

# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2021/0390
<b>Address</b>	51 Railway Parade MARRICKVILLE NSW 2204
<b>Proposal</b>	Alterations and additions to existing building. Use as an entertainment facility.
<b>Date of Lodgement</b>	20 May 2021
<b>Applicant</b>	Ms Sally Hackett
<b>Owner</b>	Mrs Maria Mineo
<b>Number of Submissions</b>	0
<b>Value of works</b>	\$10,000.00
<b>Reason for determination at Planning Panel</b>	Sensitive development – development will require a new on-premises licence for public entertainment
<b>Main Issues</b>	Flood affected site; car parking; hours of operation
<b>Recommendation</b>	Deferred Commencement Approval
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Plan of Management



### LOCALITY MAP

Subject Site



Notified Area



## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing building and use of the premises as an entertainment facility at 51 Railway Parade, Marrickville.

The application was notified to surrounding properties and no submissions were received in response.

The main issues that have arisen from the application include:

- The site is flood affected and a Flood Risk Management Report was not submitted with the application;
- The proposal is deficient by one (1) on-site car parking space; and,
- The application proposes late night hours of operation.

Despite the items noted above, the proposal generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Marrickville Local Environmental Plan 2011 (MLEP 2011)*, and Marrickville Development Control Plan 2011 (MDCP 2011).

Therefore, the application is recommended for approval subject to deferred commencement conditions.

## 2. Proposal

The application seeks development consent for alterations and additions to the existing building, including the installation of external toilets, external storage areas, and minor internal alterations.

The application also seeks a change of use to an entertainment facility.

The following occupancy rates are proposed:

- Maximum capacity of 50 patrons.
- Maximum staff (including performers) of 20.
- Up to 12 times per calendar year, events to be held with a maximum capacity of 100 patrons and 30 staff members (including performers).

The following hours of operation are proposed:

Component	Days	Hours
Indoor entertainment facilities	Monday to Sunday	12.00pm – 3.00am the following day
Outdoor entertainment facilities	Monday to Sunday	12.00pm – 10.00pm

## 3. Site Description

The subject site is located on the south-western corner of Railway Parade and Sydenham Road, Marrickville. The site area is approximately 399sqm with a primary south-east facing frontage to Railway Parade, and a secondary north-east facing frontage to Sydenham Road. The site is currently occupied by two detached buildings – the single storey building has an approval for use as a milk bar/takeaway food shop, while the two storey building is currently vacant.

Surrounding land uses are predominantly single and two storey industrial warehouses. Sydenham train station is also located within close proximity to the site.



## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site:

Application	Proposal	Decision
Development Application No. 526/88	Use of the existing building as a milk bar/takeaway food shop	Approved 2 November 1988
DA201900360	Use of the existing building as a takeaway food and drink premises, recreation facility (indoor), associated signage and minor building alterations	Rejected 6 November 2019
DA201900422	Change of use of existing building to takeaway food and drink premises and workshop, with associated signage, and minor building alterations	Approved 30 April 2020

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
24 May 2021	Application accepted.
27 May to 10 June 2021	Application notified.
28 July 2021	Council requested that additional information be submitted addressing the following matters: <ul style="list-style-type: none"> <li>• Plan of Management;</li> <li>• Acoustic requirements;</li> <li>• Flooding; and</li> <li>• Building Code of Australia (BCA)/National Construction Code (NCC).</li> </ul>
10 August 2021	The applicant provided a written response to the request and an amended Plan of Management.

## 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 (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*;
- *State Environmental Planning Policy (Infrastructure) 2007*; and
- *Marrickville Local Environmental Plan 2011 (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. 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 been used in the past for activities which could have potentially contaminated the site. However, the application does not propose any works that are considered to require the site to be remediated in accordance with *SEPP 55*.

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

##### *Development with frontage to classified road (Clause 101)*

The site has a frontage to Railway Parade and Sydenham Road, which are classified roads. Under Clause 101(2) of *ISEPP*, 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 application does not propose any changes to the existing vehicular crossing via Railway Parade, nor are any changes to the existing provisions of on-site car parking proposed. As such, the application is unlikely to result in any changes to ingress or egress and is considered acceptable with regard to Clause 101 of *ISEPP*.

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

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

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is consistent with the relevant aims of the plan as follows: <ul style="list-style-type: none"> <li>• The design of the proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain.</li> </ul>	Yes
Clause 2.3 Zone objectives and Land Use Table	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>• The application proposes the change of use of the existing industrial building to an</li> </ul>	Yes

	entertainment facility. <b>Entertainment facility</b> is a permissible form of development with consent in the IN1 General Industrial zone; and, <ul style="list-style-type: none"> <li>The proposal is consistent with the relevant objectives of the zone as it will support and protect industrial land for industrial uses and provides a use that encourages employment opportunities.</li> </ul>	
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 4.4 Floor space ratio M – 0.95:1 (379sqm)	The application proposes a compliant floor space ratio of 0.4:1 (162sqm).	Yes
Clause 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the clause.	Yes
Clause 5.21 Flood planning	See Section 6(b)(i) below.	Yes – subject to condition
Clause 6.1 Acid sulfate soils	The subject site is identified as containing Class 2 acid sulfate soils and is considered to adequately satisfy this clause as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Clause 6.5 Development in areas subject to aircraft noise	The site is located within the ANEF 30-35 and 35-40 contour. An Acoustic Report was not submitted with the application. Notwithstanding, it is considered that the proposal is capable of achieving the relevant requirements of this clause and as such a condition has been included in the recommendation that requires an Acoustic Report to be provided to the Certifying Authority demonstrating compliance with the relevant requirements prior to the issue of a Construction Certificate.	Yes – subject to condition

(i) Clause 5.21 – Flood Planning

The site is identified as a flood control lot and as such the site is subject to the requirements of Clause 5.21 of *MLEP 2011* and the flood controls contained in Part 2.22 of *MDCP 2011*.

A Flood Risk Management Report (FRMR) was not submitted with the application and as such the application has not satisfactorily addressed the relevant flooding requirements. However, as the application does not propose any significant changes to the existing building or site it is considered that a FRMR can be prepared in accordance with Part 2.22 of *MDCP 2011* and submitted to Council for approval subject to a deferred commencement condition. Conditions have been included in the recommendation accordingly.

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

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 Act 1979*.

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

5(d) Development Control Plans

The proposal has been assessed against the relevant provisions of the Marrickville Development Control Plan 2011 (MDCP 2011). The table below is an assessment of the key matters.

Control	Proposed	Compliance
<i>Part 2 – Generic Provisions</i>		
Part 2.1 – Urban Design	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting and detailing; and,</li> <li>• The proposal preserves the existing character of the streetscape, as the proposed additions will not be highly visible from the public domain and protects the street elevation of the existing building.</li> </ul>	Yes
Part 2.3 – Site and Context Analysis	An acceptable site and context analysis was submitted.	Yes
Part 2.5 – Equity of Access and Mobility	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• Appropriate access is provided for all persons through the principal entrance to the premises;</li> <li>• A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the building;</li> <li>• An accessible toilet is provided; and,</li> <li>• Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the Premises Standards.</li> </ul>	Yes
Part 2.6 – Acoustic and Visual Privacy	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• The proposal includes appropriate management techniques to limit acoustic impacts to nearby/adjoining residents; and,</li> <li>• The proposed hours of operation are reasonable to limit acoustic impacts to nearby/adjoining residents.</li> </ul>	Yes
Part 2.9 – Community Safety	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• The principal entrance to the premises is visible from the street; and,</li> <li>• The premises has been designed to overlook the street.</li> </ul>	Yes
Part 2.10 – Parking	See Section 6(d)(i) below.	No – however, acceptable

Part 2.21 – Site Facilities and Waste Management	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• The application was accompanied by a waste management plan in accordance with the Part; and,</li> <li>• Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal.</li> </ul>	Yes – subject to conditions
Part 2.22 – Flood Management	See Section 6(b)(i) above.	Yes – subject to conditions
Part 2.23 – Acid Sulfate Soils	See Section 6(b) above.	Yes
Part 2.24 – Contaminated Land	See Section 6(a)(i) above.	Yes
Part 2.25 – Stormwater Management	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• Standard conditions are recommended to ensure the appropriate management of stormwater.</li> </ul>	Yes – subject to conditions
<i>Part 6 – Industrial Development</i>		
Part 6.1.2 – Built form and character	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• The proposal has been designed to ensure sufficient site area is provided for the efficient use of the site; and,</li> <li>• The proposed form and scale of the proposal is consistent with other development in the area and will not result in any significant adverse impacts to the streetscape or adjoining properties.</li> </ul>	Yes
Part 6.1.3 – Site facilities	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• Appropriate space has been provided on site for facilities including waste storage areas, car parking, and loading.</li> </ul>	Yes
Part 6.2.1 – Plan of Management	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• A Plan of Management (POM) was submitted with the application;</li> <li>• The POM is considered to be comprehensive and provide suitable management procedures to minimise potential amenity impacts to the surrounding locality; and,</li> <li>• A condition is included in the recommendation requiring the operation of the premises to adhere to the POM submitted, as amended by any conditions of consent.</li> </ul>	Yes – subject to conditions
Part 6.2.2 – Noise and vibration generation	See discussion under Part 2.6 of this table.	Yes
Part 6.2.4 – Hours of Operation	See Section 6(d)(ii) below.	Yes – subject to conditions
Part 6.5 – Creative Industries	The proposal satisfies the requirements of this Part as follows: <ul style="list-style-type: none"> <li>• The application proposes to retain the existing building with alterations and additions that result in a building form that</li> </ul>	Yes

	<p>is compatible with the character of the local area;</p> <ul style="list-style-type: none"> <li>• The GFA used for the create industry does not exceed 300sqm; and,</li> <li>• Sufficient space is retained on-site for loading/deliveries.</li> </ul>	
<i>Part 9 – Strategic Context</i>		
Part 9.43 – Sydney Steel	<p>The proposal satisfies the requirements of this Part as follows:</p> <ul style="list-style-type: none"> <li>• The proposal retains opportunities for employment-generating land uses; and,</li> <li>• The proposed alterations and additions have been appropriately designed to be consistent with the existing and desired future character of the area.</li> </ul>	Yes

(i) Part 2.10 – Parking

The site is located in Parking Area 1 per Part 2.10 of MDCP 2011. As such, the proposed entertainment facility is required to provide a minimum of three (3) on-site car parking spaces. The application proposes two (2) parking spaces in a tandem configuration via the existing driveway crossing on the Railway Parade frontage. Despite the numerical non-compliance the application is considered to satisfy the relevant objectives of Part 2.10 of MDCP 2011.

