



NSLPP MEETING HELD ON 3/02/21

Attachments:

1. Site Plan
2. Architectural Plans
3. Plan of Management
4. Acoustic Report

ADDRESS/WARD: 2/152 Military Road, Neutral Bay (V)

APPLICATION No: DA 299/20

PROPOSAL: Fit out and use of an existing tenancy within a mixed use building as small bar for 65 patrons and associated signage.

PLANS REF:

Plan No	Issue	Title	Dated	Prepared	Received
AR-002	A	Proposed Ground Floor Plan	4/11/2020	PPGD	25/11/2020
AR-102	A	Proposed Tenancy Ground Floor Plan	4/11/2020		25/11/2020
AR-103	A	Proposed Lower Ground Floor Plan	4/11/2020		25/11/2020
AR-200	A	Section A-A	4/11/2020		25/11/2020
AR-301	A	Proposed Shop Front Elevation	4/11/2020		25/11/2020
AR-400	A	Signage Details	4/11/2020		25/11/2020
AR-401	A	Outdoor Seating Wall Elevation	4/11/2020		25/11/2020

OWNER: [REDACTED]

APPLICANT: Service Industry Legal Services

AUTHOR: Michael Stephens, Senior Assessment Officer

DATE OF REPORT: 22 January 2021

DATE LODGED: 25 November 2020

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks approval for the fit out and use of an existing tenancy within a mixed-use building as a small bar operating 10am – 11pm Monday to Wednesday, 10am – 12am Thursday to Saturday and 10am – 10pm Sunday, and associated signage.

The application is reported to North Sydney Local Planning Panel (NSLPP) for determination as more than 10 submissions objecting to the proposal were received by Council. Notification of the development application has attracted 13 submissions raising particular concerns regarding noise impacts arising from the use within the mixed use locality. This application is required to be determined by a public meeting of the Panel in accordance with the Directions from the Minister for Planning dated 10 August 2020 as there are more than 10 unique submissions.

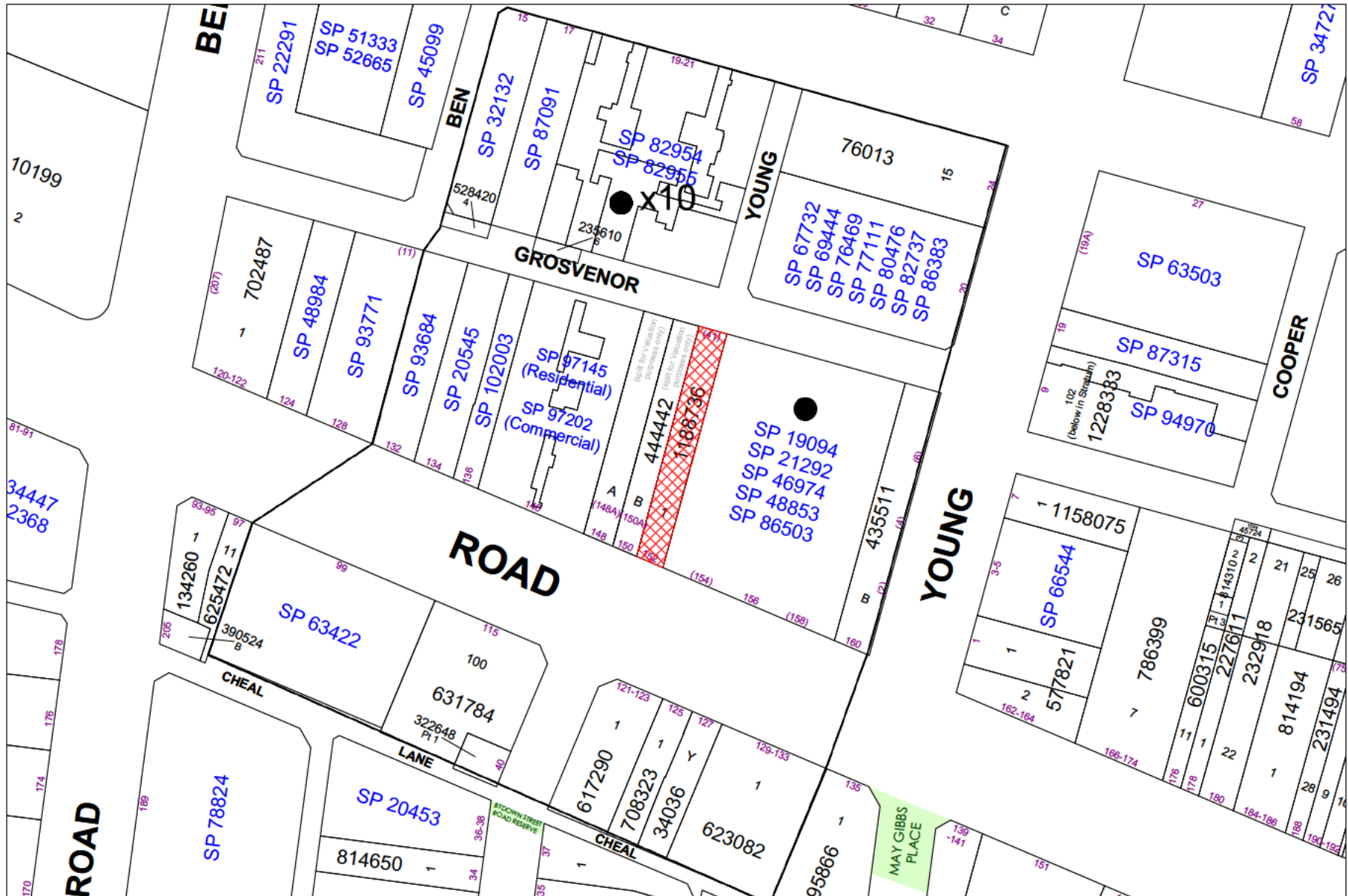
The proposed development for a small bar is permissible within the mixed use zone and a small bar liquor licence application has been made concurrently with the Independent Liquor and Gaming Authority. The application was referred to the NSW Police who advised that the proposed use was considered low risk and recommended conditions of consent.

The proposed hours of operation comply within the late-night trading hours in North Sydney Development Control Plan 2013. The subject site is located at the rear of an existing mixed use building and would provide an active use at street level adjoining the laneway which has recently been pedestrianised with the public domain works undertaken by Council. The proposed signage is business identification signage only and is compatible with the proposed use and its location and are well proportioned for the small shop front facing the laneway.

The 13 submissions received raised particular concerns regarding the suitability of the use within a mixed use area, potential noise impacts affecting surrounding dwellings, patron behaviour and restrictions on outdoor seating. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



□ Property/Applicant ● Submitters — Properties Notified

DESCRIPTION OF PROPOSAL

This development application seeks consent for the fit out and use of an existing two-level cold shell tenancy within a mixed use building for a small bar. The small bar is to be known as ‘Hideout Bar’.

The proposed hours of operation are as follows:

Day of the Week	Hours of Operation (Indoor)	Hours of Operation (Outdoor)
Monday – Wednesday	10am – 11pm	10am – 10pm
Thursday – Saturday	10am – 12 Midnight	
Sunday	10am – 10pm	

The proposed small bar has a maximum capacity of 65 patrons and would employ 3-4 staff.

The proposed fit out includes the following works:

- Reconfiguration of the existing shopfront glazing in the Grosvenor Lane elevation to include bi-fold windows.
- Seating arrangements including bar seating, built in booths, and movable tables, chairs and lounges.
- Use of the outdoor area adjacent to the laneway but wholly within the subject site for four outdoor dining seats.
- Construction of a bar area on the ground floor including sinks, appliances, and food preparation areas.
- Construction of 1 x accessible WC, 1 x WC and 1 x urinal within the existing bicycle storage room for use by the small bar patrons and staff. Internal access is provided from the subject tenancy.
- The existing 10 bicycles racks within the dedicated bicycle storage room are to be relocated to the existing waste storage room and reconfigured as five two tier racks. This would be accommodated by relocating the commercial waste bins to within the respective subject tenancies.
- Installation of a new under-awning and wall sign at the Grosvenor Lane frontage. Each sign measured 400mm (h) x 700mm (w) and contains the words “Hideout Bar”.
- Installation of an artificial green wall on the internal wall of the outdoor area.



Figure 1. Proposed shopfront elevation alterations

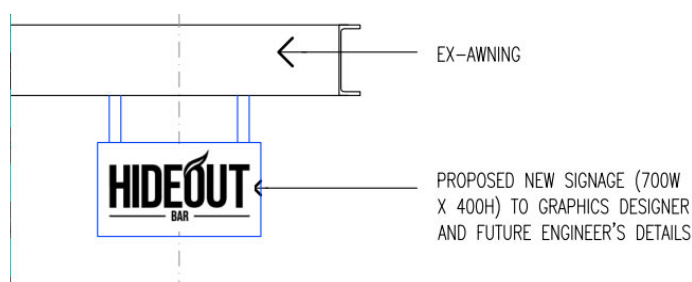


Figure 2. Proposed sample signage

The proposed small bar also intends to have amplified music including live duets and DJs. Noise limiters would be installed at the recommendation of the Acoustic Consultant to limit the maximum speaker output.

A detailed Plan of Management (see **attachment 3**) has been submitted that outlines the operational requirements of the proposed small bar.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – B4 Mixed use zone
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No

Environmental Planning & Assessment Act 1979

SEPP No. 64 - Advertising Signs

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 in DP 118736 and is known as 152 Military Road. The subject tenancy is located within an existing mixed-use development with two ground level non-residential tenancies and eight apartments above over 4 levels.

The subject tenancy is located on the ground level facing Grosvenor Lane to the north, which also includes a lower ground floor basement area, and additional works are proposed within internal service areas on the ground floor of the building.

The subject site is located at 152 Military Road, Neutral Bay and has a secondary frontage to Grosvenor Lane to the rear. The site is located within the block between Ben Boyd Road and Young Street being part of the Neutral Bay Town Centre. The tenancy is located opposite Young Lane to the north which includes outdoor dining areas for the surrounding cafes.

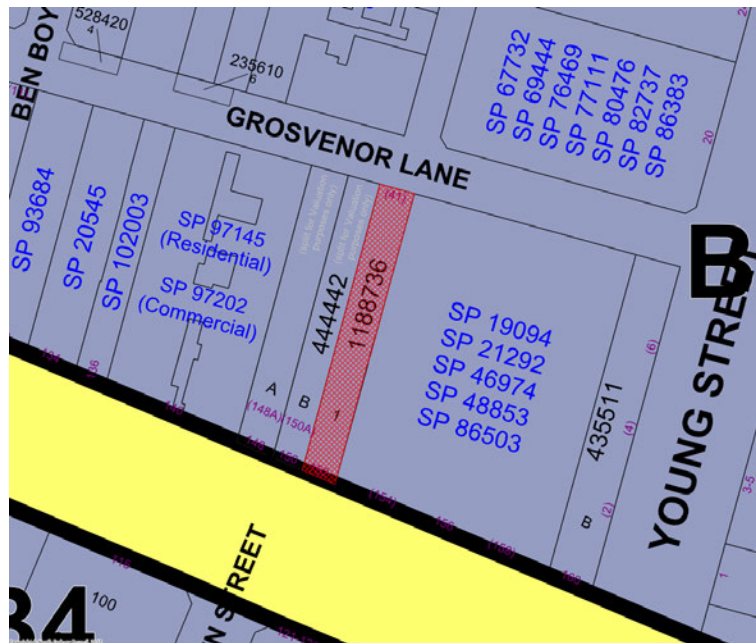


Figure 3. NSLEP 2013 land use planning map with the subject site shown crosshatched.



Figure 4. Aerial Image of the Neutral Bay Town Centre (Nearmap 6/12/2020)



Figure 5. Site Photo of Grosvenor Laneway including the public domain upgrade works.



Figure 6. Site photo of the existing shop front (Grosvenor Lane)



Figure 7. Site photo of the ground floor of the cold shell tenancy



Figure 8. Site photo of the laneway context including the surrounding shop top housing

RELEVANT DEVELOPMENT HISTORY

Development Application **DA397/2014** for the demolition of an existing building and construction of a five storey shop top housing development was approved by the North Sydney Independent Planning Panel on 7 October 2015.

The consent included condition I1 *First Use Premises – further consent required* which required separate consent to be obtained for first use of each of the ground floor tenancies.

RELEVANT APPLICATION HISTORY

Date	Assessment
25 November 2020	The development application was lodged with Council.
2 December 2020	The application was notified in accordance with Council's Community Engagement Protocol from 11 December 2020 until 18 January.
13 January 2020	A letter was sent to the applicant requesting additional information regarding the submitted Acoustic Report.
18 January 2020	A site inspection was undertaken by Council Assessment Staff.
19 January 2020	An amended Acoustic Report and Plan of Management was submitted by the applicant.

REFERRALS

Building

The application was referred to Council's Senior Building Surveyor who provided the following assessment.

The applicant submitted an Access Report dated October 2020 prepared by Access – I which concludes that the proposed design of the building is capable of compliance with the BCA and Disability (Access to Premises – Buildings) Standards 2010 in a combination with the access related Deemed-to-Satisfy provisions of the BCA and BCA Performance Requirements via a combination of satisfying the Deemed to Satisfy provisions of the BCA and use of Performance based Solutions.

It is noted that the Access Report mentions that Performance Solutions are to be developed to address door circulation spacing and ambulant toilet facilities. Final acceptance of the Performance Solutions is a matter for consideration of the Principal Certifying Authority (PCA) at Construction Certificate assessment stage.

The application is further supported by a BCA Compliance Statement dated 9 November 2020 prepared by NSW Building Certifiers (the BCA Report) which concludes that the proposed design is capable of compliance with the BCA via a combination of satisfying the Deemed to Satisfy provisions of the BCA and use of Performance based and Fire Engineering Solutions.

Matters concerning fire safety and the use of Performance and Fire Engineering Solutions are for consideration of the PCA at Construction Certificate assessment stage.

It is noted that the BCA Report identifies that the proposed development complies with the BCA 2019, Part F2.3 – Sanitary Facilities as follows:

7. F2.3 Number of Toilets

Proposed population 65 + 3-4 staff

Required Facilities:-

Male:- 1 wc, 1 urinal, 1 washbasin

Female:- 2 wc, 2 washbasins

The proposed number of facilities complies since the accessible facility can be used once for each gender.

As the works represent less than 50% of the buildings floor area, upgrade of the building is not required pursuant to Clause 94 of the Environmental Planning & Assessment Regulations 2000.

A detailed assessment of compliance with the Building Code of Australia 2019 will be undertaken by an appropriately accredited certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.

Environmental Health

The application was referred to Council's Environmental Health department. The following assessment was provided:

The proposal is for a new small bar/food premise in a ground and lower ground floor tenancy of a recently constructed mixed use building.

An acoustic report, dated 15 January 2021, prepared by Rodney Stevens Acoustics ("the acoustic report") concludes that "compliance with the specific noise criteria with the implementation of the recommendations provided in this report."

However, Council notes that there are multiple residential receivers within close proximity of the proposal, including directly above and adjacent to the proposed tenancy, and in this regard the following is for your consideration/to note;

Patron Numbers:

Maximum patron capacity is 65 (exclusive of staff). With a maximum of;

- *45 patrons in the lower ground floor area; and*
- *16 patrons in the ground floor area; and*
- *4 patrons in the outdoor area.*

Noise/Acoustic Impacts

In relation to the acoustic report:

- *Section 2.1 - "Site Description": states that the bar "will cater to 74 patrons" - although this is likely to be an error as elsewhere in the report and associated documents the maximum number of patrons is stated to be 65); and*

(Planner's note: the acoustic report has correctly detailed the patron numbers in the assessment including a breakdown of each level through the report. The maximum patron numbers are limited by Condition I2 regardless)

- *Section 2.3 - "Hours of operation": states "7 days: 12:00pm to 12:00am" - this is not consistent with other stated hours of operation within the Plan of Management, Statement of Environmental Effects.*

(Planner's note: the acoustic report has dealt with the maximum hours under the Liquor Licensing requirements. The proposed hours comply with the late-night trading hours in NSDCP 2013 and are to be complied with as per Condition I1)

- *The proposal fails to provide any indication of mechanical plant and has been conditioned accordingly.*

Food Premise Fit-out

- *The SEE advises that "There will be no preparation of food on the premises other than for the warming of pre-packaged food. Microwave ovens, sandwich grills, et cetera will be used to warm pre-cooked food"; Council considers this to be "food handling" and as such food preparation/bar areas must comply with AS 4674-2004; Design, construction and fit out of food premises.*
- *In this regard in addition to the "bar/kitchen" area on the "ground floor", the "service counter" on the lower ground floor must comply with AS 4674-2004, as well as the "under stairs storage area" assuming food and/or drinks are to be stored in this location.*
- *Separate, designated hand-wash basins must be installed to achieve compliance with AS 4674-2004; Design, construction and fit out of food premises. Locations include;*
 - *at least two (2) on the "ground floor" level in the "bar/kitchen"; and*
 - *one (1) on the "lower ground floor" level at the "service counter".*

General Comments/Notes

- *The use of the food preparation area must not intensify beyond what is currently proposed without further approval from Council.*
- *The acoustic report recommends that "a partition must be implemented at the entrance of the basement to minimise the noise from live music travelling into the ground floor space, this partition may consist of 6mm Perspex sheeting or 9mm Fibre Cement sheet, with a door to allow for ingress and egress". Further consideration may need to be given to this partition if it has any fire egress/access implications.*
- *In relation to condition I9 - Noise and Vibration Impact (Compliance), the current Public Health Orders in response to Covid-19 have implications for reducing patron numbers. Consideration may be given to altering this condition to delay testing until the premises is operating at full capacity and the maximum potential impact is known.*

In this regard the following conditions are recommended:

- C4 Cleanliness and Maintenance of Food Preparation Areas**
- C5 Garbage and Recycling Facilities**
- C6 Noise from Plant and Equipment**
- C7 Vibration and Plant Equipment**

- C8 Noise Control (Licensed Premises)**
- C12 Noise and Vibration Compliance Certification prior to Issue of Construction Certificate**
- G2 Noise Certification**
- I5 Trade Waste**
- I6 Connection to Sewers of Sydney Water Corporation**
- I7 Noise and Vibration Impact**
- I9 Noise and Vibration Impact – 60 Day Validation**
- I10 Patron Behaviour**
- I11 Daily Cleaning**
- I12 Waste Collection**
- I13 Delivery hours**
- I14 Shop Premises Registration**

Planners Note: Condition **C9 Compliance with Acoustic Report** will also require the recommendations of the Acoustic Report to be implemented prior to the issue of the Construction Certificate.

External Referrals

NSW Police

The application was referred to the North Shore Command of the NSW Police for comment. The following assessment was provided:

The plans provided outline the fit out and use of the premises as a “two-level” food and drink premises (small bar) with indoor and outdoor seating for 65 patrons, and 3 staff. The majority of patrons will be located on the lower ground floor (45 patrons). The remaining 20 patrons will be on the ground floor with 16 inside and 4 in the outdoor area. Live entertainment (soloists, duets or DJs) would be conducted on the lower ground floor only, with the assistance of noise limiters.

Indoor hours requested by the applicant are between 10am - 11pm Monday-Wednesday, 10am -12 midnight Thursday-Saturday and 10am-10 pm Sunday, and Outdoor hours are between 10am to 10pm Monday – Sunday

This development is located within close proximity to other licensed premises, small bars, several retail outlets, supermarkets and public transport. The location does not appear to present a risk to the community and is unlikely to adversely affect the community.

A Development Application has been provided to Police in relation to the premises. DA299/2020 from North Sydney Council is currently under review for the operation of the premises.

In line with the requested hours nominated by the applicant, Police have requested “Reduced Trading Hours” in respect to this application as follows:

Inside:

Monday - Saturday 10:00AM – 12:00AM

Sunday 10:00 AM – 10:00PM

Outside:

Monday - Sunday 10:00AM – 10:00PM

Planners Comment: The “Reduce Trading Hours” refers to the licensing requirements and for the purpose of this development application exceed the proposed hours of operation regardless. Condition ***11 Hours of Operation*** would limit the hours of operation as proposed under this application to 10am – 11pm Monday to Wednesday, 10am – 12am Thursday to Saturday and 10am – 10pm Sunday which complies with the late night trading hours identified in section 7 of Council’s DCP.

In review of all available information Police have determined that the application is of a Low risk.

The following Conditions were requested:

I8 NSW Police Requirements

- a) Plan of Management**
- b) Crime scene preservation condition**
- c) Close-circuit television system CCTV**

There is no local objection to the granting of the application with the acceptance of the abovementioned conditions.

