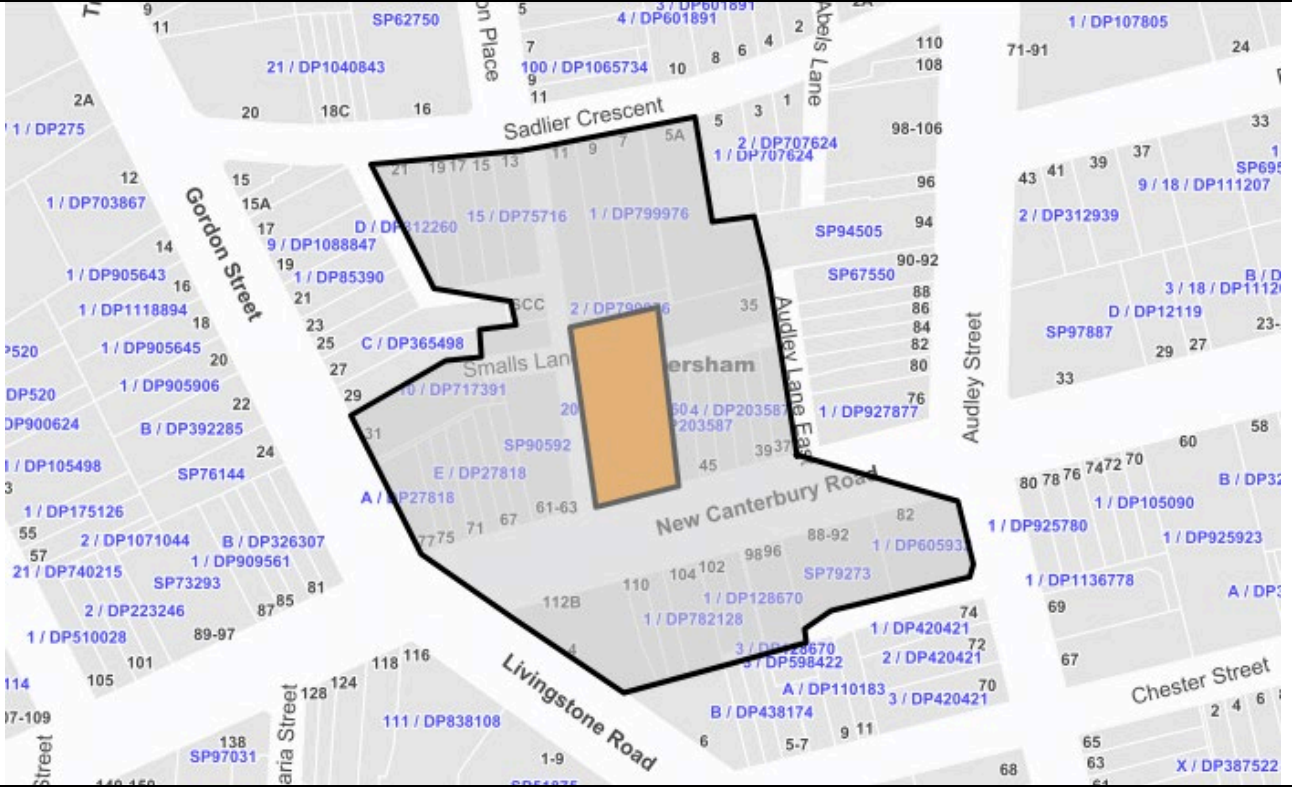



	
DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2020/0155
<b>Address</b>	49A New Canterbury Road PETERSHAM NSW 2049
<b>Proposal</b>	Alterations and additions including fit-out and the use of tenancy 2 as a Registered Club (Spanish Club Limited) operating between the hours of 10.00am to midnight Monday to Saturday and 10.00am to 10.00pm on Sundays and public holidays.
<b>Date of Lodgement</b>	6 March 2020
<b>Applicant</b>	Mr Steve Querin
<b>Owner</b>	Trinium Investments Pty Ltd Att: John Maurodontidis
<b>Number of Submissions</b>	1 submission
<b>Value of works</b>	\$150,000.00
<b>Reason for determination at Planning Panel</b>	New licensed premises under Registered Clubs Act
<b>Main Issues</b>	Acoustic impact on adjoining residential accommodation
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Statement of Heritage Significance
	
<b>LOCALITY MAP</b>	
Subject Site	
Notified Area	
Objectors	1 objection from within subject site
	

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions including fit-out and the use of tenancy 2 as a Registered Club (Spanish Club Limited) operating between the hours of 10.00am to midnight Monday to Saturday and 10.00am to 10.00pm on Sundays and public holidays. at 49A New Canterbury Road, Petersham.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The development generally complies with the relevant Environmental Planning Instruments and Council's controls. Notwithstanding, the hours of operation are considered appropriate subject to a 12 month trial period only. Subject to appropriate conditions, the application is recommended for approval.

## 2. Proposal

The application seeks consent for alterations and additions including fit-out and the use of tenancy 2 as a Registered Club. The works include the following:

- Internal demolition works including the recently constructed women's toilets and removal of the recently constructed window openings located within the southwestern corner of the site.
- Fitout works including installation of floor, wall and ceiling linings as required by the BCA and Acoustic Consultant's recommendations, installation of new kitchen equipment and serving counter, new bar serving counter, internal bifold doors to allow the creation of a private function room, increase the size of the women's sanitary facility in compliance with the BCA requirements, and new gaming room.

### Hours of Operation

The application seeks to operate between the hours of 10.00am to 12:00am Monday to Saturday and 10.00am to 10.00pm on Sundays and public holidays

### Signage

The proposal seeks to rely on the existing signage plan approved as part of Determination No DA201300007 with no new signage structures proposed.

### Car Parking/ Loading

The development includes 1 car parking space in the basement for use by the tenancy and common loading/unloading facilities are provided on the ground floor level located off Balanaming Lane.

## 3. Site Description

The site is located on the northern side of New Canterbury Road, between Audley Street and Gordon Street, Petersham and is legally described as Stratum Lot 201 in Deposited Plan 1157660. The site has a 25.3 metre frontage to New Canterbury Road, and a 49.3 metre secondary frontage to Balanaming Lane. The site has a total area of approximately 1,225sqm.