The site is located directly opposite Sydenham train station and within close proximity of a number of bus stops and is therefore considered to be in a highly accessible location. The reduced provision of parking encourages patrons to use sustainable transport including public transport and cycling.

Furthermore, a compliant parking scheme would require considerable changes to the existing site. Given both site frontages are to classified roads, any changes to the existing ingress and egress movements to the site would likely impact the operation of these roads. The reduced parking rate maintains the existing movement patterns and is considered acceptable.

(ii) Part 6.2.4 – Hours of Operation

The application seeks consent for the following hours of operation:

Component	Days	Hours
Indoor entertainment facilities	Monday to Sunday	12.00pm-3.00am the following day
Outdoor entertainment facilities	Monday to Sunday	12.00pm-10.00pm

Given the location of the site in a predominantly industrial area, the proposed hours of operation are considered unlikely to result in any adverse amenity impacts to adjoining properties. However, the application proposes extended trading hours and hours that are beyond those of other premises in the area. The table below lists the approved hours of operation of nearby uses:

Property	Approved Use	Approved Hours of Operation
2 Sydenham Road	Use of the premises as a place of public worship	Tuesdays 7.30pm-10.00pm Sundays 10.00am-12.30pm Special events – various
19-23 Sydenham Road	Use of the premises for blending, packaging and	Monday to Friday 8.00am-4.00pm



	warehousing of food supplements with associated offices and storage	
37 Sydenham Road	Use as a factory for manufacturing, warehousing, and sales	Monday to Sunday 8.00am-6.00pm Sundays 10.00am-4.00pm
65 Railway Parade	Use of existing factory for the manufacture of packaged food	Monday to Friday 8.00am-7.00pm Saturdays 8.00pm-1.00pm
103 Railway Parade	Alterations and additions to the premises and to use the second floor of the premises as a function centre with public entertainment in association with the first floor meeting rooms and offices	Monday to Saturday 5.00pm-12.00am midnight Sundays and public holidays 10.00am-10.00pm
33-45 Buckley Street	To use the premises for warehousing, storage and distribution of bakery goods 24 hours a day	Base hours: Monday to Sunday 6.00am-10.00pm  1-year trial period hours: Monday to Sunday 12.00am-12.00 midnight

Therefore, to ensure the proposal does not cause any adverse impacts it is recommended that the extended hours of operation between 10.00pm-3.00am the following day for the indoor entertainment be limited to a trial period of one year with the base hours of operation being 12.00pm-10.00pm.

**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 the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the notification.

**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.

- Building Certification;
- Development Engineering;
- Environmental Health; and
- 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 Licencing.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1,167.58 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining premises/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 deferred commencement consent to Development Application No. DA/2021/0390 for alterations and additions to existing building. Use as an entertainment facility at 51 Railway Parade MARRICKVILLE NSW 2204 subject to the conditions listed in Attachment A below/for the following reasons.

## Attachment A – Recommended conditions of consent

### 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 matter(s):

#### A. Deferred Commencement Condition - Flood Management

This consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

- The applicant must submit a Flood Risk Management Report (FRMR) in accordance with Part 2.22 of MDCP 2011 addressing the requirements outlined in control C2.
- The applicant must also apply for a Flood Certificate from Council that provides the necessary flood information for the site required to complete the FRMR.

Evidence of the above matter(s) must be submitted to Council within 2 years 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, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA104 Rev 01	Proposed Ground Floor	13/05/2021	Studio Trobec
DA106 Rev 01	Proposed Landscape Plan	13/05/2021	Studio Trobec
DA107 Rev 01	Proposed First Floor Ancillary Office	13/05/2021	Studio Trobec
DA108 Rev 01	Proposed Roof	13/05/2021	Studio Trobec
DA107 Rev 01	Existing & Proposed NE Elevation	13/05/2021	Studio Trobec
DA108 Rev 01	Existing & Proposed NW Elevations	13/05/2021	Studio Trobec
Version C	Plan of Management	10/08/2021	Civic Assessments

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:	\$2254.00
Inspection Fee:	\$241.50

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. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$1,167.58 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 3 November 2021.

**\*NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Public Amenities Type:	Contribution \$
Recreation Facilities	951.66
Community Facilities	33.99
Traffic Facilities	159.04
Plan Administration	22.89
<b>TOTAL</b>	<b>1,167.58</b>

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).* It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. 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.

\*NB A 0.75% credit card transaction fee applies to all credit card transactions.

#### **GENERAL CONDITIONS**

##### **4. Stormwater Drainage System – Simple**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the existing site drainage system.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

##### **5. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

##### **6. Works Outside the Property Boundary**

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

##### **7. Patronage Numbers**

1. The maximum number of patrons (excluding staff and performers) is limited to 50 persons.
2. Notwithstanding 1 above, for a maximum of 12 days per calendar year, the maximum number of patrons (excluding staff and performers) is limited to 100 persons.

##### **8. Patron Numbers**

The premises must not exceed the following maximum capacities:

1. A maximum of 50 patrons at any time.
2. A maximum of 20 staff, including performers, at any time.
3. Up to a maximum of 12 times per calendar year, the maximum capacity must not exceed 100 patrons and 30 staff, including performers.

##### **9. NSW Police Condition: Capacity**

As per clause 3.1(c), up to 12 times per calendar year, events may be held with an expanded capacity up to 100 patrons and up to 30 staff members including performers. In this event police are to be notified in writing fourteen (14) days in advance of the expanded capacity events.

##### **10. NSW Police Condition: CCTV**

1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
  - the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times)

- recordings must be in digital format and at a minimum of six (6) frames per second
  - any recorded image must specify the time and date of the recorded image
- the system's cameras must cover the following areas:
- all entry and exit points on the premises
  - the footpath immediately adjacent to the premises, and
  - all publicly accessible areas (other than toilets) within the premises.
2. The licensee must also:
- a. keep all recordings made by the CCTV system for at least 30 days, ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

**11. NSW Police Condition: Security**

A ratio of one (1) security guard to fifty (50) patrons must be maintained at all times.

**PRIOR TO ANY DEMOLITION****12. Construction Fencing**

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

**PRIOR TO CONSTRUCTION CERTIFICATE****13. 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.

**14. Flood Risk Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
  - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
  - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
  - iii. Flood warning signs/depth indicators for areas that may be inundated;
  - iv. A flood evacuation strategy; and
  - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

- b. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
  - i. Building Code of Australia;
  - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
  - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
  - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

#### **15. Amended Architectural Plans to Reflect Flood Risk Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. The design must be prepared to make provision for the following:

- a. Specification of materials; and
- b. Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

#### **16. 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.

#### **17. 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*

#### **18. Acoustic Report – Aircraft Noise**

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

#### **19. 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.

#### **20. Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000

Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans and / or specifications.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **21. 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.

#### **22. 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**

#### **23. 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.

#### **24. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.



**25. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the off street parking facilities including bicycle parking have been provided in accordance with the approved design and relevant Australian Standards.

**26. Flood Risk Management Plan - Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

**27. Aircraft Noise –Alterations and Additions**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

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

**28. 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.

**29. Licensed Premises – Plan of Management**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Plan of Management for the operation of the licensed premises that addresses the following:

- a. Compliance with the relevant conditions of approval;
- b. Minimise the potential impact of the operation of the premises on nearby residents;
- c. Effectively minimise and manage anti-social behaviour;
- d. Minimise noise emissions and associated nuisances;
- e. Effectively manage and respond to resident complaints;
- f. Ensure responsible service of alcohol and harm minimisation; and
- g. Patron conductivity and security.

**ON-GOING****30. Bin and Re-usable Item Storage**

All bins and re-usable items such as kegs, milk crates are to be stored within the site.

**31. Documentation of Businesses Waste Services**

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

**32. Flood Risk Management Plan**

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**33. Trial Hours**

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

Day	Hours
Monday to Sunday (indoor entertainment facilities)	12.00pm - 10.00pm
Monday to Sunday (outdoor entertainment facilities)	12.00pm - 10.00pm

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

Day	Hours
Monday to Sunday (indoor entertainment facilities)	12.00pm - 3.00am the following day

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

**34. 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.

**35. 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.

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

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

**37. 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.

### **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.

#### **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.

**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.

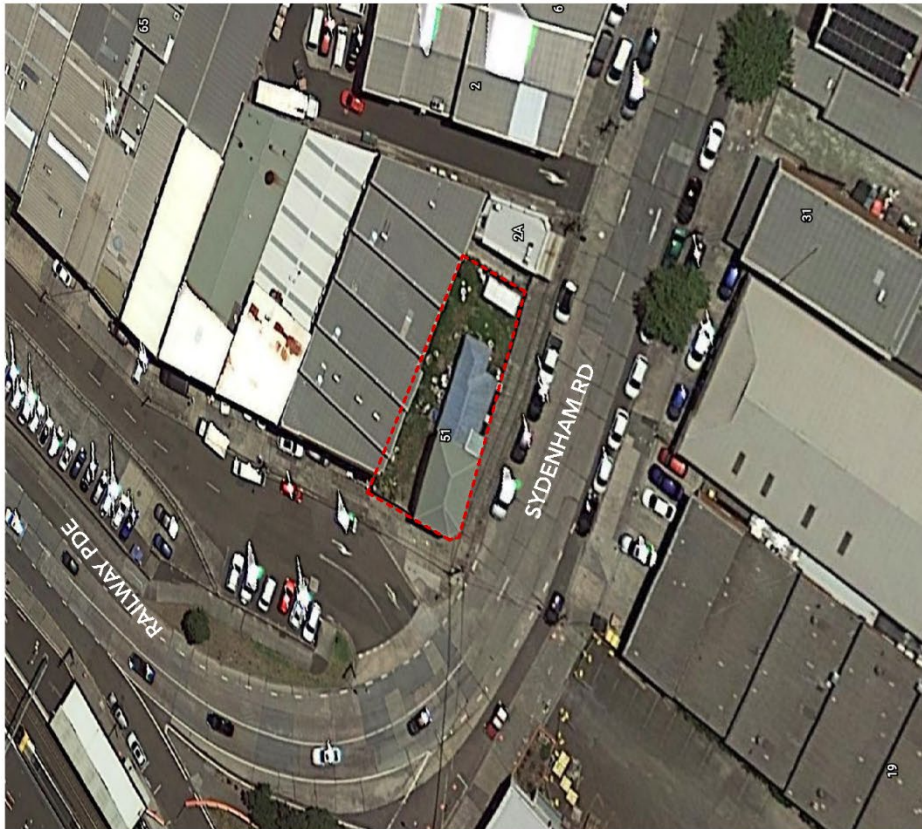
**Lead-based Paint**

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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development



