

**NSLPP MEETING HELD ON 6/10/21****Attachments:**

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

ADDRESS/WARD: 206 Blues Point Road, McMahons Point**APPLICATION No:** DA 101/21**PROPOSAL:** Alterations and additions to an existing hotel, including the conversion of an existing ground floor parking to a gaming room and new illuminated signage.**PLANS REF:**

Plan No.	Issue	Dated	Title	Drawn by	Received
DA0101	D	18 6 2021	Ground Floor Existing & Demolition Plan	Paul Kelly Design	25.6.21
DA0102	D	18 6 2021	Ground Floor Proposed Plan	Paul Kelly Design	25.6.21
DA0103	D	18 6 2021	Ground Floor Existing GFA Plan	Paul Kelly Design	25.6.21
DA0104	D	18 6 2021	Ground Floor Proposed GFA Plan	Paul Kelly Design	25.6.21
DA0105	D	18 6 2021	Ground Floor Smoking Calculations	Paul Kelly Design	25.6.21
DA1101	D	18 6 2021	First Floor Existing & Demolition Plan	Paul Kelly Design	25.6.21
DA1102	D	18 6 2021	First Floor Proposed Plan	Paul Kelly Design	25.6.21
DA1103	D	18 6 2021	First Floor Existing GFA Plan	Paul Kelly Design	25.6.21
DA1104	D	18 6 2021	First Floor Proposed GFA Plan	Paul Kelly Design	25.6.21
DA2101	D	18 6 2021	Second Floor Existing Plan	Paul Kelly Design	25.6.21
DA3101	D	18 6 2021	Roof Existing and Demolition Plan	Paul Kelly Design	25.6.21
DA3102	D	18 6 2021	Roof Proposed Plan	Paul Kelly Design	25.6.21
DA301	D	18 6 2021	External Elevation	Paul Kelly Design	25.6.21
DA302	D	18 6 2021	External Elevation	Paul Kelly Design	25.6.21

OWNER: Toongame P/L**APPLICANT:** Toongame P/L**AUTHOR:** Hugh Shouldice, Development Assessment Officer**DATE OF REPORT:** 10 August 2021**DATE LODGED:** 16 April 2021**SUBMISSIONS:** Ten (10)**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

The applicant seeks development consent for alterations and additions to the Commodore Hotel, including alterations to existing entry points, an existing outdoor terrace and conversion of an existing ground floor parking to a gaming room. The Commodore Hotel is an existing licensed premises located on land at 206 Blues Point Road, McMahons Point.

The application is reported to the NSLPP for determination as the application received ten (10) or more submissions during the notification period. As per the ministerial directions, the application is required to be determined by the North Sydney Local Planning Panel.

The application was notified in accordance with the North Sydney Community Participation Plan 2019. The notification period resulted in **ten (10)** submissions to Council. The concerns raised in the submission were acoustic privacy impacts, loss of car parking, uncharacteristic development for the McMahons Point area, traffic impacts, ethical impacts of gambling machines, overdevelopment, safety and security.

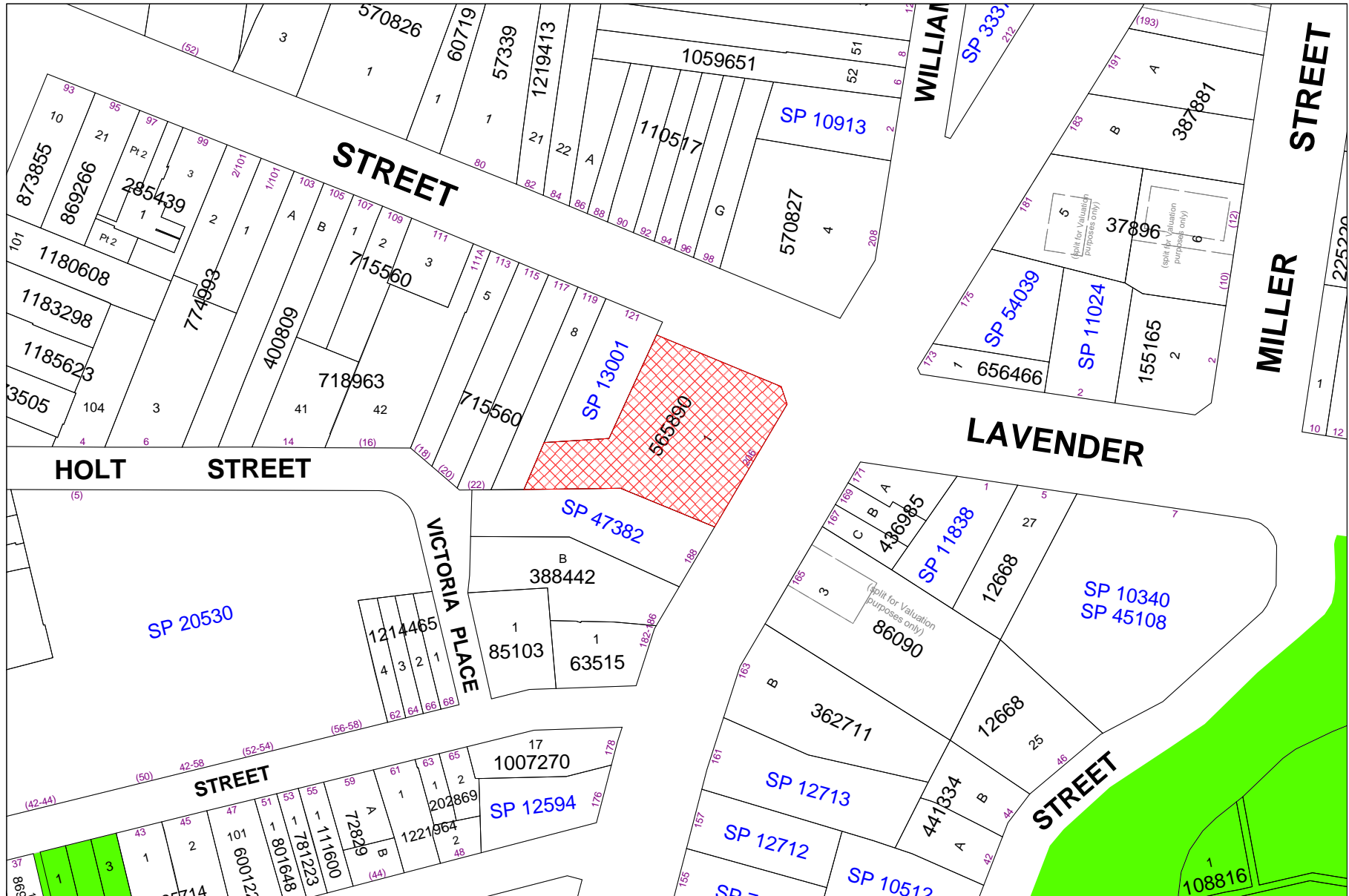
There is no proposed change to the hours of operation or capacity. The Hotel's hours of operation will remain between 10am and 12 midnight the following day, Monday to Thursday, between 10am and 1am the following day, Friday to Saturday, and between 10am and 10pm Sunday. The applicant has advised that the proposed capacity is to remain unchanged at a total of 405 patrons.