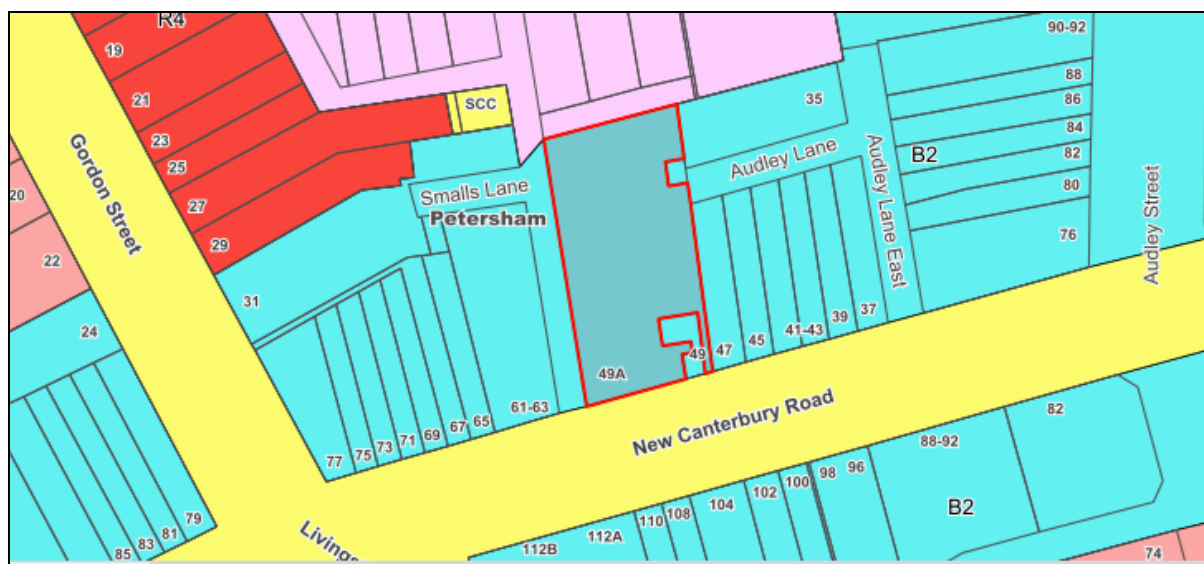
The subject tenancy is known Tenancy 2 and as 441.75sqm in area.

The site contains a mixed use development containing a basement car park with off street car parking for 19 vehicles, two retail tenancies on the ground floor level with 27 dwellings on the upper levels of the development.

A 2 storey mixed use development is located immediately to the east of the subject site at No. 47 New Canterbury Road. A 4 storey mixed use development is located immediately to the west of the site on the opposite corner of New Canterbury Road and Balanaming Lane on the property known as No. 61 New Canterbury Road, Petersham.

Residential development, generally consisting of dwelling houses which front Sadler Crescent, is located to the rear (north) of the subject site.

The subject site is listed as a heritage item (*Vaudeville Theatre* Item I204) and is located within the Petersham Commercial Precinct Heritage Conservation Area (HCA 25).



## 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
Modified Determination No. 201000042	To carry out alterations and additions to the premises to convert the premises into a mixed-use development containing a basement car park with off street car parking for 18 vehicles, retail space on the ground floor level and 27 dwellings on the upper levels of the development.	Approval 23/11/2010. Subsequently modified on 12/4/2012 and 5/6/2012
Determination No. 201200027	To stratum subdivide the premises into two allotments and strata subdivide the residential portion of the development into 27 lots.	Approval 23/4/2012
Modified Determination No. 201200035	To fit out and use of the rear ground floor tenancy as an indoor recreation facility (24-hour Gymnasium).	Approval 22/11/2012. Subsequently modified on 13/1/2013
Determination No. 201300007	To erect signage on the premises, and a signage management plan for the building.	Approval 3/4/2013

#### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
6 March 2020	Application lodged with Council
10 June 2020	Conditions provided by NSW Police

### 5. Assessment

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

#### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Marrickville Local Environmental Plan 2011*

The following provides further discussion of the relevant issues:

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

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

*SEPP 64* specifies aims, objectives, and assessment criteria for signage and 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.

Determination No. 201300007, dated 3 April 2013, approved an application to erect signage on the premises, and approved a signage management plan for the building. The signage management plan dictated the location, style, size and illumination of a total of 14 signs along the New Canterbury Road and Balanaming Lane frontages of the site, including awning fascia, awning lightbox signs and wall signage. The signage plan was part of a comprehensive application relating specifically to signage for the subject building, acknowledging heritage significance of the building itself and location within HCA 25. The comprehensive signage strategy for both commercial tenancies was reviewed by Council's Heritage Advisor and approval was granted.

The subject application seeks to rely on the signage plan approved as part of Determination No. 201300007 and has not submitted signage details as part of this application. The assessment of the signage plan as part of Determination No. 201300007 concluded that the signage would compliment the heritage significance of the subject building, its location within HCA 25 and respect the character of the surrounding area and streetscape. Furthermore, it was considered that the signage design and location is of a high quality that would ensure effective communication without compromising the heritage significance of the subject building. The approved signage was considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64* and Part 2.12 of *MDCP 2011*.

Subject to the signage being installed in accordance with the approved signage plan and the conditions of consent of Determination No. 201300007, the development is acceptable and no further assessment of the merits of the signage is deemed necessary or appropriate. A condition to the effect that any proposed signage must comply with Determination No. 201300007 is included in the schedule of conditions.

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

#### Clause 110 - Development with frontage to classified road

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

The development maintains the existing vehicular entry off Balanaming Lane to the west and does not provide any new egress to New Canterbury Road. Council is therefore satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

### 5(a)(iii) *Marrickville Local Environmental Plan 2011 (MLEP 2011)*

The site is zoned B2 Local Centre zone under *MLEP 2011*. *MLEP 2011* defines the proposed use as a **Registered Club**. A Registered Club is permitted with consent within the land use table. The development is consistent with the objectives of the B2 zone

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation
- Clause 6.5 - Development in areas subject to aircraft noise

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is consistent with the relevant aims of the plan as the design of the proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain.	Yes
Clause 2.7 Demolition requires development consent	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>• Demolition works are proposed, which are permissible with consent; and</li> <li>• Standard conditions are recommended to manage impacts which may arise during demolition.</li> </ul>	Yes, subject to conditions
Clause 4.3 Height of building (max. 17m)	The development does not change the existing approved building height.	Yes
Clause 4.4 Floor space ratio	The development does not change the existing approved FSR.	Yes



(max. 2.2:1)		
Clause 5.10 Heritage Conservation	The site is identified as a heritage item in MLEP 2011, namely <i>Vaudeville Theatre</i> (Item I204). The site is also located within the Petersham Commercial Precinct Heritage Conservation Area (HCA 25).  A Heritage Impact Statement was submitted with the application in accordance with the provisions of Clause 5.10 of MELP 2011.	Yes
Clause 6.5 Development in areas subject to aircraft noise	The site is located within the ANEF 20-25 contour. Notwithstanding, given the use as a registered club the development is not likely to be affected by aircraft noise.	Yes

### 5(b) Draft Environmental Planning Instruments

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

#### 5(b)(i) ***Marrickville Marrickville Local Environmental Plan 2011 (Amendment 4)***

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) 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 Draft Amendment 4 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of Draft Amendment 4.

#### 5(b)(ii) ***Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)***

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

### 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.

<b>MDCP 2011 Part of MDCP 2011</b>	<b>Compliance</b>
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes

Part 2.10 – Parking	No – see discussion
Part 2.12 – Signs and Advertising	Yes
Part 2.16 – Energy Efficiency	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 5 – Commercial and Mixed-Use Development	Yes – see discussion
Part 8 – Heritage	Yes – see discussion
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

(i) Part 2.6 - Acoustic and Visual Privacy

Part 2.6 of MDCP 2011 prescribes objectives and controls for acoustic privacy. Part 5 of MDCP 2011 prescribes controls in relation to Plans of Management, noise and vibration generation and hours of operation specifically in relation to commercial and mixed-use development and those aspects of the development are more relevantly discussed in part (iii) below. Notwithstanding, the development is considered acceptable having regard to the objectives and controls of Part 2.6 of MDCP 2011.

(ii) Part 2.10 – Parking

Table 1 in part 2.10.5 of MDCP 2011 prescribes car parking rates for registered clubs at a rate of 1 space per 6 staff for staff and patrons. Details submitted with the application indicates that no more than 6 equivalent full time staff will be on the premises at any one time and therefore the proposal provides 1 car parking spaces which complies with Council's controls.