SUBMISSIONS

The development application was notified in accordance with Council’s Community Engagement Protocol from 11 December 2020 until 18 January 2021. 13 submissions objecting to the proposal were received. The issues raised in the submissions are summarised below:

- *The proposed hours of operation are unreasonable given the location and extend beyond that of surrounding restaurants, cafes and bars. (10) The excessive noise would be increased in what is already a noisy area. (2)*
- *The potential noise impact would require residents to close windows and doors to the detriment of their apartment’s amenity. (9)*
- *The proposed outdoor operating hours will create excessive noise impact to surrounding apartments.*
- *Noise within the laneway is amplified by the surrounding buildings making even normal conversations audible. (8) The potential impact from the proposed outdoor tables would be amplified. (2)*
- *Should the application be approved, the outdoor seating should be removed. (4)*
- *The pedestrianisation of the laneway has already increased noise impacts. (6)*
- *Two other bars that previously operated in the laneway have closed. (5)*
- *The bar will result in complaints to Council. (7)*
- *The bar would impact people’s ability to work from home, including in the evenings. (5)*
- *The use would be unfair on the surrounding residents and would impact their health. (4)*

- *The proposed hours of operation, 7 days a week is unreasonable.*
- *The proposed bar will be too noisy.*
- *The pedestrianisation of the laneway and inclusion of outdoor seating create a dangerous environment with cars exiting basement parking. (1)*
- *The noise created by patrons leaving the premises and being picked up by taxi's and ride shares will impact surrounding residents.*
- *The commercial lot is inappropriate for the use as a bar. (1)*
- *The bar will attract rodents and is a public health issue. (1)*
- *Property values and rental returns would be impacted.*
- *Noise impacts from deliveries and waste collection start early in the morning.*
- *Intoxicated people would create excessive noise in the laneway. (2)*
- *The viability of the proposed bar is limited given the current physical distancing requirements. (1)*
- *The number of patrons (65) appears excessive for the size of the space and would be unsafe given the pandemic.*
- *Limiting the small bar to internal operation only would prevent any excessive noise for surrounding properties.*
- *The pedestrianisation of the laneway is commended however outdoor trading on balance is not appropriate given the number of surrounding residential properties.*

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

Liquor Act 2007 and Liquor Regulations 2018

The applicant has lodged a small bar application (APP-0008033246) concurrently with the Independent Liquor and Gaming Authority which is under assessment.

Section 20C Small Bar Licence – miscellaneous conditions

(1) Maximum number of patrons.

The maximum number of patrons on premises is **60** or such greater number as may be prescribed by the regulations.

Under section 39 of the Liquor Regulations 2013, the prescribed number of patrons is **120** for the purpose of section of 20C of the Liquor Act.

The proposed small bar has a maximum capacity of 65 patrons and therefore complies with the prescribed maximum number. Prescribed Condition F11 is recommended requiring the maximum capacity of the small bar to be signposted.

(4) Food must be available

Liquor may only be sold or supplied in a small bar if food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied on the premises. If any requirements are prescribed by the regulations in relation to the nature of any such food, those requirements must be complied with after the Liquor Licence is issued by the relevant authority.

The proposed small bar would offer food for patrons.

STATE ENVIRONMENTAL PLANNING POLICY – No. 64 Advertising and Signage

This SEPP seeks to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

The proposed signage is characterised as “business identification signs” for which Parts 1 and 2 of the SEPP apply. The proposed signage is not within the definition of “advertising structure”, and as such, Part 3 of the SEPP does not apply.

Clause 8 provides that consent must not be granted unless the consent authority is satisfied that the proposal satisfies the relevant objects of the Policy and is consistent with the specified assessment criteria at Schedule 1 of the Plan. It is considered the proposal meets the objectives of the SEPP and meets the relevant assessment criteria.

Schedule 1 Assessment Criteria

(a) Character of an area

- i. Compatible with the existing or desired future character of the area or locality?*
- ii. Consistent with the particular theme for outdoor advertising in the area or locality?*

Comment: The proposed signage is considered to be compatible with the desired future character of the Neutral Bay Town Centre

(b) Special areas

- i. Detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural areas or residential areas?*

Comment: The subject site is located within a mixed-used area with residential apartments located above street level. The proposed signage would not detract from the mixed use character of the area or adversely impact the residential amenity of these dwellings.

(c) Views and vistas

- i. Obscure or compromise important views?*
- ii. Dominate the skyline and reduce the quality of vistas?*
- iii. Respect the viewing rights of other advertisers?*

Comment: The proposed signage would not impact any views or vistas.

(d) Streetscape, setting or landscape

- i. *Scale, proportion and form appropriate for the streetscape, setting or landscape?*
- ii. *Contribute to the visual interest of the streetscape, setting or landscape?*
- iii. *Reduce clutter by rationalising or simplifying existing advertising?*
- iv. *Screen unsightliness?*
- v. *Protrude above buildings, structures or tree canopies in the area or locality?*

Comment: The proposed signage satisfies the above criteria.

(e) Site and building

- i. *Compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- ii. *Respect important features of the site or building, or both?*
- iii. *Show innovation or imagination in its relationship with the site or building, or both?*

Comment: The proposed signage is small in scale and is proportional to the built form of the existing shopfront. The proposed signage is reflective of the character of the laneway and the building.

(f) Associated devices and logos with advertisement and advertising structures

- i. *Any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Comment: The proposed signage is not an “advertisement” as defined by the SEPP.

(g) Illumination

- i. *Result in unacceptable glare?*
- ii. *Affect safety of pedestrians, vehicles or aircraft?*
- iii. *Detract from the amenity of any residence or other form of accommodation?*
- v. *Can intensity of illumination be adjusted?*
- vi. *Is illumination subject to a curfew?*

Comment: The proposed signage is not illuminated.

(h) Safety

- i. *Reduce the safety for any public road?*
- ii. *Reduce the safety for pedestrians or bicyclists?*
- iii. *Reduce the safety of pedestrians, particularly children, by obscuring sightlines from public places?*

Comment: The signage would not affect any traffic sightlines or distract road users as it is recessed behind the rear building line and is recessive to the laneway.

The proposed signage is considered to satisfy the assessment criteria in schedule 1 and the requirements of the policy.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013.

Permissibility

The subject site is zoned B4 Mixed Use. The proposed development seeks consent for a *Small Bar*. *Small bars* are a type of *Food and Drink Premises*, which are a type of *Retail Premises*, which are a type of *Commercial Premises*. *Commercial Premises* are a permitted use within the B4 Mixed Use zone and therefore the use as a *small bar* is permitted within the zone.

The follow definitions are extracted from the Dictionary attached to NSLEP 2013.

commercial premises means any of the following—

...

(c) *retail premises*.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

...

(c) *food and drink premises*,

...

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

...

(d) *a small bar*.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note— *Small bars* are a type of *food and drink premises*—see the definition of that term in this Dictionary.

The *Liquor Act 2007* defines a small bar as:

small bar means the premises to which a small bar licence relates.

The applicant has lodged a small bar application (APP-0008033246) concurrently with the Independent Liquor and Gaming Authority which is under assessment.

Objective of the Zone

The objectives of the B4 Mixed use zone are as follows:

- *To provide a mixture of compatible land uses;*
- *To integrate suitable business, office, residential, retail, and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;*

- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity;*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels.*

The proposed development would provide an additional commercial use within a mixed use zone that is considered to be compatible with the surrounding commercial and residential premises subject affective management. The proposed location is highly accessible within the Neutral Bay Town Centre and makes use of the recent pedestrianisation of Grosvenor Laneway. The area is well serviced by public transport services and is in walking distance to the surrounding residential areas. The proposed operation would provide an active and vibrant use along the laneway during the day and into the late evening, increasing the pedestrianisation of the laneway and creating an ownership of the laneway area for the community given the ongoing passive surveillance created by the increased patronage of the laneway. The proposed development is within an existing mixed use development with the proposed commercial use occupying the ground level at the laneway and maintaining the existing residential dwellings above.

Clause 4.3 – Height of Buildings

The subject site has a maximum permitted building height of 16m pursuant to subclause 4.3(2) in NSLEP 2013. The proposed works are limited to the ground floor and lower ground floor only and have a maximum height of 3.5m and therefore complies with the development standard.

Clause 4.4A – Non-residential Floor Space Ratio

The subject site has a minimum required non-residential floor space component of 0.5:1 pursuant to clause 4.4A in NSLEP 2013. The mixed-use building approved under D397/2014 has a non-residential floor space ratio of 0.7:1 which complied with the development standard. The proposed use and fit out of the rear tenancy would retain the non-residential use of the subject ground floor tenancy and therefore compliance with clause 4.4A is maintained. The minor alterations to the rear (Grosvenor Lane) elevation support the active street frontage to the laneway as required by sub-clause 4.4A(5).

Clause 5.20 - Standards that cannot be used to refuse consent – playing and performing music

Clause 5.20 was introduced to the standard instrument LEP on 11 December 2020. The clause provides non-refusal grounds regarding the playing or performance of music in relation to a licensed premises.

The proposed development seeks to include live and amplified music to be played or performed within the basement level of the small bar.

Sub-clause (2) provides that: *the consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.*

The revised acoustic report submitted has addressed the potential impact of the live music and it is considered that the potential noise impacts can be managed and minimised to an acceptable level subject to the Plan of Management and conditions of consent to ensure that the residential amenity of the surrounding shop top housing units is not unreasonably impacted.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013


DEVELOPMENT CONTROL PLAN 2013 – Part B		
Section 2- Commercial and Mixed Use Development		
	<i>Complies</i>	<i>Comments</i>
2.2 Function		
Diversity of Activities	Yes	The proposed use of the subject premises as a small bar is consistent with the DCP objective to ensure a diversity of activities within the mixed use zone and would activate the laneway.
Maximise Use of Public Transport	Yes	The subject site is well served by public transport due to its proximity to Military Road. Public transport services continue to run beyond the proposed hours of operation.
Mixed Residential Population	No change	The proposal would not change the mixture of residential population within the building.
2.3 Environmental Criteria		
Clean Air	Yes	The proposed use is unlikely to impact the air quality within the area.
Noise/Acoustic Privacy	Yes	A small bar is a sensitive use that could have the potential to create adverse noise impacts should the development not be appropriately managed. The acoustic report and plan of management submitted have demonstrated that the small bar can operate without having an adverse impact on the amenity of the surrounding dwellings. Condition 17 would require the ongoing operation of the premises to comply with the relevant noise and vibration requirements and Condition 19 requires an Acoustic Consultant to validate the acoustic measure implements and ensure that the ongoing use of the premises does not have an adverse impact on the surrounding residential receivers.
Visual Privacy	Yes	The subject premises is located on the ground floor and would not cause adverse visual privacy impacts to the adjoining residential dwellings as they are located above the ground level commercial uses.
Solar Access/Views	No change	The proposal would not change the existing building envelope and therefore there would be no adverse impacts in terms of solar access or view loss.
2.4 Quality built form		
Context Building Design Streetscape	Yes	<p>The proposed amendments to the rear elevation of the subject tenancy are minor in nature and would retain the open glazed appearance of the existing shopfront, however, would introduce openable windows better suited to the proposed use.</p> 

Figure 9. Proposed Shop Front (Grosvenor Lane) Elevation

Entrances and Exits	No change	The subject ground floor tenancy has a street frontage to Grosvenor Lane. The minor changes to the elevation retain the existing separate entrance to the subject tenancy and common entry to the mixed use building. Council's Building Surveyors have recommended Condition <i>C10 Accessible Paths of Travel</i> which would require an accessible path of travel to be provided into the premises.										
Public Spaces and facilities	Yes	The proposed use as a small bar with outdoor seating would provide an active use along the laneway.										
2.5 Quality Urban Environment												
Accessibility	Yes	The subject tenancy will be accessible from Grosvenor Lane and Military Road via the through site link within the approved mixed use building. Access to the basement level of the bar is accessible via the building lift which is located adjacent to the tenancy. Council's Building Surveyor has recommended Condition <i>C10 Accessible Paths of Travel</i> which requires an accessible path of travel to be provided throughout the premises.										
Vehicular Access	N/A	The existing building does not have any vehicle access.										
Garbage Storage	Yes	In order to accommodate the required WC's, it is proposed to reconfigure the existing bicycle storage room and waste storage rooms. As a result, the commercial waste storage area within the building waste storage room would be removed and individual waste storage cupboards provided within each tenancy. (Refer to Condition <i>C5 Garbage and Recycling Facilities</i>)										
Section 7- Late Night Trading Hours												
	<i>Complies</i>	<i>Comments</i>										
7.3 Trading Hours												
<p>Trading Hours</p> <p>Maximum indoor trading hours within the B4 Mixed use zone:</p> <p>7am – 11pm (Monday to Wednesday)</p> <p>7am – 12 midnight (Thursday to Saturday)</p> <p>7am – 10pm (Sunday)</p> <p>Outdoor trading hours are restricted to:</p> <p>7am – 10pm (Daily)</p>	Yes	<p>The proposed hours of operation as setout below comply with the maximum trading hours permitted within the B4 Mixed Use zone.</p> <table border="1"> <thead> <tr> <th></th> <th>Hours of Operation (Indoor)</th> <th>Outdoor Dining Hours of Operation</th> </tr> </thead> <tbody> <tr> <td>Monday – Wednesday</td> <td>10am – 11pm</td> <td rowspan="3">10am – 10pm</td> </tr> <tr> <td>Thursday – Saturday</td> <td>10am – 12 Midnight</td> </tr> <tr> <td>Sunday</td> <td>10am – 10pm</td> </tr> </tbody> </table> <p>Under Section 12(1A) of the <i>Liquor Act 2007</i> the standard trading period for a small bar is between noon and midnight on any day of the week. The proposed development seeks hours of operation to align with Council's maximum permitted hours of operation and are less than the maximum hours permitted under the <i>Liquor Act</i>.</p> <p>The service of alcohol is to comply with the relevant Liquor Licensing requirements.</p>		Hours of Operation (Indoor)	Outdoor Dining Hours of Operation	Monday – Wednesday	10am – 11pm	10am – 10pm	Thursday – Saturday	10am – 12 Midnight	Sunday	10am – 10pm
	Hours of Operation (Indoor)	Outdoor Dining Hours of Operation										
Monday – Wednesday	10am – 11pm	10am – 10pm										
Thursday – Saturday	10am – 12 Midnight											
Sunday	10am – 10pm											
7.2 Matters for Consideration												
Matters for Consideration – Trading Hours												
Despite Clause 7.3 above, the maximum trading hours may only be adopted provided that the following matters for consideration being satisfied to ensure that the proposed hours of operation are appropriate for the proposed use and locality.												
(a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises;		(a) The subject site is located within a mixed use zone and is adjacent to a laneway. The intention of the laneway is to provide ground floor uses along the laneway to active the space and encourage pedestrian activity and vitality. However, as the area is zoned mixed use the premises is surrounded by shop top housing developments that includes 3-4 levels of residential apartments above the ground floor commercial uses. The proposed use is considered to be a compatible use within the mixed use zone subject to affective management.										
(b) the specific nature of the premises (e.g. pub, nightclub, restaurant etc) and the proposed hours of operation;		(b) The proposed use of the premises is for a small bar with a maximum capacity of 65 patrons. The premises seeks to operate during the daytime and evenings in accordance with the maximum permitted trading hours for the zone.										
(c) the existing hours of operation		(c) The laneway includes a mix of development including										

of surrounding businesses;		cafes, bars, gyms and residential entries, and services area such as driveways and parking. These have various operating hours.
(d) the size and patron capacity of the premises;		(d) The proposed small bar meets the definition under the Liquor Act and is around half the size of the maximum size (120 patrons) prescribed for small bars.
(e) the availability of amenities provided to premises;		(e) The small bar provides the required number of amenities for patrons and staff.
(f) the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality;		(f) The laneway and wider Neutral Bay area include a mix of development. There would not be a saturation of small bar or other late night uses within the immediate vicinity should the application be approved. The proposal would contribute to the diversity of uses within the area.
(g) the likely operation of the proposal during day time hours;		(g) The small bar is proposed to operate from lunch time onwards and would provide an active use during the day, contributing to the vitality of the area.
(h) submission of a Plan of Management;		(h) A Plan of Management has been submitted that addresses the operation of the Licenced Premises and has been referred to in the conditions recommended by NSW Police.
(i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;		(i) The area includes a mix of restaurants and other retail premises. The additional hours proposed would not affect the diversity of retail services within the area.
(j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;		(j) The restaurant has an existing plan of management which provides measures to deal with the safety and security of the premise. The application was also referred to NSW Police to who recommended conditions of consent to minimise the opportunities for crime to occur.
(k) the accessibility and frequency of public transport during late night trading hours.		(k) The restaurant is located within the Neutral Bay Town Centre behind Military Road which has high accessibility and frequency of public transport services that extend beyond the proposed closing time of the small bar.
Matter for Consideration – Conclusion		
It is considered the matters for considerations have been satisfied. The proposed small bar would add the diversity of uses and vitality of the area and laneway particularly at night-time. The potential noise impacts that may arise from the use can be managed through the applicant's Plan of Management and the recommended conditions of consent.		
Acoustic Impacts	Yes	Council's Environmental Health Department has reviewed the application and recommended appropriate conditions to minimise any potential noise nuisance associated with the development on the nearby residential properties.
External doors, windows and openings Within B4 Mixed use zone Doors and windows are to be kept closed by: 10pm	Yes	The plan of management proposes to close windows and doors by 10:00pm which complies with section 7.3.4 <i>External doors, windows and openings</i> . The acoustic report submitted addresses the potential noise impacts of the small bar when the windows and doors are open. Given that live and amplified music is proposed, it is recommended that doors and windows are closed whenever this occurs.
Waste management	Yes	Waste collection is to be undertaken by a private contractor and is not to occur between 10pm and 7am daily to avoid adverse noise impacts to the surrounding residential dwellings above the laneway.
Premises Management & Plans of Management		
Plan of Management	Yes	The applicant has submitted a plan of management and is considered to be satisfactory. A condition is recommended requiring the operation of the premises in accordance with the plan of management (refer to Condition II Hours of Operation).

Section 8- Outdoor Dining		
	<i>Complies</i>	<i>Comment</i>
Use of Laneways for Outdoor Dining		
	N/A	This section of the DCP does not apply as the proposed outdoor dining area is located wholly within the boundaries of the subject site. Nevertheless, the outdoor dining area has only four seats and would not disrupt the function of the laneway or result in any unreasonable impacts to the amenity of the surrounding dwellings. The outdoor dining area would cease service at 10pm each day.
Section 9 – Advertising and Signage		
	<i>Complies</i>	<i>Comment</i>
Advertising Design Analysis		
Character- Cremorne and Neutral Bay	Yes	The proposed signs at street level is consistent with the design analysis for the Cremorne and Neutral Bay area as it is limited to small scale business identification signage at ground level to promote commercial activity in the area.
Design, Scale & Size	Yes	<p>The proposal will not detract from the architecture of existing building, streetscapes or vistas and is generally consistent with the general design controls.</p> <p><i>P1 Signage attached to buildings is to be designed, scaled and sized having regard to a façade grid analysis – The proposed signage is proportionally scaled being a 700mm x 400mm and is consistent with the size and scale of the shop front to Grosvenor Lane.</i></p> <p><i>P3 Signage should be visually interesting and integrated with the architecture of the building – Satisfactory</i></p> <p><i>P5 Signage must not dominate the building or site to which it is attached – Satisfactory</i></p> <p><i>P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing – The proposed signage is located below the awning and would not obstruct views or cause any overshadowing.</i></p> <p><i>P7 Signage must not dominate the skyline or protrude above any parapet or eaves – The proposed signage is located below the awning.</i></p> <p><i>P8 Signage must not cover any window, other opening or significant architectural features of the building – The proposed signage includes a under awning sign which is perpendicular to the shop front and a wall sign adjacent and therefor would not cover or reduce visibility into the premises.</i></p> <p>Overall, the proposal satisfies the provisions outlined in Section B9.4 of the NSDCP 2013.</p>
Location	Yes	The positioning of the signage is a reasonable response to the architecture of the building.
Restrictions	Yes	The objectives outlined Section B9.6 seeks to avoid visual clutter and proliferation of signs, ensure advertisements relate to land use and preserve streetscapes and vistas, by means of placing restrictions on certain signage. The proposed signage seeks to contribute to the visual interest of the Neutral Bay Town Centre.
Pedestrian & road safety	Yes	The signs will not adversely affect driver or pedestrian safety within the laneway as the signage is recessed behind the front building line and is well proportioned.
Illumination	Yes	The proposed signage is not illuminated.

