



DEVELOPMENT ASSESSMENT PANEL REPORT

<b>Application No.</b>	DA/2024/0655
<b>Address</b>	14 Rich Street MARRICKVILLE
<b>Proposal</b>	Fit out and use of premises as an indoor recreation facility (gym) operating 5:00am to 10:00pm 7 days a week and installation of business identification signage
<b>Date of Lodgement</b>	2 August 2024
<b>Applicant</b>	Kim Rothe
<b>Owner</b>	ZML Holding Pty Ltd + JVM Holdings Pty Ltd
<b>Number of Submissions</b>	43 (38 unique), 33 in objection, five (5) in support
<b>Cost of works</b>	\$937,200.00
<b>Reason for determination at Planning Panel</b>	Number of submissions
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Plan of Management

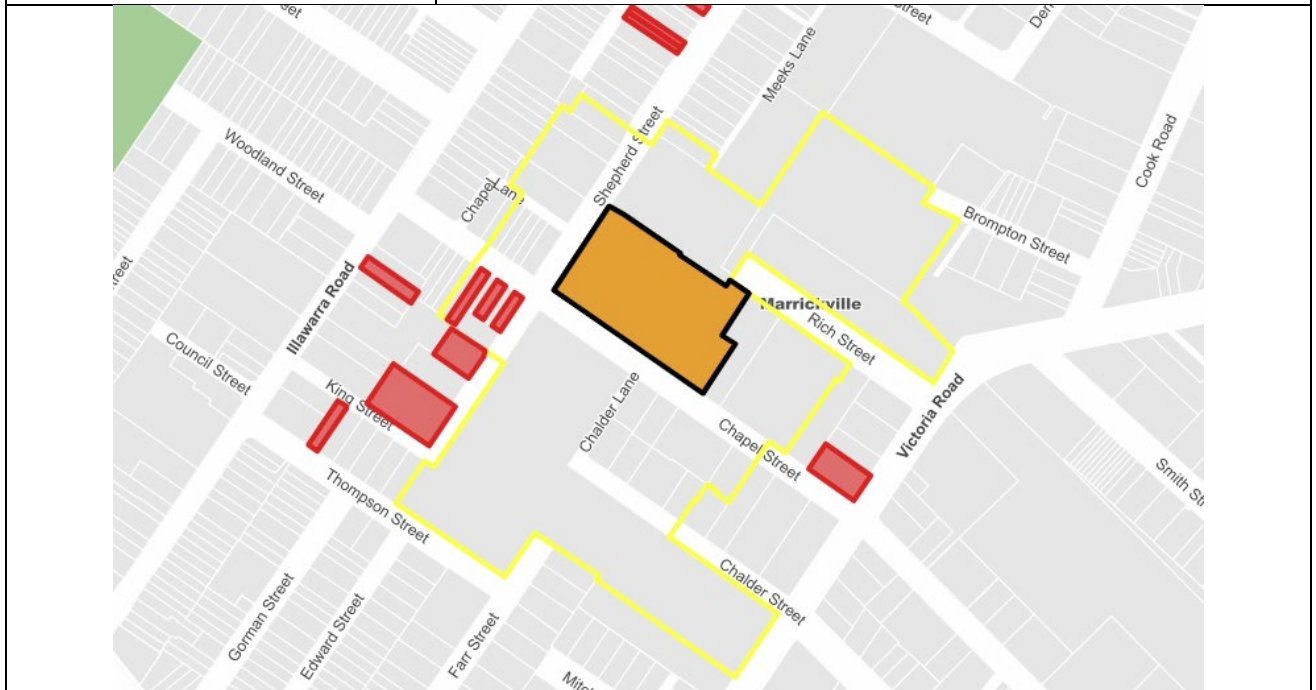


FIGURE 1: LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the fit out and use of premises as a recreation facility (indoor) operating 5:00am to 10:00pm 7 days a week and installation of business identification signage at 14 Rich Street Marrickville.

The application was notified to surrounding properties and 43 (38 unique) submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Car parking
- Acoustic impacts
- Waste management
- Heritage Conservation

Given the above, it was requested that additional information and amended plans be submitted during assessment of the application. In response to Council's requests, the applicant amended the proposal and provided additional information which generally addressed the above matters. Accordingly, the proposal is supportable subject to conditions and is therefore recommended for approval.

## 2. Proposal

The proposed development includes the following:

- Fit out of the western portion of the building (Tenancy K) for the use of as a recreation facility (indoor) including construction of mezzanine level
- Change of use for an indoor recreation facility (gym)
- Trading hours 5:00am to 10:00pm, 7 days a week
- Installation of business identification signage

## 3. Site Description

The site is located on the corner of Chapel Street and Shepherd Street, on the northern side of Chapel Street. The site consists of one allotment and is generally rectangular in shape with a total area of 7436.3sqm and is legally described as Lots 2-4 in DP 785027 and Lot C in DP 178259.

The subject site, described as Tenancy K within 14 Rich Street subject to this application is located on Lot 4 in DP 785028 measures approximately 1617sqm and is identified below:

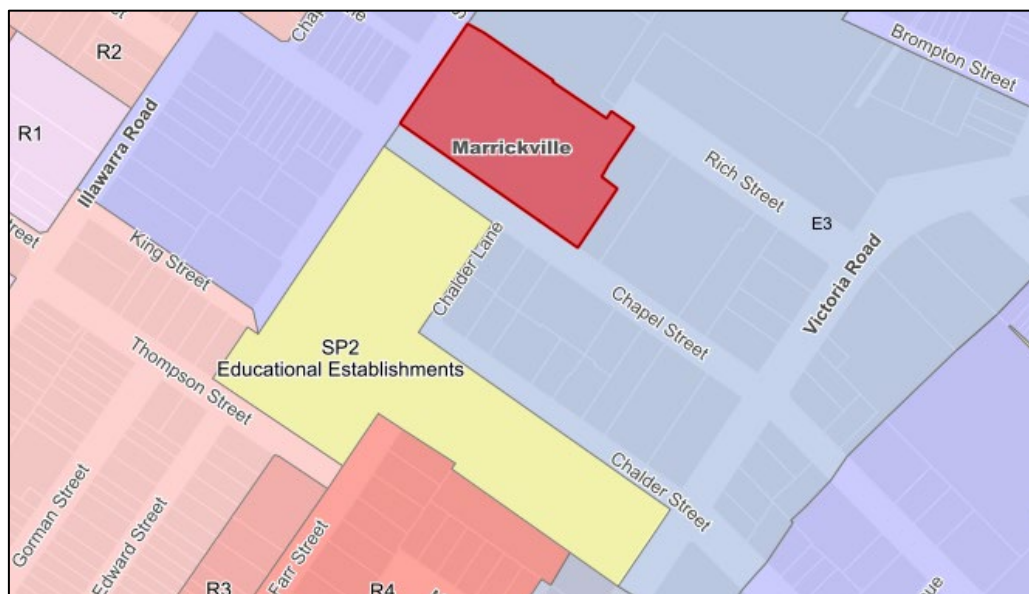


**Figure 2: Location of proposed gym outlined in orange.**

The portion of the site subject to the proposal has a frontage to Chapel Street of approximately 27 metres and a secondary frontage of approximately 30 metres to Shepherd Street. An existing car park is located to the rear of the tenancy and accessed via Shepherd Street.