A Plan of Management has been submitted with the application which is to be implemented as part of the Application. The Plan of Management includes provisions for responsible service of alcohol, security, acoustic recommendations, complaints register and other operational details to ensure that potential impacts on surrounding sensitive land uses would not have additional adverse impact as a result of the Application.

As part of the application documentation an Acoustic Report was submitted to Council for assessment. The report makes an acoustic assessment based on 34 people in the gaming area, 47 people in the sports bar up until midnight and 34 people in the gaming area and the sports bar vacant post midnight. The proposed acoustic impacts caused are considered to be acceptable on merit, which is discussed later in the report.

Following this assessment, and having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the application is considered to be reasonable in the site circumstances and recommended for **approval** subject to standard and site-specific conditions of consent.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal is for alterations and additions to the Commodore Hotel, including alterations to existing entry points, an existing outdoor terrace and conversion of an existing ground floor parking to a gaming room. The gaming room is to operate as part of the existing hotel.

The proposal seeks to match the trading hours of the new gaming and sports bar with the licensed trading hours of the hotel, between 5.00am and 12 midnight Monday to Wednesday, 5.00am and 1.00am Thursday to Saturday, and between 10.00am and 10.00pm Sunday.

The proposed alterations and additions are outlined in more detail below:

Ground Floor:

- Demolition of Blues Point Road stairs, handrails and associated walls, storage cage fence and doors, planter and screens;
- Demolition of slab and excavation for new lobby, lift, stairs and voids along Union Street;
- Convert carpark and storage to gaming room and sports bar with amenities;
- Construction of lobby, lift and stairs from Union Street;
- Construction of entrance from Blues Point Road;
- Construction of lockable full height gate and partition wall for loading area; and
- New planter and plants along the new Blues Point Road frontage.

First Floor:

- Demolition of walls within gaming room to create new sports bar and exit;
- Demolition and reconstruction of Union Street entry to include lobby, lift, stairs and ramp;
- Demolition of existing planters and balustrade along curved frontage;
- Construction of nine voids along Blues Point Road;
- Install new floor and fitout to dining area,
- Install hanger doors and bi-fold windows along covered terrace;
- Install illuminated signage on Union Street; and

Roof Level:

- Partial demolition of pergola roof for voids and entry; and
- Construction of new voids, awning, and metal roof.

