





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2021/0261
Address	16 Enmore Road NEWTOWN NSW 2042
Proposal	Use of the premises as a small bar. Internal and external alterations, including signage.
Date of Lodgement	13 April 2021
Applicant	Mucho Aloha Pty Ltd
Owner	Mr Andrew W Mackay
Number of Submissions	14
Value of works	\$95,000.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	Acoustic amenity, waste management and hours of operation
Recommendation	Deferred Commencement
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Plan of Management



LOCALITY MAP

Subject Site		Objectors		N ↑
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for the use of the premises as a small bar and to undertake internal and external alterations, including signage at 16 Enmore Road, Newtown.

The original application was notified to surrounding properties and 14 submissions were received in response.

The main issues that have arisen from the assessment of the application include:

- Acoustic amenity;
- Waste management; and
- Hours of operation.

The potential impacts to the surrounding environment have been considered as part of the assessment. Any potential adverse impacts from the development are considered manageable via the recommended conditions. Further, these manageable impacts are considered commensurate with the site's business zoning and the desired future character of the King Street and Enmore Road Commercial Precinct.

A trial period condition is recommended for trade past 10:00pm to allow for performance monitoring of the premises to occur and to ensure potential adverse impacts are not ongoing.

Subject to the adherence of the recommended conditions of consent, including a Deferred Commencement (DC) condition relating to acoustic amenity and waste management, the proposal will comply with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), *Marrickville Local Environmental Plan 2011 (MLEP 2011)* and *Marrickville Development Control Plan 2011 (MDCP 2011)*, respectively. As such, the application is recommended for Deferred Commencement approval, subject to conditions included in Attachment A.

2. Proposal

The proposal (as revised) seeks development consent for the use of the premises as a small bar and to undertake internal and external alterations, including signage.

The proposal in detail is as follows:

Operations

- 12:00pm to 12:00 midnight (Monday to Sunday);
- 4 to 6 staff members; and
- A maximum of 60 patrons.

Works

- Provision of new bar area with associated sinks;
- Provision of booth and counter seating;
- Provision of wash closest (WC) with ambulant toilets;
- Provision of an accessible bathroom;
- Provision of internal storage room;
- Provision of external bin storage area with associated external tap; and
- Painting of external elements including façade, awning, door and window trims.

Signage

- Re-use of the existing illuminated signage structures to include a total of 8 x illustrative signs.

3. Site Description

The subject site is located on the south-western side of Enmore Road and is legally described as Lot 3 in Deposited Plan 436356. The site consists of an irregularly shaped allotment, with a total area of approximately 198 square metres. The site has a frontage to Enmore Road of approximately 10 metres.

The site supports an existing single storey commercial building that is currently vacant. The site includes a shared access lane that bounds and extends beyond the eastern and southern sides of the building. The shared lane appears to service several properties located within the vicinity of the site.

The adjoining properties directly to the west are a series of buildings used primarily for commercial purposes. Directly to the east of the site is a multi-storey, mixed used building that accommodates a business premises on the ground level and residential accommodation on the upper levels. Properties to the south are predominately commercial and mixed used buildings. Directly opposite the site on Enmore Road is a food and drink premises and a Railway Corridor.

The site is identified as a contributory building within the King Street and Enmore Road Heritage Conservation Area (HCA) (C2) under *MLEP 2011*.

The locality comprises a commercial precinct with a mix of predominately retail and business uses. Newtown Train Station is located 180m to the east of the site. The site is also serviced by nearby bus stops on Enmore Road and King Street, respectively.

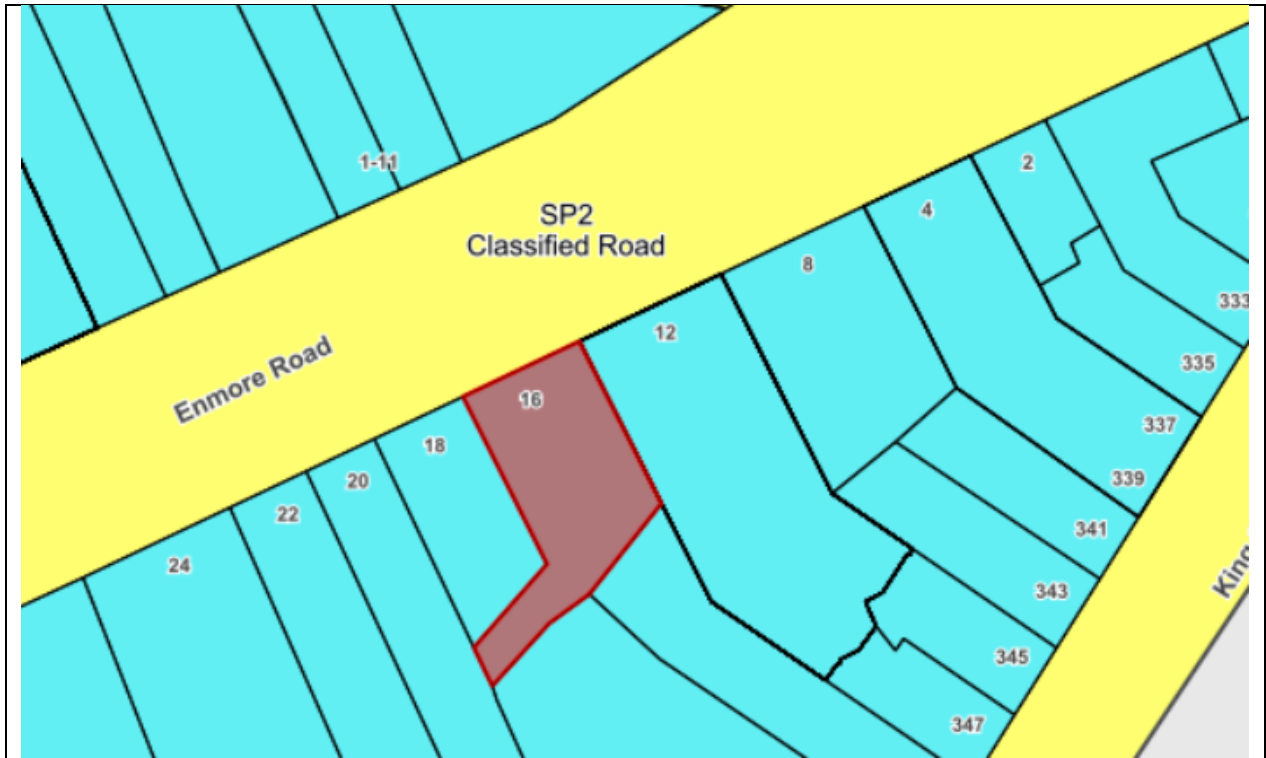


Figure 1: Zoning Map of the subject site (highlighted red).



Figure 2: Image of the subject site.

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
Pre-DA (PDA) PDA/2021/0030	To fit out and use the premises as a small bar.	Advice issued on 15/03/2021

Surrounding properties

Address & Application	Proposal	Decision & Date
44 Enmore Road, Newtown DA201100354	To carry out alterations to the premises and use the ground floor level of the premises as a licensed small bar and to erect an associated sign and under awning blind.	Part Approval on 09/11/2011. <u>Note</u> : Subsequent modification applications have been submitted for this development. The premises has base operational hours of between 4:00pm to 10:00pm Monday to Friday and 11:00am to 10:00pm Saturdays, Sundays and public holidays. It is permitted to trade until 12:00 midnight on Monday to Saturday (including public holidays) on an ongoing trial basis.
105 Enmore Road, Newtown DA201500653	To use the ground floor level of the premises as a café during the day and continue to use as a bar in the evening with hours of operation between 6.00am to 2.00am Mondays to Saturdays the following day and 6.00am to 12 midnight on Sundays.	Approval on 24/03/2016. <u>Note</u> : Subsequent modification applications have been submitted for this development. The bar component currently appears to have operational hours of between 5:00pm to 12:00 midnight Monday to Saturday and 5:00pm to 10:00pm on Sunday.
112-116 Enmore Road, Newtown	To use the premises as a café and small bar.	Approval on 24/03/2016. <u>Note</u> : Subsequent modification