Section 10 – Car Parking and Transport		
	Complies	Comment
<p>Maximum car Parking rates for Specific non-residential uses: Table B-10.3</p> <p>1 space / 50sqm - Food and Drink Premises (excl. pubs)</p>	No, however acceptable	<p>The parking rate provided in Table B-10.3 would require 2 onsite parking spaces to be provided as the gross floor area of the tenancy is 100sqm however, there is no parking provided for patrons or staff. It is noted that the DCP is silent on the proposed use as a small bar, however the use is considered to be more consistent with a pub which is excluded from this parking provision given that the service of alcohol is the primary purpose of the premises and patrons should be discouraged to drive.</p> <p>Nevertheless, it is considered that the absence of parking is considered acceptable as outlined as follows. The approval of the original mixed-use building (D397/14) contemplated and accepted the absence of parking given the constrained nature of the site as the building is only 6m wide.</p> <p>It is anticipated that the proposed small bar would generally draw patrons from the surrounding residential area who are within walking distance. The site is also well serviced by public transport services that operate past closing time. There is also restricted street parking and Council car parking in the vicinity of the site that would provide some parking for patrons. The demand for parking is likely to be outside of the business hours.</p> <p>The number of staff is also comparable to if the tenancy was to be occupied by another form of commercial development such as an office or retail premises. The proposed development would not create an additional parking demand above what would have been envisaged when the mixed-use development was initially approved.</p>
Bicycle Parking	Yes	<p>Condition C18 of D397/14 required 10 bicycle racks to be provided. The proposed reconfiguration of the existing bicycle and waste storage rooms would retain 10 bicycle racks. It is noted that the relocation of the bicycle racks is within a less desirable space given that it is shared with the bin storage area however it is considered that effective building management can ensure that this area is kept clean and orderly and would not prevent apartment owners from using their bicycle.</p>

Section 7.11 Infrastructure Contributions

The proposed use of the tenancy would not require an infrastructure levy to be paid as this was dealt with under previous application for the construction of the building (D397/2014) which levied for the creation of additional commercial floor space and residential dwellings. However, the proposed fit out works seek to extend the existing commercial tenancy by utilising the existing bicycle storage room for additional floor space to accommodate the required amenities. An infrastructure contribution would be payable because the existing bicycle parking room was previously excluded from the s7.11 calculation.

Condition C13 Section 94 Contributions is recommended requiring payment of a \$745.30 levy for the additional 14.7sqm of commercial floor space created by the proposal.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|---|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |

4.	Landscaping/Open Space Provision	N/A
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant s4.15(1) considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SUBMITTERS CONCERNS

The development application was notified in accordance with Council's Community Engagement Protocol from 11 December 2020 until 18 January 2021. 12 submissions objecting to the proposal were received. The issues raised in the submissions are summarised below:

- *The proposed hours of operation are unreasonable given the location and extend beyond that of surrounding restaurants, cafes and bars. (10) The excessive noise would be increased in what is already a noisy area. (2)*

The proposed bar is located within a mixed-use area which contains numerous shop top housing developments along the laneway. It is considered that the proposed use is capable of operating in a manner that would not adversely impact the surrounding dwellings and would be consistent with the nature of the mixed use area.

- *The potential noise impact would require residents to close windows and doors to the detriment of their apartment's amenity. (9)*

The doors and windows of the premises are required to be closed after 10:00pm which seeks to further limit any potential impact to surrounding dwellings. The assessment criteria utilised in the submitted acoustic report is required to address the surrounding dwellings with their windows open.

- *The proposed outdoor operating hours with create excessive noise impact to surrounding apartments.*

The proposed outdoor seating area provides a single table with four seats and is likely to have limited impact to the surrounding dwellings. The operating hours of the outdoor seating are to cease at 10:0pm which is before the indoor operating hours in order to minimise adverse impacts to the surrounding dwellings later in the evening when the background noise level is lower and the threshold for noise is lower.

- *Noise within the laneway is amplified by the surrounding buildings making even normal conversations audible. (8) The potential impact from the proposed outdoor tables would be amplified. (2)*

The Acoustic Report has provided testing of the background noise levels within the laneway and has assessed the potential impact to the surrounding residential receives. The proposed development complies with the late night trading hours for both indoor and outdoor service.

- *The pedestrianisation of the laneway is commended however outdoor trading on balance is not appropriate given the number of surrounding residential properties.*
- *Should the application be approved, the outdoor seating should be removed. (4)*

The proposed outdoor seating would increase the activation of the laneway and is generally supported. The hours of operation for the outdoor seating area would be required to cease at 10pm to minimise adverse impacts to the surrounding dwellings later in the evening when the ambient noise level is lower.

- *The pedestrianisation of the laneway has already increased noise impacts. (6)*

The pedestrianisation of the laneway would improve the amenity of the area and reduce vehicle movement along the laneway.

- *Two other bars that previously operated in the laneway have closed. (5)*

This is not a relevant consideration.

- *The bar will result in complaints to Council. (7)*

The Plan of Management includes a complaint register and intends to action any complaints received accordingly.

- *The bar would impact people's ability to work from home, including in the evenings. (5)*

It is considered that the proposed bar can operate without adversely impacting the amenity of the surrounding dwellings which would include the ability for people to work from home.

- *The use would be unfair on the surrounding residents and would impact their health. (4)*

It is considered that the proposed bar can operate without adversely impacting the amenity of the surrounding dwellings.

- *The proposed hours of operation, 7 days a week is unreasonable.*

The maximum hours of operation differ across the week and would provide earlier closing times on the nonweekend days.

- *The proposed bar will be too noisy.*

It is considered that the proposed development is capable of operating without adversely impacting the amenity of the surrounding residential dwellings. The acoustic report has addressed the potential impacts of the use and made a number of recommendations to limit noise generation.

- *The pedestrianisation of the laneway and inclusion of outdoor seating create a dangerous environment with cars exiting basement parking. (1)*

The laneway is a shared zone and has a maximum speed limit of 10km/h which provides a safe environment for pedestrians. The proposed outdoor seating area is recessed within the building and is setback 1.5m from the boundary of the laneway. The recently installed garden bed and concrete barriers would provide a buffer between the laneway and the proposed seating.

- *The noise created by patrons leaving the premises and being picked up by taxi's and ride shares will impact surrounding residents.*

The Plan of Management would require staff to ask patrons to consider the neighbours when leaving the premises.

- *The commercial lot is inappropriate for the use as a bar. (1)*

Small bars are a permitted use within the Mixed Use zone and would contribute to the mixture and vitality of uses within the area.

- *The bar will attract rodents and is a public health issue. (1)*

The control of rodents forms part of the health inspections for food service premises and would be managed accordingly.

- *Property values and rental returns would be impacted.*

This is not a relevant matter for consideration.

- *Noise impacts from deliveries and waste collection start early in the morning.*

The development consent for the mixed use building **D397/2014** included conditions of consent that limited the hours that deliveries and waste collection can occur. These conditions are recommended to also be imposed on this consent to ensure that the small bar complies with these requirements (*Refer to **Condition I12 & I13***).

- *Intoxicated persons would create excessive noise in the laneway. (2)*

The small bar would be required to ensure that the Responsible Service of Alcohol requirements are complied with. The Plan of Management submitted address patrons leaving the premises.

- *The viability of the proposed bar is limited given the current physical distancing requirements. (1)*

The proposed bar would be required to adhere to the any relevant Public Health Orders. The viability of the proposal is a matter for the proponent.

- *The number of patrons (65) appears excessive for the size of the space and would be unsafe given the pandemic.*

The proposed bar would be required to adhere to the any relevant Public Health Orders which would likely reduce the maximum capacity.

- *Limiting the small bar to internal operation only would prevent any excessive noise for surrounding properties.*

The outdoor seating area contains only four seats and is required to cease operating at 10pm in order to ensure that excessive noise impacts do not affect the surrounding dwellings after hours.

The Neutral Bay Precinct acknowledged the development application however did not make a submission, instead noting the exhibition period for the community.

SITE SUITABILITY

The subject tenancy is located within a mixed use area and adjoining a laneway where public domain works have been undertaken to pedestrianise the area. There is a degree of sensitivity given the surrounding residential uses above, however it is considered that the potential acoustic impacts can be managed to minimise any adverse impacts on the residential amenity of these dwellings.

HOW THE COMMUNITY VIEWS WERE TAKEN INTO CONSIDERATION

The application was notified in accordance with Council Community Engagement Protocol from 11 December 2020 to 18 January 2020. The application is to be referred to the North Sydney Local Planning Panel given the number of submissions received. Conditions have been recommended to ensure that the proposed small bar does not result in adverse impacts to the amenity of the surrounding dwellings.

CONCLUSION + REASONS

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the relevant provisions of NSLEP 2013 and is generally in accordance with the objectives of the NSDCP 2013.

The proposed small bar would provide a commercial use at ground level that would activate the laneway and contribute to the vitality of the Neutral Bay Town Centre. Subject to successful ongoing management, the proposed use is considered to be compatible with the surrounding mixed use nature of the area that includes a mix of commercial, particularly retain premises, with shop top housing located above.

The application attracted 12 submissions objecting to the proposed development primarily on the basis that the use is not appropriate in this location and the potential noise impacts to the surrounding residential properties.

The proposed hours of operation comply with the late-night trading hours in the development control plan and the potential adverse impacts to the acoustic privacy of the surrounding residential premises can be affectively mitigated in accordance with the recommendations of the acoustic report, plan of management and conditions of consent recommended by Council's Environmental Health department.

The proposed signage is proportional to the small scale of the existing shop front and the nature of the proposed use. The signage would function as business identification signage along and contribute to the pedestrianisation of the laneway.

On balance, the proposed development is considered to be reasonable and is recommend for approval subject to the recommended conditions of consent.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, **grant consent** to Development Application No. 299/20 for the fit out and use of an existing tenancy as a small bar with a maximum capacity of 65 patrons and associated signage.

Michael Stephens
SENIOR ASSESSMENT OFFICER

Robyn Pearson
TEAM LEADER, ASSESSMENTS

Stephen Beattie
MANAGER, DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
2/152 MILITARY ROAD, NEUTRAL BAY
DEVELOPMENT APPLICATION NO. 299/20

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No	Issue	Title	Dated	Prepared	Received
AR-002	A	Proposed Ground Floor Plan	4/11/2020	PPGD	25/11/2020
AR-102	A	Proposed Tenancy Ground Floor Plan	4/11/2020		25/11/2020
AR-103	A	Proposed Lower Ground Floor Plan	4/11/2020		25/11/2020
AR-200	A	Section A-A	4/11/2020		25/11/2020
AR-301	A	Proposed Shop Front Elevation	4/11/2020		25/11/2020
AR-400	A	Signage Details	4/11/2020		25/11/2020
AR-401	A	Outdoor Seating Wall Elevation	4/11/2020		25/11/2020

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

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No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated).

Dilapidation Report Damage to Public Infrastructure

C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Waste Management Plan

C2. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:

- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

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The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

C3. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$3,000.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

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Cleanliness and Maintenance of Food Preparation Areas

C4. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of: -

- a) the Food Act 2003;
- b) the Food Regulation;
- c) the relevant Australian Standards;
- d) Council's Food Premises Code;
- e) Sydney Water Corporation - Trade Waste Section;
- f) the Protection of the Environment Operations Act and associated Regulations;
and
- g) the Building Code of Australia.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Construction Certificate plans and documentation must incorporate details of the following: -

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Garbage and Recycling Facilities

C5. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

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DEVELOPMENT APPLICATION NO. 299/20**

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Noise from Plant and Equipment

C6. The use of all plant and equipment installed on the premises must not:

(a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

(b) Cause “offensive noise” as defined in the *Protection of the Environment Operations Act 1997*.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, commercial premises and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Vibration from Plant and Equipment

C7. The use of all plant and equipment to be installed on the premises must comply with the vibration limits specified in “Assessing Vibration: a technical guideline” issued by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifying Authority, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and commercial premises and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected residence.

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“contemporaneously” means *existing at or occurring in the same period of time* (Macquarie Dictionary 3rd rev. ed. 2004).

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise Control (Licensed Premises)

C8. The use of the premises must comply with the following:

- (a) The LA10 noise level emitted from the use of the premises must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room or sleeping area in any affected residence between the hours of 12.00 midnight and 7.00am.
- (d) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises with windows closed.
- (e) The use of the premises must be controlled so that any emitted noise is at a level so as not to create an “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997*.

“affected residence” includes residential premises (including any lot in the strata scheme or any other strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

LA10 is the average maximum A-weighted Fast Response sound level emitted from the premises.

LA90 shall be measured in the absence of all noise from the premises (including mechanical plant noise).

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Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure the amenity of surrounding land uses)

Compliance with Acoustic Report

- C9. The recommendations contained in the Acoustic Report prepared by Rodney Stevens Acoustics, Reference R200447R1, Revision 2, dated 15 January 2021 and received by Council 19 January 2021, must be implemented during construction and use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Provision of Accessible Paths of Travel

- C10. The building must be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises – Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.

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3. Information on making an application for an “unjustifiable hardship exemption” under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Security Deposit/ Guarantee Schedule

- C11. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Road Pavement	\$3,000.00
TOTAL BONDS	\$3,000.00

Note: The following fees applicable

Fees	
Section 7.11 Contribution	\$745.30
TOTAL FEES	\$745.30

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Noise and Vibration Compliance Certification prior to Issue of Construction Certificate

- C12. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

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Section 7.11 Contributions

- C13. A monetary contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Section 94 Contribution Plan for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

A	B (\$)
Administration	\$34.80
Community Centres	\$84.85
Child Care Facilities	\$147.35
Library and Local Studies Acquisition	\$17.30
Library Premises & Equipment	\$52.60
Multi Purpose Indoor Sports Facility	\$19.91
Olympic Pool	\$64.86
Open Space Acquisition	\$63.42
Open Space Increased Capacity	\$125.72
Public Domain Improvements	\$134.49
Traffic Improvements	-
The total contribution is	<u>\$ 745.30</u>

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount, will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

D. Prior to the Commencement of any Works (and continuing where indicated)

Public Liability Insurance – Works on Public Land

- D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Commencement of Works Notice

D2. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work**Parking Restrictions**

E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

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Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Removal of Extra Fabric

E3. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Dust Emission and Air Quality

E4. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Noise and Vibration

E5. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

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Developer's Cost of Work on Council Property

- E6. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

- E7. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

Special Permits

- E8. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

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3) Storage of building materials and building waste containers (skips) on Council's property

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

E9. Building construction and works must be restricted to within the hours of 7.00 am to 7.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- a) "Building construction" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- b) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.
- c) "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

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All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Site Amenities and Facilities

E10. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

E11. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Prohibition on Use of Pavements

E12. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

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Plant & Equipment Kept Within Site

- E13. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

Waste Disposal

- E14. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation**National Construction Code**

- F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

- F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

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Construction Certificate

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

- F4. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

- F5. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Demolition

- F6. Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Site Sign

- F7. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

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- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

Maximum Capacity Site Sign

F8. A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in this development consent, that are permitted in the building.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Infrastructure Repair and Completion of Works

G1. Prior to the issue of any Occupation Certificate any and all works relating to the development:

- a. in the road reserve must be fully completed; and
- b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Noise Certification

G2. Prior to issue of the any Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Certifying Authority certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

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Access to Premises

- G3. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises – buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

Damage to Adjoining Properties

- G4. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

I. On-Going / Operational Conditions

Hours of Operation

- II. The (indoor) hours of operation are restricted to:

Monday to Thursday – 10:00am – 11:00pm
Friday to Saturday – 10:00am – 12:00am (midnight)
Sunday – 10:00am – 10:00pm

The outdoor seating area hours of operation are restricted to:

Monday to Sunday – 10:00am – 10:00pm

Upon expiry of the permitted hours:

- (a) all restaurant service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

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Maximum Capacity – Premises and Outdoor Seating

- I2. The maximum number of patrons allowed by this consent is 65 persons/seats.
- a) the maximum number of patrons within the premises allowed by this consent is 61 persons/seats.
 - b) the maximum number of patrons occupying the outdoor seating area being 4 persons/seats.

A notice must be displayed at all times in the front window of the premises (or any other clearly visible place) identifying the maximum capacity described in (a) and (b) above.

(Reason: Protection of residential amenity, provision of public information, and to assist in assessing ongoing compliance)

Bi-fold windows and doors

- I3. The windows and door in the Grosvenor Lane elevation are to be closed by 10:00pm.

(Reason: To ensure that the amenity of the surrounding locality is maintained.)

Footpath Seating Width and Footpath Markings

- I4. All outdoor seating and furniture are to be a maximum of 2.01 metres from the front façade (glass line) of the tenancy. The 1.5m laneway setback between the building and the subject site boundary with the laneway is to remain as a clear pedestrian corridor across the full frontage of the site at all times.

(Reason: To ensure adequate and unobstructed pedestrian amenity relating to the provision of outdoor seating on footpaths)

Trade Waste

- I5. Trade wastewater must be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

Connection to Sewers of Sydney Water Corporation

- I6. In the event a Trade Waste licence is required, wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. Details of the Corporation's requirements should be obtained prior to the commencement of any work.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

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Noise and Vibration Impact

17. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

NSW Police Requirements

18. The operation of the proposed restaurant/wine bar must comply with the following as required by NSW Police:

a) Plan of Management

The premises are to be operated at all times in accordance with the Plan of Management dated November 2020 (version 19/01/2021), prepared for Hideout Bar as may be varied from time to time after consultation with NSW Police and/or Liquor & Gaming NSW. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, or Liquor & Gaming NSW inspector.

b) Crime scene preservation condition

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- (1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
- (2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- (3) make direct and personal contact with NSW Police to advise it of the incident, and
- (4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

c) Closed-circuit Television System

- (1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (a) 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),

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- (b) recordings must be in digital format and at a minimum of ten (10) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) 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,
 - (b) 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
 - (c) provide any recordings made by the system to a police officer or Liquor & Gaming NSW inspector within 24 hours of any request by the police officer or Liquor & Gaming NSW inspector to provide such record.

Noise and Vibration Impact (Compliance)

- I9. Within 60 days of commencement of operation of the premises further acoustic testing must be undertaken and a report from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, prepared to demonstrate that the use of the premises complies with the conditions of this consent and/or the Acoustic Report prepared by Rodney Stevens Acoustics, Reference R200447R1, Revision 2, dated 15 January 2021 and received by Council 19 January 2021.

The testing must be carried out when the premises is operating at full capacity. A copy of the report must be submitted to Council within 14 days of its completion.

If the use is found not to comply with the noise conditions, the use must cease immediately until appropriate measures to remedy the breach are implemented to the satisfaction of Council.

(Reason: To ensure compliance with acceptable noise levels to maintain the amenity of adjoining land uses)

Patron Behaviour

- I10. The proprietors/management of the premises must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises. The proprietors/management must ensure that:
- (a) A sign is placed in clearly visible position adjacent to the entry/exit of the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

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- (b) The [management/licensee] must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) The [management/licensee] must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.
- (d) If so directed by Council, the [management/licensee] is to employ private security staff to ensure that this condition is complied with.

(Reason: To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality)

Daily Cleaning

- I11. The proprietor/operator is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject premises, site or immediately adjacent area is picked up and placed in the proprietor's/operator's rubbish bins.

(Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build up of waste material)

Waste Collection

- I12. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

- I13. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Shop Premises Registration

- I14. The shop premises must be registered with Council and NSW Food Authority prior to commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

Note:

- a) Council registration forms can be found at <http://www.northsydney.nsw.gov.au>
- b) Notification is required to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. (see www.foodnotify.nsw.gov.au)

(Reason: To ensure compliance with environmental health legislation)

DEVELOPMENT APPLICATION

PROPOSED SMALL BAR AT SHOP 2/ 152 MILITARY ROAD, NEUTRAL BAY, NSW

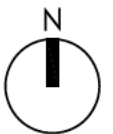
DRAWING REGISTER - ISSUE A

DRAWING #	DRAWING TITLE	REVISION
AR-000	COVER SHEET & LOCATION PLAN	A
AR-001	SITE PLAN/ EXISTING G/F PLAN	A
AR-002	PROPOSED OVERALL G/F PLAN	A
AR-100	EXISTING GROUND FLOOR PLAN	A
AR-101	EXISTING LOWER GROUND FLOOR PLAN	A
AR-102	PROPOSED GROUND FLOOR PLAN	A
AR-103	PROPOSED LOWER GROUND FLOOR PLAN	A
AR-200	SECTION A-A	A
AR-300	EXISTING STREET ELEVATION & SHOP FRONT	A
AR-301	PROPOSED SHOP FRONT ELEVATION	A
AR-400	SIGNAGE DETAILS	A
AR-401	OUTDOOR SEATING AREA WALL ELEVATION	A



SITE PLAN - RED DENOTES SUBJECT SITE BUILDING

01 LOCATION PLAN
- NTS @ A3



DEVELOPMENT APPLICATION



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STRATEGIC PLANNING
PROJECT MANAGEMENT
CONSTRUCTION
DEVELOPMENTS

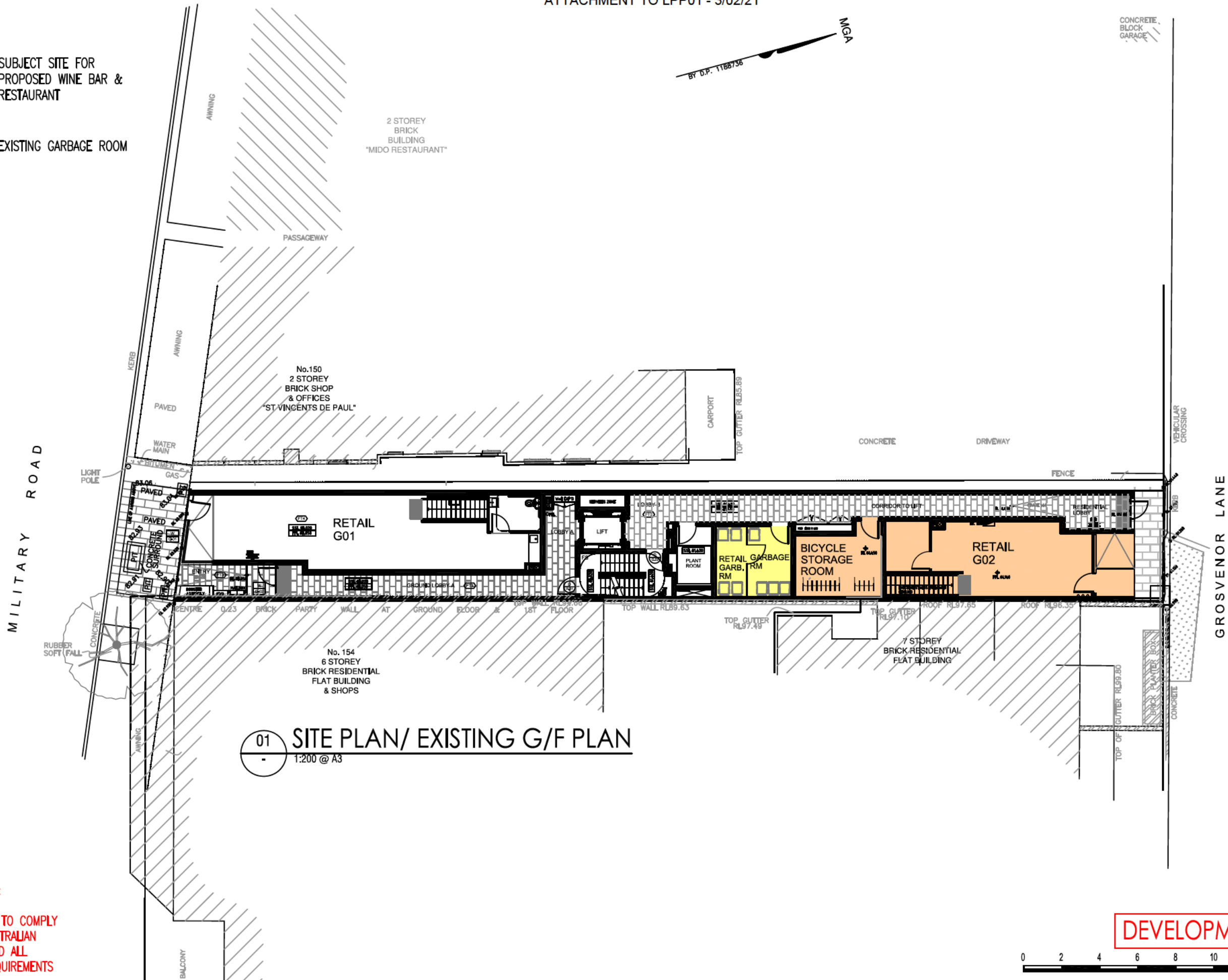
PROJECT:
Proposed Small Bar at
Shop 2/ 152 Military Road,
Neutral Bay NSW 2089

ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C)	CLIENT: HIDEOUT BAR PTY LTD	DRAWN BY: JC	DATE: 4-11-2020
DRAWING TITLE: COVER SHEET & LOCATION PLAN			
ARCHITECTURAL PLAN			
AUTHORITY APPROVAL			
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DRAWING NUMBER AR-000
ISSUE A
SCALE: N.T.S @ A3

- SUBJECT SITE FOR PROPOSED WINE BAR & RESTAURANT
- EXISTING GARBAGE ROOM

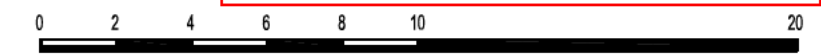


01 SITE PLAN/ EXISTING G/F PLAN
1:200 @ A3

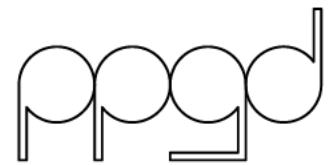
GENERAL NOTE:

1. ALL WORKS TO COMPLY WITH BCA, AUSTRALIAN STANDARDS AND ALL AUTHORITY REQUIREMENTS

DEVELOPMENT APPLICATION



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DEVELOPMENTS

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Neutral Bay NSW 2089

ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818[C] CLIENT: HIDEOUT BAR PTY LTD

DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
SITE PLAN/ EXISTING G/F PLAN

ARCHITECTURAL PLAN
AUTHORITY APPROVAL

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SCALE: 1 : 200 @ A3

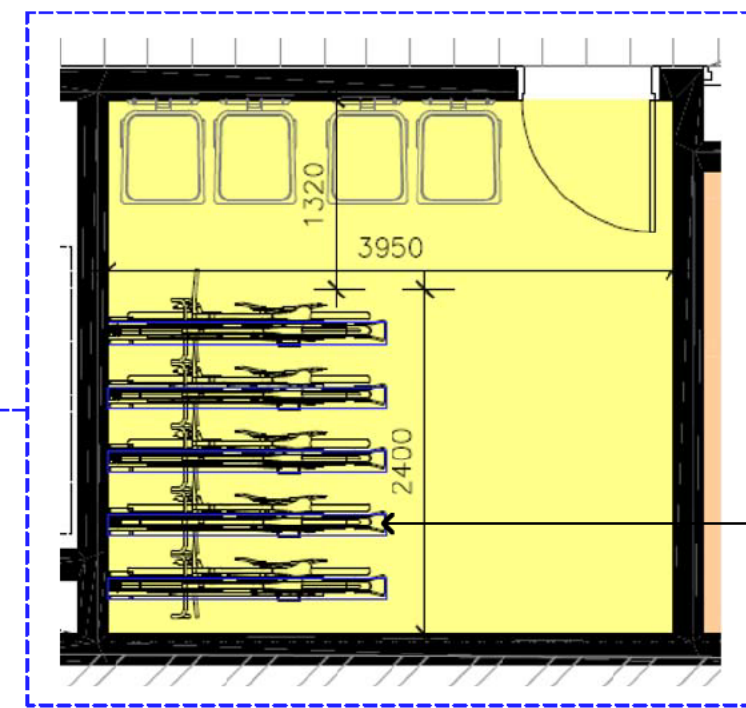
DRAWING NUMBER

AR-001

ISSUE

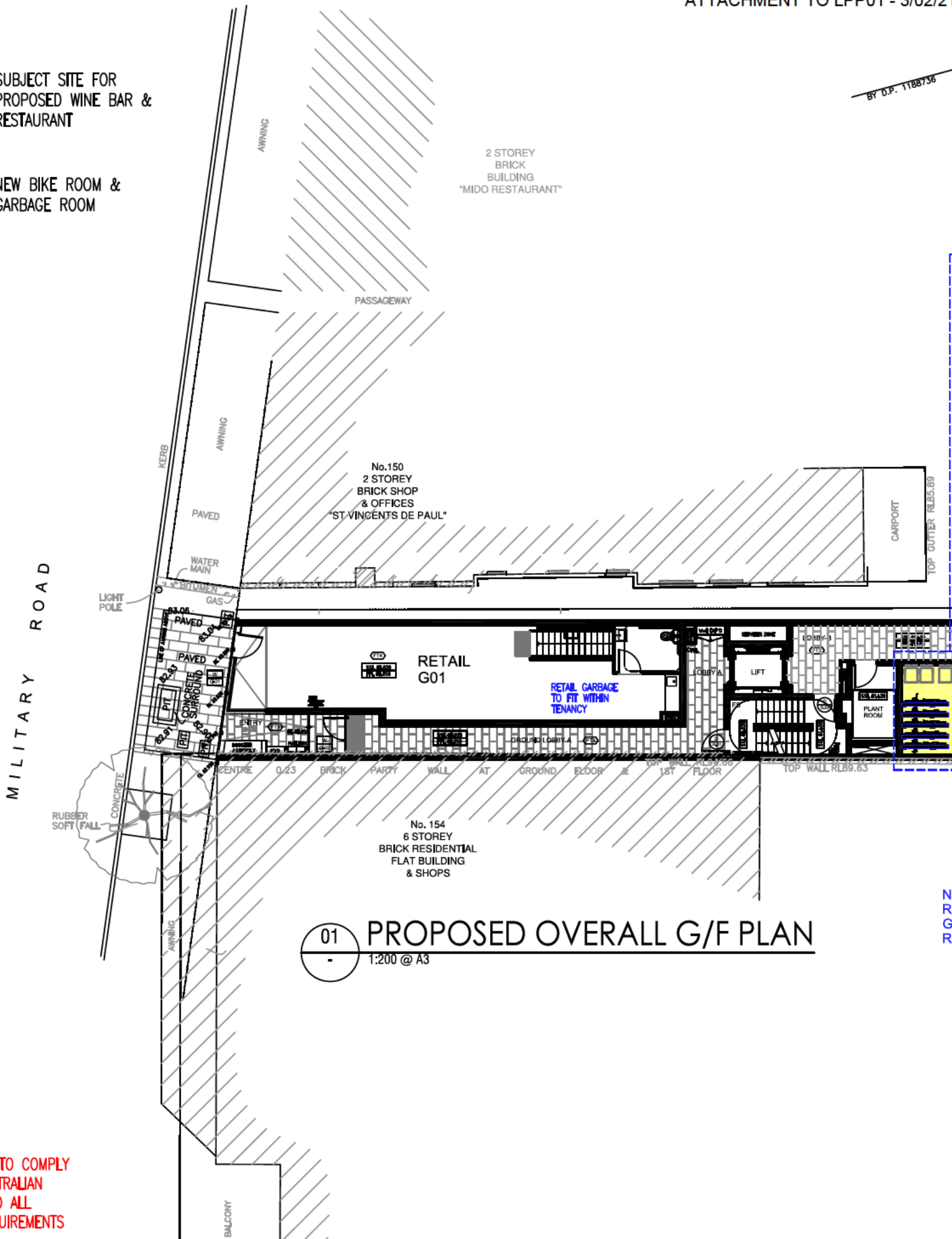
A

- SUBJECT SITE FOR PROPOSED WINE BAR & RESTAURANT
- NEW BIKE ROOM & GARBAGE ROOM



NEW 2-TIER BIKE RACK SYSTEM TO COMPLY WITH AS2890.3

02 PART PLAN OF NEW BIKE RM & GARBAGE RM
NTS @ A3



01 PROPOSED OVERALL G/F PLAN
1:200 @ A3

GENERAL NOTE:
1. ALL WORKS TO COMPLY WITH BCA, AUSTRALIAN STANDARDS AND ALL AUTHORITY REQUIREMENTS

DEVELOPMENT APPLICATION



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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) CLIENT: HIDEOUT BAR PTY LTD
DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
PROPOSED OVERALL G/F PLAN
ARCHITECTURAL PLAN
AUTHORITY APPROVAL

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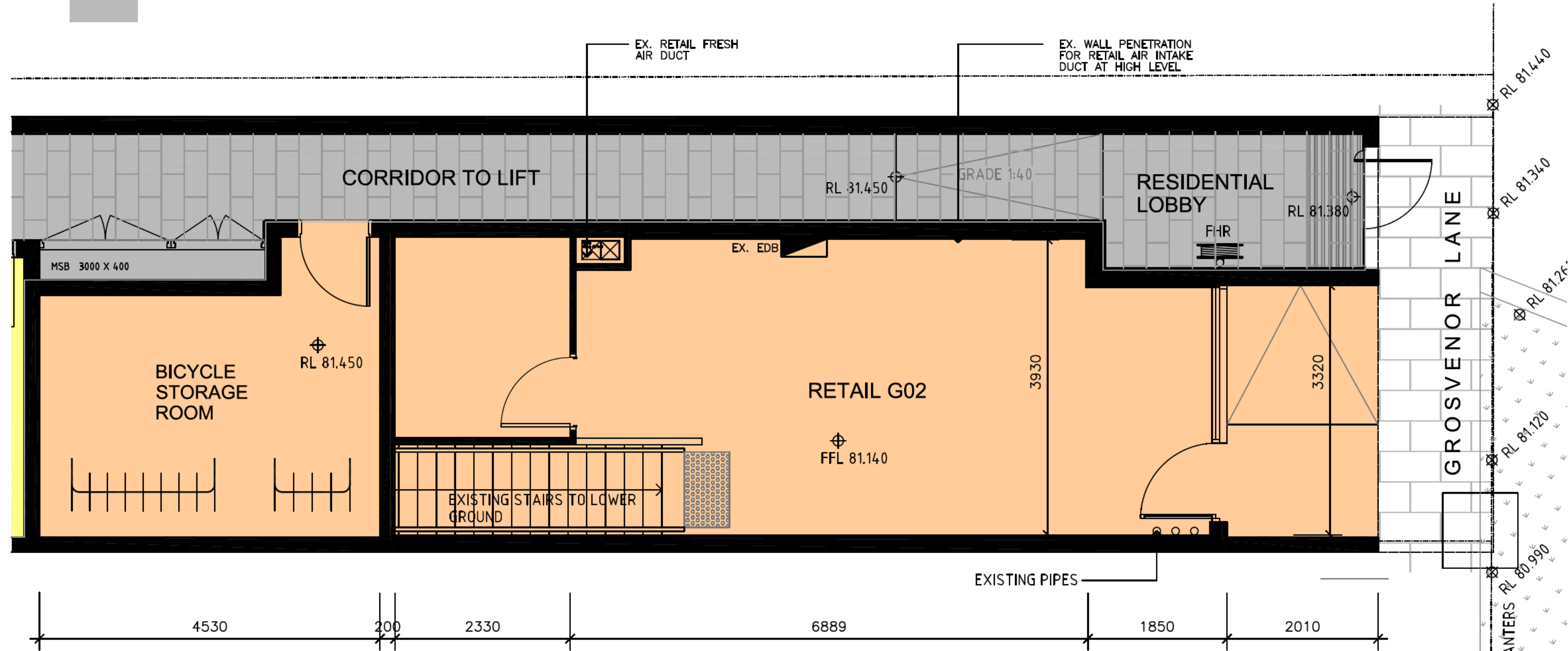
DRAWING NUMBER
AR-002
ISSUE
A
SCALE: 1 : 200 @ A3



SUBJECT SITE

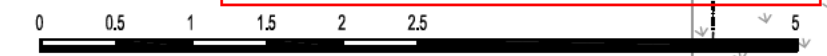


NON-WORKS AREA



01 EXISTING GROUND FLOOR LAYOUT PLAN
1:50 @ A3

DEVELOPMENT APPLICATION



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STRATEGIC PLANNING
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Shop 2/ 152 Military Road,
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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818[C] CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020


DRAWING TITLE:
EXISTING GROUND FLOOR LAYOUT PLAN


ARCHITECTURAL PLAN
AUTHORITY APPROVAL

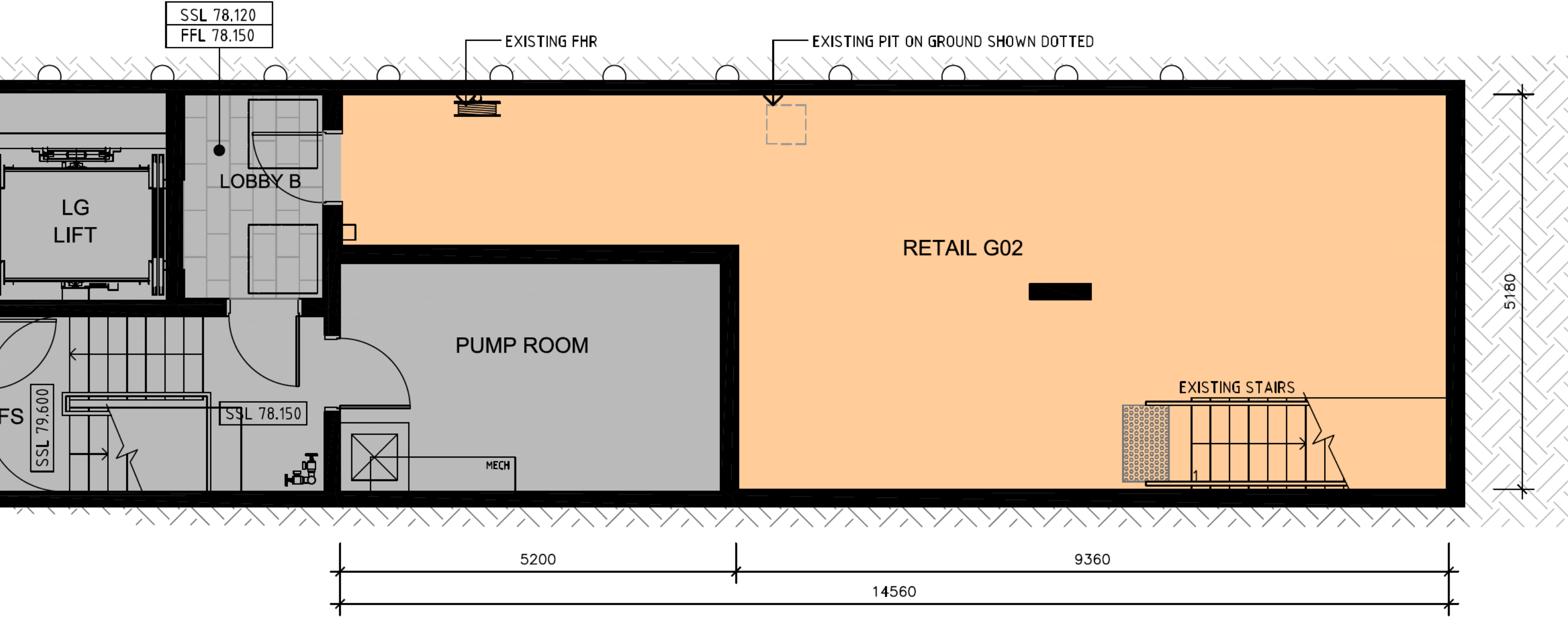
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DRAWING NUMBER
AR-100
ISSUE
A

SCALE: 1 : 50 @ A3

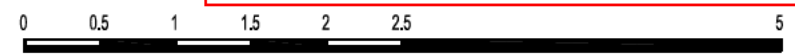
 SUBJECT SITE

 NON-WORKS AREA



01 EXISTING LOWER FLOOR LAYOUT PLAN
1:50 @ A3

DEVELOPMENT APPLICATION



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STRATEGIC PLANNING
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DEVELOPMENTS

PROJECT:
Proposed Small Bar at
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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
EXISTING LOWER GROUND FLOOR LAYOUT PLAN

ARCHITECTURAL PLAN
AUTHORITY APPROVAL

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DRAWING NUMBER
AR-101

ISSUE
A

SCALE: 1 : 50 @ A3



SUBJECT SITE



NON-WORKS AREA

GENERAL NOTES:

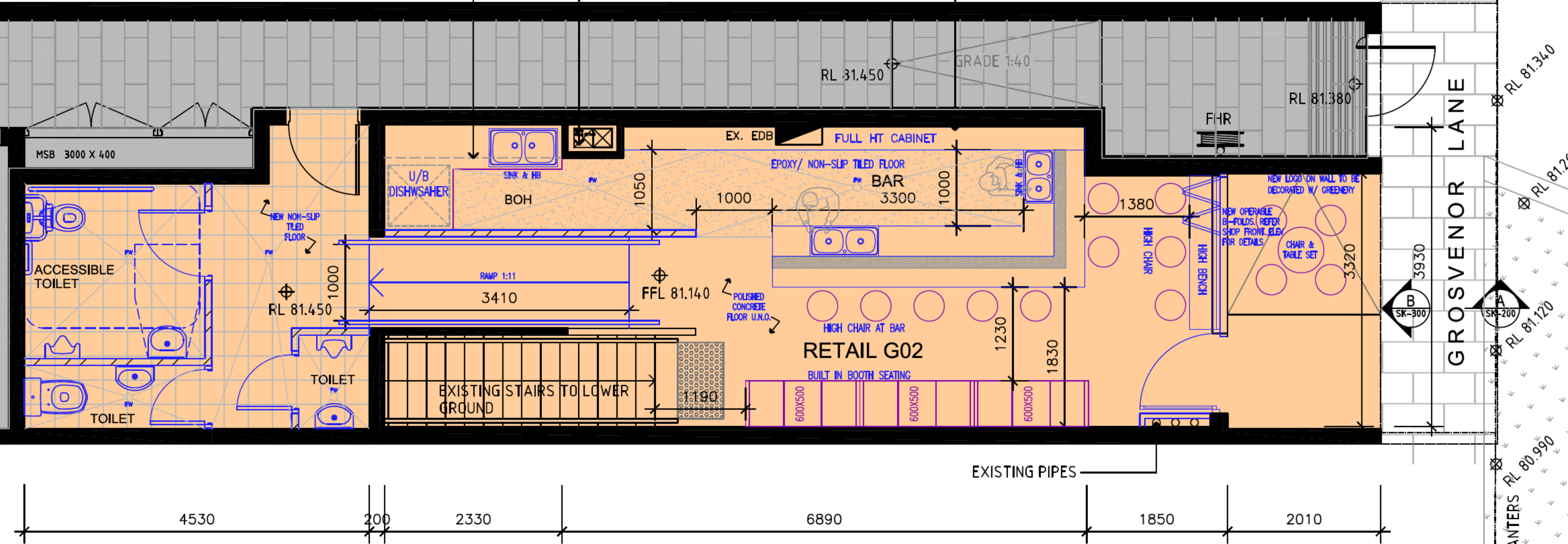
1. ALL WORKS TO COMPLY WITH AS4674-2004: DESIGN, CONSTRUCTION AND FIT-OUT OF FOOD PREMISES.
2. PROPOSED WORKS SHOWN IN BLUE

G/F SEATING CAPACITY
 TOTAL NUMBER OF SEATS = 20
 (HIGH CHAIR = 10, BOOTHS = 6, OUTDOOR SEATING = 4)

NEW STORAGE CABINET/SHELVING ABOVE SHOWN DOTTED

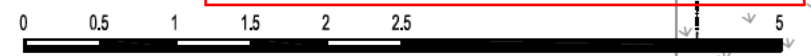
EX. RETAIL FRESH AIR DUCT

EX. WALL PENETRATION FOR RETAIL AIR INTAKE DUCT AT HIGH LEVEL



01 PROPOSED GROUND FLOOR LAYOUT PLAN
 1:50 @ A3

DEVELOPMENT APPLICATION



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STRATEGIC PLANNING
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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
PROPOSED GROUND FLOOR LAYOUT PLAN

ARCHITECTURAL PLAN
 AUTHORITY APPROVAL

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DRAWING NUMBER
AR-102

ISSUE
A

SCALE: 1 : 50 @ A3



SUBJECT SITE



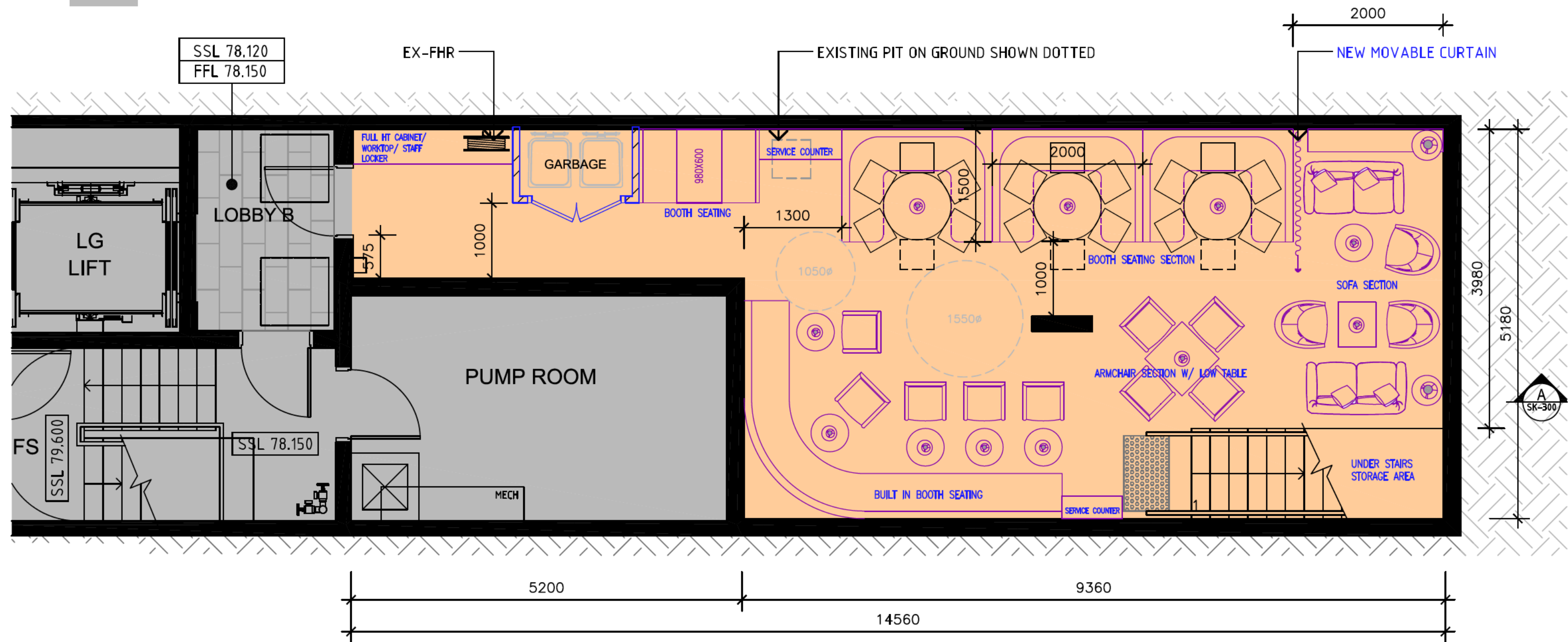
NON-WORKS AREA

GENERAL NOTES:

1. ALL WORKS TO COMPLY WITH AS4674-2004: DESIGN, CONSTRUCTION AND FIT-OUT OF FOOD PREMISES.
2. PROPOSED WORKS SHOWN IN BLUE

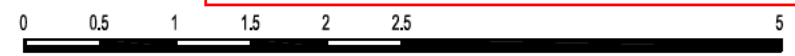
LG SEATING CAPACITY

TOTAL NUMBER OF SEATS = 45
(BOOTH SEATING = 34, SOFA = 7, ARMCHAIR = 4)



01 PROPOSED LOWER FLOOR LAYOUT PLAN
1:50 @ A3

DEVELOPMENT APPLICATION



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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
PROPOSED LOWER GROUND FLOOR LAYOUT PLAN

ARCHITECTURAL PLAN
AUTHORITY APPROVAL

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DRAWING NUMBER
AR-103

ISSUE
A

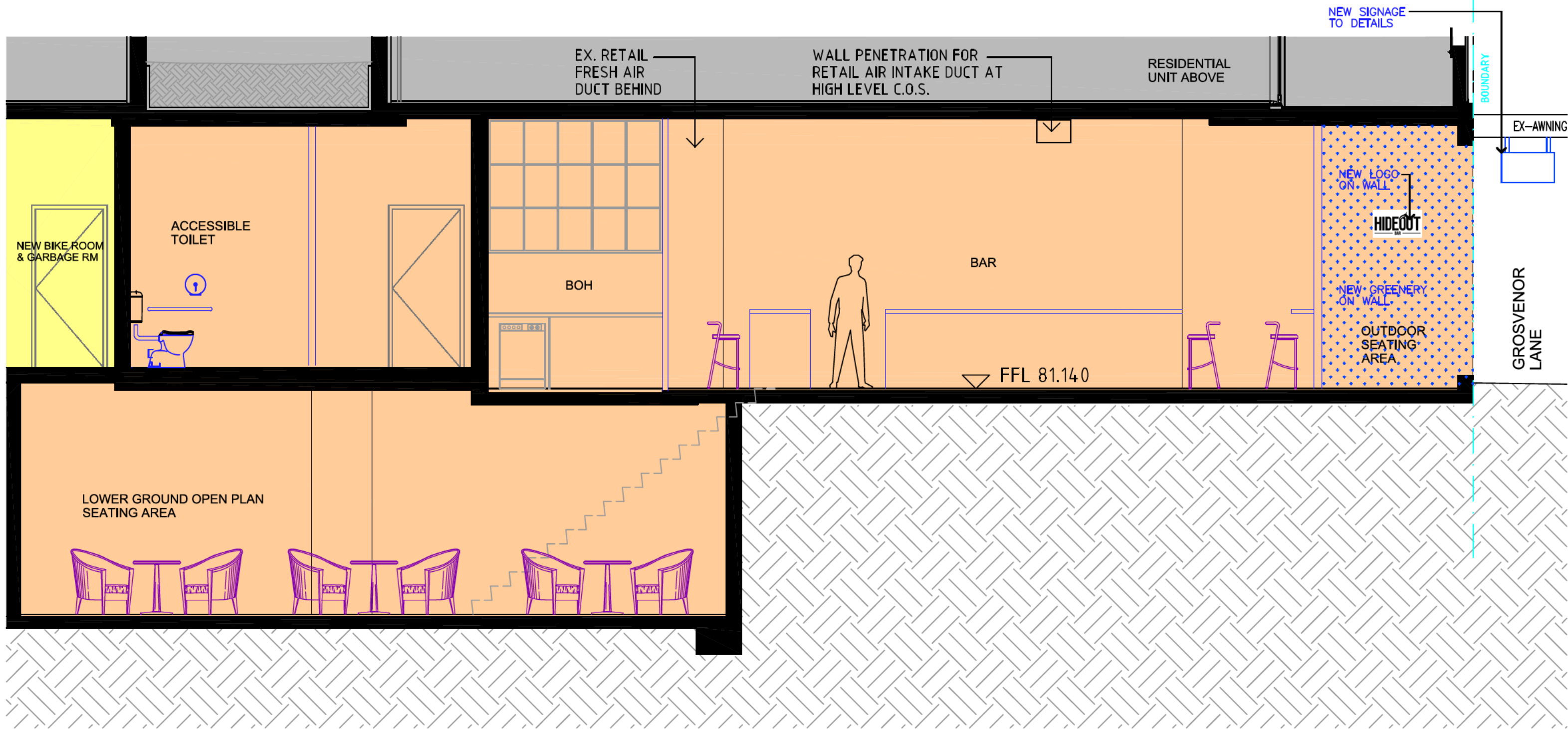
SCALE: 1 : 50 @ A3



SUBJECT SITE

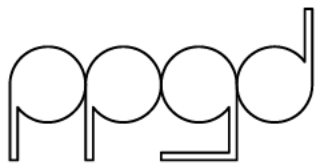


NON-WORKS AREA



01 SECTION A-A
1:50 @ A3

DEVELOPMENT APPLICATION



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A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

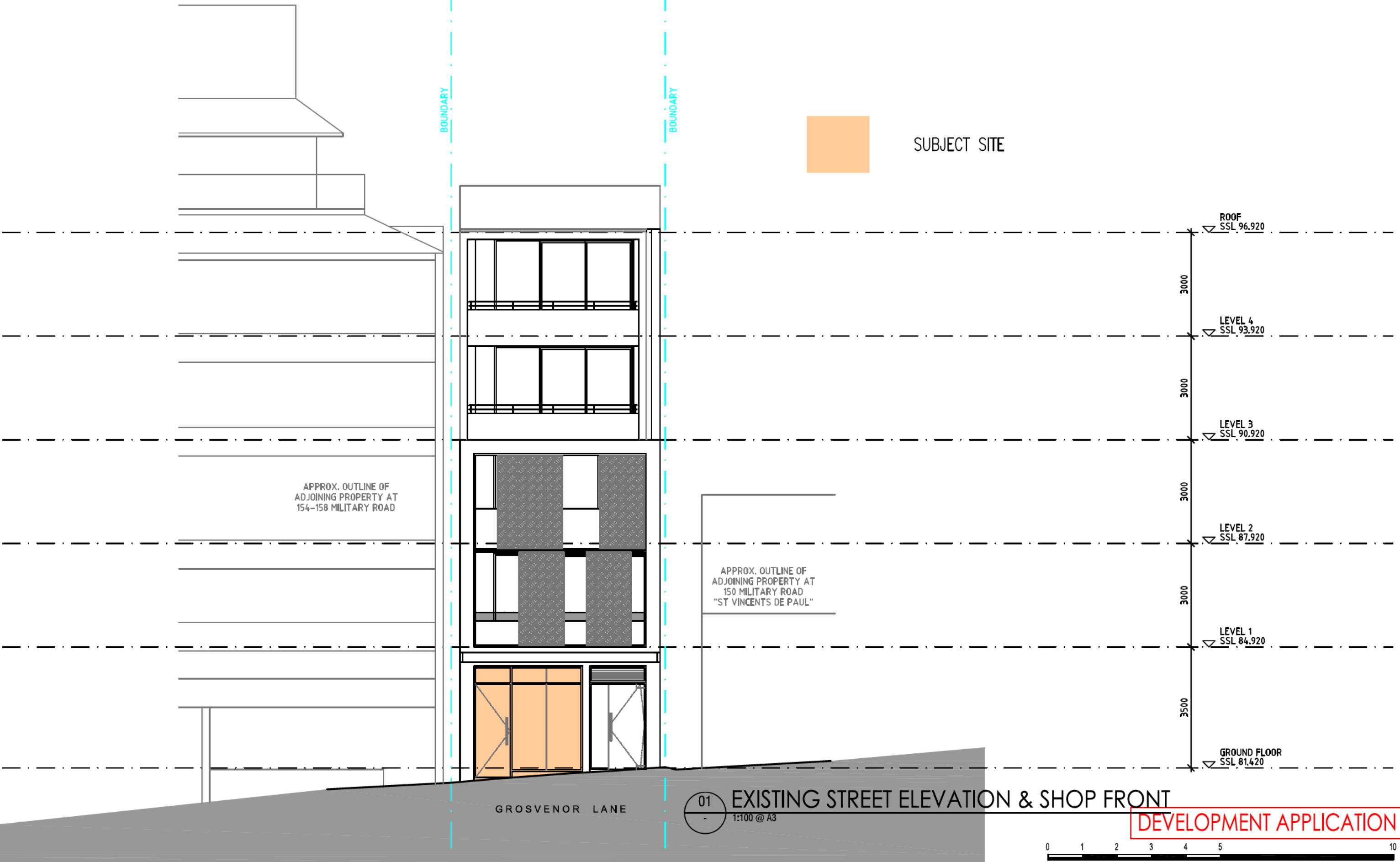
DRAWING TITLE:
SECTION A-A
ARCHITECTURAL PLAN
AUTHORITY APPROVAL

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DRAWING NUMBER
AR-200

ISSUE
A

SCALE: 1 : 50 @ A3

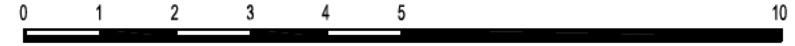


GROSVENOR LANE

01
-
1:100 @ A3

EXISTING STREET ELEVATION & SHOP FRONT

DEVELOPMENT APPLICATION



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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) | CLIENT: HIDEOUT BAR PTY LTD | DRAWN BY: JC | DATE: 4-11-2020

DRAWING TITLE:
EXISTING STREET ELEVATION & SHOP FRONT

ARCHITECTURAL PLAN

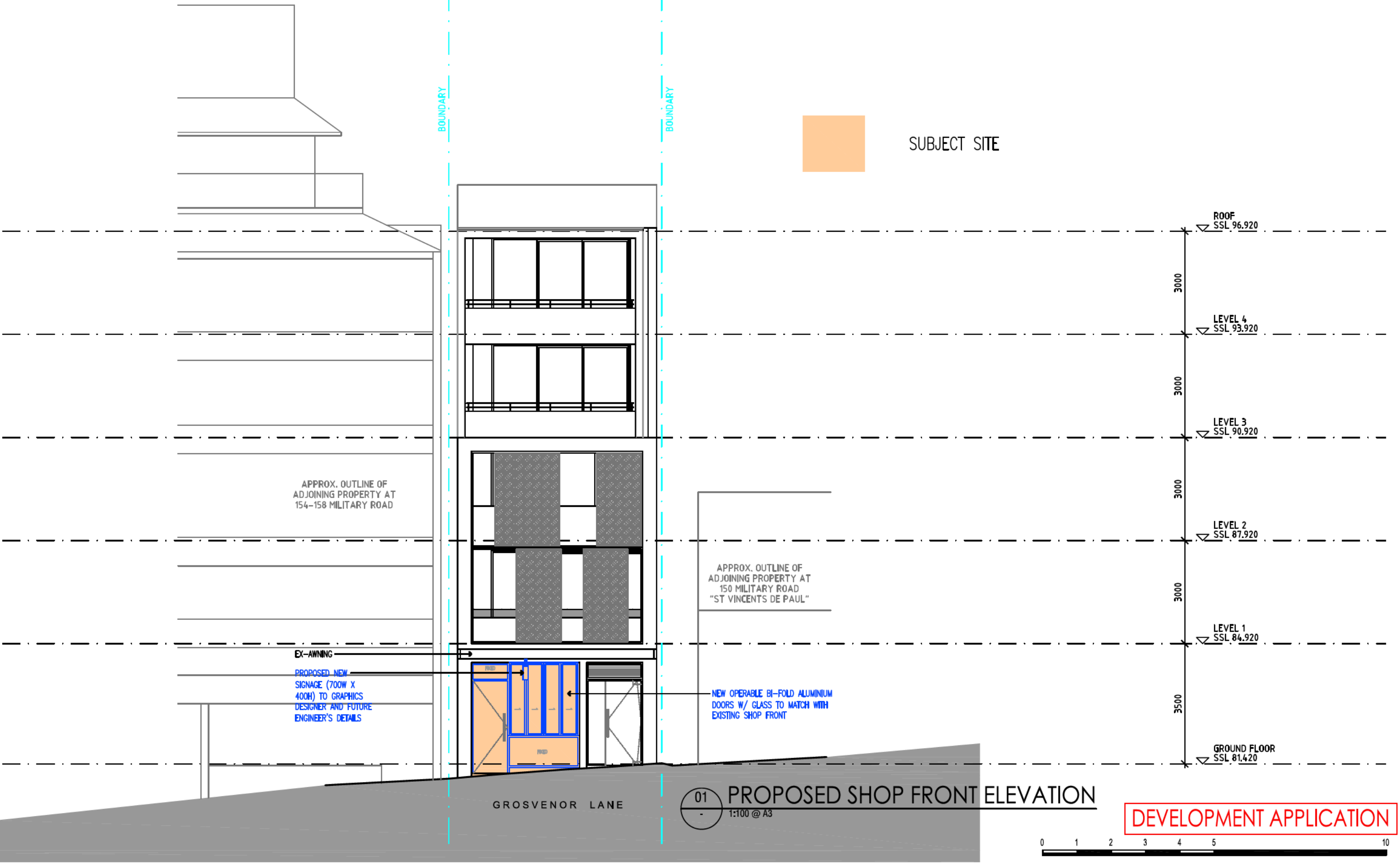
AUTHORITY APPROVAL

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DRAWING NUMBER
AR-300

ISSUE
A

SCALE: 1 : 100 @ A3



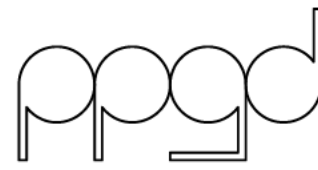
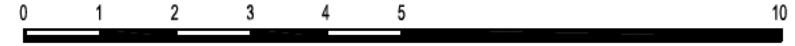
GROSVENOR LANE

01
-

PROPOSED SHOP FRONT ELEVATION

1:100 @ A3

DEVELOPMENT APPLICATION



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ISSUE	DESCRIPTION	BY	DATE
A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818[C] CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
PROPOSED SHOP FRONT ELEVATION