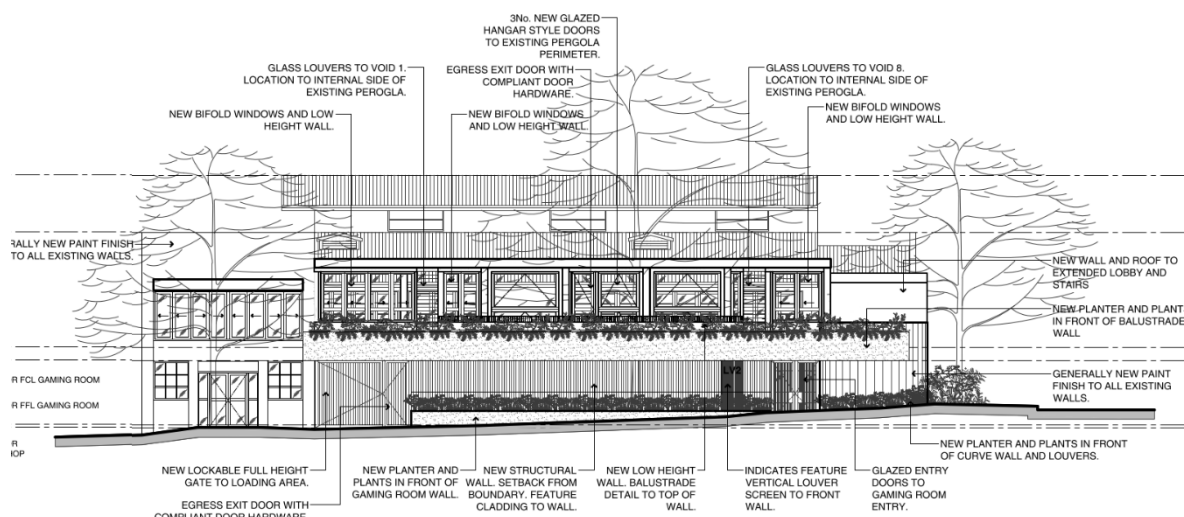


Figure 1 – Proposed Eastern Elevation

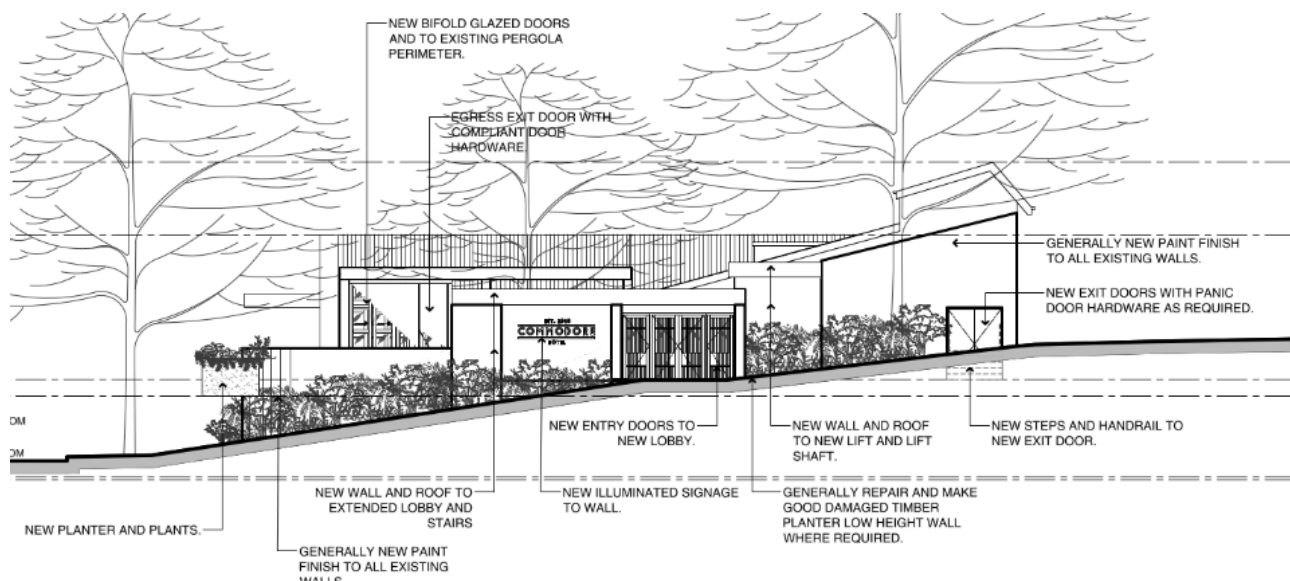


Figure 2 – Proposed Northern Elevation

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – IN2 Light Industrial Zone
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes (I0791 and I0422)
- Conservation Area - No
- FSBL - No

Environmental Planning & Assessment Act 1979 (as amended)

SEPP 64 - Advertising and Signage

SEPP – Remediation of Land

SREP (Sydney Harbour Catchment) 2005

SEPP Infrastructure
Local Development

POLICY CONTROLS

NSDCP 2013

DESCRIPTION OF LOCALITY

The subject site is located in McMahons Point in close proximity to the North Sydney CBD and existing North Sydney Railway Station. The land uses in the surrounding area consists of a mixture of small retail and business premises with some commercial offices, light industrial uses, food and drinks premises and medium density housing including terraces and residential units.

To the immediate north of the subject site is a row of terrace housing along Union Street and Shore School. To the further north along Blues Point Road is the North Sydney CBD area with multi storey commercial and mixed-use buildings. To the immediate east of the Subject Site is a mixture of shops and restaurants and residential buildings along Blues Point Road. Watt Park is behind the local shopping strip.

To the south of the Subject Site, immediately adjacent to the Hotel is a three storey residential building at 188 Blues Point Road. To the further south there are a variety of local shops and restaurants along Blues Point Road. To the immediate west of the Subject Site are three residential buildings. Commercial and industrial uses are prominent further west within the block.