The development does not seek to expand the floor area of the premises as approved as part of the adaptive re-use of the building approved by Modified Determination No. 201000042. It was acknowledged that the site being a heritage item is a significant constraint and it is not practicable to provide additional car parking on site. Notwithstanding, the proposal is located in Parking Area 1 which is identified as the most constrained and the objectives of the B2 Local Centre zone seek to encourage public transport use and restrict car parking. Given the location of the site in close proximity to the bus and train network, and given the heritage constraints of the site, the provision of 1 car parking space is acceptable.

(iii) Part 5 - Commercial and Mixed-Use Development

The development seeks to maintain the existing built form, with only minor external alterations and as such the built form provisions of Part 5 are not relevant. The development is assessed in light of the relevant controls below:

### 5.3.1.1 Plan of Management

Control C70 of Part 5.3.1.1 of MDCP 2011 prescribes that a Plan of Management (POM) will be required when a commercial use is proposed in proximity of a residential land use and Council considers it has the potential to unreasonably impact on the amenity of surrounding residences. A POM was submitted to Council in support of the application.

Control C71 Prescribes minimum requirements for a POM. The POM provided discusses the following matters which is considered acceptable:

- Objectives;
- Operational details, including all machinery/equipment to be used;
- Hours of operation;
- Staffing details;
- Details of live music and entertainment to be provided on site;
- Guidelines for staff for using the site facilities and equipment;
- Deliveries and loading/unloading;
- Waste management procedures;
- Noise management, including mechanical ventilation;
- Managing customers or patrons, including access to and from the premises;
- Security and safety management;
- Complaint recording and handling process;
- Responsible Service of Alcohol and Gaming; and
- The review process for the POM.

Control C74 prescribed that Council may also require the submission of a Social Impact Comment (SIC). A SIC was submitted with the application which concluded the following:

*“Based on these observations of risk and protective factors, community features, and alcohol related harms, the proposed Club Licence is a low risk application that is unlikely to increase alcohol related harm whilst providing benefits to a specialized market that is currently underserved and for which there is a need for culturally tailored venues that do not exist elsewhere in Sydney.”*

The SIC was reviewed by Council's Social Planner who raised no concern over the development.

The application was reviewed by NSW Police who raised no concern over the development subject to appropriate conditions, including a requirement for 2 security guards to be employed on site on Thursdays, Fridays and Saturday nights, and nights when live music is played.

Appropriate conditions are included in the recommended schedule of conditions requiring that the premises operate at all times in accordance with the plan of management and the conditions provided by NSW Police.

### **5.3.1.2 Noise and Vibration Generation**

Part 5.3.1.2 of MDCP 2011 prescribes the following controls:

- C75** *All development must comply with the relevant noise control guidelines.*
- C76** *Where sites adjoin a residential area or are located within a mixed-use building, Council will consider the potential noise generation of any proposed activities including the use of equipment or machinery, the use of amplified music/noise on the site and proposed hours of operation.*
- C77** *Other sources of noise such as garbage collection, deliveries, ventilation systems, parking areas and air-conditioning plants are to be sited away from adjoining properties, where practicable, and be screened by walls or other acoustic treatment if necessary.*
- C78** *All applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.*



The development was accompanied by a Noise Impact Assessment prepared by Rodney Stevens Acoustics that addresses the appropriate noise emission criteria in accordance with Liquor & Gaming NSW noise guidelines. This report shows that the development can achieve compliance with the specific noise criteria subject to the implementation of the recommendations provided in the report. Those recommendations include, but are not limited to, auto-closing doors, acoustic treatment to external windows, noise limiters, all live music to cease at 11:30pm, resilient mounts for speakers, and a specified location for the gaming room.

The POM prescribes suitable procedures and times for the use of mechanical ventilation, loading/unloading, glass crushing, and air conditioning to reduce impact on adjoining residential premises.

The application was referred to Council's Environmental Health Officer who raised no concern over the proposal subject to compliance with the recommendations of the Noise Impact Assessment and POM. Appropriate conditions are included in the recommendation in this regard.

#### **5.3.1.4 Hours of Operation**

Part 5.3.14 prescribes controls to ensure that premises that operate beyond traditional trading hours do not impact unreasonably upon the amenity of adjoining residential land uses.

The application seeks to operate between the hours of 10:00am to 12:00am Monday to Saturday and 10:00am to 10:00pm on Sundays and public holidays.

The POM submitted with the application includes procedures that are considered to be effective in ensuring that the late night use of the premises will not impact unreasonably on the neighbouring residential land uses, particularly the shop top housing dwellings above the tenancy. The recommendations of the Noise Impact Assessment and the procedures included in the POM respond to the potential noise impacts and address suitable solutions.

Notwithstanding, given this is a new registered club use, it is considered reasonable and prudent to allow the operation until 12:00am midnight the following day Mondays to Saturdays for a 12 month trial period only, with the core hours ceasing at 10:00pm daily. The trial period will ensure the evening hours are reviewed in light of the venue's performance and management of amenity impacts. A fresh application will need to be lodged with Council to extend the trial period otherwise the hours will revert to 10:00am to 10:00pm daily. An appropriate condition is included in the schedule of conditions to this effect.

#### (iv) Part 8 - Heritage

The site is identified as a heritage item in MLEP 2011, namely *Vaudeville Theatre* (Item I204). The site is also located within the Petersham Commercial Precinct Heritage Conservation Area (HCA 25). A Heritage Impact Statement was submitted with the application in accordance with the provisions of Clause 5.10 of MELP 2011.

Part 8.2.27 of MDCP 2011 prescribes statement of heritage significance, core values and specific conservation controls for HCA 25. The development includes internal alterations to the building within the original foyer, and minimal external alterations to the building including replacement of unoriginal glazing with aluminium louvres to the gaming room and the frosting of some windows. The HIS submitted with the application provided recommendations on the finish of the louvres and this has been incorporated into the plans. The location of the louvres has been given careful considering in accordance with OLGR requirements as well as the recommendations of the Acoustic Engineer.

The application was referred to Council's Heritage Advisor who raised no concern over the development and advised that the proposal entails minimal heritage impacts upon the buildings or HCA 25.

Given the above, the development is not considered to impact negatively on the heritage significance of the heritage item nor the HCA 25 and is considered acceptable having regard to Part 8 of MDCP 2011.

#### 5(e) The Likely Impacts

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

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

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

#### 5(g) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties and 1 submission was received in response to the initial notification.

The following issues raised in the submission have been discussed in this report:

- Lack of car parking provided on site – see Section 5(c)(ii)
- Acoustic Privacy impacts on neighbouring residential accommodation and excessive hours of operation – see Section 5(c)(ii)

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

Issue: Submission questions the need for another licenced club in close proximity to Petersham RSL and need for more gaming machines.

Comment: The submission raises concern over the installation of more gaming machines and a new registered club/licenced venue within close proximity to Petersham RSL which is located nearby approximately 300m from the site. Whilst the close proximity is acknowledged, there are no clustering provisions for registered clubs in any environmental planning instrument relevant to the site and the use is permissible on the site. A SIC was submitted in relation to the use and was reviewed by NSW Police and Council's Social Planner and no specific concern was raised.