The site supports an existing single storey warehouse building. The locality is characterised by a mix of industrial and residential uses. Marrickville Public School is located on the southwestern side of Chapel Street.

A portion of the subject site is identified as local heritage item I1277 under Schedule 5 of *Inner West Local Environmental Plan 2022*, namely “Industrial façade”.



**Figure 3: Zoning map, subject site (14 Rich Street) identified in red.**

## 4. Background

### Site history

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

### Subject Site

Application	Proposal	Decision & Date
CDCP/2023/0278	Alterations to Existing industrial/Warehouse Building	21/09/2023 Completed Private Certifier
DA238/96	Alterations to the premises to divide the building into three (3) industrial tenancies and to use proposed Unit 1 for the purpose of storage and distribution of clothing, proposed Unit 2 for the manufacturing of wire and sheet metal products, and proposed Unit 3 for the distribution and manufacture of towelling.	06/11/1996 Approved

### Surrounding properties

Application	Proposal	Decision & Date
<b>98 Chapel Street MARRICKVILLE NSW 2204</b>		
DA/2024/0691	change of use to a vehicle repair station and associated fitout works	Under assessment
<b>1 Rich Street MARRICKVILLE NSW 2204</b>		
CDC/2022/0008	Alterations and additions to an existing industrial premises and associated use of the area. Work comprises a new connection joining two industrial buildings together along with ancillary works	08/04/2022 Approved
CDCP/2021/0610	Internal alterations and change of use to a food and drink premises with ancillary office	30/12/2021 Completed Private Certifier
<b>6 Rich Street MARRICKVILLE NSW 2204</b>		
PDA/2020/0153	To fitout and use a portion of the microbrewery as a food and drink premises	19/06/2020 Issued

Application history

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

Date	Discussion / Letter / Additional Information
10/10/2024	A request for information letter was issued to the applicant which requested the following: <ul style="list-style-type: none"> <li>• Revised acoustic testing and report</li> <li>• Waste management matters</li> <li>• Amended plans to include parking area associated with subject tenancy</li> <li>• Heritage Impact Statement</li> </ul>
04/11/2024	The applicant submitted additional information and revised plans which generally addressed the request of Council.  It is noted that the revised plans also altered the internal layout of each level of the gym.  The revised plans and additional information did not require renotification in accordance with Council’s Community Engagement Framework and are the subject of this report.

**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)*.

**A. Environmental Planning Instruments**

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

**State Environmental Planning Policies (SEPPs)**

*SEPP (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site is not identified as contaminated. Notwithstanding the historical use of the site and surrounds for industry, the application seeks alterations to the existing warehouse building for fit out and use of a gym only.

In consideration of the above, the land will be suitable for the proposed use.

SEPP (Industry and Employment) 2021

Chapter 3 Advertising and Signage

The following is an assessment of the development under the relevant controls contained in the *Industry and Employment* SEPP.

The application seeks consent for the following signage:

Location	Sign Type	Lettering	Dimension
Chapel Street elevation	Illuminated wall sign	“One Playground”	3,600mm x 500mm
Shepherd Street elevation	Illuminated wall sign Illuminated blade wall signage	“One Playground” “O”	5,300mm x 900mm 350mm x 350mm x 1,700mm

The proposed development is consistent with objectives set out in Section 3(1)(a) and the assessment criteria specified in Schedule 5 as follows:

Criteria	Assessment
Character of the area	<ul style="list-style-type: none"> <li>The signage is compatible with the desired future character of the area.</li> </ul>
Special areas	<ul style="list-style-type: none"> <li>The signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways or residential areas</li> </ul>
Views and vistas	<ul style="list-style-type: none"> <li>The signage does not obscure or compromise important views.</li> <li>The signage does not dominate the skyline.</li> </ul>
Streetscape, setting or landscape	<ul style="list-style-type: none"> <li>The scale proportion and form of the signage is appropriate to the streetscape and locality.</li> <li>The signage is of a simple design and will not contribute to visual clutter.</li> <li>The signage reduces and rationalises the existing signage at the site.</li> <li>The signage will not impact vegetation.</li> </ul>
Site and building	<ul style="list-style-type: none"> <li>The scale proportion and form of the signage is appropriate to the building on which the signage is to be located.</li> <li>The signage respects important features of the building.</li> </ul>

Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> <li>All elements of the signage have been well integrated into the structure which displays the signage.</li> </ul>
Illumination	<ul style="list-style-type: none"> <li>The proposed illumination is acceptable and will not result in adverse amenity impacts or effect safety.</li> </ul>
Safety	<ul style="list-style-type: none"> <li>The signage will not reduce safe of any public road, pedestrians, bicyclists and will not obscure sightlines from public areas.</li> </ul>

As the sign is for business identification purposes Part 3.3 does not apply. The proposal is considered acceptable noting the aims and objectives of this chapter of the SEPP.

### Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

#### Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> <li>The proposal conserves and maintains the natural, built and cultural heritage of Inner West,</li> <li>The proposal facilitates economic growth and employment opportunities within Inner West,</li> <li>The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West,</li> <li>The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts.</li> </ul>	Yes, subject to conditions

#### Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table  E3 Productivity Support	<ul style="list-style-type: none"> <li>The application proposes fit out and use of the site for a gym which is defined as <b>recreation facilities (indoor)</b> which is permitted with consent in the E3 zone.</li> <li>The proposal is consistent with the relevant objectives of the zone as:                             <ul style="list-style-type: none"> <li>The development adds to the range of facilities and services in the area, and</li> <li>Provides land use to meet the needs of the community that is not suited to locations in other zones.</li> </ul> </li> </ul>	Yes



**Part 4 – Principal development standards**

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	9.5m	No change
	Proposed	11.7m (existing)	
Section 4.4 Floor space ratio	Maximum	N=1:1 or 1617sqm	Yes
	Proposed	0.85:1 or 1375sqm	
Section 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 section.		Yes

**Part 5 – Miscellaneous provisions**

Section	Compliance	Compliance
Section 5.10 Heritage conservation	See discussion below.	Yes, subject to conditions

A portion of the subject site is identified as local heritage item I1277 under Schedule 5 of *IWLEP 2022*, namely “Industrial façade” and is proximate to several local heritage items.