**51 Railway Parade, Marrickville**  
**Change of use to an entertainment facility**

DA0 General	DA1 Development Application	Drawing List	13/5/21, 11:07 am
DA100 Coverage	DA100 Site Plan & Analysis	Location Plan/Satellite I...	13/5/21, 9:50 am
DA101 Coverage	DA101 Existing Ground	Site Plan	15/4/21, 2:23 pm
	DA102 Existing First Floor	Existing Ground	13/5/21, 10:05 am
	DA103 Existing Roof Plan	Existing First	13/5/21, 9:55 am
	DA104 Proposed Ground Floor	Existing Roof	13/5/21, 9:54 am
	DA105 Proposed Ground - Area to be used as Entry...	Proposed Ground	13/5/21, 10:05 am
	DA106 Proposed Landscape Plan	Proposed Ground	13/5/21, 10:05 am
	DA107 Existing & Proposed NE Elevation	Proposed Ground	13/5/21, 10:05 am
	DA107 Existing & Proposed NE Elevation	Proposed NE Elevation	29/4/21, 11:46 am
	DA107 Proposed First Floor - Ancillary Office	Proposed NE Elevation	13/5/21, 10:55 am
	DA108 Existing & Proposed NW Elevations	Proposed First	13/5/21, 10:55 am
	DA108 Existing & Proposed NW Elevations	Existing NW Elevation	29/4/21, 11:46 am
	DA109 Proposed Roof	Proposed NW Elevation	13/5/21, 10:55 am
	DA110 Area Calculations	Proposed Roof	13/5/21, 9:55 am
	DA111 Area Calculations	Existing First	29/4/21, 11:46 am
	DA111 Area Calculations	Existing Ground	29/4/21, 11:46 am
	DA111 Area Calculations	Proposed Ground	29/4/21, 11:46 am

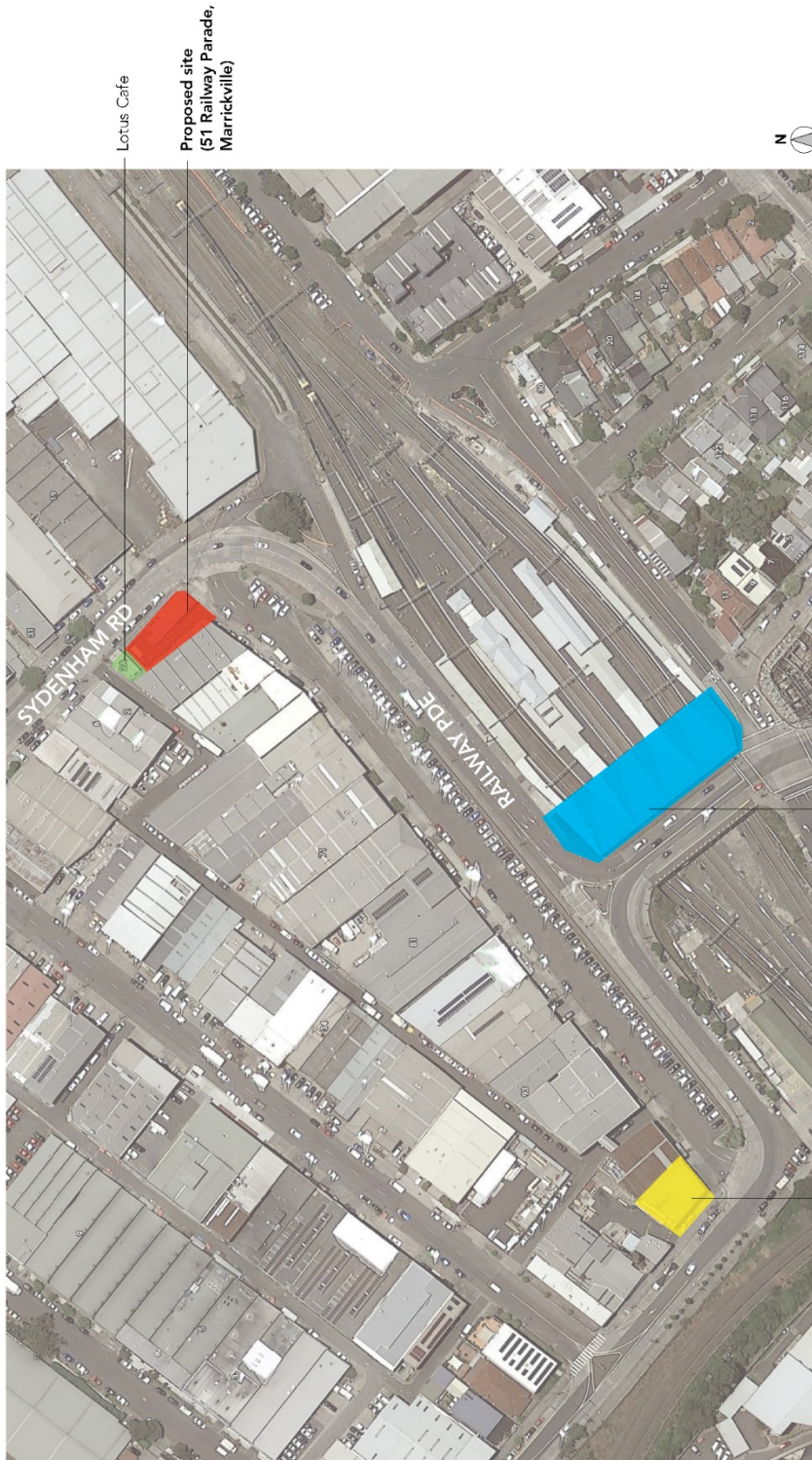
REVISION NO.	01
DRAWING INC.	DA 001
DRAWING TITLE :	General Coverage
PROJECT NAME :	51 Railway Parade - change of use to an entertainment facility

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 Registered Architect: Vaani Trobec (#9627)

**Client Site:** Sally Hindert, 51 Railway Parade Marrickville NSW 2204 Australia

**Drawn / Checked / Project Status:** V/T / 13/5/21 / DA

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 Version: 1, Version Date: 20/05/2021

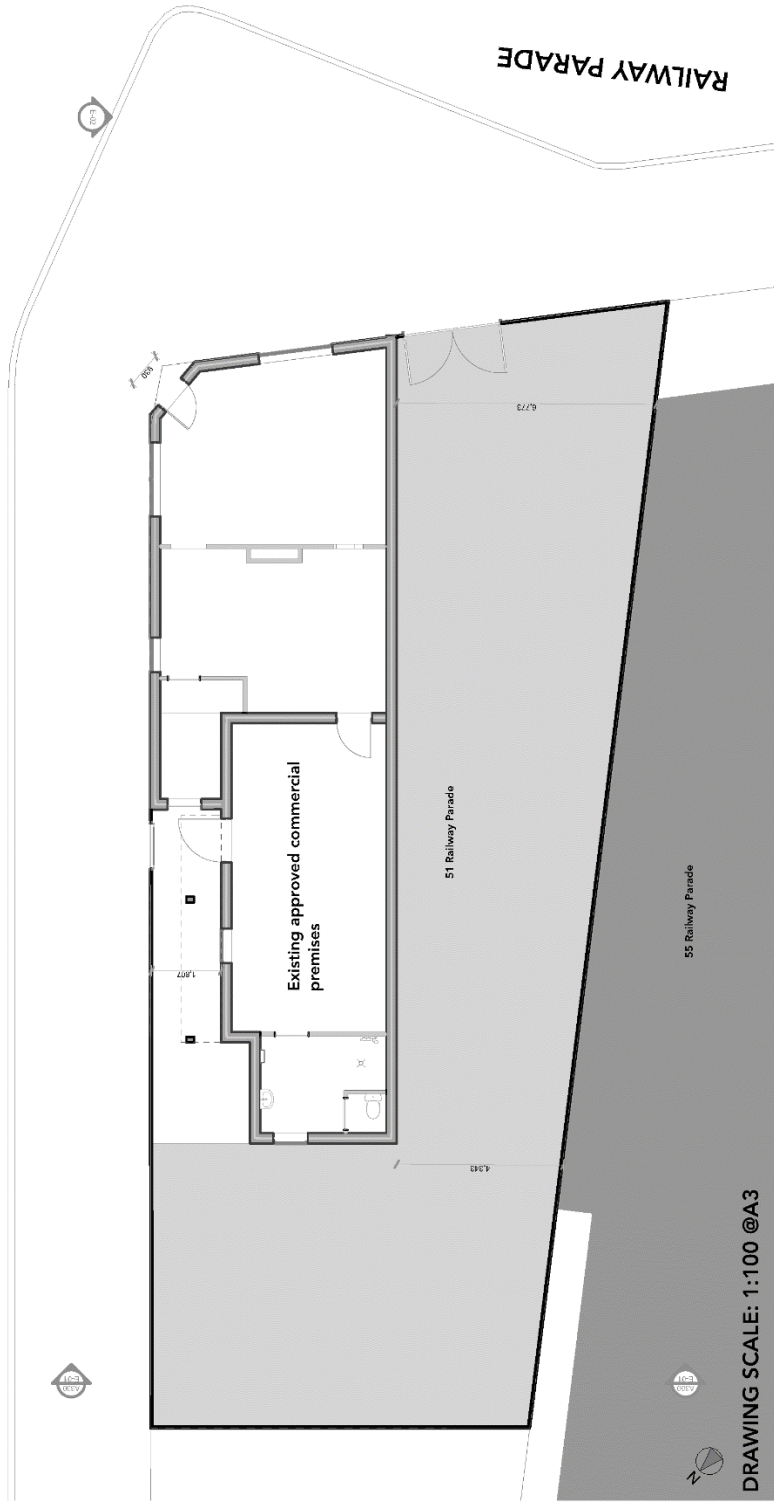


<p>STUDIO TROBEC                  w: www.studio-trobec.com                  e: mail@studio-trobec.com                  m: +61 400 035 513                  Registered Architect: Vanni Trobec (#9627)</p>	<p>Client Site:                  Sally Heald                  51 Railway Parade Marrickville                  NSW 2204 Australia</p>	<p>Development Application  <b>Site Plan &amp; Analysis</b></p>	<p>REVISION NO.  <b>01</b>                  DRAWING NO.  <b>DA100</b></p>
<p>Camelot Lounge</p>		<p>DRAWING TITLE:  <b>51 Railway Parade - change of use to an entertainment facility</b></p>	
<p>Sydenham Train Station</p>		<p>PROJECT NAME:  <b>51 Railway Parade - change of use to an entertainment facility</b></p>	
<p>Scale approx. to Google Maps</p>		<p>20m</p>	