#### 5(h) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Heritage Advisor
- Environmental Health Officer
- Social Planner
- Waste Management

### 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

## 8. Development Contributions

A Section 7.12 Levy of \$750.00 would be required for the development under Marrickville Section 94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

## 9. Conclusion

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

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

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

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0155 for Alterations and additions including fit-out and the use of tenancy 2 as a Registered Club (Spanish Club Limited) operating between the hours of 10.00am to midnight Monday to Saturday and 10.00am to 10.00pm on Sundays and public holidays. at 49A New Canterbury Road PETERSHAM NSW 2049 subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### FEES

##### 1. Security Deposit - Custom

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

Security Deposit:	\$2,152.50
Inspection Fee:	\$230.65

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

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

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

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

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

##### 2. Long Service Levy

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

##### 3. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

**Note:**

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

**Payment amount\*:**

\$750.00

**\*Indexing of the Section 7.12 contribution payment:****Former Ashfield LGA & Former Marrickville LGA:**

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

**Payment methods:**

The required contribution must be paid either in cash; by unendorsed bank cheque (from an Australian Bank only); via EFTPOS (Debit only); or credit card (to a maximum of \$10,000 - Note: A 1% credit card transaction fee applies to all credit card transactions). It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions.

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

**GENERAL CONDITIONS****4. Boundary Alignment Levels**

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

**5. Noise – Consultant's Recommendations**

The recommendations contained in Section 6 of the acoustic report prepared by Rodney Stevens Acoustics reference R200026R1, Revision 3 dated 2 March 2020 must be implemented, including but not limited to the following:

- a. The existing Reception doors are to be fitted with automatic closing devices and are not to be held open after 8:00pm,
- b. Background music is not permitted in the external gaming area at any time,
- c. Use of the external gaming area is to cease at 9:45pm during core trading hours and 11:45pm during trial extended trading hours,
- d. All doors leading to the internal and external gaming areas are to be fitted with automatic closing devices,
- e. A noise limiter is to be installed and connected to all sound amplification equipment and set with a maximum noise level of 80dB(A) at 1 meter from the speakers.
- f. Speakers are not to be directly fixed to the ceiling or on walls. All speakers must be installed with resilient mounts,
- g. Live performances will only take place in the specified area (refer to Figure 2-2) and the portable performance stage is to be constructed in accordance with Figure 6-3.

- h. Live performances will cease at 9:30pm during core hours and 11:30pm when trial extended trading hours are permitted.

#### **6. Hazardous Materials Survey**

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

#### **7. Cessation of Service**

The premises may be open for business only between the operating hours specified in this consent. The operator must cease providing food/alcohol/entertainment at the premises 15 minutes before the required closing time.

#### **8. Incident Register**

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

#### **9. Surveillance Cameras**

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and
  - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as



practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- (f) All CCTV recording devices and cameras shall be operated 24 hours a day, 7 days a week.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structure signage or other impediments.

#### **10. Crime Scene Preservation**

The manager/licensee must ensure that immediately after the licensee of 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

#### **11. Copies of consents and POM**

A full and current copy of all current development consents for the operation of the premises, and the Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

#### **12. Neighbourhood Amenity**

- a) No injury being 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 of injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
- b) The use of the premises not giving rise to: The La10 noise level emitted from the use must not exceed the background noise level (LA10) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7:00am and 12:00 midnight when assessed at the boundary of any affected residence.
- c) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12:00 midnight and 7:00am when assessed at the boundary of any affected residence.
- d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12:00 midnight and 7:00am.
- e) The L10 noise level emitted from the use must not exceed the background noise level (L10) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

- f) The use of the premises must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1992 to any affected receiver.
- g) No amplified music or live music being provided within the Club after the Public Bar has closed:
- h) Signs appropriately located within the Club, including each entrance and exit, advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises. Management/licensee to give appropriate directions and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the Club.
- i) The management/licensee of the Club being responsible at all times to ensure the orderly dispersal of patrons from the Club.
- j) A minimum of two (2) licensed security guards being employed by the Club to control the dispersal of patrons from the Club on nights of live entertainment.
- k) All operable windows and doors, including the main entry on New Canterbury Road, must be closed at 9pm to prevent the escape of noise from the premises.
- i) Adjoining residents are to be advised in writing by the Club of where they can direct complaints and the name of officer attending to any complaints received.

**13. Security**

- a) On Thursday, Friday and Saturday nights, or when the premises is to hold events that anticipate high patron numbers, a minimum of 2 uniformed licensed security personnel shall be employed at the premise at all times when the premises is in operation. Security personnel shall be employed at a minimum ratio of 1 to 100 patrons or part thereof.
- b) Security personnel shall remain at the entry/exit point until 30 minutes after closing (even if the last patron leaves the premises prior to that time) and shall assist in the quiet and good order of the patrons leaving.
- c) Security personnel shall move-on any persons loitering or congregating on the footway area of New Canterbury Road and Balanaming Lane so as to maintain unobstructed pedestrian access and the social amenity of the area.

**14. Liquor Licensing Accord**

The Licensee is encouraged to join and adopt the principles of the local Liquor Licensing Accord.

**15. Removal of Glass**

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises.

**16. Documents related to the consent**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
200 700 1B	Site Plan	2 March 2020	Que Consulting
200 700 2B	Basement Floor Plan	2 March 2020	Que Consulting
200 700 4B	Ground Floor Plan	2 March 2020	Que Consulting
200 700 5B	Mezzanine Floor Plan	2 March 2020	Que Consulting
200 700 6B	Elevations	2 March 2020	Que Consulting
200 700 7B	Elevations	2 March 2020	Que Consulting

-	Plan of Management	6 March 2020	Que Consulting
R200026R1 Rev. 3	Noise Impact Assessment	2 March 2020	Rodney Stevens

As amended by the conditions of consent.

**17. Car Parking**

The development must provide and maintain 1 paved and line marked car parking space in the basement for use by the tenancy.

**PRIOR TO ANY DEMOLITION**

**18. Construction Traffic Management Plan**

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

**19. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes proposed destination or reuse of building materials.

**PRIOR TO CONSTRUCTION CERTIFICATE**

**20. Dilapidation Report – Pre-Development – Minor**

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

**21. Noise General – Acoustic Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

**22. Light Spill**

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

**23. Commercial - Additional Storage Space**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that there is sufficient space allocated on site for the storage of reusable items such as crates and pallets.

**PRIOR TO OCCUPATION CERTIFICATE****24. No Encroachments**

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

**25. Protect Sandstone Kerb**

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

**26. Noise – Acoustic Report**

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

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

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

**28. Whiteway Lighting – Existing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Whiteway lighting scheme and any existing meter box being maintained and any defects (including the need to install a "special small service") in the system are repaired.

**ON-GOING****29. Noise General**

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

**30. Noise – Licensed Premises (7am – 12midnight)**

The LA10 noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

**31. Noise – Licensed Premises – Music/Gaming Machines**

There is to be no amplification from any gaming machines on any part of the outdoor area at any time.

Machines located within an approved outdoor gaming/smoking area must not be visible from the public domain and must not dispense coins i.e. cashless.

There is to be air lock entry from the outdoor gaming/smoking area into the main building fitted with self-closing device.

The number of patrons using the outdoor gaming area is restricted to 10 persons at any time.