DA201700528		<p>applications have been submitted for this development.</p> <p>The premises has base operational hours of between 7:00am to 10:00pm Monday to Sundays and Public Holidays.</p> <p>It is permitted to trade until 12:00 midnight on Monday to Saturdays (including public holidays) on a trial basis.</p>
<p>154 Enmore Road, Newtown</p> <p>DA201600314</p>	<p>To carry out alterations and additions and use the premises as a small bar from 4:00pm to 12 midnight seven days a week and to seek extended trading on a trial basis of one year from 4:00pm to 1:00am the following day on Fridays and Saturdays and Public Holidays</p>	<p>Approval on 01/12/2016.</p> <p><u>Note:</u> Subsequent modification applications have been submitted for this development.</p> <p>The premises has base operational hours of between 4:00pm to 12:00am Monday to Sundays.</p> <p>It is permitted to trade until 2:00am between Thursdays to Saturdays (including public holidays) on a trial basis. However, it appears the trial period may have expired.</p>

4(b) Application history

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

Date	Discussion
13/04/2021	Application lodged.
22/04/2021 to 21/05/2021	Application notified.
15/06/2021	<p>Request for information (RFI) letter issued to the applicant requiring the following amendments or information:</p> <ul style="list-style-type: none"> • Clarification and further information with respect to acoustic impacts; proposed food service; waste management; inconsistency between documentation; patron numbers; further signage details and assessment; • Provision of a response to the NSW Police referral; and • Provision of a response to the public submissions received.
07/07/2021	<p>Revised plans and additional information submitted in response to Council's RFI request.</p> <p><u>Note:</u> This information forms the basis of the assessment outlined below.</p>

5. Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A 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 (SEPP 55)*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)*;
- *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)*; and
- *Marrickville Local Environmental Plan (MLEP 2011)*.

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy No 55—Remediation of Land*

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. Marrickville Development Control Plan 2011 (MDCP 2011) provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated it. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

SEPP 64 specifies aims, objectives, and assessment criteria for signage and outlines that a consent authority must not grant development consent to an application to display signage unless it is satisfied that the signage is consistent with the objectives of the policy and the signage satisfies the assessment criteria specified in Schedule 1.

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 application seeks consent for the reuse of the existing 4 x elliptical and illuminated projecting wall signs to display the following:

- 8 x illustrative images measuring approximately 800 millimetres (mm) (width) by 400mm (height) fronting Enmore Road (refer to Attachment B).

An assessment of the proposed signage against Schedule 1 of the *SEPP 64* has been undertaken in the table below.

Criteria	Assessment	Compliance
1 Character of the area		
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The proposed signage is consistent with nearby signs in the surrounding B2 Local Centre Zone.	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed signage is consistent in terms of its size, scale, materiality and colours with nearby signs servicing food and drink premises and small bars.	Yes
2 Special areas		
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The proposed signage will not detract from the visual quality of the surrounds, given its extent, scale and location.	Yes
3 Views and vistas		
<i>Does the proposal obscure or compromise important views?</i>	The proposed signs are of a modest scale and located below the existing awning and will therefore not compromise important views.	Yes
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	The proposed signs will dominate the skyline or reduce the quality of vistas given their positioning and locations.	Yes
<i>Does the proposal respect the viewing rights of other advertisers?</i>	The proposed signs respect the viewing rights of other advertisers within the vicinity.	Yes
4 Streetscape, setting or landscape		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The scale, proportion and form of the signs are considered appropriate relative to the site's location within a business zone and commercial precinct.	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The signs will contribute to the visual interest of the streetscape given their imagery.	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	The existing signage structures are proposed to be retained and reused.	N/A
<i>Does the proposal screen unsightliness?</i>	The signs do not screen unsightliness.	N/A
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The signs are located below the existing awning.	Yes
<i>Does the proposal require ongoing vegetation management?</i>	Vegetation has not been incorporated into the proposed signage scheme.	N/A

5 Site and building		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The signs are compatible with the scale, proportion and heritage characteristics of the building, given their imagery and colours.	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	The signs are located on elements of the building that historically would have accommodated signage of some form.	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The signage is restrained to allow for a sympathetic relationship with the building.	N/A
6 Associated devices and logos with advertisements and advertising structures		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	These elements do not form part of the design of the proposed signs.	N/A
7 Illumination		
<i>Would illumination result in unacceptable glare?</i>	Subject to condition, the illumination of the signs will not result in unacceptable glare.	Yes, subject to condition
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	Given the location of the illuminated signs, which is underneath an existing awning and setback from the Road, it is considered the illumination will not affect aircraft, vehicle or pedestrian safety.	Yes
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	The proposed signs are located under the existing awning and are at a sufficient distance from nearby residential accommodation.	N/A
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Subject to condition, the proposed illumination will be made adjustable.	Yes, subject to condition
<i>Is the illumination subject to a curfew?</i>	Given the location of the sign, a curfew is not considered necessary.	N/A
8 Safety		
<i>Would the proposal reduce the safety for any public road?</i>	As discussed above, given the signs, are located under the awning, setback from the road and that their illumination will be controlled, it is considered the proposed signs will not materially reduce public safety.	Yes
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	Refer to comment above.	Yes
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	Refer to comment further above.	Yes

Based on the above assessment, the proposed signage is considered satisfactory having regard to the relevant matters under SEPP 64.

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

(i) Development with a frontage to classified road (Clause 101)

The site has a frontage to Enmore Road, which is nominated as a ‘Classified Road’ on the ‘Schedule of Classified Roads and Unclassified Regional Roads’.

Clause 101 of *SEPP Infrastructure 2007* outlines that 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 proposal does not seek to alter the site’s existing vehicle access arrangements. Given this, the application is considered acceptable with respect to Clause 101 of the *SEPP Infrastructure 2007*.

5(a)(iv) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

The application was assessed against the following relevant clauses of the *Marrickville Local Environmental Plan 2011* in the table below.

Clause	Proposed	Compliance
<p>Clause 1.2 Aims of Plan</p>	<p>The proposal is consistent with the relevant aims of the plan as follows:</p> <ul style="list-style-type: none"> • The proposal supports the efficient use of land and assists to vitalise the centre; • The proposal assists to increase employment densities in an appropriate location near public transport and subject to conditions, will protect the residential amenity of the surrounds; • The proposal will assist in promoting sustainable transport including walking and cycling, whilst increasing public transport use given the site’s accessible location; • The development applies the principles of ecologically sustainable development; given the adaptive re-use of the existing building; • As detailed further within this report, the proposal appropriately conserves the significance of the building and HCA; and • As demonstrated within this report, the design of the proposal is considered to be of a high standard that has a satisfactory impact on the private and public domain. 	<p>Yes, subject to conditions</p>

<p>Clause 2.3 Zone objectives and Land Use Table</p> <p><i>B2 Local Centre</i></p>	<p>The proposal satisfies this clause as follows:</p> <ul style="list-style-type: none"> • The application seeks to undertake alterations to an existing building and change its use to a small bar, which is permissible with consent under the site’s B2 Local Centre zone; and • The proposal is consistent with the relevant objectives of the zone as follows: <ul style="list-style-type: none"> ○ The proposal provides a retail use that will assist to serve the needs of people who live in, work in and visit the local area; ○ The proposal assists to encourage employment opportunities within an accessible location; ○ Given the site’s accessible location, public transport, walking and cycling will be encouraged; ○ The use of the premises will assist to activate this portion of Enmore Road, given the nature of the use; and ○ The proposal will assist to constrain parking and reduce car use, as it does not propose any car parking, as per the relevant requirements under MDCP 2011. 	<p>Yes</p>
<p>Clause 2.7 Demolition requires development consent</p>	<p>The proposal satisfies the clause as follows:</p> <ul style="list-style-type: none"> • Minor internal demolitions works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition. 	<p>Yes, subject to conditions</p>
<p>Clause 5.10 Heritage conservation</p>	<p>The following is noted with respect to the proposal’s impact on the heritage significance of the site and the surrounds:</p> <ul style="list-style-type: none"> • The building on the site is identified as a contributory building within the King Street and Enmore Road HCA (C2); • A suitable heritage assessment was submitted with the application that demonstrates that the proposal will have an acceptable impact on the heritage significance of the site and surrounds; and • The proposal has been designed to conserve the heritage significance of the site and surrounds, given the minor internal alterations proposed and the colour scheme selected for the façade. 	<p>Yes</p>

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

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 *EP&A 1979*.