**Figure 4: Heritage conservation map (approximate location of subject site outlined in red).**

The proposal is capable of achieving the objectives of this clause as the proposed alterations (new entry door) and signage to the heritage item have generally been designed to conserve the heritage significance of the item, including associated fabric. However, it is noted that a portion of the heritage item has been painted without consent.

The application is supported by a Statement of Heritage Impact (SoHI) which outlines conservation works to the heritage item including re-pointing and repair of cracks. Whilst such conservation works are desired, the works cannot be undertaken due to the painting of the masonry. Accordingly, a condition of consent is recommended to remove the paint from the heritage item and another to require the proposed re-pointing and repair works.



Section	Compliance	Compliance
	The proposal does not seek any demolition to the heritage item, and any internal works for fitout alter fabric that does not form part of the item (dated from the 1980s-1990s).	
	Given the above, subject to the recommended conditions, the proposal preserves the environmental heritage of the Inner West.	

**Part 6 – Additional local provisions**

Section	Proposed	Compliance
Section 6.8 Development in areas subject to aircraft noise	<ul style="list-style-type: none"> <li>The site is located within the ANEF 25-30 contour.</li> <li>As the development relates to a change of use to recreation facility (indoor), it is not required to be noise attenuated in accordance with the clause.</li> </ul>	Not applicable

**B. Development Control Plans**

**Marrickville Development Control Plan 2011**

The application was assessed against the following relevant parts of the Marrickville Development Control Plan 2011 (MDCP 2011).

**Part 2 – Generic Provisions**

Control	Assessment	Compliance
Part 2.1 Urban Design	The proposed development satisfies the relevant provisions of this Part as 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.	Yes
Part 2.5 Equity of Access and Mobility	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> <li>Appropriate access is provided for all persons 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 the recreation facilities in the premise.</li> <li>Suitable accessible sanitary facilities are provided.</li> </ul>	Yes
Part 2.6 Acoustic and Visual Privacy	The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds as follows: <ul style="list-style-type: none"> <li>The development is accompanied with an acoustic assessment which demonstrates compliance with the relevant acoustic noise criteria.</li> <li>Conditions are imposed to ensure compliance with the relevant acoustic noise criteria.</li> <li>The proposal includes appropriate management techniques to limit acoustic impacts to nearby residents.</li> <li>The proposed hours of operation are reasonable to limit acoustic impacts to nearby/adjoining residents.</li> </ul>	Yes

Control	Assessment	Compliance																
Part 2.10 Parking	<p>The Part requires that the development provide parking as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>Car spaces</th> <th>Motorcycle spaces</th> <th>Bicycle spaces</th> </tr> </thead> <tbody> <tr> <td><b>Rate</b></td> <td>(1 per 75sqm)</td> <td>5% of car parking required</td> <td>1 per 10 staff + 1 per 50sqm for customers</td> </tr> <tr> <td><b>Required</b></td> <td>18 spaces</td> <td>0.9, rounded to one (1) space</td> <td>28 spaces</td> </tr> <tr> <td><b>Proposed</b></td> <td>20 spaces</td> <td>Nil</td> <td>Nil</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>As outlined above the development complies with the required parking spaces for cars but has not specified bicycle or motorcycle parking. It is considered that there is ample room within the carpark to provide the parking. Standard conditions are recommended to ensure compliance with the parking requirements contained within this part and requiring that parking is restricted for staff and visitors of the approved gym on site, only.</li> </ul>		Car spaces	Motorcycle spaces	Bicycle spaces	<b>Rate</b>	(1 per 75sqm)	5% of car parking required	1 per 10 staff + 1 per 50sqm for customers	<b>Required</b>	18 spaces	0.9, rounded to one (1) space	28 spaces	<b>Proposed</b>	20 spaces	Nil	Nil	Yes, subject to conditions
	Car spaces	Motorcycle spaces	Bicycle spaces															
<b>Rate</b>	(1 per 75sqm)	5% of car parking required	1 per 10 staff + 1 per 50sqm for customers															
<b>Required</b>	18 spaces	0.9, rounded to one (1) space	28 spaces															
<b>Proposed</b>	20 spaces	Nil	Nil															
Part 2.12 Signage and Advertising Structures	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The 2.7sqm of signage complies with the maximum area of signage permitted based on the frontage of the site, being to the Chapel Street frontage.</li> <li>5.2sqm of signage complies with the maximum area of signage permitted based on the frontage of the site, being to the Shepherd Street frontage.</li> </ul>	Yes																
Part 2.21 Site Facilities and Waste Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <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 condition																

**Part 5 – Commercial and Mixed Use Development**

Control	Assessment	Compliance
Part 5.1.3 Building Form	The development complies with the FSR and HOB standards per <i>IWLEP 2022</i> .	Yes
Part 5.1.4 Building Detail	The development retains the existing building on site, and includes repair and restoration works, subject to recommended conditions as discussed within this report.	Yes
Part 5.1.5 Building Use	The proposed recreation facility (indoor) seeks hours of operation outside normal business hours, which is acceptable as the application has demonstrated that the development is compatible to the mixture of land uses within the building (being the other tenancies at 14 Rich Street) and is appropriate for the context, being the E3 zone.	Yes