Figure 3 – Existing Blues Point Road Elevation



Figure 4 – Existing Union Street Elevation

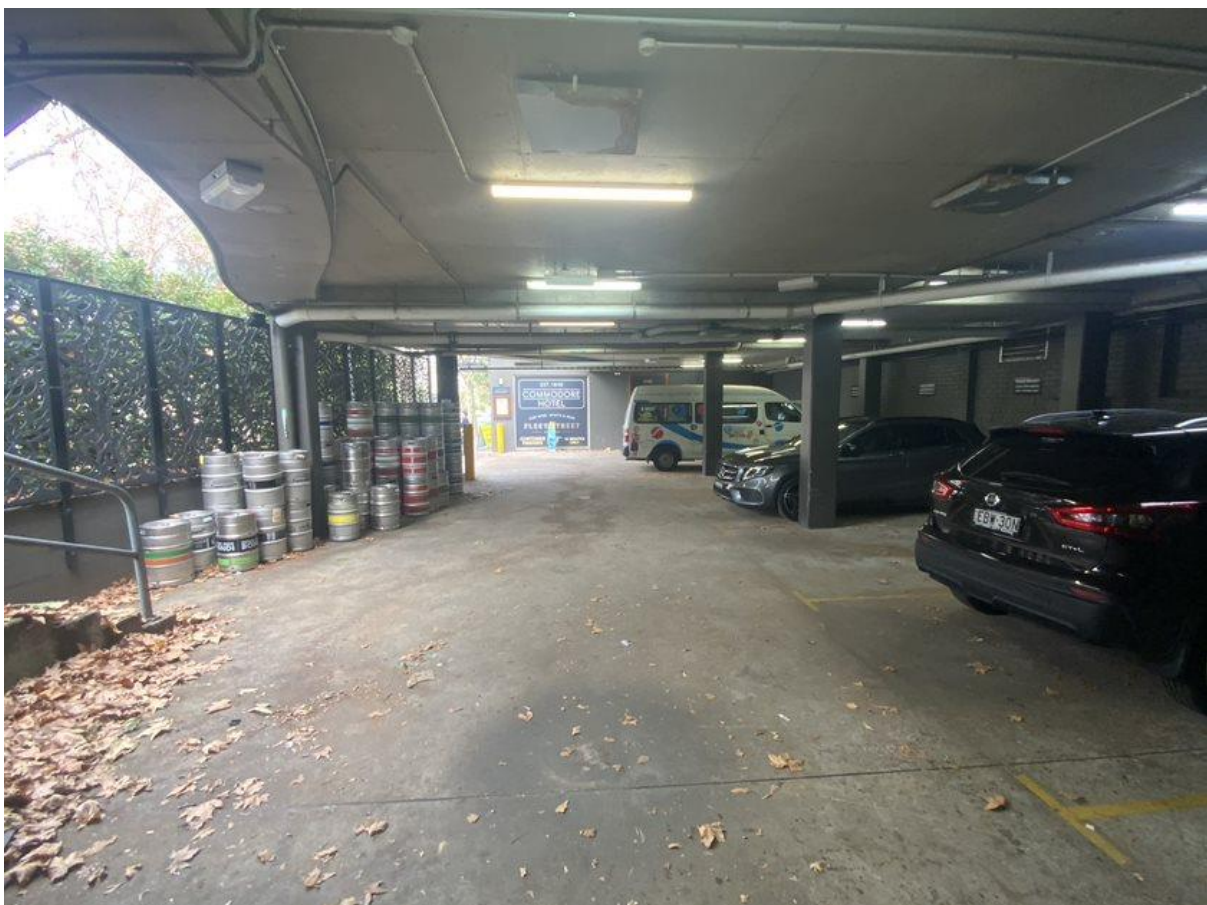


Figure 5 – Existing lower ground Car Park

RELEVANT HISTORY

Previous History:

BA 72/218 approved on 1 June 1972 permits the erection of a licensed tavern and demolition of existing hotel on completion. This Building Approval permits construction of a new tavern with lounge and bar areas, accommodation rooms and an at-grade carpark at the corner of Blues Point Road and Union Street. No operational condition is imposed on the consent.

DA 1058/94 approved on 10 November 1994 permits alterations and additions to the Hotel. Condition D30 states that the outdoor terrace area shall not be used after 11.00pm, Monday to Saturday and 10.00pm Sunday. The subject outdoor terrace area refers to the pink cross hatched area in the figure above which does not exist anymore.

BA 95/289 approved on 8 August 1995 permits alterations and additions to the Hotel. This Building Approval permits an extension to the Hotel consisting of a new snooker room and new terrace over the at-grade parking as pictured below.

DA 1361/97 approved on 10 November 1997 permits erection of two shade structures. No operational condition was imposed.

DA 364/09 approved on 24 March 2010 permits alterations to the Hotel including removal of existing steel awning, erection of new timber pergola and relocation of bar. Condition I1 requires canvas awning to be extended to cover the outdoor seating area of the terrace at 10pm daily. Bi-fold windows in the south eastern corner of the site shall be closed at 10pm, and remain closed until the cessation of trading. The business identification sign to Blues Point Road shall cease illumination outside approved trading hours.

DA 364/09/2 approved on 15 March 2013 permits alterations to the street front courtyard awning. No additional operational condition is imposed on the Hotel.

Current History:

Date	Application History
14 April 2021	The subject application was submitted to Council
21 April 2021	The application was notified to adjoining property owners and the Union/Lavender Bay Precinct, inviting comment between 30 April 2021 and 14 May 2021. Council received eight (8) submissions in response to the application.
4 May 2021	Council sent an additional information letter to the applicant requesting the following: - Arborist Report
20 May 2021	A site visit was undertaken at the subject site by the Assessing Officer.

25 June 2021	The applicant submitted the additional information requested by Council.
20 August 2021	An online meeting was conducted with the applicant, requesting amendment to SEE report and gross floor space calculations.
23 August 2021	The applicant submitted an additional information, which included an amended SEE report.

EXTERNAL REFERRALS

NSW Police

The North Shore Police Area Command has provided the following comments on the subject application below:

1. Introduction

In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on North Sydney Council Development Application DA101/2021

1.1 Current environment

The site for this application is the existing building known as the Commodore Hotel. The area surrounding the hotel is a mix of commercial and residential properties and is around 300 metres south of the North Sydney business district.

1.2 Proposed development

The DA proposes to convert the existing undercover parking into a new gaming room and sports bar. The proposed works also involves the alterations and additions to the upper (first floor) level including a larger sports bar, extended terrace, new pedestrian entry and new passenger lift.

2. Crime risks and identified issues

*This report will only cover crime risks not related to alcohol or liquor licensing. As the location is a licensed premises **the report will be forwarded on to the North Shore PAC Licensing Unit to comment** on any alcohol or liquor licensing related crime risks or issues.*

3.1. Current/trending crimes that impact the local area that should be considered within the design and building process.

There are no recent incidents reported to Police for the development site or surrounding area. The North Sydney area is occasionally subject to residential and commercial break, enter and steal offences but is generally a low crime area.

3.2. *Crimes that the current proposed development application will introduce or facilitate within this space.*

The DA is not expected to introduce or facilitate any new non alcohol related crime.