The development is considered acceptable having regard to the relevant provisions of the Draft IWLEP 2020.

5(c) Control Plans

The application was assessed against the following relevant provisions under the Marrickville Development Control Plan 2011 (MDCP 2011) in the table below.

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes, subject to conditions
Part 2.6 – Acoustic and Visual Privacy	Yes - see discussion below under Section 5(c)(i)
Part 2.8 – Social Impact	Yes, subject to conditions
Part 2.9 – Community Safety	Yes, subject to conditions
Part 2.10 – Parking	Yes
Part 2.12 – Signs and Advertising	Yes
Part 2.21 – Site Facilities and Waste Management	Yes - see discussion below under Section 5(c)(ii)
Part 2.24 – Contaminated Land	Yes – Refer to <i>SEPP 55</i> discussion further above.
Part 5 – Commercial and Mixed Use Development	Yes - see discussion below under Section 5(c)(iii)
Part 8 – Heritage	Yes
Part 9 – Strategic Context	Yes, subject to conditions

(i) Part 2.6 – Acoustic and Visual Privacy

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. Control (C) C7 under this Part requires consideration to be given to the potential noise and amenity impacts of commercial development on residential development.

The development is located nearby to residential receivers, the closest of which being located directly adjacent to the site at 12-14 Enmore Road, Newtown. This property comprises a mixed-use development, with business premises on the ground floor and residential apartments located on the upper floors. Further, it appears to have a central atrium, in addition to open space on its rooftop.

A revised Acoustic Report was submitted with the application to demonstrate the proposal's acoustic impact, which concluded the proposal can satisfy the relevant noise criteria, subject to the following:

- A maximum of 60 patrons and 6 staff members within the premises at any one time;
- The use of background music (pre-recorded) inside the premises only;
- No new mechanical plant is to be installed;
- Windows and doors are to be closed at all times;
- A maximum of 10 patrons being permitted to queue under the subject building's awning heading south-west along Enmore Road; and
- Provision of signage requesting patrons to consider neighbours by keeping their noise to a minimum.

The above measures have been included within the Plan of Management (POM) submitted with the application.

Notwithstanding, the Acoustic Report has omitted an assessment of the proposal against relevant Liquor and Gaming NSW criteria, which is considered appropriate given that a new **small bar** is proposed.

It is considered the proposal is capable of complying with the above-mentioned criteria, however; operation of the premises should not occur unless this is suitably demonstrated. As such, a Deferred Commencement (DC) condition is included in the recommendation to ensure this occurs, with any additional acoustic mitigation measures being undertaken as necessary.

Subject to the suitable demonstration that the proposal adheres to the relevant noise criteria, it is considered the relevant provisions under Part 2.6 of MDCP 2011 will be satisfied.

(ii) Part 2.21 – Site Facilities and Waste Management

Part 2.21 of MDCP 2011 contains objectives and controls relating to appropriate management of waste. The proposal is considered to satisfy the relevant provisions under this Part as follows:

- The application was accompanied by a waste management plan in accordance with the Part;
- A new secure waste management area is proposed at the rear of the premises. Further, it is designed and located to allow sufficient clearance for vehicles to access the shared lane that forms part of the site (refer to Attachment B);
- Appropriate waste management procedures within and immediately outside the premises are documented in the POM, which will be enforced via consent condition; and
- Conditions are recommended to ensure the appropriate management of waste during the construction and operational phases of the proposal, including restricting the disposal of rubbish during the early morning and late-night hours (restricted to 7:00am to 8:00pm weekdays and 9:00am and 5:00pm on weekends), to lessen amenity impacts on the surrounds.

Notwithstanding the above, the proposed waste storage area appears to be serviced by a drain that is connected to Council's drainage network as opposed to Sydney Water's sewer

network. As it stands, the proposal does not comply with C31 under Part 2.21.2.6 of MDCP 2011. To address this matter, a DC condition has been included in the recommendation.

Subject to suitable demonstration that the proposed waste management area will be drained via the Sydney Water sewer network, it is considered the proposal will satisfy the relevant provisions under Part 2.21 of MDCP 2011.

(iii) Part 5 – Commercial and Mixed Use Development

Part 5.3.1.1 Plan of Management:

Part 5.3.1.1 includes objectives and controls relating to the adoption of POMs for commercial development to ensure their impacts on the amenity of nearby residential accommodation is appropriately managed.

A revised POM was submitted with the application, which adopts the following key measures:

- Suitable measures with respect to the responsible service of alcohol, operations and patron numbers;
- Provision of signage to encourage patrons to keep their noise levels to a minimum;
- The service of food to patrons in accordance with the **small bar** definition;
- Suitable cleaning and waste management procedures, including the cleaning of the public domain at the front of the premises;
- The establishment of an 'active area' generally within peak times (Friday and Saturday nights until 11:00pm) and located immediately adjacent to the front of the premises. The 'active area' is to assist with the management of patrons queuing to enter. It will be restricted to a maximum of 10 persons grouped in pairs that does not exceed 1.5m in width to ensure the footpath is not obstructed;
- The queue within the above mentioned 'active area' will be formed in a south-westerly direction down Enmore Road to ensure it does not block access to the site's shared lane and to lessen any potential impact on the adjoining mixed-use building at 12-14 Enmore Road. An employed host or the manager of the premises will be responsible for the appropriate management of persons within this area; and
- Provision of closed-circuit television (CCTV) cameras to ensure surveillance of key areas within and immediately outside the premises. This measure will also be enforced by a recommended NSW Police condition included in Attachment A.

The POM submitted is considered acceptable and satisfies the relevant provisions under this Part. A condition of consent has been included within the recommendation to ensure the POM is adhered to.

Part 5.3.1.2 Noise and vibration generation

This matter has been addressed under Section 5(c)(i) further above.

Part 5.3.1.4 Hours of operation

Part 5.3.1.4 of MDCP 2011 contains objectives and controls relating to the hours of operation for commercial development. Provisions under this Part outline hours that extend beyond traditional hours are not to unreasonably affect the amenity of nearby residential properties, particularly acoustic amenity.

The revised proposal seeks to operate as follows:

- 12:00pm to 12:00 midnight – Monday to Sunday (including public holidays).

As outlined previously, a review of the operational hours of small bars located nearby on Enmore Road has been undertaken. A consistency in terms of operating hours appears to be present, whereby a base closing time of 10:00pm is evident and hours that extend beyond this time (generally to 12:00 midnight) are subject to ongoing monitoring in terms of trial period conditions in accordance with the Marrickville Council's Hotel Trading Hours Policy.

As discussed previously, it is considered the proposal can satisfy the relevant noise criteria and its operations are to be managed by a POM. The POM will ensure reasonable impacts on the amenity of the surrounds, which will be enforced by the recommendation conditions.

It is also acknowledged that the site is located within a business zone under *MLEP 2011*, which supports the King Street and Enmore Road Commercial Precinct. The proposal satisfies the objectives of the zone, whilst being consistent with the desired future character of the precinct. This includes the activation of the street front to assist with creating a vibrant and safe streetscape.

On balance, it is considered reasonable to adopt a cautious approach with respect to the permitting of trade beyond 10:00pm, given the proposal's location to nearby residential receivers. As noted previously, this approach has been adopted under the consents of nearby small bars in the area.

As such, conditions have been included within the recommendation requiring operations between 10:00pm and 12:00pm midnight to be subject to a trial period for a minimum of 1 year, which will require a new application to be submitted to Council prior to its expiration. This will allow the performance of the premises beyond traditional business hours to be monitored to ensure it has an acceptable impact on the amenity of the area.

Overall, subject to the adoption the recommended trial period condition, the proposal is considered to satisfy the relevant provisions under this Part.

5(d) The Likely Impacts

The assessment of the application demonstrates that, subject to the adoption of the recommended conditions, the proposal will have an acceptable impact on the locality.