Control	Assessment	Compliance
Part 5.1.6 Vehicle Access, Parking and Loading Services	<ul style="list-style-type: none"> <li>The existing vehicular access, car parking and loading area, provided via Shepherd Street, is acceptable subject to standard conditions of consent.</li> <li>The proposal seeks deliveries between the hours of 6am and 9pm on weekdays, and 7am and 5pm on weekends.</li> <li>The proposed delivery hours may impact the quiet enjoyment of proximate residences late on weekdays and early on weekends, and as such is limited via recommended condition of consent.</li> </ul>	Yes, subject to conditions
Part 5.3.1.1 Plan of Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>A Plan of Management (POM) was submitted with the application.</li> <li>The POM submitted is considered to be comprehensive and provide suitable management procedures to minimise potential amenity impacts to the surrounding locality.</li> <li>The proposal seeks a maximum of 120 patrons, and between 4-8 staff on site at one time.</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
Part 5.3.1.2 Noise and vibration generation	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>This matter is discussed above under Part 2.6 of MDCP 2011, and the development is acceptable in this regard subject to the imposition of appropriate conditions.</li> </ul>	Yes
Part 5.3.1.4 Hours of Operation	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> <li>The application seeks approval for the hours of operation between 5am and 10pm, 7 days a week.</li> <li>The hours proposed are unlikely to result in any adverse amenity impacts to neighbouring properties, subject to compliance with the recommended acoustic mitigation conditions.</li> <li>The hours are generally consistent with the hours of operation of other business within the locality, and acceptable given the context of the development within the E3 zone.</li> </ul>	Yes, subject to conditions

**Part 8 – Heritage**

Control	Assessment	Compliance
Part 8.1.7 Heritage Items	<p>The alterations to the heritage item do not adversely impact the significance of the item, subject to conditions as recommended which require reinstatement to the original finish to the façade. See discussion under s5.10 of this report.</p>	Yes, subject to conditions.

**Part 9 – Strategic Context**

Control	Assessment	Compliance
Part 9.47 Victoria Road (Precinct 47)	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> <li>The development is located within the Chapel Street Sub-precinct and is considered a modern employment industry which minimises land use conflicts, in accordance with the development intent of the sub-precinct.</li> </ul>	Yes

**C. The Likely Impacts**

- These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

**D. The Suitability of the Site for the Development**

The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial surrounding and amongst similar uses to that proposed.

Whilst residential land uses are proximate to site, the supporting acoustic report and plan of management are considered sufficient to maintain amenity of residents in the area. Accordingly, the site is suitable for the proposed development.

**E. Submissions**

The application was required to be notified in accordance with Council’s Community Engagement Strategy between 6 to 29 August 2024. A total of 43 (38 unique) submissions were received, 33 in objection and 5 in support, in response to notification.

The following table summarises the concerns raised in submissions.

Concern	Comment
Traffic and pedestrian safety	<p>The community concern regarding the limited availability of parking, coupled with the proximity of the site to the school is noted. Further, concern was raised that the proposed use of the site would further exacerbate the demand for parking in the area, and pose pedestrian safety risks, including to school children.</p> <p>The application was revised during assessment, to indicate proposed vehicular access, parking and loading facilities associated with the use of the gym.</p> <p>The vehicular access and loading facilities are acceptable, subject to conditions. Further, the development complies with the required parking rate for a gym and includes two (2) surplus spaces. Conditions of consent are included in the recommendation to require that the parking is for use of gym staff and patrons, only.</p>

Street parking availability	The demand for street parking within the locality is noted, however, as above, the development complies with the applicable parking rate for use of the tenancy as a gym.
Misidentification of subject site	It is noted that Rich Street does not adjoin the portion of the existing building subject to this application. Notwithstanding, Council is satisfied that the address as notified is correct to allow community consultation in accordance with the Community Engagement Framework.
Air pollution	The proposed use of the site is not considered to give rise to air pollution. The pollution associated with the use of Internal Combustion Engine vehicles to access a land use is not a matter for consideration in assessment of development.
Gentrification	It is noted that the Precinct, and Sub-precinct applicable to the site include desired future character as creative industries, however, the proposed use is permissible with consent in the E3 zone and satisfies the relevant objectives of the zone. Further, the development of the site does not negate future development in the locality for creative uses and is considered to contribute to a compatible mixture of uses in the Precinct and locality.
Noise impacts	The application is supported by acoustic testing and plan of management considered acceptable and supported by conditions of consent included in the recommendation - See section B, Part 2.6 of this report.
Conflict of interest	<p>Council officers responsible for assessment of the application are required to disclose any conflict of interests. Council officers who have had involvement with the subject application do not have conflict of interest with the subject site.</p> <p>Notwithstanding, due to the number of submissions received, the proposal is reported for determination by the independent Local Planning Panel.</p>
Lot size/GFA requirements	The proposal complies with the relevant development standards per <i>IWLEP 2022</i> .
Inconsistencies in the architectural plans/SEE	<p>It is considered sufficient details and information have been submitted with the application to allow for a complete assessment.</p> <p>As detailed in this report, an independent assessment against the relevant planning controls was carried out on the merits of the proposal.</p>
Patron capacity	The proposal was amended during assessment, and in response to community concerns. The site is considered suitable to support a maximum of 120 patrons, and maximum eight (8) staff at one time.
Too many gyms/Impacts to other similar businesses in locality	It is noted that several gyms exist within the locality, however, the number and proximity of similar land uses is not a matter for consideration in assessment of development applications.
Hours of operation	The proposed hours of operation are acceptable - See section B, Part 5.3.1.4 of this report.

## F. 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.

This has been achieved in this instance.

## 6. Section 7.11 Contributions

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 \$66,879.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

## 7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist
- Development Engineer
- Resource Recovery
- Environmental Health
- Building Certification

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

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

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

## 9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2024/0655 for fit out and use of premises as an indoor recreation facility (gym) operating 5:00am to 10:00pm 7 days a week and installation of business identification signage at 14 Rich Street, MARRICKVILLE subject to the conditions listed in Attachment A below.



**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

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**GENERAL CONDITIONS**

	Condition
1.	<p style="text-align: center;"><b>Stormwater Drainage System – Simple</b></p> <p>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. Reason: To ensure adequate disposal of stormwater.</p>
2.	<p style="text-align: center;"><b>Permits</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• A concrete pump across the roadway/footpath;</li> <li>• Mobile crane or any standing plant;</li> <li>• Skip Bins;</li> <li>• Scaffolding/Hoardings (fencing on public land);</li> <li>• Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.;</li> <li>• Awning or street veranda over the footpath;</li> <li>• Partial or full road closure; and</li> <li>• Installation or replacement of private stormwater drain, utility service or water supply.</li> </ul> <p>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. Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
3.	<p style="text-align: center;"><b>Insurances</b></p> <p>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. Reason: To ensure Council assets are protected.</p>
4.	<p style="text-align: center;"><b>Loading/unloading on site</b></p>