3.3. *Developments can introduce or facilitate certain issues that are not necessarily a crime, but impact on the ability to police a space. This section allows you to detail what issues you have with the proposed development, for example homelessness, population density, other proposed developments in the surrounding space, traffic, traffic flow, parking, public transport, affordable housing, schools, religious building/groups, emergency management and anything else your command identifies.*

None expected

3. *Recommendations*

1. *The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.*
2. *Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance". Appropriate internal signs should be used to guide patrons through the property.*
3. *All 'Staff only' areas should be clearly marked as such and physical barriers such as doors and gates should be erected to prevent unauthorised entry.*
4. *Staff should be provided with a secure area in which to store their personal effects whilst working.*
5. *Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.*

6. *Lighting around the hotel will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.*
7. *Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.*
8. *Windows within the building should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.*
9. *An electronic surveillance system should be included to provide maximum surveillance of all areas of the hotel including entry/exits, bar and service areas, corridors and areas where cash is either kept or handled. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.*
10. *An emergency control and evacuation plan should be implemented within the hotel. Management and staff should be trained in the execution of the plan in emergency situations.*
11. *All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual who may be involved in criminal behaviour.*

12. *Wheel chair access should at no time be blocked nor impede access to anyone with a disability.*
13. *The proprietors/management of the premises must take all steps necessary to ensure that no increased noise emissions occur from persons entering or leaving the premises. Management must also ensure the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood and that patrons leave the vicinity in an orderly manner.*
14. *The landscaping design around the hotel needs to be free from potential hiding places and provide sightlines throughout the outside areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.*

Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- *It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.*
- *It is based upon the information provided to the NSWPF at the time the assessment was made.*
- *This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.*
- *The contents of this assessment are not to be copied or circulated otherwise than for the*
- *purposes of the consent authority, unless otherwise agreed.*

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Comments:

The comments provided by the Superintendent Commander, NSW Police are generally concurred with and the recommended condition will form part of the development consent.

INTERNAL REFERRALS

Building

Council's building/compliance officer has assessed the proposal and provided the following comments below:

'The development application seeks approval for alterations and additions to an existing 2 storey commercial building, including the conversion of an existing carpark to gaming room.

The building is classified by the NCC BCA 2019 as a class 7a, 5 & 6 building of Type B construction.

The application is supported by a BCA Capability Statement dated 9 April 2021 prepared by Design Confidence which concludes that the proposed design is capable of compliance with the Deemed to Satisfy provisions of the BCA.

The application is also supported by an Access Report dated 29 March 2021 prepared by Design Confidence which concludes that the proposed design is capable of complying with the BCA and DDA standards via a combination of satisfying the Deemed to Satisfy provisions of the BCA and use of Performance based Solutions.

The property forms part of Council's Annual Fire Safety Statement Register and submission of AFSS is up to date. Given the works represent less than 50% building floor area upgrade of the buildings essential fire safety measures pursuant to Clause 94 of the Environmental Planning & Assessment Regulations 2000 is not required.

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.

Generally, the proposed works are able to comply with the requirements of the NCC - BCA 2019, Volume 1. Given the above, the following Standard Conditions are recommended in the condition set'.

Planning Comments:

The comments provided by Council's Building Officer are generally agreed with and the conditions recommended are included later in the condition set.

Environmental Health - Noise

The comments provided by Council's Team Leader Environmental Health Officer will form part of the development consent. The comments are outlined below:

'The proposed alterations and additions to the Commodore Hotel consists of a new Gaming Room with 30 machines and a Sports Bar on Ground Floor. There is a new lobby on ground floor and modifications to the existing pergola and new roofs.

At this stage of the development, reference is made to mechanical plant however details for the mechanical plant has not been provided nor the location for this plant detailed. However, the report does advise that a qualitative assessment has been undertaken and in-principle noise management measures have been identified to ensure the plant can meet the below standards.

The plans indicate that a new lift is to be installed, however no acoustic details have been provided in relation to any noise impacts associated with the operation of the lift. The report advises that noise criteria will be met provided that the recommendations contained within the report are adopted.'

Further clarification was sought from Council's Environmental Health Team Leader on the 6 August 2021. Council's Environmental Health Team Leader provided further comments (dated 9 August 2021) on the proposal, which is outlined below:

'The report makes its noise predictions and compliance with such based on 34 people in the gaming area and 47 people in the sports bar up until midnight; and 34 people in the gaming area and the sports bar vacant post midnight. It is assumed that the windows and doors [to the gaming room] are aluminium framed with 6mm glass, giving an Rw rating of 25. It is recommended that the door be fitted with an automatic closer.

It is assumed that after consulting the acoustic report that the windows will remain closed. Should the applicant wish to have the windows open for a part of the day/evening, then this should be on a trial basis.

There is no information regarding the mechanical services to the area – i.e.: air con. This will need to be assessed for acoustic purposes given the late closing time of the gaming area and sports bar. At Construction Certificate stage, information should be provided specifying the type and location of mechanical services. This will need to be accompanied by an assessment from the acoustic consultant advising as to whether the plant will comply with noise criteria or whether mitigation measures will be required.

The standard clause with regards to the noise from mechanical plant complying with a background (L90) + 5db can apply but the acoustic assessment of the plant may adopt alternate criteria. It is recommended that an additional clause specifying that the noise criteria of any future report relating to mechanical plant will need to be complied with.

With regard to smoke spill via the voids, it is an unknown whether this will affect patrons in the outdoor area of the hotel. The legislation around smoking and smoking areas of hotels, is subject to the Smoke Free Environment Act. This legislation is enforced by NSW Health; - Council has no jurisdiction in this area. Smoking can be anywhere outdoors so long as it is not within 4m of where patrons are dining.'

Planning Comment:

The comments provided by Council's Team Leader of Environmental Health are noted and the recommended condition is generally agreed upon. A condition will be included in the condition set requiring the acoustic report to be complied with (please refer to condition set, outlined later in the report).

Engineering

Council's Engineer has assessed the proposed and provided the following commentary below:

Traffic Management:

The scope of works is quite extensive, and the site is located at a busy intersection, therefore a traffic management plan needs to be assessed by the traffic engineers. Appropriate conditions shall be imposed in this regard.

Stormwater:

There will be no adverse impacts on the existing stormwater system. The post construction discharge rate will not exceed the pre-construction discharge rate. Appropriate conditions shall be imposed in this regard.