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

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

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

**33. Licensed Premises – Plan of Management - Operation**

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

**34. Commercial Waste/Recycling Collection**

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

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

**35. Documentation of Businesses Waste Services**

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

**36. Trial Hours**

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

Day	Hours
Mondays to Sundays including Public Holidays	10:00am to 10:00pm

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

Day	Hours
Mondays to Saturdays	10:00am to 12:00am the following day
Sundays and Public Holidays	10:00am to 10:00pm

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

**ADVISORY NOTES**

**Permits**

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

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

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

**Insurances**

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



**Health Premises Registration – Generic**

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

- a. *Food Shop - Food Act 2003*;
- b. *Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005*;
- c. *Skin Penetration - Public Health Regulation 2012*;
- d. *Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012*; and
- e. *Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005*.

**Food Premises Certification**

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

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

**Food Premises Waste Storage Area**

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

**Mechanical Ventilation System Certification**

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

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

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

**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

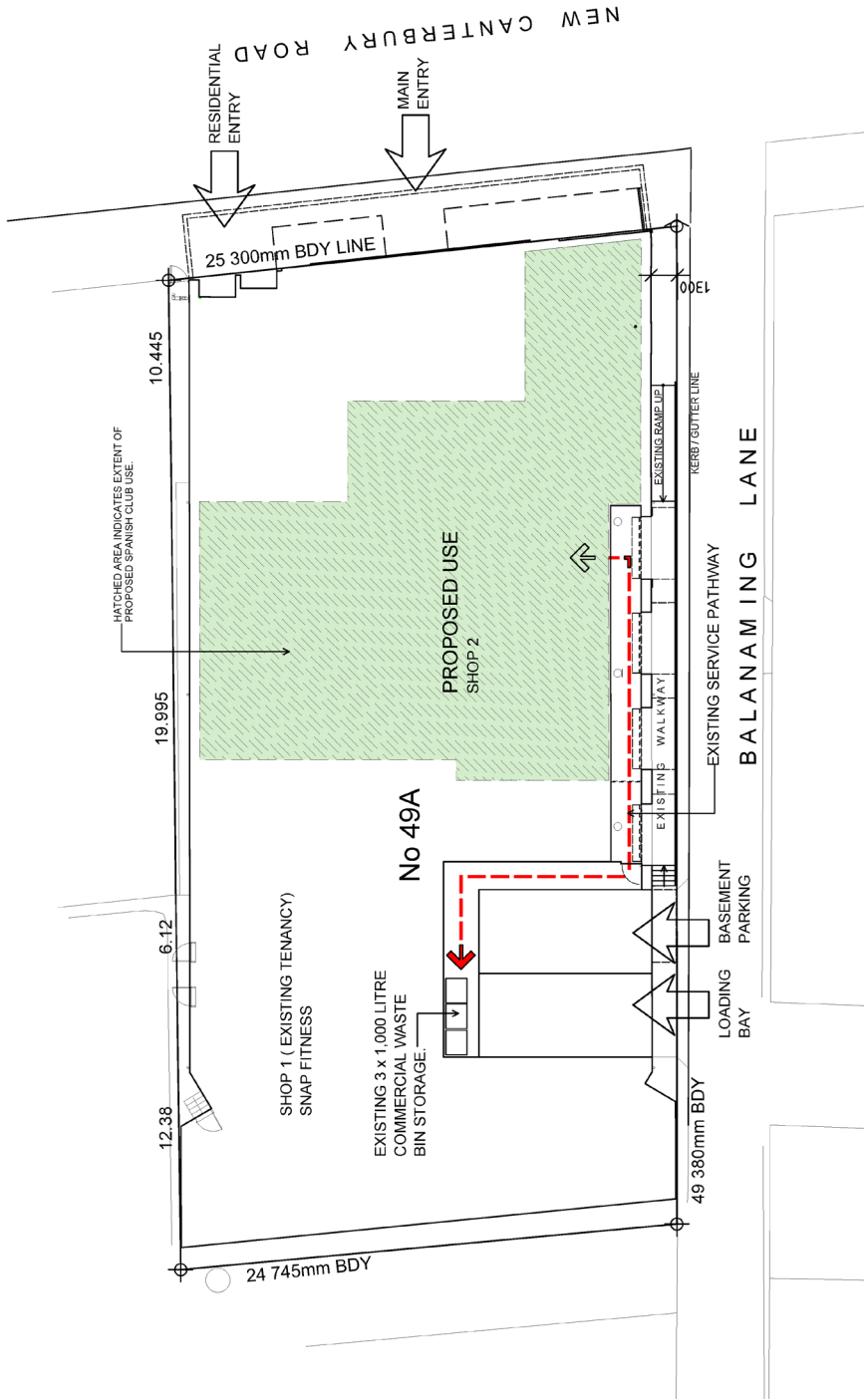
Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS'

measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

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

Attachment B – Plans of proposed development



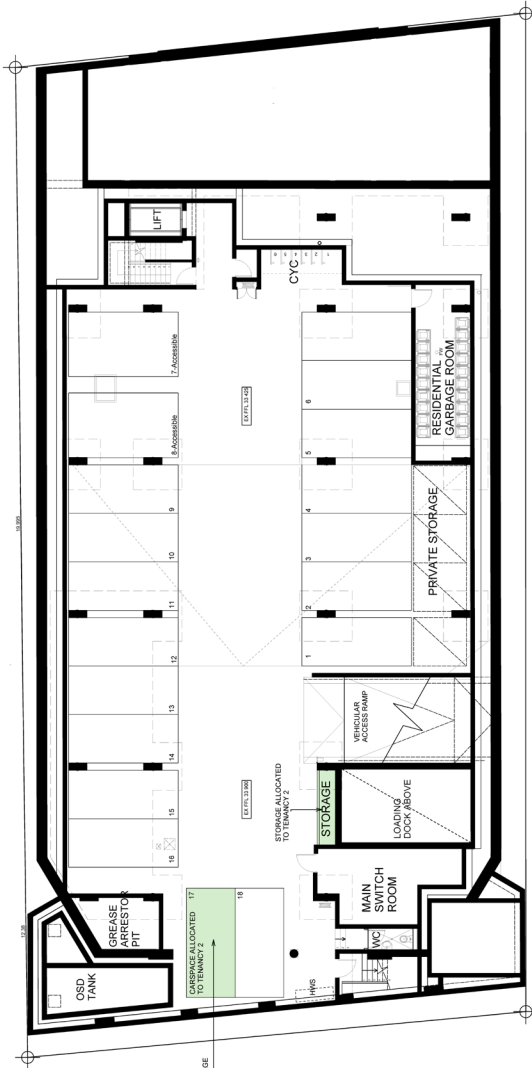
SITE PLAN



PLOTTED : 02-03-2020

<p><b>SCALE 1:100</b></p> <p>0 1 2 3 4 5 6 7 8</p> <p>SCALE IN METRES</p>	<p><b>PROJECT</b></p> <p>USE AND INTERNAL FITOUT OF TENANCY 2 TO A SOCIAL CLUB (SPANISH CLUB)</p> <p><b>ADDRESS</b></p> <p>SHOP 2, 49A NEW CANTERBURY ROAD, PETERSHAM, NSW (Stratum Lot 201 in DP1157660)</p> <p><b>Client</b></p> <p>que. Pty Ltd                  10/12/2020                  02/03/2020                  02/03/2020</p>	<p><b>CLIENT</b></p> <p>SPANISH CLUB</p>
	<p><b>DATE</b></p> <p>20/01/2020</p>	<p><b>DRAWING</b></p> <p>SITE PLAN</p>
<p><b>DATE</b></p> <p>20/01/2020</p>	<p><b>SCALE</b></p> <p>1:200 @ A3</p>	<p><b>NO.</b></p> <p>20 700 / 1B</p>

copyright c



EXISTING BASEMENT FLOOR PLAN

0202-00-20 031074

DATE: 14/01/2023  
 DRAWN BY: J. B. / J. B.  
 CHECKED BY: J. B. / J. B.  
 PROJECT NO: 20-700 / 2B

**que.**  
 QUEENSLAND  
 ARCHITECTS  
 10/225 BRISBANE STREET  
 BRISBANE QLD 4000  
 E: info@queensland.com.au  
 T: 1300 133 283  
 Telephone: 1300 133 283