	<p>All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.</p> <p>Reason: To ensure that any designated loading dock is available for servicing the site at all times.</p>
<b>5.</b>	<b>Parking</b>
	<p>The following parking spaces are to be provided and maintained at all times:</p> <ul style="list-style-type: none"> <li>• 20 car parking spaces</li> <li>• One (1) motorcycle parking space</li> <li>• 28 bicycle parking spaces</li> </ul> <p>The parking spaces are to be for the use of staff and patrons of the gym on site, only and signposted accordingly.</p> <p>Reason: To ensure adequate provision of parking for the gym.</p>
<b>6.</b>	<b>Signage Lighting</b>
	<p>Signage lighting must comply with the following requirements:</p> <p>a. The proposed luminance levels shall be in accordance with the relevant Australian Standards. In addition, the images displayed on the sign must not contain/use:</p> <ul style="list-style-type: none"> <li>• Flashing or flickering lights or content;</li> <li>• Animated displays, moving parts or simulated movement;</li> <li>• Complex displays that hold a driver's attention beyond "glance appreciation"</li> <li>• Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'</li> <li>• A method of illumination that distracts or dazzles; and</li> <li>• Dominant use of colours red or green</li> </ul> <p>Reason: To ensure public safety and the signage complies with relevant standards.</p>
<b>7.</b>	<b>Bin Storage</b>
	<p>All bins are to be stored within the allocated bin storage area, adjoining the substation. Bins are to be returned to this location within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
<b>8.</b>	<b>Noise – Consultant's Recommendations</b>
	<p>All noise emission criteria, assumptions and recommendations contained in the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, reference 240193 (Revision 7), dated 30 October 2024, must be implemented and complied with at all times.</p> <p>Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.</p>
<b>9.</b>	<b>Documents related to the consent</b>

	The development must be carried out in accordance with plans and documents listed below:			
	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
	DA-100-000-01 Rev A	Location and Context Plan	25.10.24	Henderson & Co.
	DA-110-000-01 Rev A	Ground General Arrangement Plan	25.10.24	Henderson & Co.
	DA-110-001-01 Rev A	Mezzanine General Arrangement Plan	25.10.24	Henderson & Co.
	DA-100-000-03 Rev A	Roof Plan	25.10.24	Henderson & Co.
	DA-200-000-01 Rev A	Signage Strategy - External Elevations	25.10.24	Henderson & Co.
	DA-100-000-02 Rev A	Parking and Garbage Plan	25.10.24	Henderson & Co.
	-	Plan of Management (for One Playground Marrickville Traders)	undated (received 12.08.24)	One Playground
As amended by the conditions of consent.				
Reason: To ensure development is carried out in accordance with the approved documents.				
<b>10.</b>	<b>Works Outside the Property Boundary</b>			
	This development consent does not authorise works outside the property boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent.			
<b>11.</b>	<b>Storage of materials on public property</b>			
	The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council. Reason: To protect pedestrian safety.			
<b>12.</b>	<b>Other works</b>			
	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			

	<p>the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>. Reason: To ensure compliance with legislative requirements.</p>
13.	<p style="text-align: center;"><b>National Construction Code (Building Code of Australia)</b></p> <p>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. Reason: To ensure compliance with legislative requirements.</p>
14.	<p style="text-align: center;"><b>Lead-based Paint</b></p> <p>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. Reason: To protect human health.</p>
15.	<p style="text-align: center;"><b>Asbestos Removal</b></p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority. Reason: To ensure compliance with the relevant environmental legislation.</p>
16.	<p style="text-align: center;"><b>Staff and Patron Capacity</b></p> <p>The maximum number of patrons on site (being to Tenancy K) at any one time is limited to 120 patrons and eight (8) staff. Reason: To limit the capacity of the premises for protection of amenity to neighbours.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
17.	<p><b>Security Deposit - Custom</b></p> <p>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.</p>

	<table border="1"> <tr> <td>Security Deposit:</td> <td>\$9370.00</td> </tr> <tr> <td>Inspection Fee:</td> <td>\$389.00</td> </tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>	Security Deposit:	\$9370.00	Inspection Fee:	\$389.00
Security Deposit:	\$9370.00				
Inspection Fee:	\$389.00				
18.	<p><b>Dilapidation Report – Pre-Development – Minor</b></p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>				
19.	<p><b>Signage box design</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural plans that address the design of the signage box, prepared and certified by a qualified practicing Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).</p> <p>Reason: To ensure that the design of the signage box is structurally sound and has been appropriately certified.</p>				
20.	<p><b>Resource Recovery and Waste Management Plan - Demolition and Construction</b></p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a "Waste and Recycling Waste Management Plan - Demolition and Construction" in accordance with the relevant Development Control Plan.</p>				

	Reason: To ensure resource recovery is promoted and local amenity protected during construction.
21.	<p><b>Noise General – Acoustic Verification Report Prior to CC</b></p> <p>Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the DA acoustic report (prepared by Pulse White Noise Acoustics Pty Ltd, reference 240193 (Revision 7), dated 30 October 2024) and must be consistent with the approved plans. An acoustic certification report demonstrating this must be provided to the satisfaction of the Certifying Authority.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
22.	<p><b>Long Service Levy</b></p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>
23.	<p><b>Heritage conservation</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ul style="list-style-type: none"> <li>a. Removal of the paint to the masonry at the heritage item, including the return along Shepherd Street.</li> <li>b. Repointing, and repair works to the brickwork of the heritage item.</li> </ul> <p>Reason: To protect the significance of the heritage item.</p>
24.	<p><b>Sydney Water – Tap In</b></p> <p>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.</p> <p>Note: Please refer to the web site <a href="http://www.sydneywater.com.au/tapin/index.htm">http://www.sydneywater.com.au/tapin/index.htm</a> for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
25.	<p><b>Section 7.11 Contribution</b></p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the</p>

following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$15,036.00
Community Facilities	\$0.00
Transport	\$39,543.00
Plan Administration	\$1,941.00
Drainage	\$10,359.00
<b>TOTAL</b>	<b>\$66,879.00</b>

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = is the contribution at time of payment

$C_{\text{consent}}$  = is the contribution at the time of consent, as shown above

$CPI_{\text{consent}}$  = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.9 for the September 2024 quarter.

$CPI_{\text{payment}}$  = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at [www.innerwest.nsw.gov.au](http://www.innerwest.nsw.gov.au) or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au) or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.