5(e) 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(f) Any submissions

The application as originally submitted was notified in accordance with Council's policy. In response, 14 submissions were received raising the following matters, which have been addressed within this report:

- (i) Acoustic amenity;
- (ii) Hours of operation;
- (iii) Permissibility;
- (iv) POM;
- (v) Traffic & parking; and
- (vi) Waste management.

Concern	Comment
Community safety/anti-social behaviour	This matter has been addressed within the POM submitted with the application, which includes measures relating to the appropriate management of patrons and measures to discourage anti-social behaviour. Further, CCTV cameras are to be installed both internally and externally to assist in this regard. The application was also referred to the NSW Police who raised no objection subject to specific conditions of consent. The above measures and conditions are included within the recommendation.
Incorrect details provided or misalignment of application documents	As detailed previously, the Applicant was requested to provide revised plans and documentation to address this matter. This included, but was not limited to, a demonstration of consistency in terms of the proposal's details and the identification of the closest residential receiver.

Note: As per Council's Community Engagement Framework, the revised plans and additional information did not require notification, as the revised proposal resulted in similar or reduced impacts.

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 proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Building Certification;
- Development Engineering;
- Environmental Health;
- Heritage & Urban Design; and
- Resource Recovery.

6(b) External

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

- NSW Police (Licensing Unit).

7. Section 7.11 Contributions/7.12 Levy

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

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), *MLEP 2011* and *MDCP 2011*, respectively.

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

The application is considered suitable for the issue of a Deferred Commencement consent subject to the imposition of appropriate terms and 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. 2021/0261 for the use of the premises as a small bar and internal and external alterations, including signage at 16 Enmore Road, Newtown subject to the conditions listed in Attachment A.

Attachment A – Recommended conditions of consent

ATTACHMENT A – RECOMMENDED CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matters:

A. Deferred Commencement

1. An acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the satisfaction of Council and shall demonstrate and certify that noise and vibration emissions from the development comply with the relevant requirements of Liquor and Gaming NSW, 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. Any recommendations within the acoustic report must be included on a revised set of architectural plans as required and the Plan of Management must be updated to reflect any new requirements.
2. Revised architectural plans are to be submitted to the satisfaction of Council demonstrating the designated waste storage area being 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, including, but not necessarily limited to, a bunded and covered area drained to the Sydney Water Corporation sewer.

Evidence of the above matters must be submitted to Council within 2 years of the date of this Determination otherwise the Consent will not operate.

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Drawing No. and Revision	Plan Name	Date Issued	Prepared by
Cover Page, A000, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
Site Plan / Roof Plan, A100, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
Ground Floor Plan - Existing & Proposed, A110, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
Elevations - Proposed, A211, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
Sections - Existing & Proposed, A310, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
Signage Plan, A410, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
Capacity & Lane Accessibility Diagrams, A500, B	Architectural Plans	02/07/2021	Miles / Thorp Architects
16 Enmore Rd, Newtown 2042	Plan of Management	-	-
Document reference: SYD2021-1027-R001D	Acoustic Report	21/06/2021	Acouras Consultancy

Reference: T-6000-BCS-00 Version 1	BCA Statement	02/07/2021	McKenzie Group
16 Enmore Rd, Newtown 2042	Waste Management Plan	-	-

As amended by the conditions of consent.

FEES

2. 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:	\$2,209.00
Inspection Fee:	\$236.70

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

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

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

restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

3. 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.

GENERAL CONDITIONS

4. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

5. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

PRIOR TO CONSTRUCTION CERTIFICATE**6. 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.

7. Food Premises – Additional Sinks and Hand Wash Basins

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended scale plans confirming the position of all dish/glass washers, sinks and hand wash basins within the food premises in accordance with Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

8. 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.

9. Structural Certificate for retained elements of the building

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

10. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

11. Access Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

- a. Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part;
- b. Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia;
- c. Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements;
- d. Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol; and
- e. Any exemptions, alternative solutions or deemed-to-satisfy provisions affecting access.

12. Fire Safety Upgrade

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report and plans detailing how the buildings, which are subject to the consent, will be brought into full or partial conformity with the Building Code of Australia. The report must include:

- a. A fire safety audit which shall cover Sections C, D and E of Building Code of Australia and to identify general areas of non-compliance against the deemed to satisfy fire safety provisions, and address the performance requirements of the BCA where relevant. The recommendations for the fire safety upgrade shall be indicated on amended plans;
- b. Review the current on site fire safety measures including their relevant standard of performance; and
- c. The report shall include an updated Fire safety schedule stipulating the existing and proposed essential fire safety measures, including their relevant standards of performance.

13. Illuminated Signage

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with revised plans demonstrating the following:

- a. Demonstration that all illuminated signage does not flash or include neon elements.
- b. Demonstration that all illuminated signage is fitted with suitable mechanisms that can reduce the luminance as required.

- c. Demonstration that all illuminated signage will not cause unacceptable glare or nuisance.

DURING DEMOLITION AND CONSTRUCTION

14. Documentation of Demolition and Construction Waste

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

15. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

PRIOR TO OCCUPATION CERTIFICATE

16. 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.

17. Protect Stone Kerb

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

18. 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.

19. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

20. Maximum Capacity

The premises is to have a maximum capacity of 60 patrons and 6 staff members or the maximum number permitted under the Building Code of Australia (BCA), whichever is less. A sign to be placed above the main door fronting Enmore Road indicating the maximum patron capacity of the premises. The sign must not make any significant or irreversible penetrations into the heritage fabric of the building.

21. Noise

- (i) Upon completion of the required noise attenuation measures referred to in the Acoustic Report and prior to commencing extended trading hours a report being prepared and submitted to the Principal Certifier's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Noise 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

ON-GOING**22. 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.

23. Noise General

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

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

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

25. 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.

26. 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.

27. Hours of operation

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

Day	Hours
Monday to Sunday (including public holidays)	12:00pm to 10:00pm

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

Day	Hours
Monday to Sunday (including public holidays)	12:00pm to 12:00 midnight

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

28. CCTV Requirements

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

- a. Internal cameras must operate continuously from opening time until one hour after closing;
- b. External cameras must operate continuously;
- c. It must record in digital format at a minimum of six frames per second;

- d. Any recorded image must specify the time and date of the image;
- e. The system's cameras must cover:
 - i. All entry and exit points of the premises,
 - ii. The footpath immediately adjacent to the premises,
 - iii. Any rear access points to the premises, and
 - iv. All publicly accessible areas (other than toilets) on the premises.
- f. Cameras must have the ability to record viewable footage in low light environments;
- g. Any cameras monitoring the entry and exit points of the premises, shall provide recorded images in which the picture quality and detail is sufficient to enable the identity of person/s to be established.
- h. CCTV recordings must be retained for at least 30 days.
- i. Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- j. Management shall ensure the system is accessible by at least one member of staff at all times it is in operations, and
- k. Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.

29. Maximum Capacity

The premises is to have a maximum capacity of 60 patrons and 6 staff members or the maximum permitted under the Building Code of Australia, whichever is less.

30. Illuminated Signage

All illuminated signage is to comply with the following:

- a. Illumination is permitted only during approved operating hours.
- b. Not flash or include neon elements.
- c. Be fitted with suitable mechanisms that can reduce the luminance as required.
- d. Not cause nuisance or unacceptable glare.