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 Version: 1, Version Date: 20/05/2021



SYDENHAM ROAD



DRAWING SCALE: 1:100 @A3

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Registered Architect: Verna Trobec (19627)

Client Site:  
 Sully Hackett  
 51 Railway Parade, Murrumbidgee  
 NSW 2204 Australia

Drawn | Checked |  
 Not Date |  
 Project Status

DRAWING TITLE:  
 Development Application  
 Existing Ground

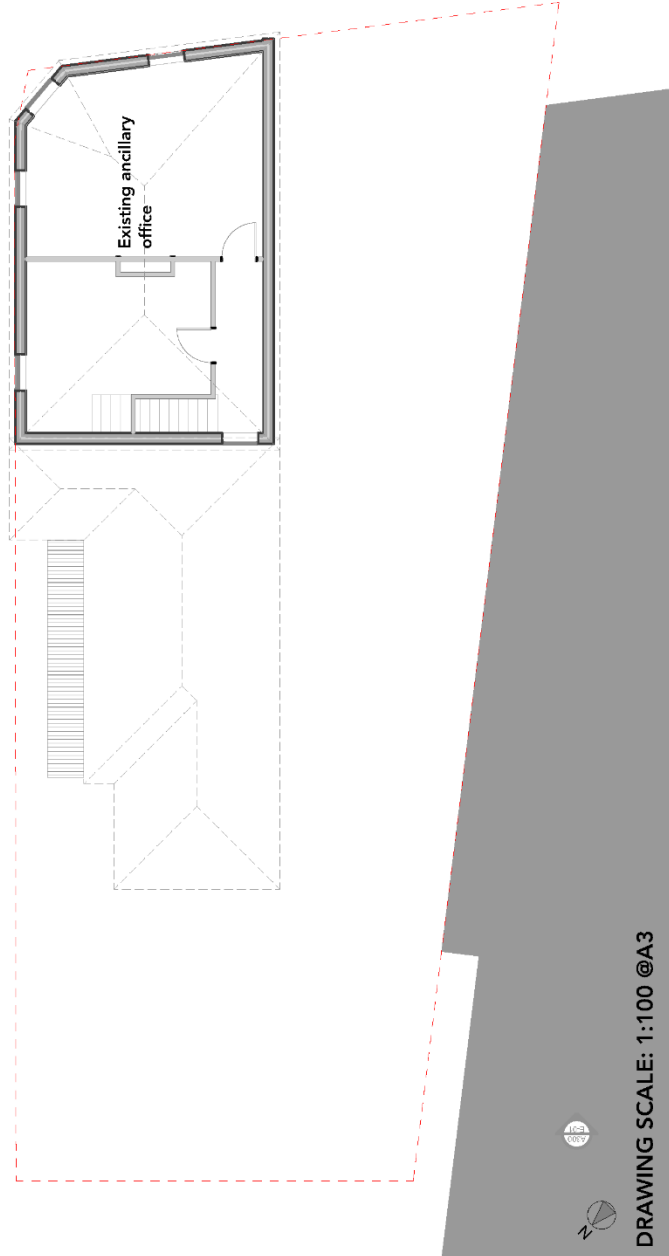
PROJECT NAME:  
 51 Railway Parade - change of use to an  
 entertainment facility

REVISION NO.  
**01**

DRAWING NO.  
**DA101**

Document Set ID: 34859854  
 Version: 1, Version Date: 20/05/2021

SYDENHAM ROAD



RAILWAY PARADE

DRAWING SCALE: 1:100 @A3

**STUDIO TROBEC**

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Registered Architect: Vena Trobec (#9627)

Client Site:  
Sally Hackett  
51 Railway Parade, Murrumbidgee  
NSW 2204 Australia

Development Application  
Existing First Floor

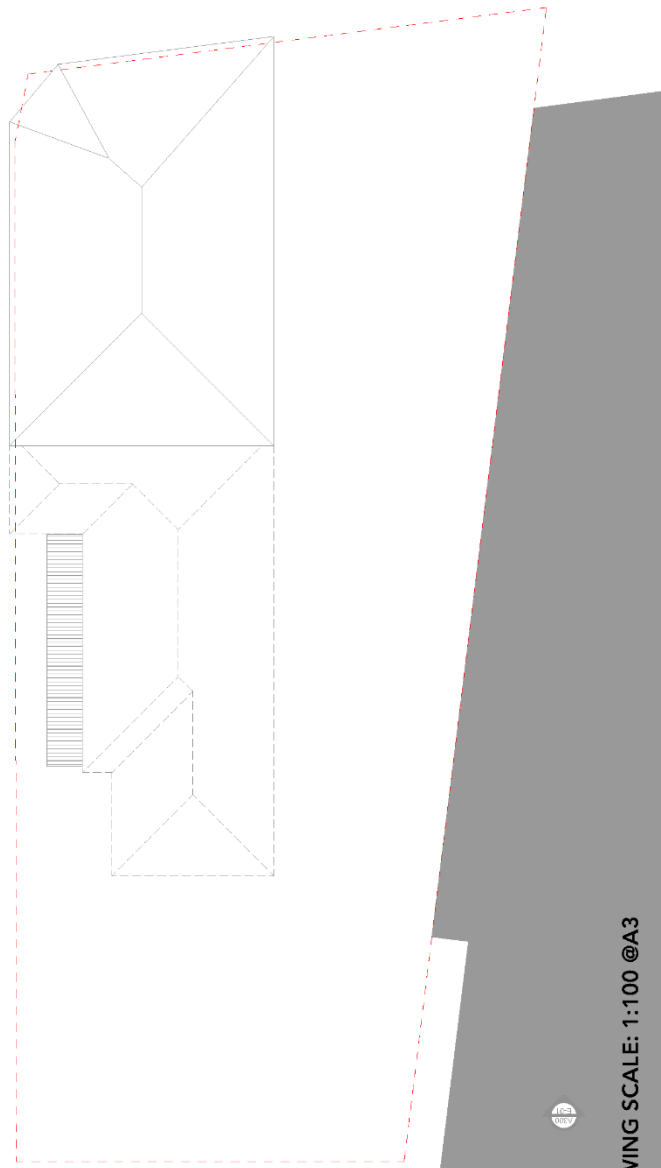
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**01**

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Plot Date: 13/5/21  
Project Status DA

PROJECT NAME:  
51 Railway Parade - change of use to an entertainment facility

DRAWING NO.  
**DA102**

SYDENHAM ROAD



RAILWAY PARADE



DRAWING SCALE: 1:100 @A3

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Registered Architect: Verna Trobec (19627)

Client Site:

Sally Hackett  
51 Railway Parade Marrickville  
NSW 2204 Australia

Drawn | Checked |  
Plot Date: 13/2/21  
Project Status: DA

DRAWING TITLE:

Development Application  
Existing Roof Plan

PROJECT NAME:  
51 Railway Parade - change of use to an  
entertainment facility

REVISION NO.

01

DRAWING NO.

DA103





DRAWING SCALE: 1:100 @A3

<b>STUDIO TROBEC</b> w: <a href="http://www.studio-trobec.com">www.studio-trobec.com</a> e: <a href="mailto:mail@studio-trobec.com">mail@studio-trobec.com</a> m: +61 400 035 313 Registered Architect: Yvanna Trobec (19627)	Client: Sally Hackett Site: 51 Railway Parade Merindville NSW 2204 Australia	Development Application <b>Proposed Ground - Area to be used as Entertainment Facility</b>	REVISION NO. <b>01</b> DRAWING NO. <b>DA105</b>
	Drawn [Checked] VJ [S/21] Project Status DA	PROJECT NAME: <b>51 Railway Parade - change of use to an entertainment facility</b>	

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 Version: 1, Version Date: 20/05/2021