ARCHITECTURAL PLAN

AUTHORITY APPROVAL

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DRAWING NUMBER
AR-301

ISSUE
A

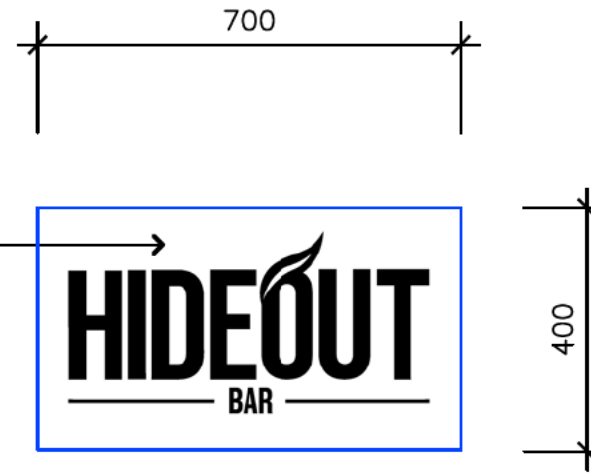
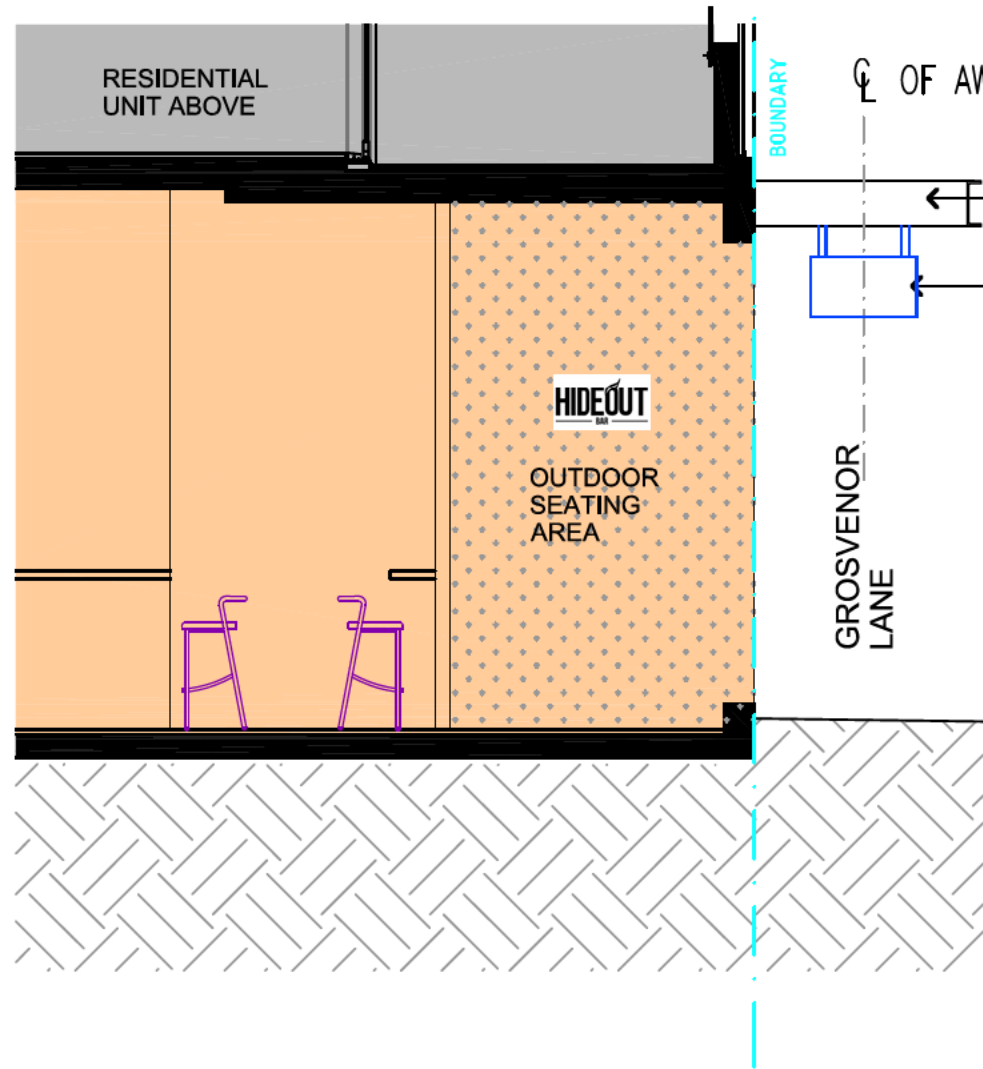
SCALE: 1 : 100 @ A3



SUBJECT SITE



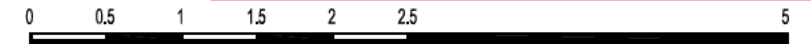
NON-WORKS AREA



02 SIGNAGE GRAPHICS
- NTS @ A3

01 SIGNAGE DETAILS
- 1:50 @ A3

DEVELOPMENT APPLICATION



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A	DEVELOPMENT APPLICATION	JC	4-11-20

PROJECT # 20200818(C) CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
SIGNAGE DETAILS
ARCHITECTURAL PLAN
AUTHORITY APPROVAL

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DRAWING NUMBER
AR-400
ISSUE
A
SCALE: 1 : 50 @ A3

BOUNDARY

CL OF AWNING

EX-AWNING

HIDEOUT BAR

PROPOSED NEW SIGNAGE (700W X 400H) TO GRAPHICS DESIGNER AND FUTURE ENGINEER'S DETAILS

HIDEOUT BAR

PROPOSED NEW SIGNAGE (700W X 400H) TO GRAPHICS DESIGNER DETAILS, BOTTOM OF LOGO 2000H FROM FFL

PROPOSED ARTIFICIAL GRASS WALL SHOWN HATCHED

NEW ALUMINIUM AND GLAZING SHOP FRONT

GROSVENOR LANE

OUTDOOR SEATING AREA

01 OUTDOOR SEATING AREA WALL ELEVATION
1:20 @ A3

DEVELOPMENT APPLICATION



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PROJECT # 20200818[C] CLIENT: HIDEOUT BAR PTY LTD DRAWN BY: JC DATE: 4-11-2020

DRAWING TITLE:
OUTDOOR SEATING AREA WALL ELEVATION

ARCHITECTURAL PLAN

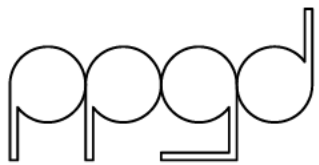
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DRAWING NUMBER
AR-401

ISSUE
A

SCALE: 1 : 20 @ A3



Plan of Management

NOVEMBER 2020

HIDEOUT BAR PTY LTD T/AS HIDEOUT BAR

Shop 2, 152 Military Road, Neutral Bay NSW

NOVEMBER 2020

(Version 2_19 January 2021)

Hideout Bar

1. The purpose of this Plan of Management (hereafter referred to as “Plan”) has been prepared to accompany a Development Application to Council for fit out and use of the premises located at Shop 2, 150 Military Road, Neutral Bay NSW (hereafter referred to as “the Premises”) as a small bar.
2. The purpose of this Plan is to control various aspects of the operations of the Premises. This Plan is designed to ensure compliance with the following:-
 - That practices are in place to minimise the potential for adverse impacts to the neighbourhood as a result of the operations of the Premises.
 - That any conditions of the development consent and of any liquor licence are complied with.
 - The practices are in place to ensure compliance with the Liquor Act 2007 and Liquor Regulation 2018, particularly responsible service of alcohol and harm minimisation principles, minimisation of the potential for intoxication, that intoxicated persons are not permitted entry to the Premises, and that liquor is not sold to minors.
3. If experience indicates that is reasonable or desirable to modify any condition of this Plan for the better management of the Premises, modifications may be made to this Plan with input from the Police.

Implementation of Plan

4. This Plan must be used in the operation of the Premises.
5. All staff involved in the sale or supply of liquor shall be made familiar with the conditions of the Development Consent, the Liquor Licence and this Plan.
6. Copies of the Development Consent, Liquor Licence and this Plan must be kept at the Premises and made available to Police or Council officers and other statutory officers, upon request.

Patron Capacity

7. Management must comply with any patron capacity that may apply to the Premises, from time to time. It is proposed the maximum patron capacity is 65, exclusive of staff:
 - 45 lower ground floor
 - 16 ground floor
 - 4 outdoor area

Operating Hours

8. The premises will operate in the hours that apply pursuant to the Development Consent, as varied from time to time. It is proposed the operating hours are:

Indoors

- 10am- 12 midday- Monday to Sunday (preparation and set up)
- 12 midday- 11pm- Monday to Wednesday (open to the public)
- 12 midday- 12 midnight - Thursday to Saturday (open to the public)
- 12 midday- 10pm-Sunday (open to public)

Outdoors

- 10am-12 midday-preparation and set up
- 12 midday- 10pm - Monday to Sunday (open to the public)

9. Liquor is only to be sold or supplied during any hours approved pursuant to the small bar licence.
10. Liquor service shall cease immediately at the time trading ends, with all patrons being requested to leave within 30 minutes of the closing time.

Staff Numbers

11. Management will ensure that adequate numbers of staff are employed at the Premises to ensure compliance with the requirements of this Plan, the Licence and other requirements of the Liquor Act 2007 and Liquor Regulation 2018.

Complaint Resolution

12. Management will deal with any complaints received in a sympathetic manner and fully address any reasonable concerns of persons in the area or other third parties without the involvement of the Council or the Police.
13. Where reasonable, management will meet with any complainants and endeavour to fully address any reasonably held concerns that are raised.

Relationship with Police

14. Management (or its representative) shall join and be an active member of the Local Liquor Accord for the area.

Entertainment

15. Entertainment will be limited to pre-recorded music, soloists, duets or DJs (amplified or non-amplified).
16. Live entertainment (soloists, duets or DJs) is to be conducted on the lower ground floor only.

Noise

17. The Premises will be operated so as not to cause any undue disturbance to neighbours.

18. Management will ensure compliance with any noise condition imposed on the Development Consent, as varied from time to time.
19. Management will ensure that adequate measures are in place to minimise the potential for disturbance as a result of noise emanating from the Premises, including:-

Ground Floor

- A noise limiter is to be installed to ensure duets and DJs do not exceed 75 dB(A) at 1 meter from the speakers. All amplified equipment must be connected to the limiter.
- No speakers are to be installed in the outdoor area.
- Speakers must not be mounted directly on the walls, they must be installed on resilient mounts or on self-standing mounts.
- Closure of bi-fold windows from 10pm.

Lower Ground Floor

- A noise limiter is to be installed to ensure duets and DJs do not exceed 80 dB(A) at 1 meter from the speakers. All amplified equipment must be connected to the limiter.
- During live entertainment, management must ensure the partition/door at the entrance of the basement is kept closed, so as to minimise the noise from live music travelling into the ground floor space.
- Speakers must not be mounted directly on the walls, they must be installed on resilient mounts or on self-standing mounts.
- Closure of bi-fold windows on ground floor from 10pm.

20. At closing time, a staff member will ensure that all patrons leave the Premises quickly and quietly and do not congregate in the immediate vicinity of the Premises.

Security and Crowd Control

21. Management will ensure that adequate staff are present during peak trading periods to monitor, supervise and manage patrons.
22. Due to the proposed manner of operation of the Premises, security concerns are unlikely to arise and a formal security presence is generally not needed.
23. CCTV will be installed. The CCTV will operate continuously in digital, with time and date recorded on the image. The recordings will be kept for at least 30 days.
24. Staff will be trained to operate the CCTV system.

Responsible Service of Alcohol

25. Management is to ensure compliance with the following responsible service of alcohol and harm minimisation principles:-
- Food will be available whenever liquor is consumed.
 - Liquor will not be sold to any person under the age of 18 years and production of acceptable identification will be requested in appropriate cases.
 - Management and staff will encourage patrons to drink responsibly. Patrons will be asked to leave the Premises if they become intoxicated, violent or quarrelsome.
 - Any person who is intoxicated shall be denied entry to the Premises.
 - Non-alcoholic beverages will be available at all times when full strength liquor is available.
 - Water will be available free of charge at all times liquor is consumed. Low alcohol beer and non-alcoholic beverages shall be available at all times.
 - Management and staff will contact taxi companies to collect patrons, upon request. When exiting, patrons will be informed there are bus and taxi services within walking distance.
 - Management and staff will take all reasonable steps to restrict activities (such as promotions or discounting) that could encourage misuse or abuse of liquor. Management will have regard to any Liquor Promotion Guidelines issued by Liquor & Gaming NSW when implanting any promotion.

Prevention of Sale and Supply of Liquor to Minors

26. Persons under the age of 18 years are not permitted on the Premises.
27. Management and staff will ensure that adequate practices are in place to ensure that identification (ID) is checked. A member of staff, who is stationed on the ground floor where entry to the premises is amenable to casual surveillance, will focus on the age of patrons.
28. Any person who is suspected of being under the age of 25 years will be required to produce **acceptable identification**.
29. Accepted forms of ID are:-
- Driver or rider licence or permit issued by an Australian State or Territory or any foreign country.
 - NSW Digital Driver Licence.
 - Australian or other passport.
 - NSW photo card.
 - Proof of age card issued by a public authority of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age.
 - Keypass (over-18) identity card issued by Australia Post.

Cleanliness

30. The Premises shall be kept in a clean and tidy condition.

Outdoor Dining Area

31. The outdoor dining area is to be cleaned on a daily basis, including the removal of all litter, food scraps and the like.

Waste Management

32. Management and staff will ensure the deliveries to the premises and the removal of waste from the Premises are made between the hours, if any, required by the Development Consent.

33. The premises is committed to sustainable waste practices. Cardboard/paper and bottles/glass will be separated from general waste for recycling.

34. Waste bins are to be housed in a specific area. Waste bins will have secure lids and will not emit any odours and all bins will be washed and sanitised monthly by a contract cleaner.

Smoke-free Environment

35. Management and staff will ensure smoking is not permitted on the Premises.

36. Signage will be erected indicating that no smoking is permitted on the Premises.

NSW Police Crime Scene Prevention Guidelines

37. Management and staff shall follow the NSW Police Crime Scene Prevention Guidelines if there is an incident involving an act of violence causing injury to any person, patron or staff member.

38. Provided at **Schedule 1** is a copy of the Crime Scene Prevention Guidelines.

Declaration

39. I Keryl Byrne, proprietor of Hideout Bar Pty Ltd, declare I have read and understood this Plan of Management.

per K. Byrne

19 January 2021

Signature:

Date:

Schedule 1- NSW Police-Crime Scene Prevention Guidelines

New South Wales Police Force



Crime Scene Preservation Guidelines

NSW Police Force
www.police.nsw.gov.au

LICENSED PREMISES

- Immediately contact '000' or local Police Station;
- Render any required first aid;
- Determine 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);
- Do not allow any persons to enter this area;
- **DO NOT CLEAN UP ANY CRIME SCENE.** You may be destroying vital evidence;
- Assign a member of staff to guard all Crime Scenes until the arrival of Police;
- Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints;
- Do not move any items that may have been involved in an offence unless absolutely necessary. (For example they could get wet. Use gloves to stop transference of your DNA or fingerprints);
- 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);
- 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;
- Secure any CCTV footage and the Security Sign on sheets;
- Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. (Try to persuade witnesses from leaving the premises before Police arrive);
- Hand this information to Police on arrival;
- Be prepared to make a statement to Police regarding the incident.

(Note: Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the premises)

Prepared by:	Alcohol & Licensing Enforcement Command	Authorised by	Chief Inspector Haberley
Effective date:	01/07/2010	Revision date:	01/07/2011
		Ref:	Version 2 (Version 1 16/02/09)



REPORT R200447R1

Revision 2

Noise Impact Assessment
Proposed Licensed Venue
Shop 2, 152 Military Road, Neutral Bay

PREPARED FOR:

Dru A Gillan
Level 8, 65 York Street
SYDNEY NSW 2000

15 January 2021



Noise Impact Assessment

Proposed Licensed Venue

Shop 2, 152 Military Road, Neutral Bay

PREPARED BY:

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
200447R1	Revision 0	9 September 2020	Camilo Castillo	Rodney Stevens	Rodney Stevens
200447R1	Revision 1	10 November 2020	Camilo Castillo	Rodney Stevens	Rodney Stevens
200447R1	Revision 2	15 January 2021	Camilo Castillo	Rodney Stevens	Rodney Stevens



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1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged by the Dru A Gillan to prepare a Noise Impact Assessment for the proposed licensed venue located at Shop 2, 152 Military Road, Neutral Bay. This assessment forms part of the supporting documentation for DA submission to North Sydney Council.

The purpose of this report is to determine possible noise impacts on nearby receivers and if necessary provide acoustic control recommendations so that the proposed modifications may operate in an acoustically compliant manner in accordance with North Sydney Council's requirements and Liquor and Gaming NSW license conditions.

This report presents RSA's methodology, assessment criteria and recommendations regarding patron noise and music emissions from the operation of the proposed licensed venue. Mechanical services noise emission from the hotel do not form part of this assessment.

Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix A.

2 PROPOSED DEVELOPMENT

2.1 Site Description

The proposed licensed venue consists of a ground level bar with a basement level. This will cater to 74 patrons, the activities carried out will include the use of duets and DJs.

The licensed venue is located within a commercial/residential district with residential receivers to the north directly above. Figure 2-1 shows an aerial image of the location of the licensed venue, the surrounding environment and the noise monitoring location.

2.2 Proposed Development

The proposal is to have a 2 level bar with music and outdoor sitting. The following patron arrangements are proposed

- Ground Level 16 Patrons
- Outdoor Area 4 Patrons
- Basement Level 45 Patrons
- Staff 3-4 People

Figure 2-2 below show the floor plan of the proposed licensed venue.



2.3 Hours of Operation

It is understood that the licensed venue will have the following hours of operation:

- 7 days: 12:00 pm to 12:00 am

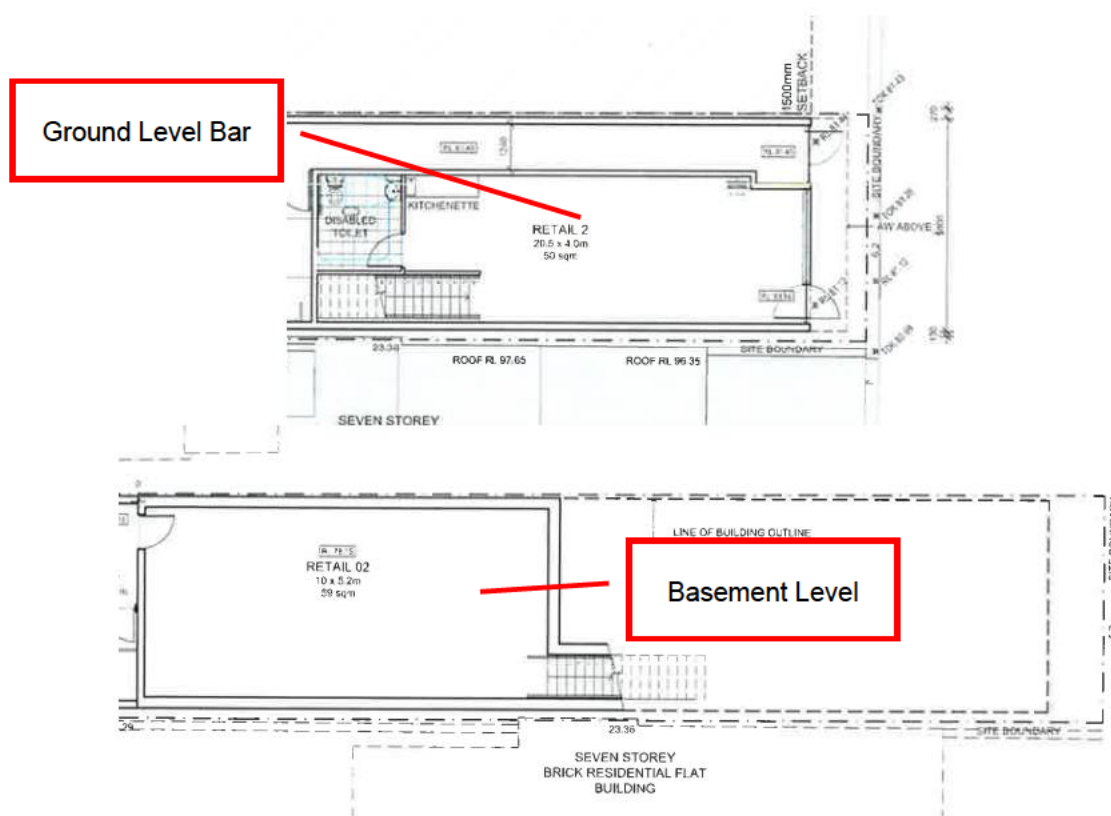
Figure 2-1 Site Location



Image Courtesy of GoogleMaps © 2020.



Figure 2-2 Proposed Licensed Venue



3 BASELINE NOISE SURVEY

3.1 Unattended Noise Monitoring

In order to characterize the existing acoustical environment of the area unattended noise monitoring was conducted between Tuesday 1st September and Tuesday 8th September 2020. The logger was located on the awning of the building overlooking Grosvenor Lane, this location is representative of the ambient noise levels of the area.

Logger location was selected with consideration to other noise sources which may influence readings, security issues for noise monitoring equipment and gaining permission for access from residents and landowners.

Instrumentation for the survey comprised of an Octave Frequency Analyzing Environmental Noise Logger (serial number 572559) fitted with microphone windshield. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed ± 0.5 dB(A). All equipment carried appropriate and current NATA (or manufacturer) calibration certificates.

Measured data has been filtered to remove data measured during adverse weather conditions upon consultation with historical weather reports provided by the Bureau of Meteorology (BOM).