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*;

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);

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

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

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

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Lead-based Paint

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

Useful Contacts

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

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

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

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

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

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

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

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

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

REASONS FOR REFUSAL





Attachment B – Plans of proposed development

16 ENMORE ROAD,
 NEWTOWN
 DEVELOPMENT APPLICATION
 ARCHITECTURAL DRAWINGS
 JULY 2021


DRAWING INDEX

Drawing Number	Drawing Title	Scale	Revision	Date
A000	Cover Sheet		B	02.07.21
A100	Site Plan / Roof Plan	1:200	A	11.03.21
A110	Ground Floor Plan - Existing & Proposed	1:100	B	02.07.21
A210	Elevations - Existing	1:100	A	11.03.21
A211	Elevations - Proposed	1:100	B	02.07.21
A310	Section - Existing & Proposed	1:100	B	02.07.21
A410	Signage Plan	1:100	B	02.07.21
A500	Capacity & Lane Accessibility Diagrams	1:100	B	02.07.21

EXTERNAL PAINT SCHEDULE

	QUILX: grey-green
	WATLY SOLIGARD: mint green
	WATLY SOLIGARD: deep crimson
	WATLY SOLIGARD: off white



<p>MILES / THORP ARCHITECTS www.milesthorp.com.au studio@milesthorp.com.au 0468 925 287</p>	<p>client: Alex Dowd & Jeremy Blackmore project address: 16 Enmore Road NEWTOWN NSW 2042</p>	<p>revision history: A 11.03.21 PA REVISION 1 B 02.07.21</p>	<p>scale: @ A3 north: </p>	<p>revision: B drawing number: A000 drawing title: Cover Sheet issue date: 02.07.21</p>
	<p>Nominated Architect - Christopher Thorp ARB NSW 18217 do not scale off drawing, use figured dimensions only copyright Miles Thorp Architects 2019</p>			



1 Site Plan / Roof Plan
1:200

MILES / THORP ARCHITECTS

www.milesthorp.com.au
studios@milesthorp.com.au
0400 526 287

Nominated Architect - Christopher Thorp ARB NSW 10217
do not scale off drawing, use figured dimensions only
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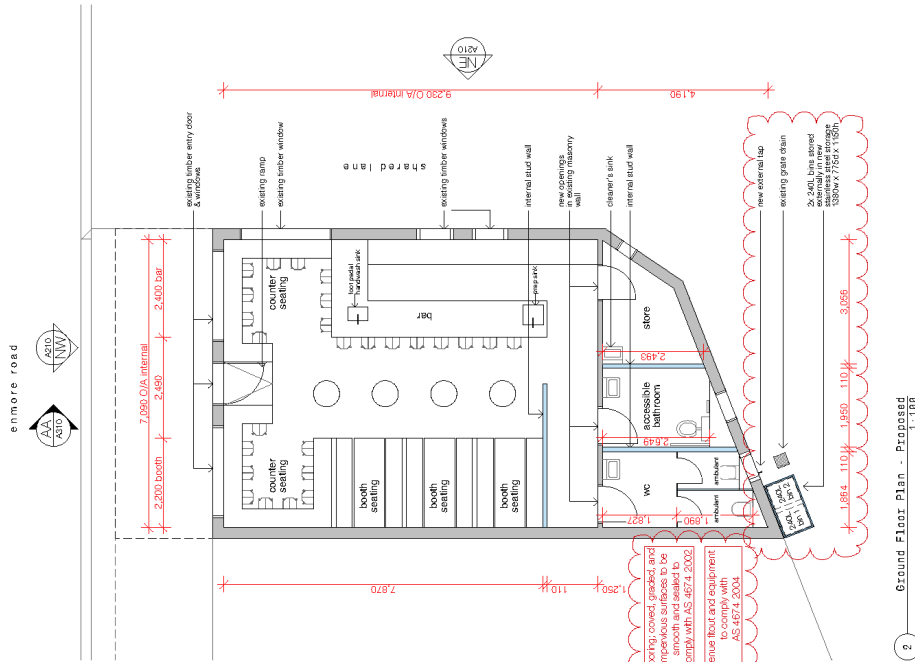
client
Alex Dowd & Jeremy Blackmore
project address
16 Emmore Road
NEWTON NSW 2042

revision history
A 11.03.21
B 02.07.21
REVISION 1

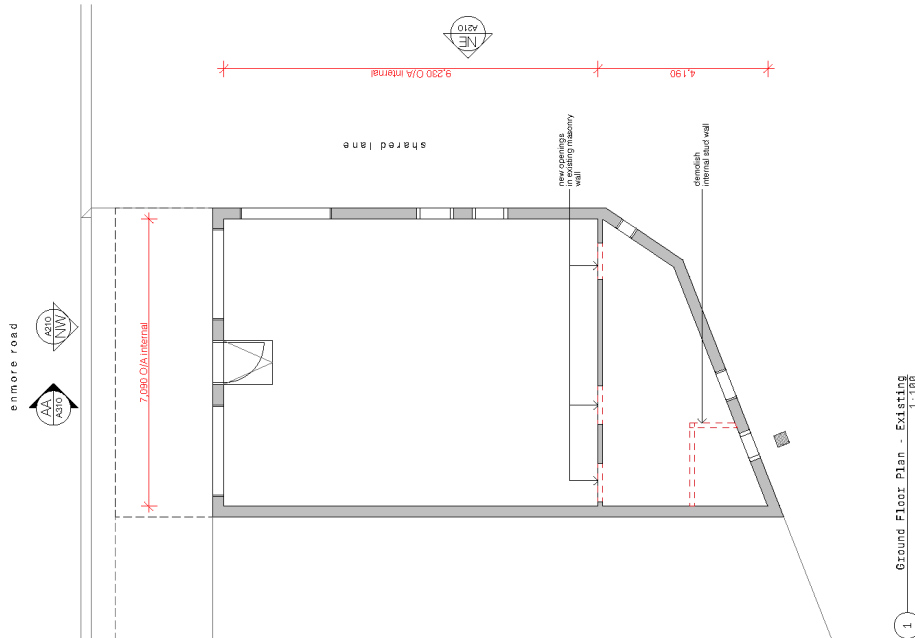
scale
1:200@ A3
north

drawing number
A100
drawing title
Site Plan / Roof Plan

revision
A
issue date
11.03.21



2 Ground Floor Plan - Proposed 1:100



1 Ground Floor Plan - Existing 1:100

MILES / THORP ARCHITECTS

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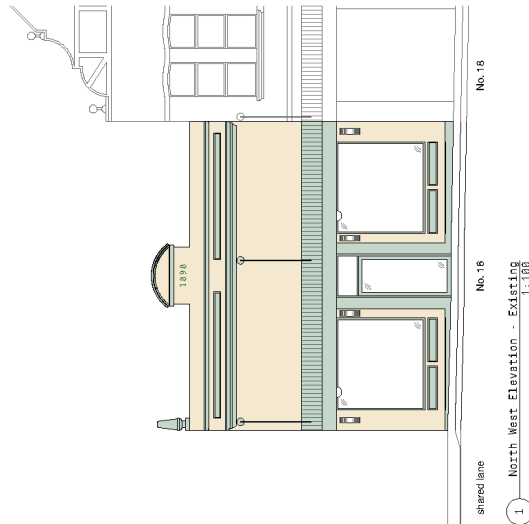
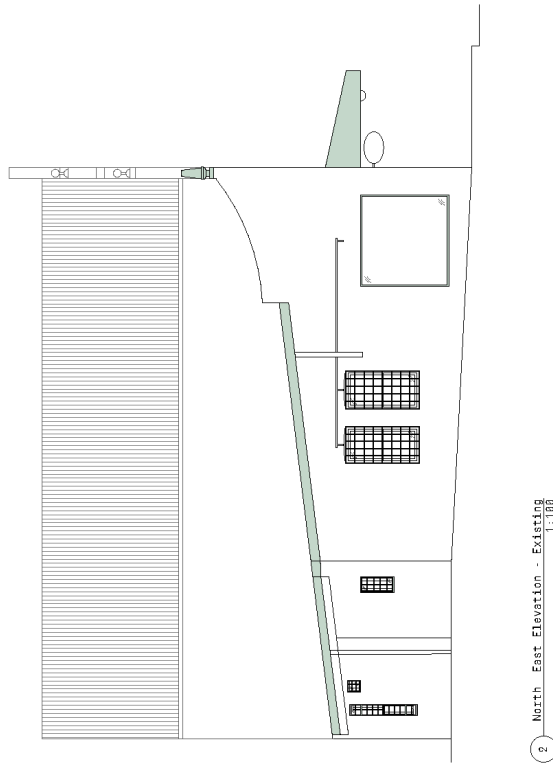
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 project address 16 Enmore Road
 NEWTON NSW 2042