PROJECT: USE AND INTERNAL FITOUT OF TENANCY 2 TO A SOCIAL CLUB (SPANISH CLUB)  
 LOCATION: SHCP 2, 48A NEWCASTLE ROAD, PETERSHAM, NSW (SHRIMP Lot 291 in DP1187969)

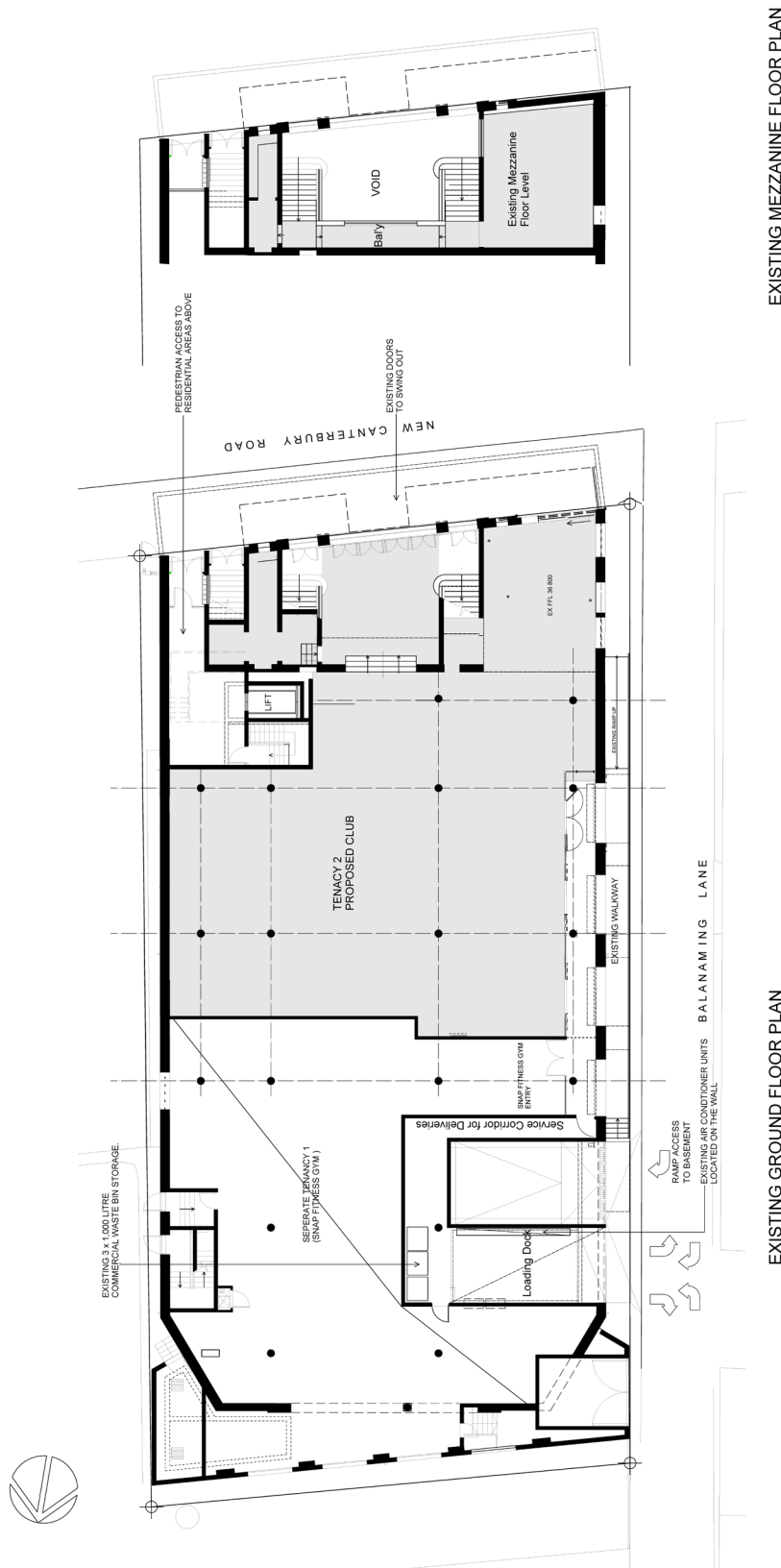
CLIENT: SPANISH CLUB  
 PROJECT NO: 20-700 / 2B

REVISIONS:

NO.	DATE	DESCRIPTION
1	14/01/2023	ISSUED FOR PERMIT

DATE: 14/01/2023  
 TIME: 1:58 PM

PROJECT: USE AND INTERNAL FITOUT OF TENANCY 2 TO A SOCIAL CLUB (SPANISH CLUB)  
 LOCATION: SHCP 2, 48A NEWCASTLE ROAD, PETERSHAM, NSW (SHRIMP Lot 291 in DP1187969)



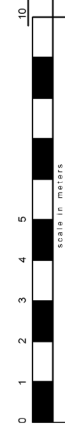
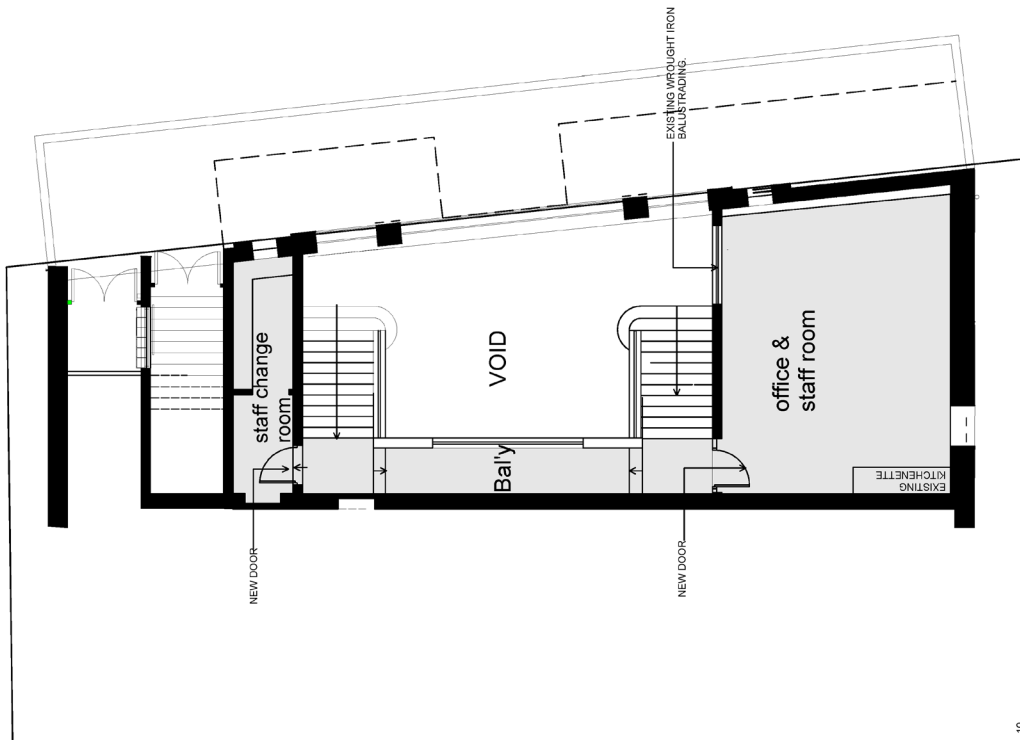
EXISTING MEZZANINE FLOOR PLAN