The logger determines LA_1 , LA_{10} , LA_{90} and LA_{eq} levels of the ambient noise. LA_1 , LA_{10} , LA_{90} are the levels exceeded for 1%, 10% and 90% of the sample time respectively (see Glossary for definitions in Appendix A).

Detailed results at the monitoring location are presented in graphical format in Appendix B. The graphs show measured values of LA_1 , LA_{10} , LA_{90} and LA_{eq} for each 15-minute monitoring period.



3.2 Data Processing

In order to establish the ambient noise criteria of the area, the data obtained from the noise logger has been processed in accordance with the procedures contained in the NSW Environmental Protection Authority's (EPA) *Noise Policy for Industry* (NPfI, 2017) to establish representative noise levels that can be expected in the residential vicinity of the site. The monitored baseline noise levels are detailed in Table 3-1.

Table 3-1 Measured Baseline Noise Levels Corresponding to Defined NPfI Periods

Location	Measurement Descriptor	Measured Noise Level – dB(A) re 20 µPa		
		Daytime 7 am - 6 pm	Evening 6 pm – 10 pm	Night-time 10 pm – 7 am
Logger at northern side of site	L_{Aeq}	59	56	54
	RBL (Background)	51	48	42

Notes: All values expressed as dB(A) and rounded to nearest 1 dB(A);

L_{Aeq} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

L_{A90} Noise level present for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

3.2.1 LG Analysis

Liquor and Gaming NSW provides a guideline to access noise from licensed venues, the noise criteria is required to be in one octave band frequency. The noise logger used for the unattended measurements has the capability of recording noise data in one octave band frequency allowing us to establish spectral information of typical background noise levels experienced by the nearby residential receivers.

The background noise levels have been processed in accordance with NPfI procedures and are presented in octave band frequency form in Section 4.3 of this report

4 NOISE CRITERIA

The establishment of the noise criteria for the assessment of the proposed licensed venue have been based on the LG noise guidelines.

4.1 Liquor and Gaming

LG guidelines for the assessment of noise from licensed premises is as follows:

- The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dB between the hour of 7.00 am and 12.00 midnight when assessed at the boundary of any affected residence.*
- The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hour of 12.00 midnight and 7.00 am when assessed at the boundary of any affected residence.*



- c) *Notwithstanding compliance with a) and b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00 am.*

4.2 Operational Noise Criteria

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPI) October 2017 which provides a framework and process for deriving noise criteria. The nearest and most affected receivers to the south and west have been identified as commercial and industrial premises. The NPI criteria is therefore **65 dB(A)** for commercial tenancies and **70 dB(A)** for Industrial premises

4.3 Project Specific Noise Criteria

Based on the spectral data from the noise logger the project specific noise criteria for the operation of the proposed licensed venue have been established in accordance with LG noise guidelines. The project specific noise criteria for the adjoining residential receivers is presented in tables below.

Table 4-1 External Criteria for Operational Noise

Description	Ambient Noise Level per Octave Band -dB								
	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1k Hz	2k Hz	4k Hz	8k Hz
Measured Daytime L ₉₀ Background Noise Level	53	53	50	49	45	43	39	31	17
L₁₀ Daytime Criterion (Between 7 am and 12 midnight): At Surrounding Residences	58	58	55	54	50	48	44	36	22
Measured Night-time L ₉₀ Background Noise Level	45	47	46	44	40	36	32	26	14
L₁₀ Night-time Criterion (Between 12 midnight and 7 am): At Surrounding Residences	45	47	46	44	40	36	32	26	14

Table 4-2 Internal Criteria for Operational Noise

Description	Ambient Noise Level per Octave Band -dB								
	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1k Hz	2k Hz	4k Hz	8k Hz
Measured Night-time L ₉₀ Background Noise Level	45	47	46	44	40	36	32	26	14
Inaudibility Criterion L₉₀ – 10dB (Between 12 midnight and 7 am): Inside Residences	35	37	36	34	30	26	22	16	4



4.4 Australian Standard AS/NZ 2107:2016

There is the potential of the activities carried out in the proposed licensed venue to impact on the amenity of the adjoining residences located above the site through the floor/ceiling slab. The criteria for the preservation of the amenity of residential tenancies specific to this type of assessment is set out in AS/NZS 2107:2016 – *Recommended Design Sound Levels and Reverberation Times for Building Interiors*. Table 4-3 is an extract from the standard that pertains to recommended noise levels in residential apartments near major road.

Table 4-3 AS/NZS 2107:2000 – Recommended Internal Noise Levels

Type of Occupancy/Activity	Design Sound Level ($L_{Aeq,t}$) Range
RESIDENTIAL BUILDINGS	
Living Areas	35 – 45
Sleeping areas	35 – 40

5 NOISE IMPACT ASSESSMENT

5.1 Typical Patron Vocal Levels

The following sections summarise the results of patron and music noise assessment and predicted levels at nearby receivers as a result of the operation of the proposed licensed venue (see Figure 2-1 and Figure 2-2).

Calculations of the amount of noise transmitted to these receivers from the proposed licensed venue have been based on voice levels as referenced in the AAAC Licensed Premises Noise Assessment Technical Guide V2.0 as requested by North Sydney Council. This document provides voice spectrums for males and females in different vocal efforts. The spectrum is given in Table 5-1.

The spectra have been scaled based upon the overall number of patrons expected to be in the respective areas at any given time

Table 5-1 Speech Spectrums - AAAC Licensed Premises Noise Assessment Technical Guide V2.0.

Type	Noise Level (dB) at Octave Band Centre Frequency (Hz)							Overall dB(A)
	125	250	500	1 k	2 k	4 k	8 k	
Male (Raised)	56	63	65	62	57	52	46	66
Male (Loud)	59	67	73	72	67	62	53	76
Female (Raised)	53	60	62	59	54	49	43	63



5.2 Patron Sound Power Levels

Based on the maximum number of patrons in all areas as shown in Section 2.2, the following worst-case operational scenarios have been assumed for our assessment:

- Only 50% of all patrons per room will be talking at any given time, this is assuming that 1 person will be talking and 1 person will be listening.

Table 5-2 Sound Power Levels of People talking with Raised Voice - L_w – dB(A)

Scenario	Resultant Sound Power Level per Octave Band (dB)								Overall dB(A)
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	
2 Patrons with Raised Vocal in Outdoor Area	-	69	76	78	75	70	65	59	79
10 Patrons with Raised Vocal in Ground Floor Bar	-	76	83	85	82	77	72	66	86
45 Patrons with Raised Vocal in Basement Level	-	82	89	92	88	84	79	72	93
45 Patrons with Loud Vocal in Basement Level	-	85	93	100	99	93	88	79	102

It is generally agreed that the human voice is not capable of producing noise at 32 Hz and 63Hz octave bands at significant amplitudes. It is also very likely that even if noise emission in this low frequency octave bands exceeds the noise criterion; it will be very close to, if not below, the human threshold of hearing at the receivers.

Appropriate sound power levels conversations have been made for the varying distribution number of patrons.

We note that the noise levels provided in Table 1 of the AAAC Licensed Premises Noise Assessment Technical Guide V2.0 are based on 17 different situations with a number of room sizes and patrons that does not reflect the scenario for the proposed licenced venue. The guide provides the following recommendation

Readers can also calculate the levels using fundamental acoustic principles, based on a given number of talkers, selected Lombard ratio, reverberation times, size of space, distance attenuation and acoustic shielding etc. It is recommended that the calculations be made on an octave-band basis, as this produces results that match measurements over a wide range of situations

The levels presented in Table 5-2 are based on the talker data presented in Appendix B on the AAAC Licensed Premises Noise Assessment Technical Guide V2.0 and have been calculated to represent the proposed site's conditions and number of patrons, internal areas and reverberation times.



5.3 Music Sound Power Level

RSA has conducted measurements of background music noise levels at various licensed venues, based on these measurements the sound power level spectrum of typical music is shown in Table 5-3 below:

Table 5-3 Typical Sound Power Level of Typical Music - Lw – dB(A)

Scenario	Resultant Sound Power Level per Octave Band (dB)									Overall dB(A)
	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	
Typical Background Music	65	74	82	79	74	77	75	73	66	82
Foreground Music	84	98	101	96	107	94	88	88	82	104

5.4 Predicted Club Noise Impacts

Noise level predictions from activities at the proposed licensed venue have been predicted by utilising NSW EPA recognised and approved computer noise model SoundPlan 8.2 software. SoundPlan is a fully integrating software suite that specialises in computer simulations of noise situations incorporating over 50 calculation standards. The model calculates overall noise levels at receiver locations considering distance, atmospheric absorption, barriers effects of intervening ground types, weather conditions, source levels, source and receiver locations and topography.

Predictive resultant noise spectrums have been calculated for all proposed licensed venue activities. Noise emissions at the nearest receivers are presented in the tables below. The predicted noise calculations take into account the following:

- Heights of receivers are assumed to be 1.5 m above their respective floor level.
- The number of patrons is as presented in Section 2.2.
- Duets bands and DJs will be used in the basement area only.
- All 45 patrons will engage in singing with a “loud” vocal effort
- The basement and the ground level will be separated by an entrance (partition and door)
- The ground level will have background music
- The underside of the existing awning will be treated with absorptive material
- Noise limiters have been implemented
- Resulting noise levels have been calculated to the most affected point on the boundary of the affected receivers



The following figure shows the proposed development in relation to the most affected receivers.

Figure 5-1 Affected Receiver Locations



The site is surrounded by commercial tenancies to the south and north-west and residential premises to the north, west and east as well as directly above.

The resulting noise levels from the operation of the proposed licensed venue are presented in the table below, we have assumed the worst case scenario were the licensed venue is at full capacity.



Table 5-4 Predicted Noise Impact Levels at Nearby Commercial Receivers

Receiver	Calculated Noise Level	Criteria	Compliance
C1	41	65	Yes
C2	<20	65	Yes

The following table shows the predicted noise level results for the residential receivers.

Table 5-5 Predicted External Noise Impact Levels - Residential Receivers Daytime

Receivers	Resultant Sound Pressure Level per Octave Band - dB								
	31.5 Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Daytime Assessment (7:00am to 12:00am)									
Combined Noise Level									
R1	2	21	31	37	43	41	38	33	23
R2	0	12	23	30	37	36	33	29	19
R3	0	4	13	19	24	22	17	11	0
Daytime Criteria	58	58	55	54	50	48	44	36	22
Exceedance R1	-	-	-	-	-	-	-	-	1*
Exceedance R2	-	-	-	-	-	-	-	-	-
Exceedance R3	-	-	-	-	-	-	-	-	-

* An exceedance of 1 dB(A) is generally considered to be acoustically insignificant, in particular at the 8 kHz frequency band

We note that the windows and door on the northern façade can be open during the use of the venue



5.5 Internal Noise Levels

Calculations of internal noise transmission from the proposed venue to the apartments above have been calculated based on the assumption of a 150mm concrete slab separating both spaces, we have assumed that a bedroom is directly above the proposed licensed venue (most sensitive residential space). The calculated noise level is presented in the table below

Table 5-6 Internal Noise Levels

Calculated Noise Level dB(A)	Internal Noise Criteria Range
32	35-40

6 RECOMMENDATIONS

The noise emissions from the proposed licensed venue have the potential to comply with the required criteria with the implementations of the following recommendations:

6.1 Ground Level Bar

- A noise limiter is to be installed to ensure duets and DJs do not exceed 75 dB(A) at 1 meter from the speakers. All amplified equipment must be connected to the limiter.
- No speakers are to be installed in the outdoor area
- Speakers must not be mounted directly on the walls, they must be installed on resilient mounts or on self-standing mounts
- The underside of the existing awning must be lined with absorptive material having an NRC of 0.7 or higher

6.2 Basement Level

- A noise limiter is to be installed to ensure duets and DJs do not exceed 80 dB(A) at 1 meter from the speakers. All amplified equipment must be connected to the limiter.
- A partition must be implemented at the entrance of the basement to minimise the noise from live music travelling into the ground floor space, this partition may consist of 6mm Perspex sheeting or 9mm Fibre Cement sheet, with a door to allow for ingress and egress
- Speakers must not be mounted directly on the walls, they must be installed on resilient mounts or on self-standing mounts



7 CONCLUSION

A noise impact assessment has been conducted in relation to the operation of the proposed licensed venue located at Shop 2, 152 Military Road, Neutral Bay.

This assessment has been conducted and appropriate noise emission criteria have been established in accordance with Liquor & Gaming NSW noise guidelines.

This report shows compliance with the specific noise criteria with the implementation of the recommendations provided in this report. It is therefore recommended that planning approval be granted for the proposed licensed venue on the basis of acoustics.

Approved:-

Rodney Stevens

Manager/Principal

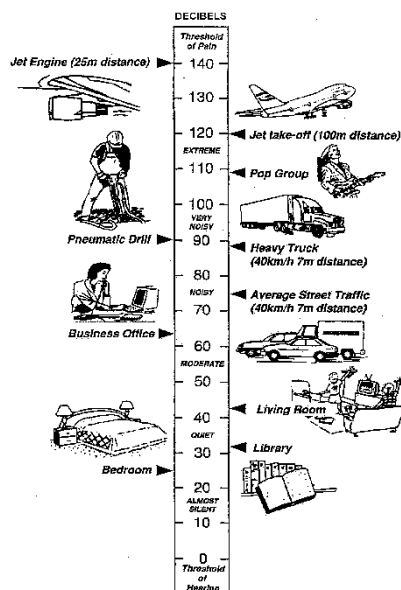


Appendix A – Acoustic Terminology

A-weighted sound pressure	The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic ' <i>A-weighting</i> ' frequency filter is applied to the measured sound level <i>dB(A)</i> to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(linear).
Ambient noise	The total noise in a given situation, inclusive of all noise source contributions in the near and far field.
Community annoyance	Includes noise annoyance due to: <ul style="list-style-type: none"> ■ character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content) ■ character of the environment (e.g. very quiet suburban, suburban, urban, near industry) ■ miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations) ■ human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).
Compliance	The process of checking that source noise levels meet with the noise limits in a statutory context.
Cumulative noise level	The total level of noise from all sources.
Extraneous noise	Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.
Feasible and reasonable measures	Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors: <ul style="list-style-type: none"> ■ Noise mitigation benefits (amount of noise reduction provided, number of people protected). ■ Cost of mitigation (cost of mitigation versus benefit provided). ■ Community views (aesthetic impacts and community wishes). ■ Noise levels for affected land uses (existing and future levels, and changes in noise levels).
Impulsiveness	Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.



Low frequency	Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.
Noise criteria	The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).
Noise level (goal)	A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.
Noise limits	Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.
Performance-based goals	Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.
Rating Background Level (RBL)	The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10 th percentile min L _{A90} noise level measured over all day, evening and night time monitoring periods.
Receptor	The noise-sensitive land use at which noise from a development can be heard.
Sleep disturbance	Awakenings and disturbance of sleep stages.
Sound and decibels (dB)	<p>Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2×10^{-5} Pa.</p> <p>The picture below indicates typical noise levels from common noise sources.</p>



dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power Level (SWL)

The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in *dB(A)*.

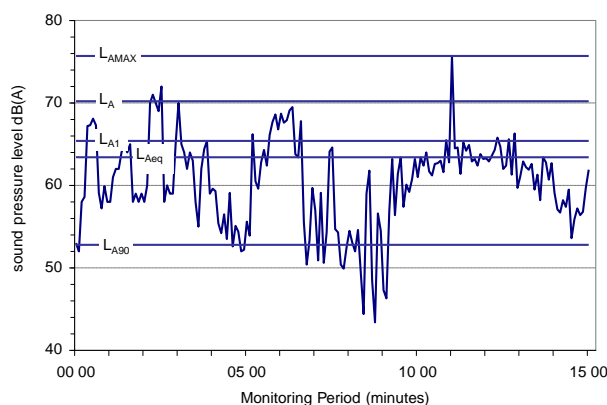
Sound Pressure Level (SPL)

The level of noise, usually expressed as SPL in *dB(A)*, as measured by a standard sound level meter with a pressure microphone. The sound pressure level in *dB(A)* gives a close indication of the subjective loudness of the noise.

Statistic noise levels

Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:



Key descriptors:

- L_{Amax} Maximum recorded noise level.
- L_{A1} The noise level exceeded for 1% of the 15 minute interval.



L_{A10} Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.

L_{Aeq} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

L_{A90} Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Threshold

The lowest sound pressure level that produces a detectable response (in an instrument/person).

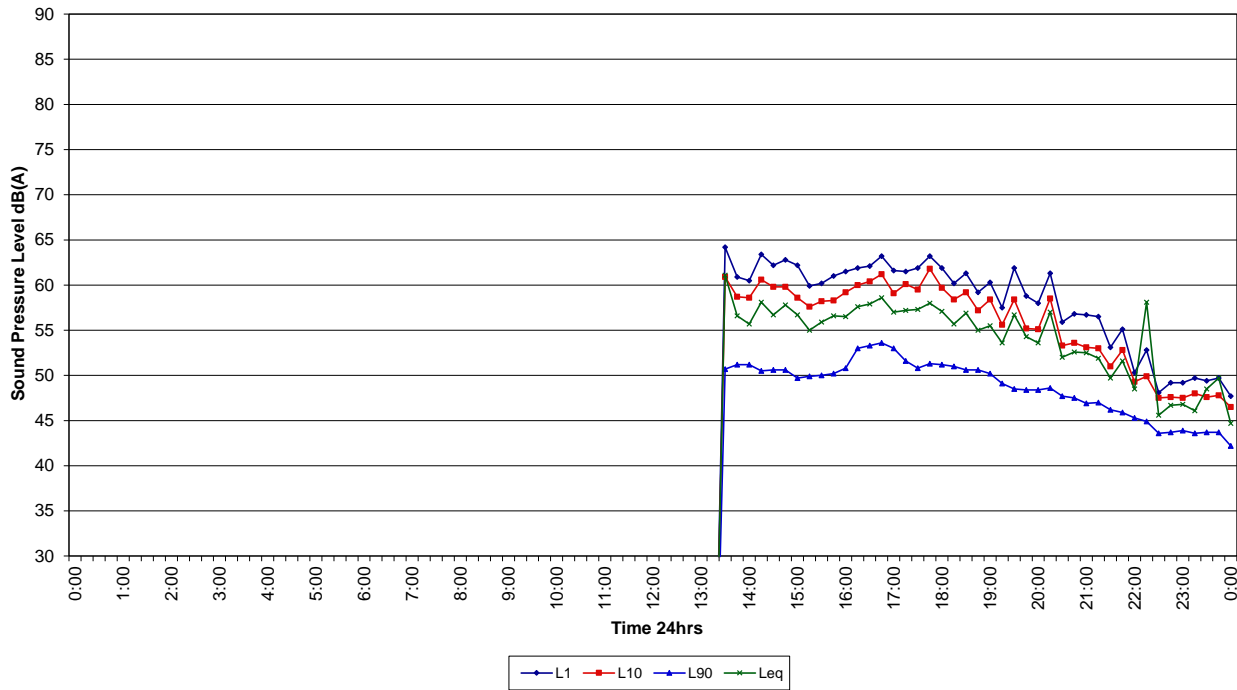
Tonality

Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dB(A) penalty is typically applied to noise sources with tonal characteristics