	<p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to <a href="http://www.innerwest.nsw.gov.au/invoice">www.innerwest.nsw.gov.au/invoice</a>; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>
26.	<p><b>Concealment of Plumbing and Ductwork</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.</p> <p>Reason: To protect the visual amenity of the neighbourhood.</p>

**BEFORE BUILDING WORK COMMENCES**

	Condition
27.	<p><b>Standard Street Tree Protection</b></p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>

**DURING BUILDING WORK**

	Condition
28.	<p><b>Construction Hours – Class 2-9</b></p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p> <p>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.</p>

	<p>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.</p> <p>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.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
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**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

	Condition
<b>29.</b>	<p><b>No Encroachments</b></p> <p>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.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
<b>30.</b>	<p><b>Protect Sandstone Kerb</b></p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>
<b>31.</b>	<p><b>Noise General – Acoustic Verification Report Prior to OC</b></p> <p>Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:</p> <ul style="list-style-type: none"> <li>a. All recommendations contained in the DA acoustic report (prepared by Pulse White Noise Acoustics Pty Ltd, reference 240193 (Revision 7), dated 30 October 2024) have been implemented, and</li> <li>b. All criteria for airborne noise, structure borne noise and vibration established in the DA acoustic report are being complied with.</li> </ul> <p>Reason: To ensure noise impacts from the use are adequately controlled.</p>
<b>32.</b>	<p><b>Smoke Alarms - Certification of upgrade to NCC requirements</b></p>

	<p>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.</p> <p>Reason: To ensure compliance with the National Construction Code (Building Code of Australia).</p>
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**OCCUPATION AND ONGOING USE**

	Condition
<b>33.</b>	<p><b>Noise – Acoustic testing within sixty (60) days</b></p> <p>Within sixty (60) days of the use commencing at the premises, the following acoustic measures must be undertaken:</p> <ul style="list-style-type: none"> <li>a. A suitably qualified acoustic consultant must be appointed to:                             <ul style="list-style-type: none"> <li>i. measure and verify the noise emanating from the premises; and</li> <li>ii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria; and</li> <li>iii. prepare an acoustic verification report summarising the details and results of the noise testing and any recommendations to ensure compliance.</li> </ul> </li> <li>b. The noise measurements must be:                             <ul style="list-style-type: none"> <li>i. undertaken without the knowledge of the applicant, manager or operator of the premises;</li> <li>ii. taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday), and</li> <li>iii. submitted to the Principal Certifier within four (4) weeks of testing concluding.</li> </ul> </li> <li>c. If the acoustic consultant recommends that additional treatment or works be undertaken, then those recommendations must be implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of the use commencing.</li> </ul> <p>Reason: To protect the amenity of the neighbourhood.</p>
<b>34.</b>	<p><b>Plan of Management - Operation</b></p> <p>The development must at all times be operated in accordance 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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
<b>35.</b>	<p><b>Hours of Operation</b></p> <ul style="list-style-type: none"> <li>a. The hours of operation of the gym at the premises must not exceed the following:</li> </ul>

Day	Hours
Monday to Sunday	5AM to 10PM
b. Within the hours of operation, deliveries are permitted between the following:	
Day	Hours
Weekdays	7AM to 6PM
Weekend	9AM to 5PM
Reason: To protect the amenity of the neighbourhood.	
















**Attachment C – Plan of Management**

**OnePlayground**

ENDLESS EXPERIENCES



**Plan of Management for  
One Playground Marrickville  
Traders**

**67-72 Shepherd Street  
Marrickville NSW 2204  
Australia**

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Plan of Management  
One Playground Marrickville Traders

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### 1.0 Objective of Plan

This Plan of Management outlines our standard operating procedures for obtaining Development Consent for the premises known as Tenancy K at 67-72 Shepherd Street, Marrickville.

This Plan of Management is to ensure the tenancy maintains a high level of amenity for neighbouring properties and for all occupants and owners residing within the building as well as a high level of security and safety to our patrons and staff.

### 2.0 Use of Plan

- 1) All staff involved with the gym are familiar with this Plan of Management.
- 2) This Plan of Management takes into account the relevant club operating documents, including the club's conditions of use, consent and all policies and procedures.

### 3.0 Operating Hours

- 1) The Operating Hours are 5am - 10pm, 7 days a week.
- 2) A CCTV security system will provide 24-hour surveillance of the premises' inside and outside perimeter. See Clause 6.7 for further details.
- 3) Upon joining, members will receive an encrypted card that they must swipe prior to both entry and exit, which is via a security access gate. Visitor access is limited to within staffed hours.

### 4.0 Staffed Hours

- 1) In conjunction with 24-hour surveillance, staff will be on the premises at the following times:
  - a) Training Instructors will be on-site from 5 a.m. to 10 p.m. Monday through Friday and on weekends.
  - b) The Club Manager and Membership team staff will be on the premises from Monday to Friday, 8am to 7pm, and 8am to 5pm on weekends.
- 2) In the event of an emergency, the Club Manager and members of the Head Office Support Team are on call on a rotational basis 24 hours a day, 7 days a week.

### 5.0 Noise

- 1) The use of the premises is controlled so that any emitted noise does not create "offensive noise" as defined in the Protection of the Environment Operations Act 1997 No 156.



Plan of Management  
One Playground Marrickville Traders

- 2) We have designed acoustically treated floors where weights could potentially be dropped, including installing a heavy-duty sprung floor system in our main lifting areas. All other areas have been treated with acoustic shock pads to further enhance acoustic absorption. This quality-assured noise and shock-reducing flooring absorbs impact and significantly reduces noise.
- 3) Interiors are consciously designed to absorb sound, using soundproofing for the walls, rubber floors and springs beneath weight-lifting platforms.
- 4) The majority of members choose to listen to their own mp3 devices. Our music is pre-recorded background music. In this location we have studio based classes.
- 5) Managers have exclusive access to control music. This is done via our remote music Management System. The volume is capped at night and locked up securely.
- 6) One Playground's cardio equipment allows each member to plug into the machine with headphones to listen to music or watch TV individually; however this location is a studio based class location.
- 7) Weight dropping is prohibited within the gym except for designated areas (see below for management of warnings and cancellations of memberships for continual weight dropping). Where weights are dropped within the designated weight-lifting areas, the sprung platforms and acoustic rubber flooring dampen the impact and sound emitted.
- 8) The facility is air-conditioned, meaning no windows are opened, which reduces potential noise pollution.
- 9) Our immediate neighbours are a mix of commercial properties with a few residential properties on Chapel Street.