revision history
 A 11.03.21
 B 02.07.21
 BY REVISION 1

scale 1:100@ A3
 north

drawing number A110
 drawing title Ground Floor Plan - Existing & Proposed

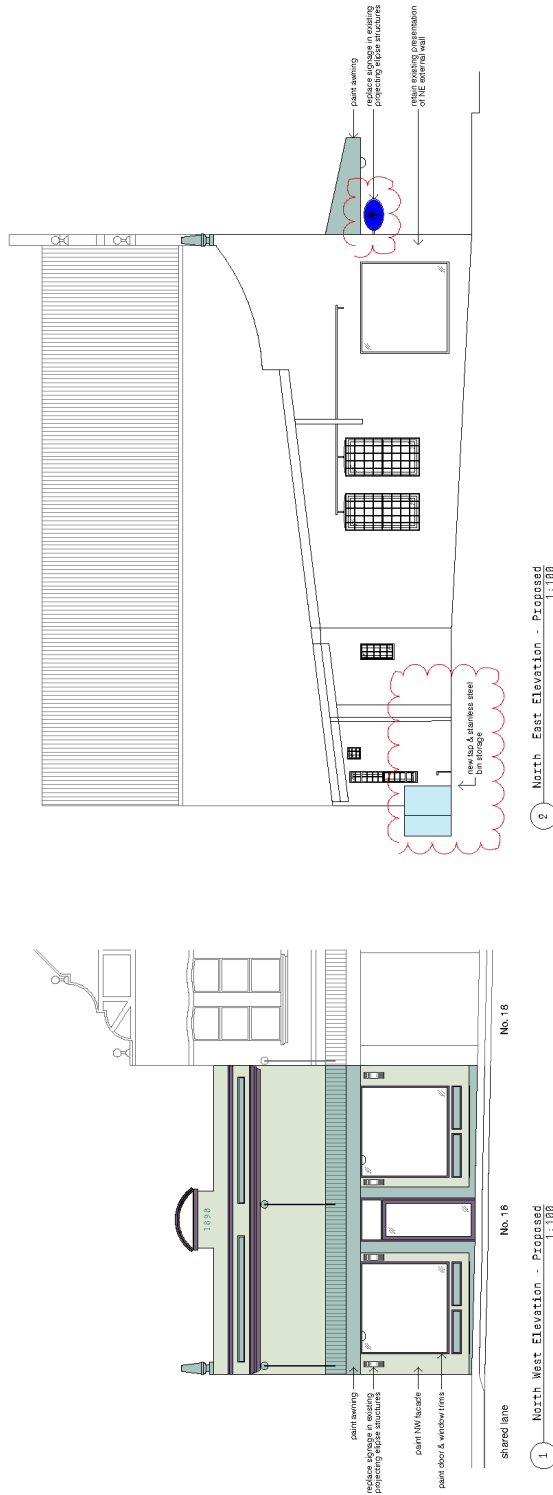
revision B
 issue date 02.07.21



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project address	16 Emmore Road NEWTON NSW 2042	drawing title	Elevations - Existing	north	⊙	issue date	11.03.21		

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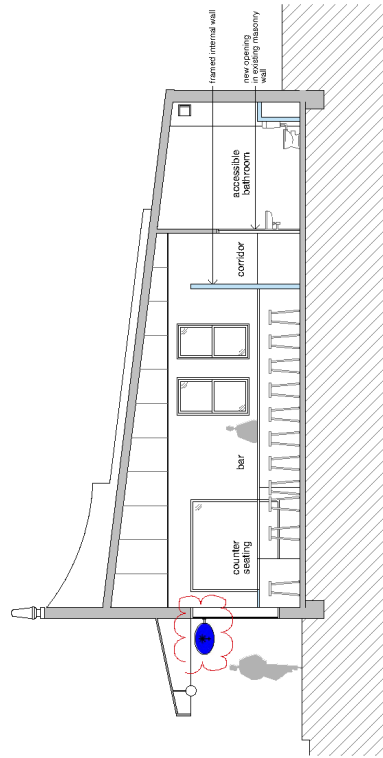


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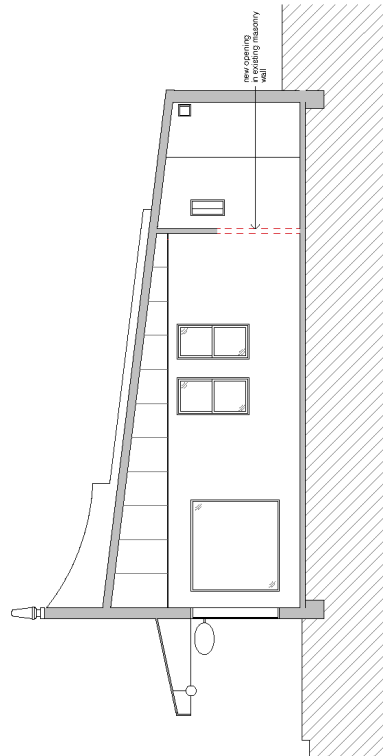
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project address	16 Emmore Road NEWTON NSW 2042			north	⊙	drawing title	Elevations - Proposed	issue date	02.07.21
		REVISION 1							



2 Section AA - Proposed
1:100



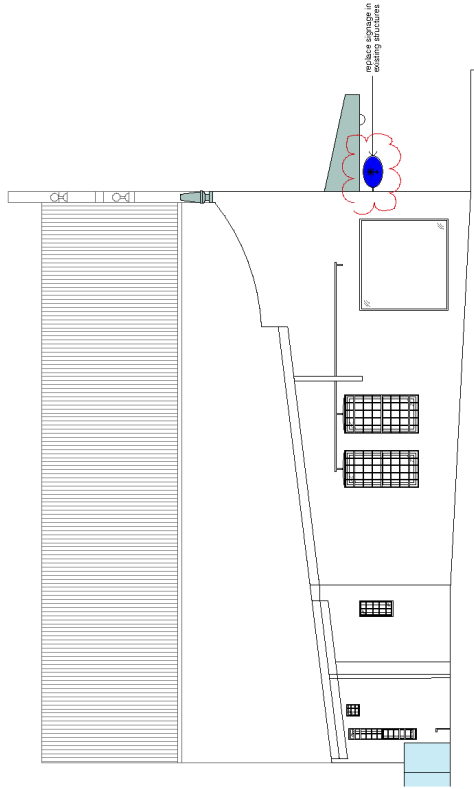
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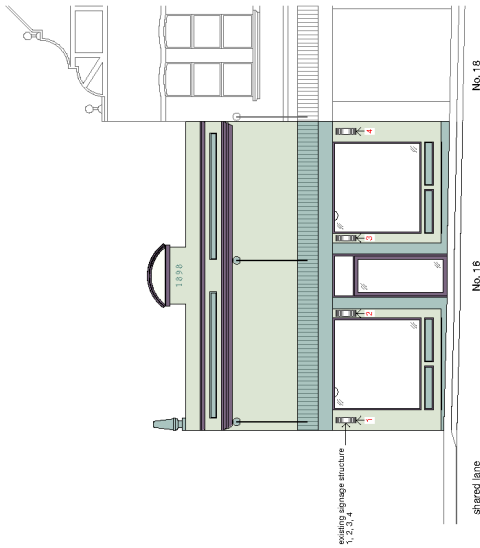
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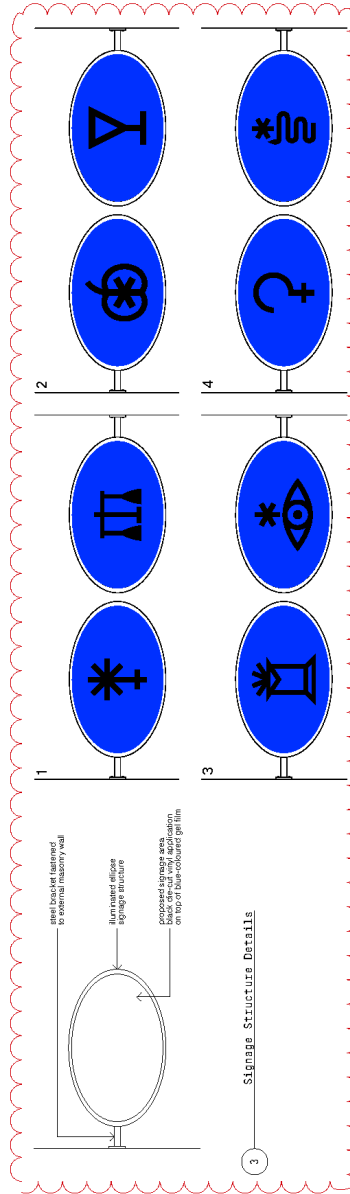
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project address	16 Emmore Road NEWTON NSW 2042			north	⊙	drawing title	Section - Existing & Proposed	issue date	02.07.21