EXISTING GROUND FLOOR PLAN

		<p>DATE: 10/10/2024</p> <p>PROJECT: SPANISH CLUB</p> <p>CLIENT: SPANISH CLUB</p> <p>PROJECT NO: 20 700 039</p>	
<p>0202-10-10-20 03</p>		<p>EXISTING GROUND &amp; MEZZANINE FLOOR PLAN</p>	
<p>USE AND INTERNAL FITOUT OF TENANCY 2 TO A SOCIAL CLUB (SPANISH CLUB)</p>		<p>DATE: 20/10/2023</p> <p>SCALE: 1:200</p> <p>DATE: 20/10/2023</p> <p>SCALE: 1:200</p>	
<p>SHCP-2, 88A NEW CANTERBURY ROAD, PETERSHAM, NSW (Stratum Lot 291 in DP1157660)</p>		<p>E: info@que.com.au</p> <p>T: 1500 133 273</p>	
<p>que.</p> <p>1500 133 273</p>		<p>DATE: 20/10/2023</p> <p>SCALE: 1:200</p>	
<p>DATE: 20/10/2023</p> <p>SCALE: 1:200</p>		<p>DATE: 20/10/2023</p> <p>SCALE: 1:200</p>	







SCALE IN METERS  
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DATE OF SUBMISSION  
 PREPARED BY  
 DRAWN BY  
 CHECKED BY

DATE OF ISSUE  
 03/02/2014

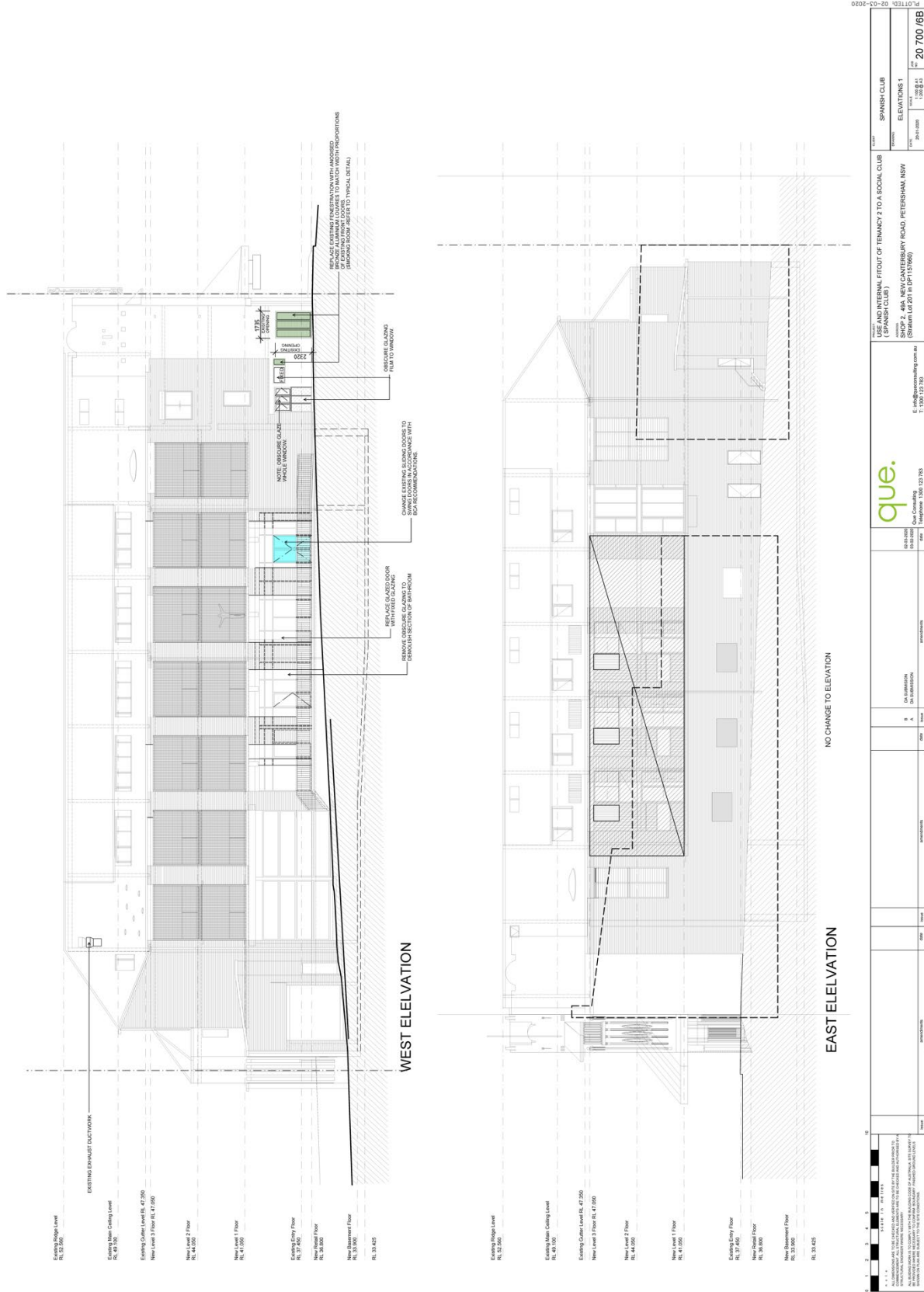
que.  
 Que Consulting  
 Que Consulting  
 Telephone 1300 123 783  
 E: info@queconsulting.com.au  
 F: 1300 123 783

PROJECT  
 USE AND INTERNAL FITOUT OF TENANCY 2 TO A SOCIAL CLUB  
 (SPANISH CLUB)  
 ADDRESS  
 SHOP 2, 49A NEW CANTERBURY ROAD, PETERSHAM, NSW  
 (Stratum Lot 201 in DP-1157660)

CLIENT  
 SPANISH CLUB  
 DRAWING  
 PROPOSED MEZZANINE FLOOR PLAN  
 DATE  
 24.07.2014  
 SCALE  
 1:100 @ A3  
 JOB NO  
 20 700 / 5B

PLOTTED : 02-03-2020

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## Attachment C – Statement of Heritage Significance

17/06/2020

Vaudeville Theatre (Former), including interiors | Heritage NSW

### Item details

**Name of item:**

Vaudeville Theatre (Former), including interiors

**Other name/s:**

Majestic Rollerink, The Odeon, The Oreon

**Type of item:**

Built

**Group/Collection:**

Recreation and Entertainment

**Category:**

Cinema

**Primary address:**

49 New Canterbury Road, Petersham, NSW 2049

**Local govt. area:**

Marrickville

**All addresses**

Street Address	Suburb/town	LGA	Parish	County	Type
49 New Canterbury Road	Petersham	Marrickville			Primary Address
49 - 59 New Canterbury Road	Petersham	Marrickville			Alternate Address

### Statement of significance:

This area included several cinemas established in the period between World War One and Two. Few remain and even less retain evidence of their former internal and external detailing. Its recent change of use reflects new recreational interests within the community.