SYDENHAM ROAD

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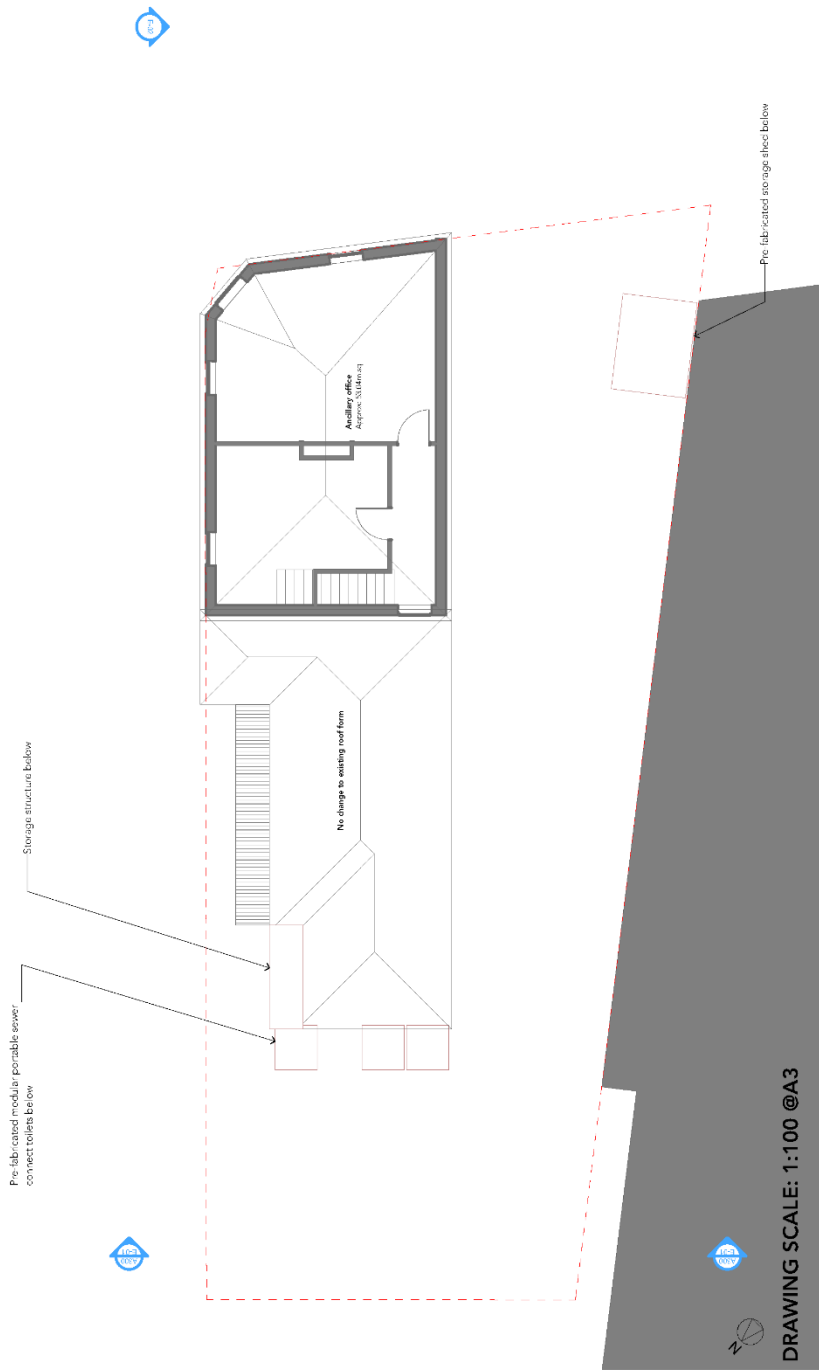
REVISION NO. 01  
DRAWING NO. DA106

Development Application  
Proposed Landscape Plan  
PROJECT NAME: 51 Railway Parade - change of use to an entertainment facility

Client Site: Sally Hackett, Pipers Merricks  
NSW 2204 Acaralla  
Drawn / Checked: JFL / JLS/21  
Project Status: DA

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Document Set ID: 344009854  
Version: 1, Version Date: 20/05/2021



DRAWING SCALE: 1:100 @A3

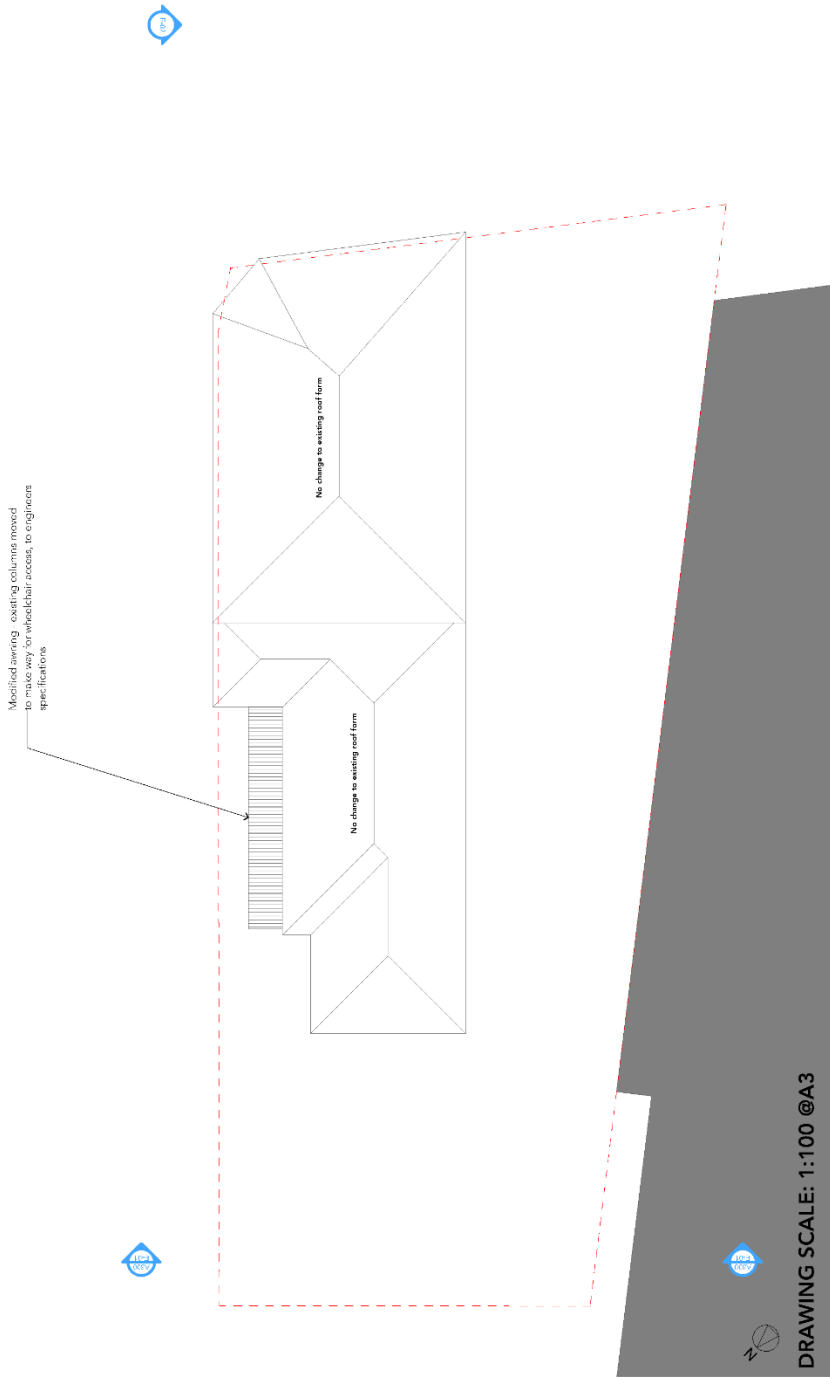
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 Registered Architect: Vesna Trobec (#9627)

**Client Site:** Sally Hurdout  
 51 Railway Parade, Marricoolle  
 NSW 2204, Australia  
**Drawn | Checked | VT |**  
**Plot Date:** 13/5/21  
**Project Status:** DA

**DRAWING TITLE:** Development Application  
**Proposed First Floor - Ancillary Office**  
**PROJECT NAME:** 51 Railway Parade - change of use to an entertainment facility

**REVISION NO:** 01  
**DRAWING NO:** DA107

Document Set ID: 34906854  
 Version: 1, Version Date: 20/05/2021



DRAWING SCALE: 1:100 @A3

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Registered Architect: Vesna Trobec (#99427)

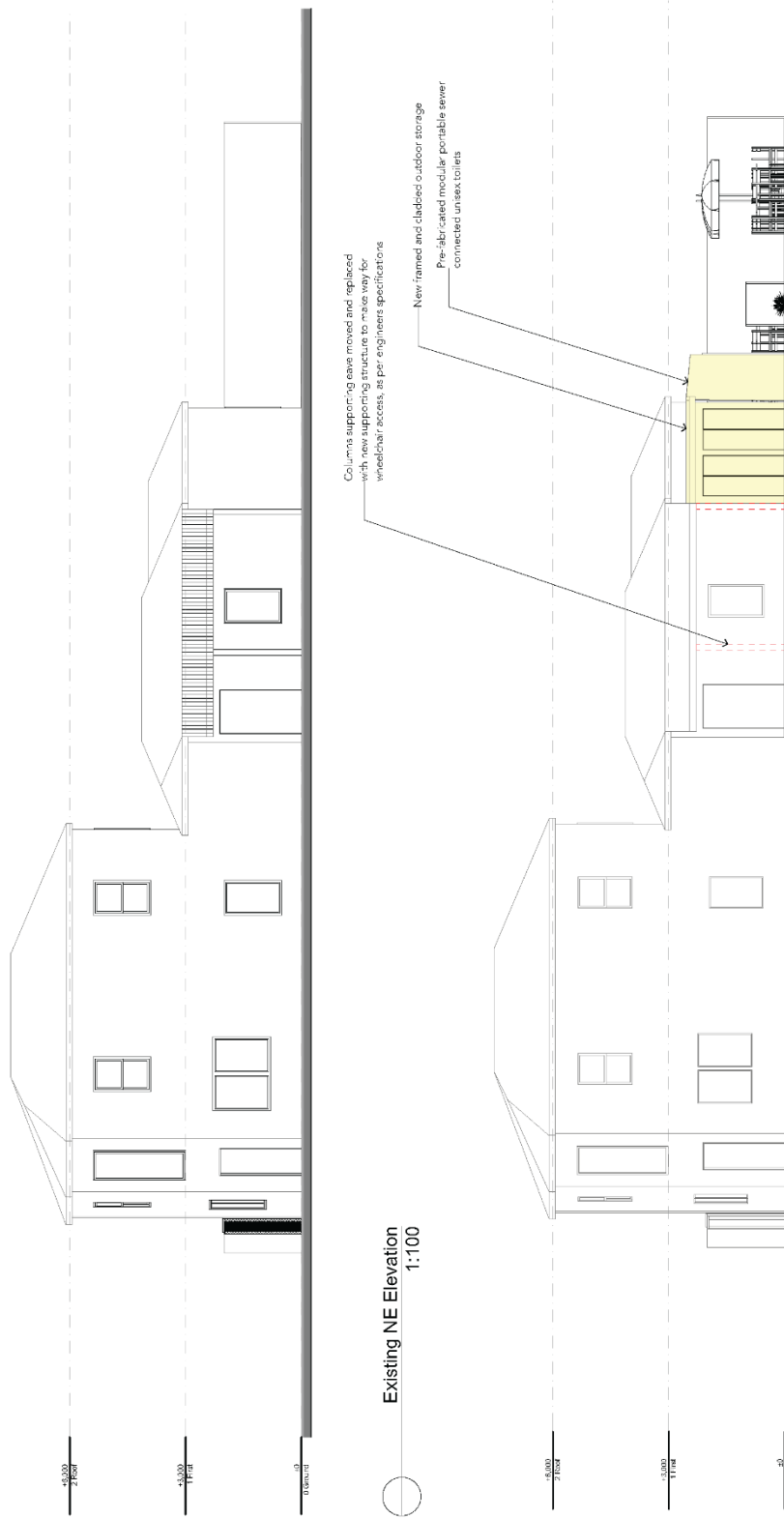
Client Site: Sally Hickox, 51 Railway Parade, Miranda NSW 2204 Australia