## 6.0 MANAGEMENT POLICY

### 6.1 Dropping of Weights

In the interests of protecting the acoustic amenity of our neighbours, One Playground has implemented the following restrictions and penalties to discourage gym patrons from dropping weights:

- 1) Any gym patron identified dropping weights in an undesignated area is issued with a verbal warning and has their membership number added to the list of offending patrons who have been warned.
- 2) Any gym patron who has already been warned and who is identified dropping weights in an undesignated area is issued with a second warning and will have their membership number added to a list of offending patrons who have been warned twice.
- 3) Any gym patron who has already been warned twice and who is identified dropping weights in an undesignated area will have their membership suspended and will be locked out of One Playground for a period of one fortnight.



Plan of Management  
One Playground Marrickville Traders

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- 4) Any gym patron who has already been suspended and who is subsequently identified dropping weights in an undesignated area will have their membership revoked and will be permanently locked out of One Playground.
- 5) One Playground can view all offenders from the CCTV cameras placed around the gym.
- 6) Staff will be on the gym floor and will respond immediately to members who drop weights with verbal and written warnings.

#### 6.2 Signage

- 1) Signage is erected at the entrance to the premises stating:
  - a) One Playground;
  - b) Open Hours that are staffed;
  - c) Contact Details for One Playground;
- 2) Signage is placed around the premises stating:
  - a) No weights are to be dropped onto the floor;
  - b) Place all weights on the racks provided after use;
  - c) Do not take weights out of the designated weights area.

#### 6.3 Amenity of Neighbourhood

- 1) One Playground Management considers the amenity of neighbours and will ensure that there are no adverse impacts on the amenity of residents, businesses or others in the area as a result of noise, member behaviour or other aspects of the conduct of the business.
- 2) One Playground Management will take all reasonable measures to ensure that the behaviour of staff and members within the premises, including areas used to enter and exit the building, does not affect the neighbourhood.
- 3) The business will be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by the emission of noise: including noise from members conducting physical exercises, deliveries and collections, as well as amplified music, vibration, smell, or otherwise.
- 4) One Playground maintains membership to AUSactive to adhere to industry standards and government regulations regarding community safety and preventing harm to members.

#### 6.4 Behaviour of Members

- 1) The club management takes all reasonable steps to ensure that the behaviour of the members within the club and in the vicinity of the premises does not cause disturbance or nuisance to other members or to residents, businesses or others in the area.
- 2) The club management takes all reasonable steps to ensure that persons departing from or seeking admittance to the premises in the vicinity of its entrance do not loiter and that any persons seeking entry do so in the manner prescribed in this Plan.



Plan of Management  
One Playground Marrickville Traders

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- 3) The following operational policies for the responsible and safe management of the premises are adhered to:
  - a) All Club Managers and Personal Trainers have CPR, First Aid and Public Liability Insurance;
  - b) All Members complete a pre-exercise questionnaire to screen for health problems and injuries prior to exercising;
  - c) Sophisticated access control helps prevent tailgating and double entry;
  - d) All members are offered the opportunity to train with a Personal Trainer to be fully inducted into the gym.
- 4) Drinking alcohol is not permitted inside the premises.
- 5) Smoking is not permitted inside the premises and on the street in front of the premises.
- 6) The use of Drugs is not permitted inside the premises and on the street in front of the premises. Any suspicion of a member or staff member using, selling or in possession of illegal drugs shall be immediately reported to the police and required to leave the premises and surrounding areas by the direction of Club Management.
- 7) In the event of any misbehaviour, staff and members are asked to leave at the direction of Club Management. Forced removal from the premises must only occur at the direction of Club Management and with reasonable force only. Immediate hands-on action is avoided except in self-defence or in the defence of another person.

#### 6.5 Visitor Policy

- 1) All visitors must read, complete their details, and sign our pre-exercise questionnaire consent form before entering the gym floor.
- 2) This form covers the Policies outlined in this Plan of Management so that visitors and members accept full responsibility for themselves and their behaviour.

#### 6.6 Deliveries, Contract Cleaning, Maintenance Staff and Waste Policy

- 1) One Playground's Manager will take all reasonable measures in liaising with couriers and delivery drivers so that deliveries are made within reasonable staff hours between 10:00am and 4:30pm on weekdays and Saturdays.
- 2) Cleaning contractors will be responsible for ongoing cleaning and maintenance of the foyer, lift and stairs, and gym floor on a daily and weekly basis.
- 3) Deep cleaning of floor rubber and astroturf will be carried out on a regular basis.
- 4) We will source a professional gym equipment maintenance service to regularly check equipment for maintenance needs, as well as be on call if any equipment requires maintenance sooner.
- 5) Any equipment that requires maintenance will have an Out of Order sign placed on it immediately to help prevent injury to patrons.
- 6) All waste collected will be placed in the gym's garbage bins, which will be stored in the designated garbage storage area in the building's loading dock.
- 7) One Playground will utilise an external garbage waste service to collect the bins on a recurring schedule. This service will provide One Playground with garbage bins.



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- 8) The cleaning staff will empty the garbage bins placed throughout the facility and put the garbage into the garbage waste pickup bin for collection.
- 9) One Playground will source a sharps and sanitary napkin service to regularly replace these sanitary bins, which will be placed within the female and male bathroom cubicles.

#### 6.7 Security and CCTV

- 1) All staff will be required to write an incident report for any altercation, injury or crime within the club, including details of the time/date, persons involved and a description of the incident. The details are emailed to HR@oneplayground.com.au where it is kept on a digital file. A file of the CCTV of any incidents will also be included within the email and stored.
- 2) Any person entering the club must be suitably attired in accordance with the club's dress code, which requires members to wear exercise clothes and supportive closed shoes.
- 3) Staff regularly check the toilets, fire exits and inside the gym at several intervals throughout the day and before leaving at night at 7pm. Should any illegal activity, cleanliness or attention be needed, management will be notified immediately.
- 4) Staff cooperate with the Police or other emergency services that may be associated with the business.
- 5) In the event of an incident, our staff are trained to identify the problem themselves and seek to rectify it.
- 6) All staff have communication devices available to them, and phones are available in each office.
- 7) One Playground Management utilises and maintains closed-circuit TV cameras to provide surveillance of the interior of the premises and the entry points. Digital recordings from all cameras will be kept for 30 days and stored on our cloud-based system. The police will have footage made available within 24 hours of receipt of the written notice.
- 8) There are more than 40 cameras throughout the location. All members must consent to being filmed as part of their enrolment.
- 9) We are staffed every day with highly trained and qualified Personal Trainers and Managers. All our personal trainers and group training instructors are First Aid and CPR trained. One Playground inducts all staff with fire, emergency and safety procedures.
- 10) We remotely monitor the gym during and after staffed hours. This is another reduction in risk because we manage this remotely, monitored by an expert Security Company. Our Security Company operates on call 24 hours a day. They will be able to access the system should any alarms be triggered.
- 11) One Playground is not a franchise or a large chain. The two Directors live locally, within a maximum 30-minute drive from the location. They each have access to the CCTV network on their mobile phones at any time.
- 12) The Directors are able to log into the CCTV of the gyms at any time to any location, this adds an extra layer of security and support for staff. They will raise an alarm if necessary or alert the authorities.
- 13) One Playground has centrally located Panic Buttons for Emergencies with clear instructions.