2 North East Elevation - Signage
1:100



1 North West Elevation - Signage
1:100



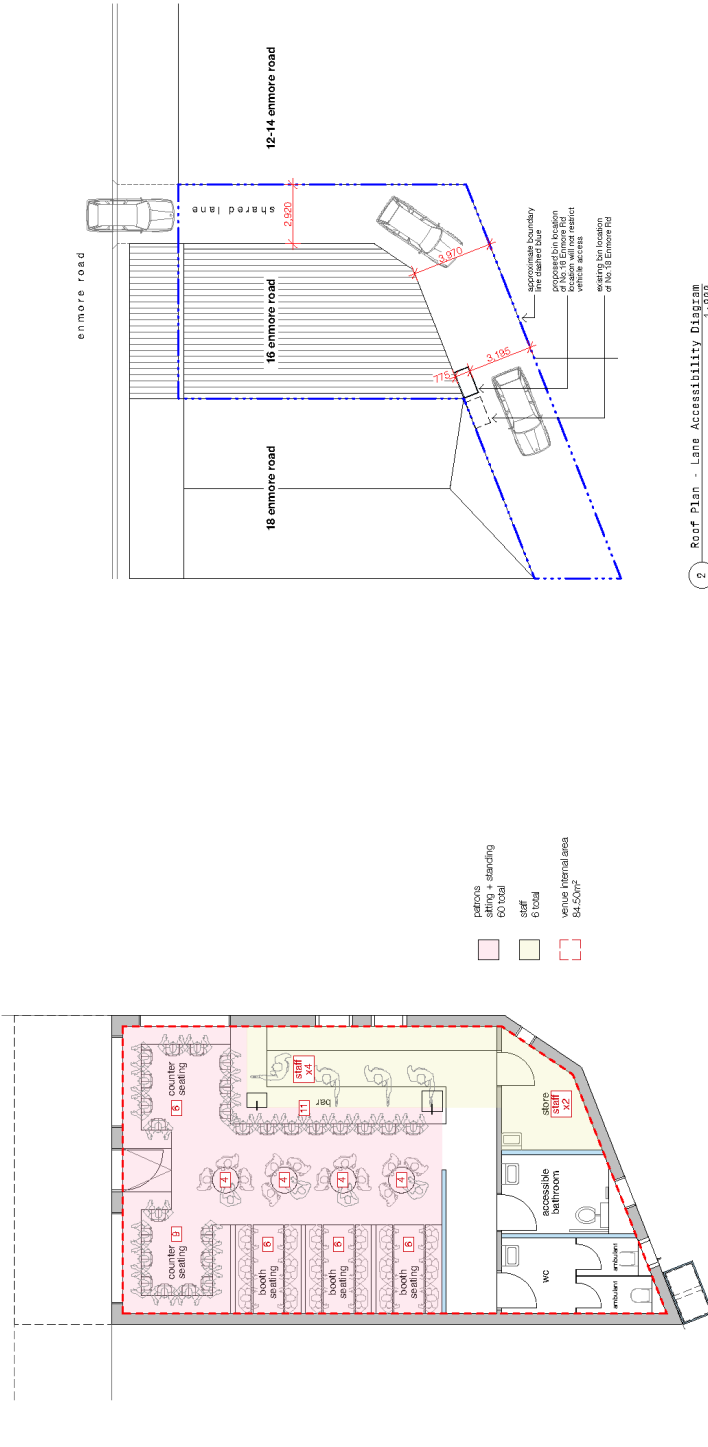
3 Signage Structure Details

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client	Alex Dowd & Jeremy Blackmore	revision history	A 11.03.21 B 02.07.21	scale	1:100@ A3	drawing number	A410	revision	B
project address	16 Emmore Road NEWTON NSW 2042			north		drawing title	Signage Plan	issue date	02.07.21



client	Alex Dowd & Jeremy Blackmore
project address	16 Enmore Road NEWTON NSW 2042
revision history	A 11.03.21 B 02.07.21
drawing number	A500
revision	B
scale	1:100 @ A3 1:200
drawing title	Capacity & Lane Accessibility Diagrams
issue date	02.07.21
north	⬆

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Attachment C- Plan of Management

PLAN OF MANAGEMENT

16 Enmore Rd, Newtown 2042

TO ACCOMPANY A DEVELOPMENT APPLICATION FOR USE AND FIT OUT
AS A SMALL BAR

Contents:

Site Details

Operational Details

Security and Safety

Noise

Site and Locality Details

Location of the site

The site is located at 16 Enmore Rd, Newtown.

Primary and secondary uses of the premises

The use of the Premise will be as a small bar with no ancillary uses.

The trading hours are proposed between 12pm until 12am, 7 days a week.

Summary of surrounding premises that operate up until or beyond midnight

Courthouse Hotel 12pm – 12am

Saray Kebab 12pm – 12am

Oporto 10am -12am

The Midnight Special 5pm – 12am

The Town Hall Hotel 11am – 2am

Websters' 11am – 4am

Continental Deli 12pm -12am

The Bank Hotel 10am – 2am

Calaveras Mexican 5pm – 12am

Jacoby's Tiki Bar 5pm – 2am

Plans that show the location of external doors, windows and other openings.

Architectural plans are attached.

Operating hours

12pm to 12am Monday

12pm to 12am Tuesday

12pm to 12am Wednesday

12pm to 12am Thursday

12pm to 12am Friday

12pm to 12am Saturday

12pm to 12am Sunday

Operational Details

The number and type of staff

There is a maximum 6 staff members on at any one time: 1 manager on shift, 1 supervisor and 4 bar staff.

Responsible service of alcohol

It is management's policy that all laws are complied with regard to the sale and consumption of alcohol on the premises. It will be management's responsibility to educate the staff in order to help ensure the safety of customers. Management's primary driving force is the safety and well-being of all customers.

Management and staff are responsible for adhering to all the policies with respect to alcoholic beverage service. As required by the Liquor Act 2007 NSW prior to any staff member serving alcoholic beverages, they must undergo and complete a Responsible Service of Alcohol (RSA) Course approved by the Casino, Liquor and Gaming Control Authority NSW.

The following policies for the responsible service of alcohol shall apply:

The licensee will ensure that at all times alcohol is served responsibly and in accordance with the Liquor Act 2007 and Liquor Regulation 2008 and in accordance with this Plan.

The licensee will ensure that all staff involved in the sale, service and supply of liquor have completed an approved RSA course.

The licensee will ensure that a register of RSA certificates for the licensee and all staff members engaged in the sale, supply or service of alcohol is kept at the venue at all times and to be made available for inspection by request from Police or Inspectors.

Staff will ensure that the service of alcohol is monitored in such a way as to minimise inappropriate behaviour.

Staff will refuse entry to any person deemed intoxicated, quarrelsome or unruly.

Staff will refuse service to any person approaching intoxication or

displaying unruly and/or quarrelsome behaviour.

It is the responsibility of every staff member to ensure that alcohol is not supplied to minors. Patrons suspected of being under the age of 18 years are to be asked to provide approved documentary proof of age before being supplied with liquor. Accepted forms of identification are a current driver's license, proof of age card or passport.

House Policy

Management and staff are to ensure that intoxication is prevented by compliance with the House Policy including:

Providing low and non-alcoholic beverages at all times.

Refusal of service to patrons showing signs of intoxication.

Not allowing intoxicated persons to enter or remain on the licensed premises. Management and staff are not to allow disruptive, violent or anti-social behaviour to occur on or in the vicinity of the premises by patrons having been in attendance at the premises.

Staff are to ensure that this is prevented by:

Not tolerating any conduct or behaviour which a reasonable person would consider undesirable.