Development Application: **Proposed Roof**  
PROJECT NAME: **51 Railway Parade - change of use to an entertainment facility**

REVISION NO: **01**  
DRAWING NO: **DA108**

Document Set ID: 34909654  
Version: 1, Version Date: 20/05/2021



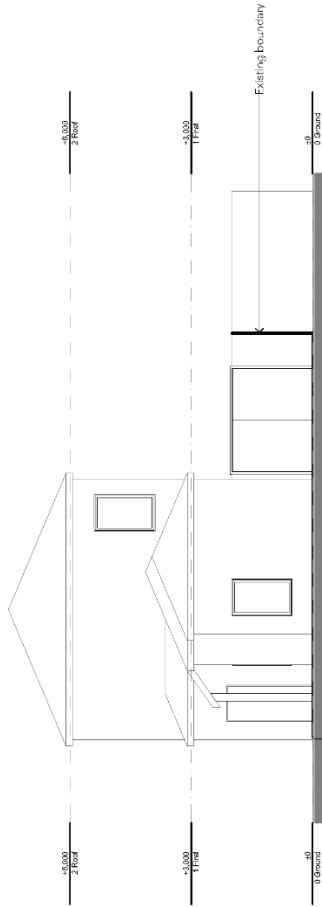


Existing NE Elevation  
1:100

Proposed NE Elevation  
1:100

<b>STUDIO TROBEC</b> w: www.studio-trobec.com e: info@studio-trobec.com m: +61 400 035 515 Registered Architect: Vesna Trobec (#9927)	Client Site: Sally Heskett 51 Railway Parade Marindville NSW 2204 Australia	DRAWING TITLE: <b>Existing &amp; Proposed NE Elevation</b>	REVISION NO. <b>01</b>
	Drawn / Checked / V.L. Plot Date: 13/5/21 Project Status: DA	PROJECT NAME: <b>51 Railway Parade - change of use to an entertainment facility</b>	DRAWING NO. <b>DA107</b>

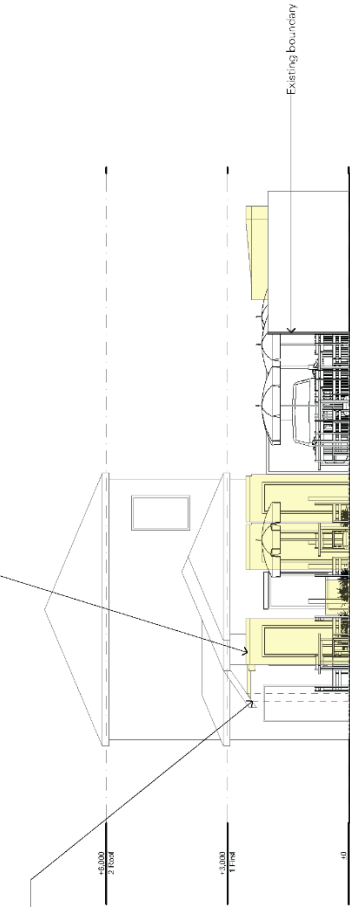
Document S&I ID: 34505654  
Version: 1, Version Date: 20/05/2021



Existing NW Elevation  
1:100

Columns supporting eave moved and replaced with new supporting structure to make way for wheelchair access, as per engineers specifications

New framed and cabbed outdoor storage



Proposed NW Elevation  
1:100

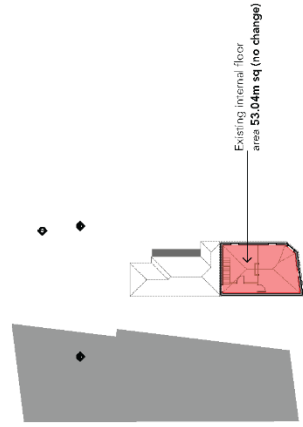
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 m: +61 400 035 513  
 Registered Architect: Vesna Trobec (#9627)

Client: Sally Hackett  
 Site: 51 Railway Parade Marricoville  
 NSW 2214 Australia

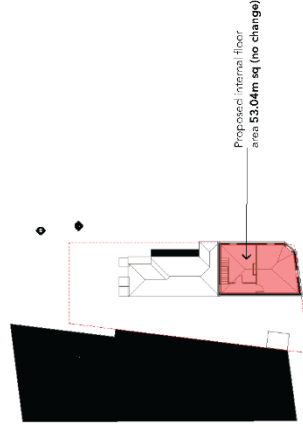
DRAWING TITLE: Development Application  
**Existing & Proposed NW Elevations**  
 PROJECT NAME: 51 Railway Parade - change of use to an entertainment facility

REVISION NO. **01**  
 DRAWING NO. **DA108**

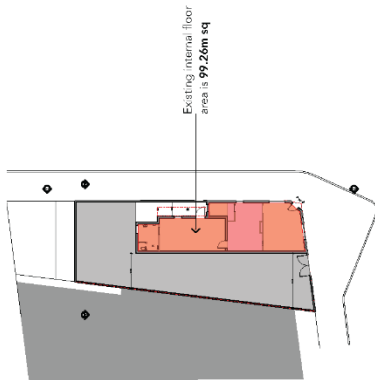
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 Version: 1, Version Date: 20/05/2021



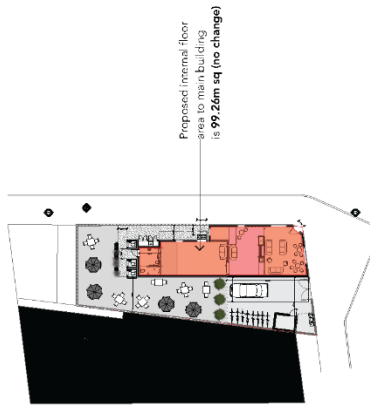
First Floor - Existing Ancillary Office



First Floor - Proposed Ancillary Office (no change)

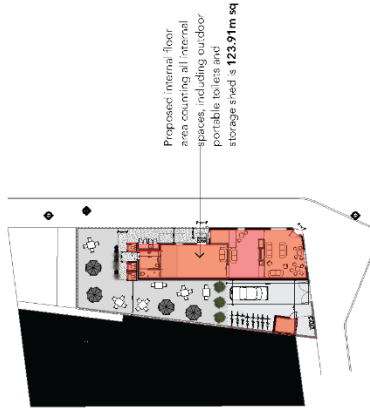


Ground Floor - Existing Commercial Premise



Ground Floor - Proposed Entertainment Facility

Site area: 330m sq (by survey prepared by Jim Alvir Surveying 28/05/19)  
 Existing FSR: 0.46:1  
 Proposed FSR if excluding pre-fabricated toilets and shed: 0.46:1  
 Proposed FSR if including pre-fabricated toilets and shed: 0.53:1



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Registered Architect: Vesna Trobec (#9627)

Client Site: Sally Hackett, 51 Railway Parade Marrickville NSW 2204 Australia

Drawn | Checked | Plot Date: VT | 13/5/21  
 Project Status: DA

DRAWING TITLE: Development Application Area Calculations

PROJECT NAME: 51 Railway Parade - change of use to an entertainment facility

REVISION NO. 01

DRAWING NO. DA111

## Attachment C – Plan of Management

# Plan of Management Entertainment Facility 51 Railway Parade Marrickville

---

Client

Sally Mae

10 August 2021

Version C

**Civic  
Assessments**  
Urban Planners



Philip Bull BA (Syd) MUP (Melb) PIA

6 Woodcourt Street Marrickville 2204

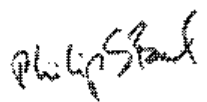
Mobile: 0405 535 097 Email: [philip.bull@civicasessments.com](mailto:philip.bull@civicasessments.com)

ABN 48 680 779 849

**Certification**

This Planning of Management (PoM) has been prepared to accurately describe the operations of the premises and as a management tool for the operators of the premises and to provide evidence of the reasonable management of the premises for regulatory authorities.

This PoM is prepared in good faith to accurately describe the proposed development, its context and operations and can be relied on.



Philip Bull  
 BA (Syd.) MUP (Melb.) Dip Mgt (AIM) MPIA  
 Principal, Civic Assessments  
 Date: 10/08/2021

**Documents Control**

Rev	Description	DATE	AUTHOR	CHECKED
A	For client review	21/04/2021	PSB	PSB
B	Finalise for lodgement	23/04/2021	SM	PSB
C	Amend	10/08/2021	PSB	PSB

Civic Assessment  
 ABN 48 680 779 849

6 Woodcourt Street  
 Marrickville 2204  
 Phone +0405 535 097

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**Attachment**

Appendix 1 –Notice of Determination TBC

# 1 The Premises and Purpose of PoM

## 1.1 BACKGROUND

This Plan of management (PoM) is provided to manage an entertainment facility at 51 Railway Parade Marrickville.

The PoM concerns the 2-storey building to the corner of Sydenham Road and Railway Parade and use of the ground floor of that building and its surrounds as an entertainment facility and use the first floor as an ancillary office space. See TBC floor plans provide below.