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- 14) One Playground provides Remote Panic Necklaces for Non-Staffed-Hour Member training. Members who choose to train out of hours can do so safely, knowing that if they need assistance by pressing the alarm on the necklaces, our security system, owners, and emergency responders will attend to them.
- 15) One Playground has implemented gated access to prevent non-members from accessing the location outside of staffed hours. This provides additional security, as we know who is on-site.
- 16) One Playground has First Aid Kits on all floors, defibrillators, and basic first aid manuals. These are for members to access. To ensure the location is fully stocked and First Aid compliant, we will have duplicate first aid kits in the location office, which will be locked, kept registered, and regularly replenished.
- 17) There will be fully qualified First Aiders on site every day.
- 18) One Playground will provide exterior security. The entrance/exit points will be well-lit, locked, and monitored by CCTV. The gates will prevent tailgating by signalling an alarm if there is more than one entry per key swipe. This will include forced entry, glass break, and fire detection.
- 19) All Fire Exits will trigger an automated response to the security company and Directors.

#### 6.8 The Incident Register and Complaint Handling

- 1) One Playground Management ensures that the Incident Register is updated with any incident that requires a patron to be refused entry or turned out of the club due to:
  - a) being intoxicated, violent, quarrelsome or disorderly;
  - b) Smoking within any area of the premises that is a smoke-free area;
  - c) Using or having in their possession, while on the premises, any substance that is prohibited;
  - d) Any reason on an individual basis where the safety of staff or other members may be compromised;
  - e) Any complaints made directly to the management of staff or members by local residents or business people about the operation of the premises or the behaviours of its members;
  - f) Any incidents that occurred either in the premises or in the immediate vicinity which have resulted in injury, involved or may have involved the committing of a crime, or required intervention by staff; police or other emergency services.
- 2) All complaints made to the premises are recorded in the Incident Register, which notes the date and time of the incident, the nature of the complaint, the address and contact details of the complainant, and any actions proposed to deal with the complaint.
- 3) One Playground Management responds to all complaints within 48 hours of a complaint being made where the complaint was not already made to Management in the initial call.
- 4) The Incident Register is reviewed regularly by the General Manager to ensure that complaints are being dealt with.
- 5) Any recurring complaints shall be dealt with, if attributable to the Premises, through new management procedures and incorporated into this plan.



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- 6) One Playground Management will permit Police Officers to view the Incident Register at all reasonable times and will, if requested, make a copy of the Incident Register or the entry relating to a particular incident or particular dates at all reasonable times.

#### 7.0 Fire Safety

- 1) One Playground Management ensures that all essential services installed at the premises and the CCTV system remain in good working order.
- 2) If any essential services of the CCTV system malfunction, One Playground Management will ensure that they are rectified as quickly as reasonably possible.
- 3) Lists of the telephone numbers of all emergency agencies are kept near all telephones.
- 4) All Managers and other permanent staff are made aware of the fire safety requirements and the procedures to be followed in the event of an emergency at the club.
- 5) One Playground is compliant with Fire Safety. We employ a specialist fire safety company to audit, tag, replace and train our staff to make sure they are fully compliant and fire-ready, with regular drills and toolbox talks.
- 6) All Fire Exits trigger an automated response to the security companies and Directors.

#### 8.0 Emergency Evacuation Plan

- 1) One Playground's Emergency Evacuation Plan and all documentation associated with it will be updated every two years and are in accordance with Australian Standard 3745-2010 or any subsequent updated Australian Standard in respect of fire safety and planning.
- 2) The following safety guidelines will be observed in One Playground, and employees must abide by them:
  - a) All hazards (e.g. broken chairs, loose flooring, missing lights) should be removed, repaired or replaced in consultation with Management and responsibly disposed of by way of the waste contractor for the premises;
  - b) No item of plant or machinery may be operated unless the safeguards provided are correctly in place, secured and operating effectively and the staff member and/or contract services personnel have been trained;
  - c) Dangerous chemicals are to be handled properly, labelled (MSDS), and locked in a secure storage area when not in use. The Manager is responsible for the secure storage area;
  - d) Work areas are to be kept clean and tidy;
  - e) Passageways and aisles are to be kept clear at all times;
  - f) Materials or products are not to be stacked higher than what is considered to be safe;
  - g) Rubbish bins must be used to dispose of all rubbish;
  - h) Alcohol consumption or drugs not prescribed by a doctor are forbidden on the premises and;
  - i) All no-smoking rules are to be observed.



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**9.0 Occupational Health and Safety Requirements**

- 1) One Playground Management and staff are made aware of their responsibilities under such legislation as the Work Health and Safety Act 2011.

**10.0 Storage of Chemicals**

- 1) All chemicals and other substances to be stored for use in workplaces meet the requirements of the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017.
- 2) Chemicals or substances that will be labelled Hazardous Goods will have a Materials Safety Data Sheet on site. All hazardous chemicals/substances are to be securely stored when not in use.

**11.0 Transport Access**

- 1) One Playground is located 300m from Victoria Road Marrickville and 250m from Addison Road that carry the primary bus routes for the area.
- 2) The closest bus stops are located both on Victoria Road at the intersection with Shepherd Street as well as Addison Road and the intersection with Shepherd Street.
- 3) Dedicated car spaces will be provided as part of the Development within the greater Marrickville Traders with the entrance located on Shepherd Street.
- 4) Additional parking for Marrickville Traders will be provided at 68 Sheperd Street.
- 5) Street parking (timed and free) are available on Chapel and Shepherd Streets.
- 6) Bike racks are available around the Marrickville Traders precinct.



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