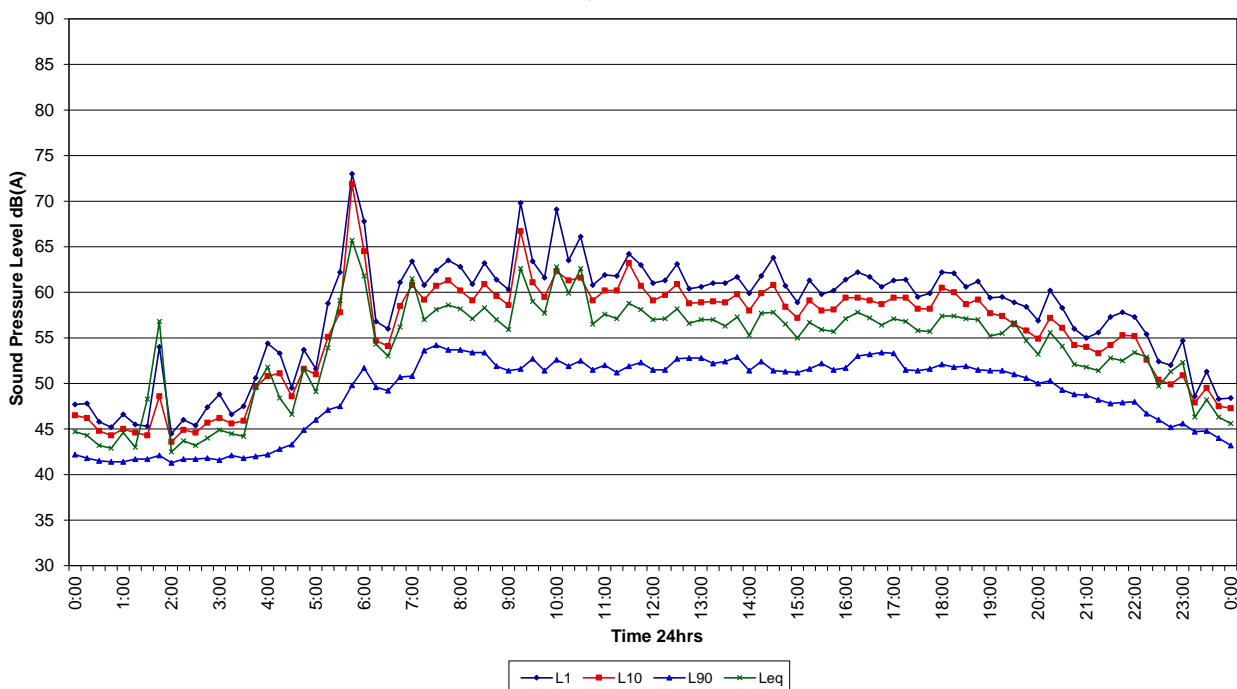


Appendix B – Baseline Noise Survey Graphs

Ambient Logger Data
Shop2, 152 Military Rd Neutral Bay
Tuesday 1/09/2020



Ambient Logger Data
Shop2, 152 Military Rd Neutral Bay
Wednesday 2/09/2020

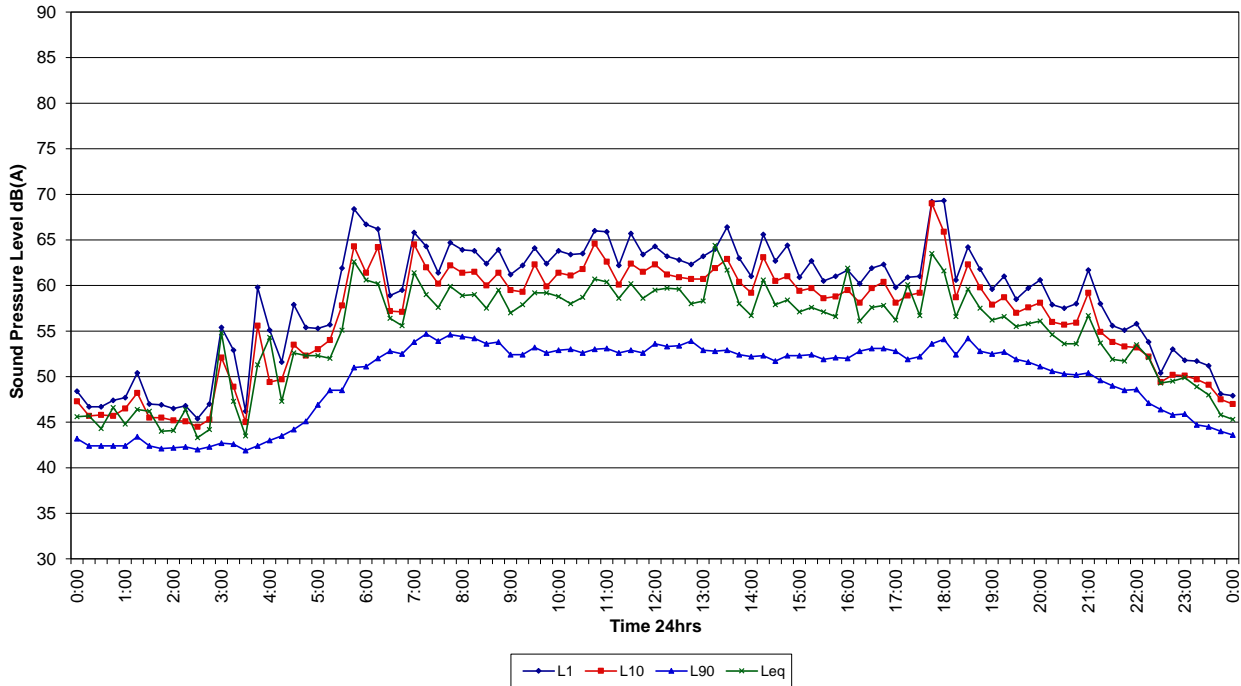




Ambient Logger Data

Shop2, 152 Military Rd Neutral Bay

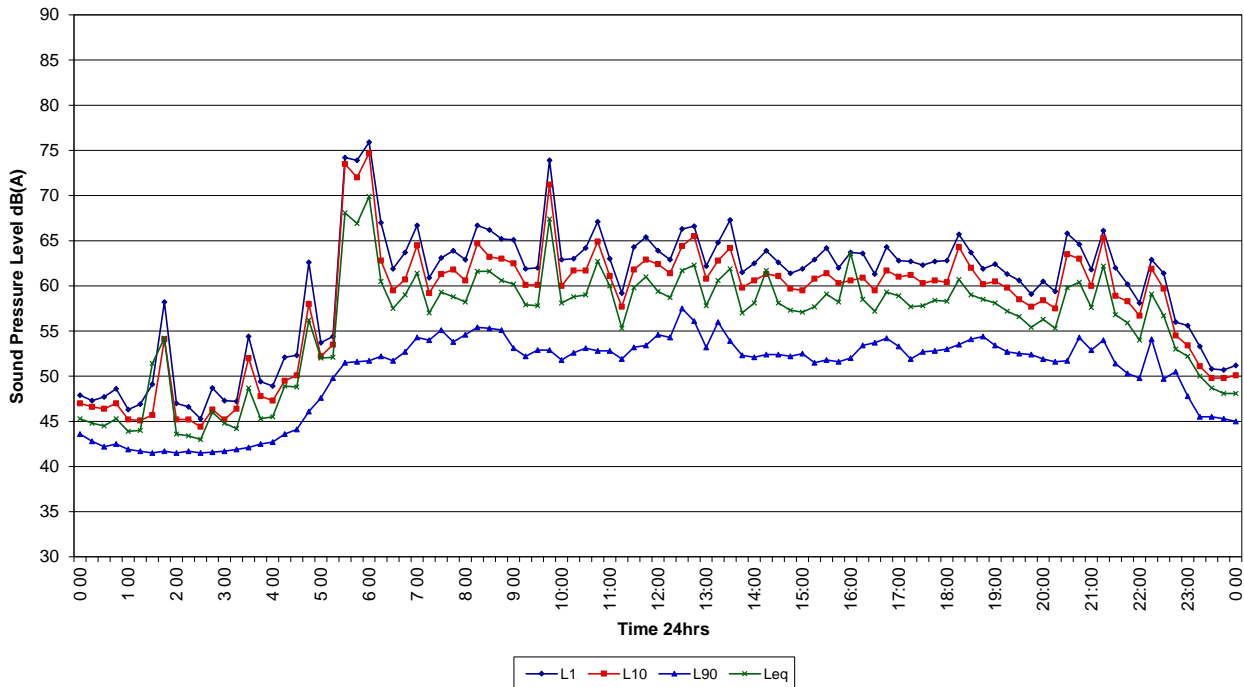
Thursday 3/09/2020



Ambient Logger Data

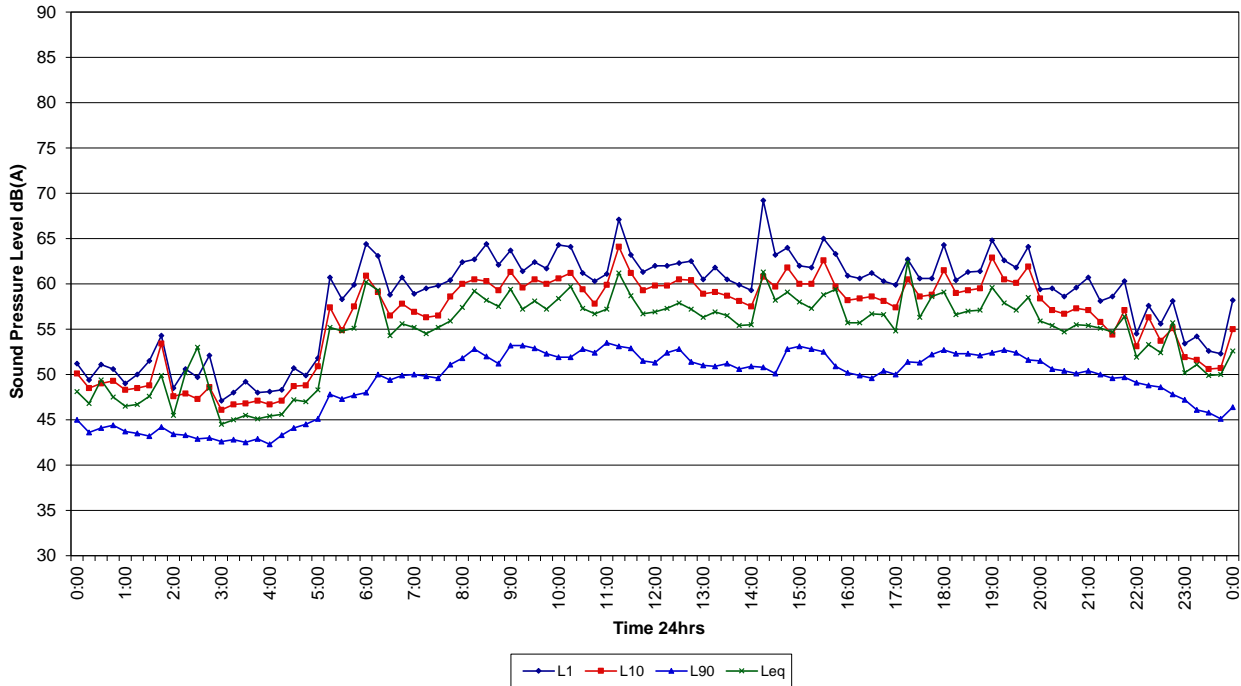
Shop2, 152 Military Rd Neutral Bay

Friday 4/09/2020

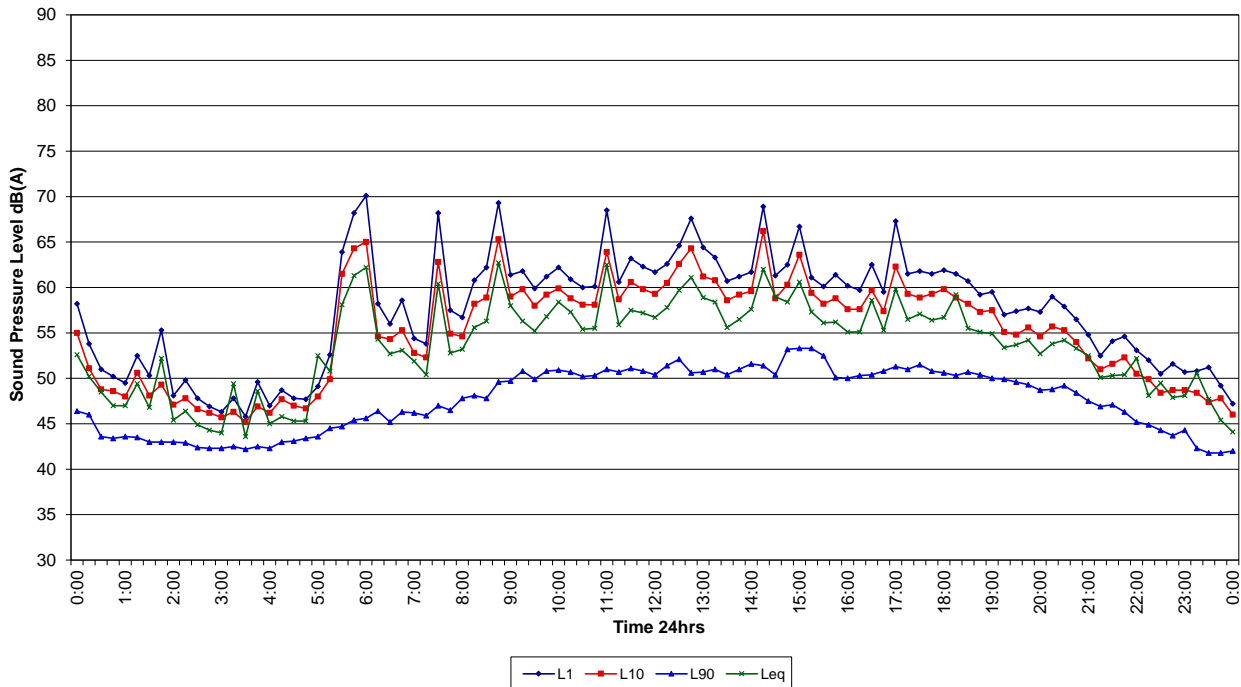




Ambient Logger Data
Shop2, 152 Military Rd Neutral Bay
Saturday 5/09/2020

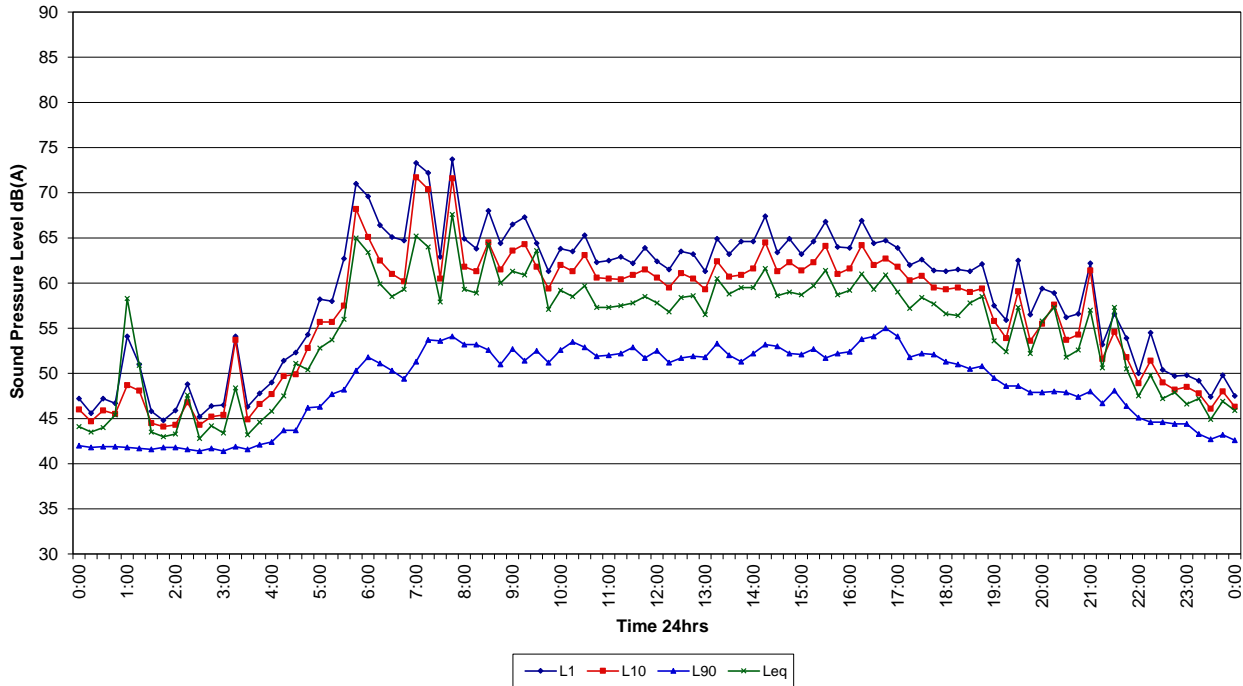


Ambient Logger Data
Shop2, 152 Military Rd Neutral Bay
Sunday 6/09/2020

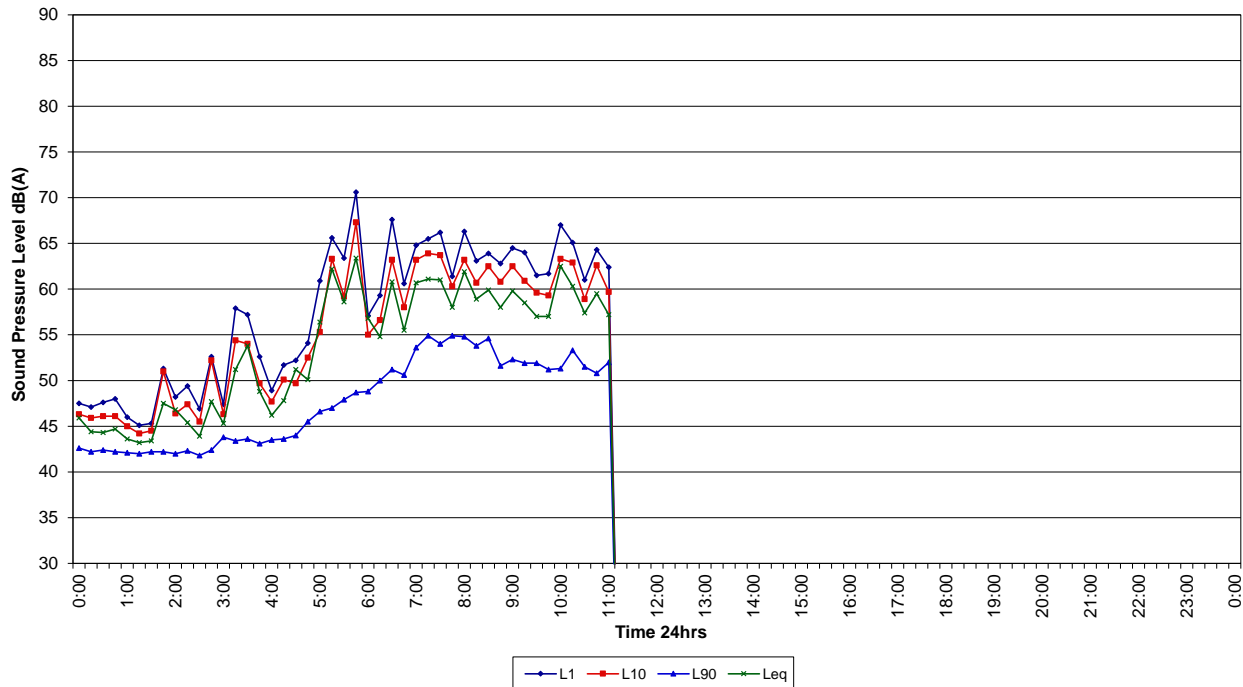




Ambient Logger Data
Shop2, 152 Military Rd Neutral Bay
Monday 7/09/2020



Ambient Logger Data
Shop2, 152 Military Rd Neutral Bay
Tuesday 8/09/2020





Appendix C – Instrument Calibration Certificate



**Acoustic
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Labs Pty Ltd**

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www.acousticresearch.com.au

Sound Level Meter IEC 61672-3:2013 Calibration Certificate

Calibration Number C19414

Client Details Rodney Stevens Acoustics Pty Ltd
1 Majura Close
St Ives Chase NSW 2075

Equipment Tested/ Model Number : Rion NL-42EX
Instrument Serial Number : 00572559
Microphone Serial Number : 170395
Pre-amplifier Serial Number : 72897

Pre-Test Atmospheric Conditions
Ambient Temperature : 24°C
Relative Humidity : 42.9%
Barometric Pressure : 99.94kPa

Post-Test Atmospheric Conditions
Ambient Temperature : 24.2°C
Relative Humidity : 42.1%
Barometric Pressure : 99.9kPa

Calibration Technician : Lucky Jaiswal
Calibration Date : 11 Jul 2019

Secondary Check: Eloise Burrows
Report Issue Date : 15 Jul 2019

Approved Signatory :

Ken Williams

Clause and Characteristic Tested	Result	Clause and Characteristic Tested	Result
12: Acoustical Sig. tests of a frequency weighting	Pass	17: Level linearity incl. the level range control	Pass
13: Electrical Sig. tests of frequency weightings	Pass	18: Toneburst response	Pass
14: Frequency and time weightings at 1 kHz	Pass	19: C Weighted Peak Sound Level	Pass
15: Long Term Stability	Pass	20: Overload Indication	Pass
16: Level linearity on the reference level range	Pass	21: High Level Stability	Pass

The sound level meter submitted for testing has successfully completed the class 2 periodic tests of IEC 61672-3:2013, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2013 because evidence was not publicly available, from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-1:2013 and because the periodic tests of IEC 61672-3:2013 cover only a limited subset of the specifications in IEC 61672-1:2013.

Least Uncertainties of Measurement - Environmental Conditions			
Acoustic Tests		Temperature	±0.2°C
31.5 Hz to 8kHz	±0.15dB	Relative Humidity	±2.4%
12.5kHz	±0.21dB	Barometric Pressure	±0.015kPa
16kHz	±0.29dB		
Electrical Tests			
31.5 Hz to 20 kHz	±0.12dB		

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.



This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172. Accredited for compliance with ISO/IEC 17025 - calibration.

The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

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