The following is from the Cultural Heritage of Movie Theatres in New South Wales 1896 - 1996. "The architectural design of the current building demonstrates the era of the development of substantial cinema buildings, even though it is a mixture of architectural styles. The façade is of particular significance as it is one of few, relatively intact exteriors by Kaberry and Chard. Internally, it shows elements from the original decoration and the 1953 Crick remodelling. All areas of the building are of equal historic and architectural significance. The Majestic/Oreon represents a reasonably well preserved example of middle class Sydney suburban architecture.

**Date significance updated:** 12 Jan 12

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the Department of Premier and Cabinet [copyright](#) and [disclaimer](#).*

### Description

**Physical description:**

One of the tallest parapet facades within the surrounding retail precinct, this has a tiled awning to the first floor windows and heavy projecting detailing to its decorative pilasters and circular 'window' openings. The foyer retains much of its Art Deco detailing. The rink is

<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>

1/5

17/06/2020

Vaudeville Theatre (Former), including interiors | Heritage NSW

framed by the theatre/cinema boxes which are ornately decorated. The following is from the Cultural Heritage of Movie Theatres in New South Wales 1896 - 1996. "BRIEF HISTORY, including remodellings, alterations, closings etc: The exterior is basically as it was after the 1953 remodelling of the theatre (ie as originally built, with the exception of the parapet and turret sections on either side which were raised at some time after 1921). The vestibule and dress circle foyer have received minimal alterations. The auditorium retains the dress circle, the 1953 side wall treatment and proscenium splay walls and soffit. Part of the lower portion of the proscenium splay walls has been removed to about head height in order to create chair storage space. The auditorium ceiling appears to be that of the original Majestic, with the addition of light fittings dating from 1953. Some pieces of original decorative cornice survive in the stair area adjacent to the projection box. Portion of the original auditorium side - wall boxes are extant.

**Physical condition and/or****Archaeological potential:**

Fair - some of the black tiles to the facade are missing.

**Date condition updated:** 28 Jan 99

**Modifications and dates:**

Security fixture and all necessary modifications for roller rink, which have not greatly impacted upon the building. In July 2010 a development application was approved to undertake alterations and additions to convert the premises into a mixed use development containing a basement car park, retail space on the ground floor with 27 dwellings on the upper levels with off-street car parking for 18 vehicles. In April 2012 an application was approved to stratum subdivide the premises into two allotments and strata subdivide the residential portion of the development into 27 lots. In November 2012 an application was approved to carry out alterations and additions to the site and use the rear ground level as an indoor recreational facility and erect associated signage.

**Current use:**

Rollerskating Rink

## History

**Historical notes:**

This building was erected in 1921 as a vaudeville theatre. Later converted to a cinema, it was changed to a roller skating rink in 1979.

The following is from the Cultural Heritage of Movie Theatres in New South Wales 1896 - 1996:

"BRIEF HISTORY, including remodellings, alterations, closings etc: Messrs Nable and Smith were operating the Petersham Pictures on this site in 1911. It is not known if this was an open air cinema. By early 1912 it had changed name to the Elite (operated by the Waddington circuit) and then, in late 1912, to the Queens Theatre (operated by C Post Mason). The latter theatre was a roofed building. It became the Petersham Picture Show not long after. 1917 Audley theatres Ltd was incorporated and purchased the theatre in February 1917. It was renamed Audley No 2, the Audley No. 2 closed in 1920 and a new theatre was constructed on the site. The Majestic, as it was named, as designed by Kaberry and Chard and opened in July 1921. By 1937 seating was listed at 2500. In 1946 Greater Union took control of the building and it was renamed The Odeon. In 1953, under the direction of Guy Crick and Associates, architects, the interior of the building was extensively remodelled. A little 'cosmetic - type'

<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>

2/5

17/06/2020

Vaudeville Theatre (Former), including interiors | Heritage NSW

work was done to the exterior of the building. In 1964 the theatre was sold to C and C Louis and foreign dialogue films were screened. The theatre was renamed the Oreon. Few changes, if any, were made to it. In 1978 it was sold and became the Majestic Rollerink. Structural alterations were carried out in order to provide sufficient skating space. In 1986 it was purchased by Pan - Koakis Association of NSW and is run as a skating rink and as a meeting room for the association. 1986 it was included in the Marrickville Heritage Study as an item of significance, and in 1989 it was included in the Register of the National Trust of NSW.

## Assessment of significance

### SHR Criteria a)

[Historical significance]

Local

### SHR Criteria c)

[Aesthetic significance]

Local. The following is from the Cultural Heritage of Movie Theatres in New South Wales 1896 - 1996. "BRIEF HISTORY, including remodellings, alterations, closings etc: The exterior is presentative of the style of cinema building designed by Kaberry and Chad in the 1920s. These men were responsible for many cinemas in New South Wales. Some of their inte3rior work is still evident, for example the auditorium boxes, a trade mark of this firm of architects. The 1953 remodeling by Guy Crick has his trade mark with the proscenium splay walls and their concealed trough lighting, reminiscent of the 1940s remodelling of the Sydney Lyceum undertaken by Crick, and some of the Kings cinemas designed by Crick and Furse in the 1930s. The theatre is a major feature in the streetscape.

### SHR Criteria d)

[Social significance]

Local. The following is from the Cultural Heritage of Movie Theatres in New South Wales 1896 - 1996. "BRIEF HISTORY, including remodellings, alterations, closings etc: This theatre, and its site (on which stood a previous cinema venue), has provided the people of the area with entertainment since c1911. Its short lived time as a foreign dialogue cinema reflected the change of population in the area.

### SHR Criteria f)

[Rarity]

Local

### SHR Criteria g)

[Representativeness]

Local

### Integrity/Intactness:

The building is relatively intact and retains its integrity.

### Assessment criteria:

Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

## Recommended management:

General maintenance

## Listings

<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>

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17/06/2020

Vaudeville Theatre (Former), including interiors | Heritage NSW

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Marrickville Local Environmental Plan 2001		18 May 01	86	
Local Environmental Plan	Marrickville LEP 2011	1204	12 Dec 11	2011/645	
Within a conservation area on an LEP	within draft cons. area Marrickville LEP 2001				
Heritage study					

### Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Marrickville Heritage Study	1986	129	Fox and Associates	November 1984	No
Marrickville Heritage Study Review	1997	2030023	Tropman & Tropman Architects	1997-1999	Yes

### References, internet links & images

Type	Author	Year	Title	Internet Links
Written	Ross Thorne, Les Tod and Kevin Cork	1997	Cultural Heritage of Movie Theatres in New South Wales 1896 - 1996 (Second edition of the Movie Theatre Heritage Register for New South Wales)	

Note: internet links may be to web pages, documents or images.



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### Data source

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Local Government

**Database number:**

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