Parking and Access:

Changes to the existing on-site parking arrangement including modification to the existing loading bay. Existing crossover must be modified. Appropriate conditions shall be imposed in this regard.

Public Domain:

The site is located in the Village Centres and Activity Strips as per the Public Domain Style Manual. Full frontage paving, kerb/gutter etc. and road restoration on Blues Point Rd is considered appropriate to the scope of works. Appropriate conditions shall be imposed in this regard.

Sediment and Erosion controls

Appropriate conditions shall be imposed in this regard.'

Planning Comments:

The application has been assessed by Council's Engineer and the comments are generally agreed with. The conditions recommended are included in the condition set later in the report.

Landscaping

Councils Landscaping Officer has assessed the proposal and provided the following comments below:

'Condition strict adherence to tree protection and management requirements as detailed in the Arborist report prepared by Urban Arbor dated 28 May 2021, in addition to those previously advised (see below):

*"Tree bonds of \$10,000 per tree shall be applied to 5 x mature Platanus sp. trees planted in the council verge (two (2) on the Blues Point Road frontage, and three (3) on the Union Street frontage) with a total bond **\$50,000**.*

5 x Platanus sp. referenced above shall be protected in accordance with AS4970, no roots greater than 40mm shall be cut, trunk and branch protection shall be installed for the duration of works, no pruning shall be permitted.

The submitted Landscape plan shall be amended as follows:

- *The Ficus elastica 'Burgundy' shall be replaced with a less invasive species less likely to cause future problems with containment structures.*
- *Plant species shall be identified with their correct scientific nomenclature (not common names), and plant referred to as "variegated ficus green" may need to be substituted depending on what it turns out to be."*

Planning Comments:

The comments provided by Council's landscaping development officer are noted and generally agreed with. The conditions specified in the comments above are to be included in the condition set, which is outlined later in the report.

Traffic

Council's traffic and transport officer has assessed the proposal and provided the following comments below:

'An assessment has been undertaken based on the Traffic and Parking assessment report prepared by "Varga Traffic Planning" dated 26 March 2021, reference 20638.

Existing Site

The subject site is located on the south-western corner of the Blues Point Road and Union Street intersection. The site has street frontages of approximately 34m in length to Blues Point Road, approximately 31m in length to Union Road and occupies an area of approximately 1,138m².

The site is currently occupied by the Commodore Hotel, a pub building comprising typical facilities such as a public bar/sports bar area, bistro/restaurant, bottle shop, internal/external terrace/dining areas and pokie room, as well as various “back-of-house” areas such as toilets, kitchens, staff amenities and the like. A recent aerial image of the subject site and its surroundings is reproduced below.

Proposed Development

The proposed works involve the conversion of the existing undercover car park into a new 30 machine gaming room area, as well as a small new sports bar seating area. A new dividing wall will be constructed which will define the loading dock in its existing location, with the existing driveway crossover also to be retained.

The proposed works also involves alterations and additions to the upper (first floor) level, including a larger sports bar, extended terrace, new pedestrian entry and new passenger lift. Overall, the proposed works result in a nett increase in “public floor area” of approximately 200m², noting that the majority of the new floor space, some 75%, is derived from the new gaming room which has a much lower patron density than if the space was used as a bar area.

Traffic Generation

The proposed development does not provide for any on-site parking spaces and as such will not have unacceptable traffic implications in terms of road network capacity.

Parking Provision

Based on the Council’s DCP 2013 (amended on 5 November 2015 Section 10) the following maximum parking provisions for this development are required:

Type of Parking	North Sydney Council DCP 2013	
	Requirement per dwellings	
Hotel and motel accommodation Pubs Registered clubs (excluding residential) 1056m ²	1/100m ² (licensed floor area)	11
Total car parking		11

The development has a very broad access to public transport system and does not propose any off-street parking spaces.

Motorcycle Parking:

Council’s DCP makes provision for motorcycles spaces (at a minimum rate of 1 space per 10 cars or part thereof for non-residential uses). Development does not propose any on-site parking spaces and as such does not provide any motorcycle parking spaces.

Bicycle Parking

Council's DCP makes any provision for bicycle spaces for pubs with the following rates:

- *Occupants 1 / 100m² GFA*
- *Visitors/customers 1 / 100m² GFA*

The proposed development has a total GFA of 1056m², therefore requires 11 spaces for occupants and 11 spaces for visitors. The development requires a minimum of 22 bicycle spaces but does not propose any bicycle spaces which does not comply with the Council's DCP. Therefore, the minimum required make provision for a total of 22 bicycle spaces.

Loading and Servicing Facilities

The development retains the existing driveway access to the under-cover parking and retains the existing loading dock to accommodate an 8.8m long Medium Rigid Vehicle (MRV).

Conclusion

It is recommended that the proposed development be approved with the following conditions imposed:

1. *The number of bicycle spaces to comply with the North Sydney Council's DCP.*
2. *That a Construction Traffic Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate. Any use of Council property shall require appropriate separate permits/ approvals.*
3. *Council will not take into consideration any future requests for on-street drop off/pick up or any other short or long term parking spaces if the development is in shortage of patron's parking spaces (drop off/pick up, short or long term).*

Additionally, the following require concurrence from Transport for NSW prior to determination:

1. *Reversing into the loading dock from Blues Point Rd be approved by Transport for NSW due to proximity of the driveway access to the traffic signal at the intersection of Blues Point Rd and Lavender Street/Union Street.'*

Planning Comments:

The comments provided by Council Traffic Engineer are noted. The conditions outlined are generally agreed with. Council notes that the proposal does not comply with the bicycle spaces required per the NSDCP 2013 and there is a loss of existing off street car parking spaces.