Identifying potential problems and taking steps to alert senior staff/security and preventing them from escalating.

No illicit substances are permitted in the venue at any time.

Any person found using, supplying or possessing illicit substances shall be immediately evicted but only if the eviction will not result in disturbance to the local residents. If necessary, the Police shall be called to escort the offender from the venue.

For the purposes of this Plan "Illicit substances" includes any substances made illegal by the laws of the State of New South Wales or the Commonwealth of Australia.

Signage

Internally, a sign will be installed stating "*Please respect our neighbours and leave quietly down Enmore Rd*"

Additionally, external signage will detail the liquor license number, licensee capacity and venue contact details.

Food service arrangements

A short but focused menu will be available at all times the venue is open. The food will be provided by local restaurants and not prepared on site. There is no proposed cooking. All cutlery, and serving-ware will be disposable and not washed in the glass washer.

Waste management procedures.

Waste is stored externally in an appropriate waste area. Waste disposal is carried out by licensed contractors from the rear of the premise. The waste storage area is cleaned daily between the hours of 9am to 5pm and kept free of litter and waste.

Waste is generated by the venue in the form of general waste and comingled recycling. As such, each of these forms of waste are managed differently as follows:

General waste is bagged and placed in garbage receptacles in an approved garbage area during business or operating hours (9am – 12am) A company will be contracted to remove this waste. Waste removal will occur during business or operating hours.

Comingled recycling is broken down and placed in dedicated receptacles daily. It is to be collected directly three times weekly.

Cleaning and other after-hours activities

Cleaning will take place daily by trained contractors during daytime trading hours. The street front immediately in front of the street will be swept nightly and cleaned as required.

'Active areas'

The 1 'active area' that is adjacent to the building and used in association with the building is the queue that leads south-west in front of the building down Enmore Rd on the busiest trading nights. This area is generally only used for 2 or 3 hours at peak times on Friday and Saturday nights. The queue is restricted to 2-by-2 and generally no wider than 1.5 metres across. This queue will be limited to 10 people

and will cease at 11pm.

Primary pedestrian routes

Most of the patronage for the bar comes from foot traffic. The bar is located 5 minutes' walk from Newtown Station and associated bus stops. King St and Enmore Rd are both commonly used taxi corridors to and from the city and the inner west. Taxis can pick-up and drop-off passengers on Enmore Rd.

Transport

Staff are trained in the most common public transport options for the area. Patrons upon exiting are directed toward Newtown Station and bus stops further down Enmore Rd.

Smoking

Smoking is not permitted outside the venue in accordance with Marrickville Council's "Smoke-free Outdoor Environment" Policy. Aside from the health implications, this is also a measure to reduce litter associated with smoking. The proposed venue will not sell any tobacco products. Smoking will not be permitted in front of the nearest residential receivers at 12 -14 Enmore Rd.

Security and Safety

Patrons entering and leaving the premises

Staff are tasked with limiting the noise both staff and patrons create when entering and leaving the venue. Patrons are requested to leave the venue quickly and quietly toward public transport and are advised to keep noise to a minimum near the closest residential properties at 12-14 Enmore Rd. A manager is also present on the front door at the end of the night to ensure that patrons do not linger outside the premise.

Door Staff

At peak times, Friday and Saturday from 8pm until close a host is employed to monitor patron numbers, control any queue that forms and advise patrons to remain quiet after leaving the venue.

Queueing

Queues only generally form during peak times over the weekend. In the event of a queue forming, the manager or host will direct the people waiting to form an orderly line towards 16 Enmore Rd. The manager will ensure that there is a constant space for pedestrian flow by ensuring a 2-by-2 queue. Throughout the night, the queue will be informed of the expected waiting time. From experience, this works to limit the size of the queue, as parties expecting a long wait will tend to leave. A very strict policy on RSA ensures that patrons move on and are replaced, creating a fast-moving queue. The queue will be limited to 10 people at any time and will cease at 11pm.

Maintenance of an incident register

An incident register is used within the venue. This is updated at the close of business each night and record any incidents that result in a patron being refused entry or service in the venue, being asked to leave, or any incident that warrants the attention of the police or paramedics.

Monitoring of patron behaviour

Patron behaviour is monitored by the manager on shift. The entire venue is visible from the bar, meaning that patrons are monitored throughout regular service. Additionally, a walkthrough of the venue is carried out half-hourly by management. These effectively monitor for RSA issues and check the capacity of the venue.

Monitoring of numbers of patrons

Patron numbers are monitored by the manager with 2 tally counters, one for patrons entering and another for patrons leaving. The capacity will be kept to strictly 60 patrons. Once capacity is reached, the number of patrons inside is checked hourly by a manger and recorded. A sign that states the maximum capacity is kept in clear public view at the front of the tenancy.

Recording of complaints and reporting of incidents to Police

All complaints will be registered by the manager on duty in the incident logbook, and will be followed up by the licensee. The licensee and/or manager will deal with all resident complaints directly.

Should a complaint be received, the procedure shall be as follows;

Details of the complaint are to be taken by the responding staff member, these should include:

Full name & contact details of complainant;

Date & details of the specific matter of disturbance;

Explanation to complainant that the matter will be addressed directly by the licensee or manager no later than the next business day.

Incidents will be reported to the police immediately, including but not exclusively any incidences of violence, any illicit drug use or sale and any theft. Police will be provided with CCTV footage immediately if necessary or within 24 hours if appropriate.

“Wind down” periods

Managing the final period of each night will begin half an hour before the closing time and proceed as such:

30 minutes before close - “last call” patrons will be made aware of the imminent closure of the bar;

20 minutes - lights will begin to be gradually raised;

15 minutes - entry to the bar will cease;

10 minutes - bar service will cease;

5 minutes - lights up to full and music to quiet;

Closing time - music off.

Once guests have finished their drinks in a reasonable time, they will be instructed to leave, requested to respect our neighbours and exit along Enmore Rd

Indoor and outdoor CCTV

There are 7 security cameras inside and outside the venue; 4 providing various angles outside the venue and 3 providing cover within the venue. The full specifications are as follows

CCTV System:

7 Colour Cameras with (Infrared Night Vision feature) will be installed with room for an additional camera if ever required in the future.

Camera Positions:

- Street Front West
- Street Front East
- Front Entry External
- Main Entry Area Internal
- Bar Area and General Area West End
- Bar Area and General Area East End
- Driveway north south

Noise

The noise emission from this venue has been assessed by Acouras Acoustic Consultants. The report has detailed the noise in its context.

Noise limitation policies identified were.

- Music is to be limited to pre-recorded background music. There is to be no music played outside of the venue.
- All door and windows to be closed at all times.
- Customers to only be allowed to queue under the awning, heading south along Enmore Rd. Management is to ensure only a maximum of 10 people are outside at any one time.
- Signs to be placed reminding guests to be considerate of neighbours and keep noise down upon leaving.

Operational Noise Control, not covered by the Acoustic Compliance Certificate includes:

Patrons leaving and entering the premises

Patrons leaving the venue are currently requested to keep their noise to a minimum and depart the venue toward Newtown Station or toward buses down Enmore Rd. Patrons are advised to keep noise down in front of our closest residential properties at 12 -14 Enmore Rd.

Waste disposal, sorting and collection

Waste disposal is carried out by licensed contractors from the rear of the premise. The contractors are requested to remove waste with minimal noise and are restricted to business or operational hours 9am to 12am.

Complaints Register

Any complaints are taken extremely seriously, with recommendations from Council Officers and Licensing implemented as soon as possible. Complaints from the general public are recorded in an incident register and are attended to, and rectified, as soon as possible. A direct contact is always available to the licensee and the managers; this contact is on a sign on the front door.

Noise outdoor

Patrons are requested to remain quiet by the manager and the venue reserves the right to refuse any patron who does not act accordingly. The queue is limited to the immediate shopfront and there is to be no access to the driveway between 12-14 and 16 Enmore Rd by any patrons during the operation of the venue.

Periodic policy reviews

This document is to be annually reviewed. If any updates to management procedures are necessary, the Police and Council will be advised before they are enacted. The policies in this document will also be reviewed after any advice from the Police or the Council and after any legislation changes.