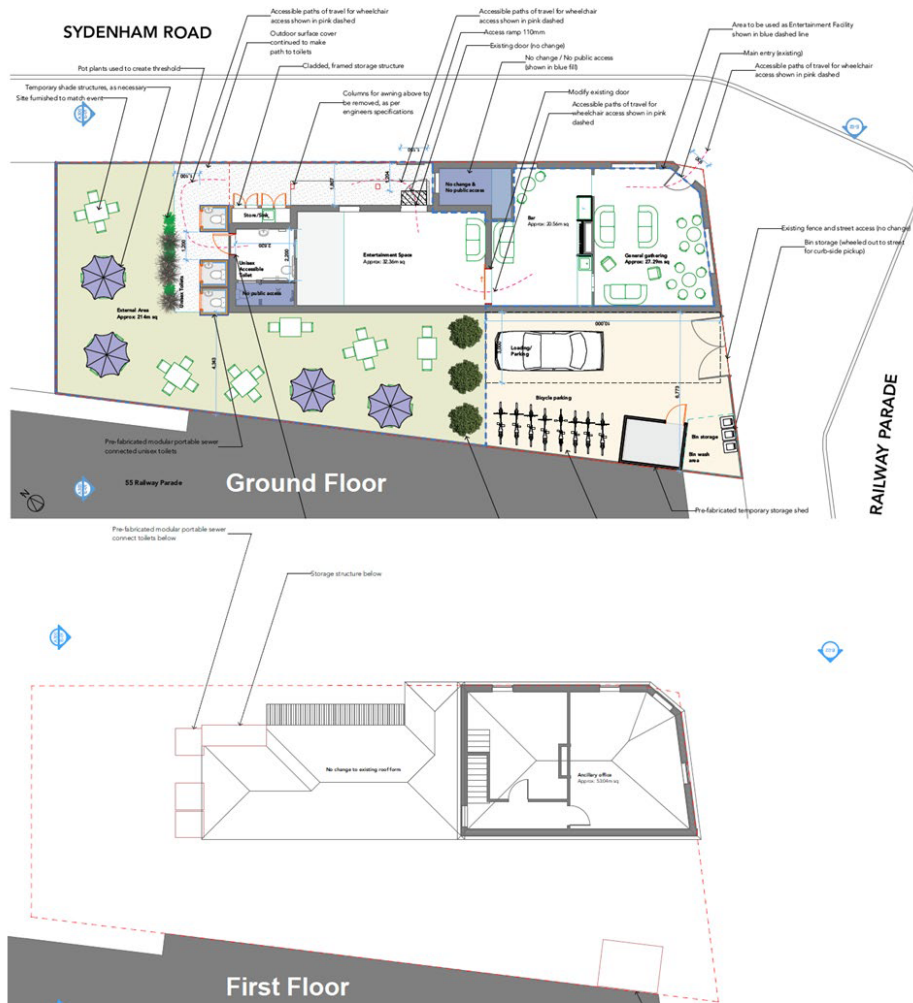


Figure 1: Proposed Ground First Floor Plans, Studio Trobec

This PoM is a management document to provide for the operation of the approved entertainment facility and office space in accordance with its consent, and good environmental and neighbour practises.

The Notice of Determination for DA TBC is provided at **Attachment 1**.

**1.2 SITE LOCATION**

The site is known as 51 Railway Parade Marrickville legally described as Lot 1 DP 933553.

The existing buildings on the site comprises a 2-storey building to the corner of Sydenham Road and Railway Parade and a separate, detached single storey commercial building to Buckley Lane and Sydenham Road.

The lane building is known as 2A Sydenham Road, used as a takeaway food premises and not included in this PoM

The proposal concerns the 2-storey building to the corner of Sydenham Road and Railway Parade. The site has an area of approximately 399sqm.

See current site survey plan provided overleaf.

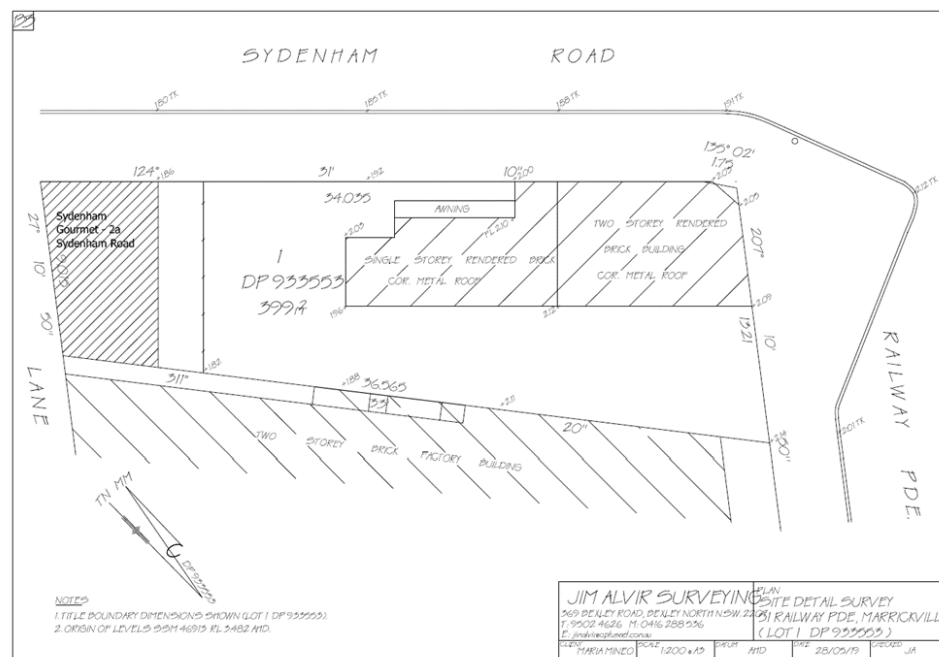


Figure 2: Site Survey, Jim Alvir Surveying 28/05/2019

The site is within an industrial precinct nearby to Sydenham Rail Station.



### 1.3 PURPOSE PLAN AND DESCRIPTION OF USES

The purpose of the Plan of Management is to establish performance criteria for various aspects of the operations of the premises having regard to the relevant matters under the legislation.

The subject site is located on the 51 Railway Parade, Marrickville, with street frontages on Sydenham Road and Railway Parade.

This Plan of Management has been prepared, read, and understood by the licensee (*see: Signed Declaration* TBC).

This plan of management will be periodically reviewed and amended as required to include additional measures to protect the amenity of the neighbourhood should the need arise.

The Plan of Management is divided into three (3) sections, which include the site and locality details, operational details, hours of operation, noise, waste, and safety and management measures.

### 1.4 OBJECTIVES

The objectives of this Plan of Management for the proposed entertainment facility and office are to provide:

- (a) a convenient management tool for the management of the site for the operators of the site, the local community and Council;
- (b) ensure maximum occupancy and event requirements are not exceeded.
- (c) ensuring there is no physical intrusion of the premise onto council land.
- (d) Adhere to waste, storage and collection procedures.
- (e) the maintenance and cleanliness of the premises and surrounds.
- (f) ensuring staff are adequately trained in all house procedures, as well as all legislative requirements.
- (g) ensuring the placement and composition of lights, furnishing and fittings achieve the appropriate general safety, fire safety requirements and do not impact on neighbour amenity;
- (h) ensuring premises are regularly checked to ensure fire safety including that all required exits and egress paths are clear and free of locks and obstructions; and

### 1.5 HOURS OF OPERATION

Trading hours for the premises are 12 noon to 3.00am 7 days a week, with outdoor entertainment to be confined to the hours of 12 noon to 10pm.

## 2 Operational Details

---

### 2.1 EQUIPMENT/PLANT

The use of machinery is limited to that which is normally associated with that of a small entertainment facility. These are to be consisting of:

- Coffee machine;
- Minor food preparation utilities;
- Associated ventilation and refrigeration plant; and
- Sink and washing provision

The machinery used is minor and will be wholly contained within the building, installed as new and maintained as per the manufacturer's requirements.

All plant and machinery will be located to minimise visual impact and ensure noise or noise and odour impacts are in accordance with the consent and environmental criteria.

### 2.2 CAPACITY

A maximum of 50 patrons is allowed for the entertainment facility with the exception noted at 3.1 (c).

At all times, the licensee shall ensure that the total numbers of persons present in the venue do not exceed the numbers referred to in either the liquor licence or council consent.

The licensee or duty manager shall monitor the number of persons in the premises at all times by employing regular headcounts by way of the ticket count on the entryway, whilst simultaneously taking headcounts separately as required.

### 2.3 NOISE

The likely noise sources associated with premises include public entertainment and waste removal for collection.

The type of entertainment includes amplified music in both live performances, and pre-recorded music.

The existing acoustic environment during hours proposed beyond midnight primarily includes vehicular traffic, and some noise from the nearby Sydenham train station.

There is no residences located in the immediate area as the venue is located in an industrial zone.

At all times, management shall consider the amenity of the premises' neighbours, and shall take all reasonable measures to eliminate the potential for adversely impacting on the surrounding area.

Matters shall take all reasonable measures to ensure the behaviours of staff and patrons, upon entering and leaving the premises, does not adversely affect the amenity of the neighbourhood.

#### 2.4 ENTERTAINMENT

The premises may choose to play music between performances at the manager's discretion; however, music volume would be that of only to provide quiet background noise to assist with the atmosphere and ambience of the establishment.

#### 2.5 COMPLAINTS

A complaints book/register for the premises will be kept in the office and maintained by the manager.

If a complaint is made to by a patron or a member of the public to the venue staff, it will be handed over to the manager on duty as the designated representative to the community.

Once the manager has handled the complaint in a calm and courteous manner, the person will be given if requested a timeframe of when it will be resolved.

Should the complaint be in relation to any possible illegal activity, the police are to be notified as per the Liquor Act.

Complaints and grievances will be logged in a complaints book which will also include what action was taken, date and time and contact details of the person lodging the complaint.

The up-to-date complaint register will be kept in the office at all times to be made available upon request by any relevant authority.

#### 2.6 DELIVERIES

All loading and unloading operations must be carried out via the entrance at Railway Parade through the loading dock access.

The size of vehicles servicing the property is limited to small delivery vans.

The licensee shall ensure that all deliveries to the premises are made via the designated entrance and that someone is present to accept all deliveries.

8:00 - 18:00 Monday to Friday.

10:00 - 17:00 Weekends.

#### 2.7 WASTE

Commercial waste handling on a day-to-day basis to be handled by contracted waste management services (recyclables & cardboard) and Bottle-cycler.

All wastes shall be stored in approved containers placed inside the premises before being removed for disposal by Council or appropriate contractors. In accordance with the Conditions of Consent, all waste collection must be between 6:30am and 10:30pm, 7 days per week.