The proposed car parking provision retained in the open parking area to the west of the hotel and the existing loading dock is sufficient to provide for staff parking and loading and delivery facilities for the existing retail bottle shop and hotel operations. The reduction of off street car parking is assessed as satisfactory given the site's close proximity to high frequency bus stops and the North Sydney Train Station.

The suggested conditions recommended by Council's Transport Officer are included in the attached recommended condition set.

SUBMISSIONS

The issues raised in the submissions are summarised below and addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

The application was notified to adjoining property owners and the Union/Lavender Bay Precinct on the, inviting comment between 30 April 2021 and 14 May 2021. Council received **ten (10)** submissions in response to the application. The concerns raised are raised in the submissions below:

Basis of Submissions

- **Loss of parking spaces.** Parking in Blues Point Road is difficult at the best of times and putting more cars on the street is not acceptable
- Increased patronage and increased employees will lead to more traffic congestion on this busy intersection and danger to pedestrians.
- **Noise.** Adds to noise from patrons coming and going late into the night is at odds with the McMahons Point Masterplan, which seeks to foster a 'village atmosphere with increased on premises gambling.
- Is overdevelopment of the site in the village precinct
- Brings a whole different level of pub activity which will impact on the local community
- Provides no community benefit, only detriment
 1. Impact on our local area, noise and traffic congestion.
 2. Provides no benefit to the local community- just increases undesirable behaviour
 3. Loss of parking spaces. There are already extremely limited Parking spaces on Blues Point Road and locals find it difficult enough to park. This will make it worse.
 4. Increased patronage and increased employees will lead to more traffic congestion on this busy intersection and danger to pedestrians.
 5. Adds to late night noise from patrons.
 6. Is at odds with the McMahons Point Masterplan, which seeks to foster a 'village atmosphere' with increased on premises gambling.
 7. Is TOO MUCH DEVELOPMENT in the village precinct
 8. Brings a different vibe to the local area , increases the level of pub activity which will be a negative impact on the local community
- Do not support the proposal to have more gambling in the local area.
- Creating a whole new floor for gaming machines will increase the risk for residents who struggle with problem gambling. It will have a negative influence on the community and adds nothing of value. A visit to the Commodore for a meal with family and friends should not involve having to navigate more poker machines.

- Against the proposal regarding converting the parking area into usable space is in keeping the with the current aesthetics of the building and surrounds.
- General concerns in relation to “creating a custom-built gaming room”. “A large gaming room will not only encourage gambling of those who would currently frequent the Commodore [hotel]”, gaming and gambling can result in: bankruptcy, crime, domestic abuse, and suicide.
- I am against the creation of a purpose built gaming room in the Commodore Hotel.
- Gambling is a serious health and social issue.
- Any increase in gaming machines is to be avoided.
- This construction makes access to the gaming room easily accessible directly from the street and thereby openly advertises the practice of gambling with the result that people who should NOT gamble will not be deterred.
- Street access also makes likely the congregating of patrons at closing time with probable resultant noise and public nuisance issues for residents and anyone walking in that area. This facility is NOT appropriate for McMahons Point which is predominantly a residential area and should therefore be rejected.
- The Union Precinct strongly opposes DA 101/21 which would see significant changes made to both the operations of and the physical site of the Commodore Hotel on Blues Point Road.
- While objecting to the development application, Union Precinct recognises and embraces the vitality and amenity the current Commodore Hotel provides to the local neighbourhood. It is this "village atmosphere" it wishes to preserve.
- At it's meeting on 5 May 2021, members of the Precinct overwhelmingly voted to oppose the development on the following grounds:
 - **Increased patronage would create increased noise** – this is especially concerning for the proposed expanded trading hours to 1am on Friday and Saturday nights.
 - **Increase in staff** required would also increase the need/competition for already limited parking.
 - **The loss of parking spaces** would apply even greater pressure on already limited parking in the area.
 - An increased **gaming room is incompatible with the character of the area**, the village atmosphere of the neighbourhood and the historic significance of the site.
 - It would create more **congestion** on what is already a busy intersection for both pedestrians and motor vehicle traffic.
- Union Precinct residents are highly impacted by this potential development and urge Council to REJECT the application.
- Concerns around whether a gaming room at street level would be appropriate in the middle of the heritage conservation areas surrounding Blues Point village. Late night trading hours to the extended trading area should be a separate DA. Opposed to the conversion of the ground-floor parking area into a gaming room.
- Increased patronage would create increased noise – this is especially concerning for the proposed expanded trading hours to 1am on Friday and Saturday nights.
- Increase in staff required would also increase the need/competition for already limited parking.
- The loss of parking spaces would apply even greater pressure on already limited parking in the area.
- An increased gaming room is incompatible with the character of the area, the village atmosphere of the neighbourhood and the historic significance of the site.
- It would create more congestion on what is already a busy intersection for both pedestrians and motor vehicle traffic.
- I own a unit at 188 Blues Pt Rd McMahons Pt immediately adjacent to and overlooking the Commodore Hotel.

- The unit is affected by noise and disturbance from the Commodore Hotel. This noise and disturbance will be increased by the development proposal.
- The gaming room and associated street access activities are not appropriate for this residential neighbourhood.
- Additionally, the proposal must not allow any expansion or additions to air-conditioning associated with the Commodore Hotel or enable expansion of operational hours of the Hotel.
- The number of parking spaces on Blues Point Road is already extremely limited. It is a major problem for both residents and local business owners. The proposed loss of the eight existing off-street parking spaces within the undercover parking area will exacerbate the situation and result in increased traffic congestion and inconvenience for local residents and business owners. The proposal is also at odds with the McMahons Point Masterplan, which seeks to foster a 'village atmosphere'. It is difficult to see how the loss of parking spaces and increase in gambling activity will benefit the local area.