The licensee and manager shall ensure that the delivery areas are always cleaned regularly and maintained to a high standard.

Garbage is not to be left waiting for pick-up in the garbage disposal area to avoid odour impacts to surrounding neighbours. This must not be placed on the street for collection more than half

an hour before the scheduled collection time. Garbage shall be collected from the storage area and loaded into the garbage truck at the time of collection. Bins and containers are to be removed from the street within half an hour of collection.

***Glass***

All glass packaged (appropriate containers to avoid breaking on remove) before being removed and recycled.

***Paper & Cardboard***

All recycled paper and cardboard will be collected in an appropriate recycling bin for collection.

***General Waste***

General waste is collected as per the private contractors required schedule and as required.

**2.8 PATRON MANAGEMENT**

The maximum number of patrons to be permitted on the licensed premises at any one time shall be limited 50, with the exception noted at 3.1 (c).

Management shall be responsible for monitoring these patron numbers while endeavouring to control the behaviours of guests as they enter and leave the premises to ensure their safety, enjoyment, and minimal impact on the surrounding neighbourhood.

A sign is erected at the exit prominently displayed asking patrons to leave quietly. Management shall monitor the egress of patrons at the end of the night to ensure these conditions are met.

No person is permitted to take glasses, beverages, or any other container outside at any time. Multiple signs are displayed to inform guests of this, and management will monitor patrons as they come and go, taking all reasonable steps to prevent glass or alcohol to leave the premises.

In accordance with the Responsible Service of Alcohol guidelines as set out in the Liquor Act 2007 and all relevant legislation, management & staff will encourage patrons to drink responsibly, and shall offer to arrange the booking of taxis or other services if the patron requires it.

Patrons will be encouraged politely to leave the vicinity in an orderly and quiet fashion.

Management will take all steps required to ensure a safe, and inclusive environment for the community as detailed in the venues house policies.

## 2.9 SIGNAGE

All signage required under the Liquor Act 2007 shall be displayed in the appropriate places:

- (a) The Licensee shall ensure that the required signage is erected and maintained at all times, including;
- (b) Noticed visible at the entrance detailing the Name of the venue, Liquor licence number, Type of licence, Name of Licensee, and approved capacity.
- (c) RSA signage visible from the entrance of both levels highlighting the bar as a restricted area for minors as per the legislation.
- (d) RSA signage visible from all points of service at the bar area.

## 2.10 RESPONSIBLE SERVICE

The subject premises is licensed to operate as a public entertainment venue as set out under the Liquor Act 2007.

The Licensee and Management will monitor and maintain a safe and responsible space for the consumption of liquor, as set out in the act and all subsequent regulations.

- (a) The licensee will maintain an up to date RSA folder, containing copies of staff RSA cards so as to ensure staff certification is current. In this RSA folder the Liquor licence, Development Consent, Plan of Management, and all supporting documents will be kept. It will be made available to police or council when requested.
- (b) The licensee must, as a minimum, continually apply the house policies & practices on harm minimisation and Responsible service of alcohol.
- (c) Non-alcoholic & Low alcoholic beverages are to be made available at all times when full-strength liquor is available. These products are to be priced lower than full strength products.
- (d) Food must be available whenever liquor is to be consumed on the licensed premise. Hot, substantial meals are to be promoted through the use of menus on tables.

The safety, wellbeing, & protection of all patrons, staff members, and members of the public is acknowledged as the primary responsibility of Sally's Sound Hole

## 2.11 ILLICIT SUBSTANCE/THEFT

All staff are trained in the venues procedures for handling patrons who are affected by, or found to be in possession of illicit substances and/or prohibited plants under the act. (see: ILLICIT SUBSTANCE/THEFT & CRIME POLICY)

Management and staff will constantly assess persons on the licensed premise for signs of intoxication that could be reasonably assumed to be that of a controlled or illegal substance. Staff are also trained to look for signs of suspicious behaviour that could be interpreted as likely to involve illegal activity.

Upon assessment of either situation, the Licensee or management is to be sought out immediately to further assess and remove any persons from the premise that is committing the offence.

Any such incident is to be recorded in the incident register, and if necessary, police notified.

## 2.12 CRIME SCENE PRESERVATION

In case of a serious crime being committed such as an assault, the Licensee will operate the business in accordance with the New South Wales Police Force Crime scene preservation guidelines. This includes following these steps in the event of an incident involving an act of violence causing an injury to a person:

- (a) Immediately contact the Local Area Commander or Duty Officer (02) 9568 9299
- (b) Render any required first aid
- (c) Take reasonable steps to accurately assess the Crime Scene and remove all persons from the area. Take all practical steps to preserve and keep intact the area where the act of violence occurred. Cordon off the area utilising bar stools, tables, or tape. Consider closing off the area completely for areas such as toilets, hallways, or bars. (Remember there may be multiple Crime Scenes)
- (d) Do not allow any persons to enter this area
- (e) DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence
- (f) Assign a member of staff to guard all Crime Scenes until the arrival of Police
- (g) Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints
- (h) Do not move any items that may have been involved in an offence unless necessary. (For example, they could get wet. Use gloves to stop transference of your DNA or fingerprints);
- (i) Notify Police if any items have been moved or removed from the Crime Scene. (Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts)
- (j) Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident;
- (k) Secure any CCTV footage
- (l) Obtain any details of witnesses and try to keep all witnesses separated to maintain the integrity of their evidence. (Try to persuade witnesses from leaving the premises before Police arrive)
- (m) Hand this information to Police on arrival; and
- (n) Be prepared to make a statement to Police regarding the incident.
- (o) Update the incident register with the names of all relevant police officers who spoke with you. Record the service number of any ambulance. And make sure to take notes afterwards of the exact chain of events with times. You might have to refer to the notes later in a court proceeding possibly years later.

## 2.13 FIRE SAFETY

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

In the event of any malfunctioning of any essential service, the licensee shall ensure that it is rectified as quickly as is reasonably possible. Any malfunction or failure of one of these services should be recorded in the Incident register along with the details of the action taken and contacts of any relevant parties in the solution to the issue.

An emergency contact sheet and evacuation plan should be readily available in the premises to staff who will be trained on who to call and how to execute said plan in case of an emergency.

### **3 PLAN OF MANAGEMENT REQUIREMENTS AND PROCEDURES**

#### **3.1 OCCUPANCY**

- (a) The maximum occupancy is 50 patrons.
- (b) Maximum staff – 20 including performers.
- (c) Up to 12 times per calendar year, events may be held with an expanded capacity up to 100 patrons and up to 30 staff members including performers.

#### **3.2 HOURS OF OPERATION**

The hours of operation of each premises are specified at Part 2 of this PoM or in the consent, whichever is lesser.

#### **3.3 AMENITY OF NEIGHBOURHOOD**

At all times the operator of the building shall consider the amenity of its neighbours and shall take all reasonable measures to ensure that adverse impacts on the surrounding area do not occur.

The operator will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the premises does not detrimentally affect the amenity of the neighbourhood.

The premises shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise vibration, smell, fumes, vapour, steam, soot, ash, dust, wastewater, waste products, grit, oil, or otherwise.

#### **3.4 NOISE**

The following noise emission criteria are adopted for the premises.

In general, the premises are to be operated in accordance with the:

- 1 NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual.
- 2 NSW Liquor & Gaming noise criteria.
- 3 Protection of Environmental Operation Act 1997

#### **3.5 STAFF**

Staff members shall:

- Be appropriately trained.
- Record in the Incident Book when any incident that could cause alarm or concern to members of the public occurs, with an observation as to whether or not any persons identifiable as having been patrons at the establishment immediately prior to the incident, were involved. (Entries are to be made as soon as possible after such incidents and to include notes of the actions taken by staff).
- Request any and all patrons to behave in a quiet and orderly manner when entering and exiting the premises.

- Prevent any person, detected as intoxicated or under the influence of drugs, entering the premises and bring to the notice of the manager or licensee any person on the premises who might be considered intoxicated or under the influence of drugs.
- Monitor patron behaviour in the vicinity of the premises until all patrons have left the area patrolled, taking all practical steps to ensure the quiet and orderly departure of patrons.
- Collect any rubbish on the streets that may be associated with the premises operations and removed for disposal.
- Co-operate with the police operating in the vicinity of the premises.

The commercial space shall make copies of the Incident Book available to Council or the police at all reasonable times and within 7 days of receipt of a written request from the Council or the police to do so.

The manager shall record in the Incident Book, in addition to the matters noted above, any complaints made directly to the management or staff, by local residents or business people, about the operation and associated uses or the behaviour of its patrons.

### **3.6 DELIVERIES AND WASTE REMOVAL**

The removal of wastes and recyclable materials shall be made by Council or a recognised contractor.

### **3.7 MAINTENANCE**

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

The building is to be maintained in accordance with the approved maintenance schedule and conditions of consent.

### **3.8 FIRE SAFETY**

The premises are to maintain a current Annual Fire Safety Statement through Council's Annual Fire Safety Statement Register at all times. Each fire safety measure in the building is to be maintained in accordance with relevant standards of performance as per the Development Consent and Construction Certificate.

The business owners are to prepare the annual Fire Safety Statement and submit it to Council and make the necessary arrangements for the fire safety measures to be inspected and certified before the due date. The services of a professional fire safety consultant who is suitably qualified and fully aware of the relevant Building Code of Australia Requirements will be employed to prepare the statement.

The Annual Fire Safety Statements will be submitted to Council for registration each year on its completion.

### **3.9 EVACUATION PLAN**

An Evacuation Plan will be developed for the office space and commercial premises including but not limited to; Designation of Fire Wardens for the building, nominated evacuation routes and marshalling areas for staff and patrons. The plan will include all users and occupants of the building.



### 3.10 STAFF TRAINING

On commencement all staff will be trained in terms of the following, but not limited to, the following:

- Operational procedures for the premises and requirements of the PoM;
- Fire safety and evacuation procedures, in particular the procedures in the evacuation plan;
- Security procedures;
- Compliant management and incident reporting;
- All staff that serve alcohol are to have Responsible Service of Alcohol RSA Certification; and
- Waste management.

### 3.11 AMENDMENTS TO THIS PLAN

If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the entertainment facility, that modification shall be made to the plan and amendment provided to Council.

**End of PoM**