CONSIDERATION

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

SREP (Sydney Harbour Catchment) 2005

The subject site is not visible from Sydney Harbour or its foreshores. The proposal therefore would not impact upon the scenic quality of Sydney Harbour or its waterways and is considered acceptable with regards to the above SREP.

SEPP 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the likelihood of land contamination and any remediation necessary to rehabilitate the site. Council's records indicate that the site has previously been used for residential development and as such is unlikely to contain any contamination; therefore, the requirements of the above SEPP have been satisfactorily addressed.

SEPP (Infrastructure) 2007

The replacement signage is located on an arterial road. The signage has been considered against the provisions of SEPP (Infrastructure) 2007 and is considered to be acceptable.

State Environmental Planning Policy No. 64 - Advertising & Signage

SEPP64 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. Clause 3 of the SEPP64 provides objectives for new signage development as follows:-

3. *Aims, objectives etc*
 - (1) *This Policy aims:*
 - (a) *to ensure that signage (including advertising)*

- (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
 - (b) to regulate signage (but not content) under Part 4 of the Act, and
 - (c) to provide time-limited consents for the display of certain advertisements, and
 - (d) to regulate the display of advertising in transport corridors, and
 - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

The proposed installation of illuminated signage on Union Street is characterised as ‘building identification signs’ for which Parts 1 and 2 of the SEPP apply (as shown in the figure below). The proposed signage is not within the definition of ‘advertising structure’, and as such, Part 3 of the SEPP does not apply.

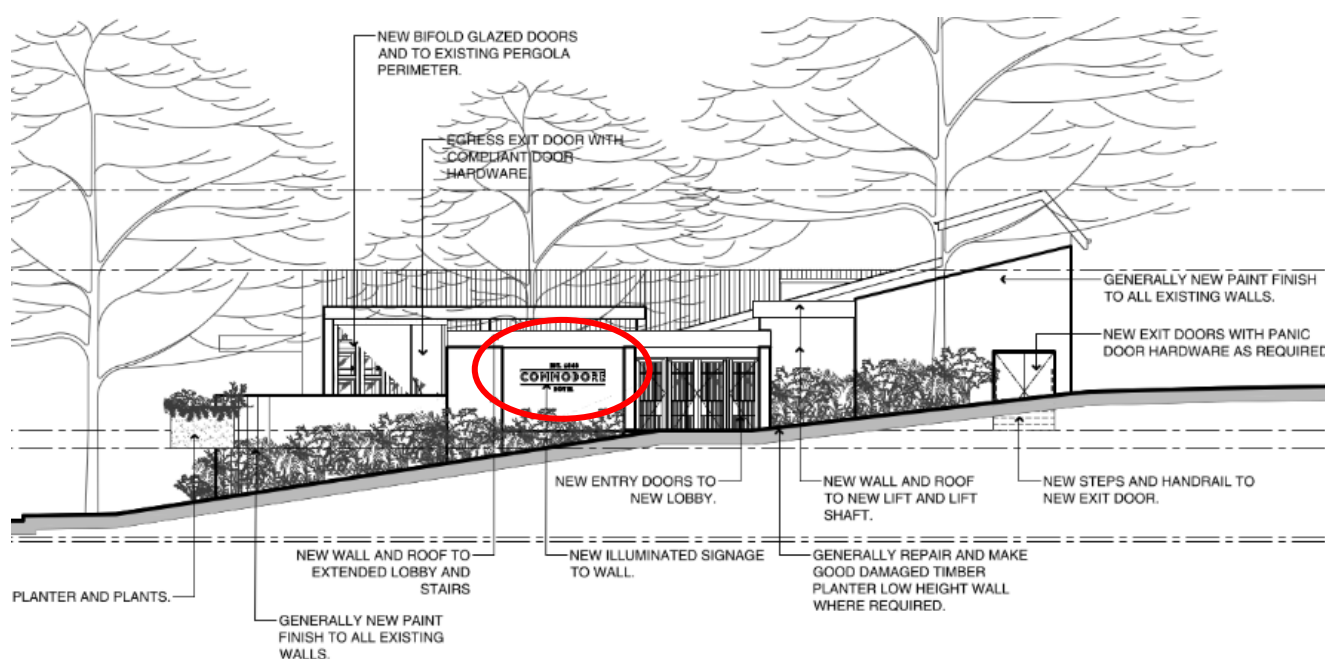


Figure 6 – Proposed Business Identification Sign

Part 2, 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 SEPP64 and meets the relevant assessment criteria and with further details and particulars provided in the DCP Compliance Table in this report:

Assessment Criteria	Comment
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage continues to be characteristic of the locality on this basis.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is considered to be consistent with the outdoor advertising in the locality. The signage continues to be in character with the existing building.
Special Areas	
Does the proposal detract from the amenity or visual amenity of any environmentally sensitive areas, heritage areas, natural or conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not a heritage listed building and is not located within a Conservation Area. The site is located immediately adjacent to a number of residential heritage items.
Views and vistas	
Does the proposal obscure or compromise important views?	No important views or vistas are compromised.
Does the proposal dominate the skyline and reduce the quality of vista?	The proposed signage will not unduly dominate the skyline. The majority of the signage is at single storey level. The proposed sign will not result in a structure higher than the existing. The proposed sign is visible from the surrounding locality given its height and location. The proposed signage will not result in adverse impacts to surrounding district views of McMahons Point and Lavender Bay.
Does the proposal respect the viewing rights of other advertisers?	The signage does not obscure any other signage nearby.
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage will be generally consistent with the existing signage and surrounding development.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed business identification signage is considered to result in an acceptable visual appearance.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no material increase in clutter.
Does the proposal screen unsightliness?	The proposal does not screen any unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign does not protrude above the building.
Does the proposal require on-going vegetation management?	No vegetation management is required.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The replacement signage continues to be reasonably compatible within the subject site and surrounding locality.

Does the proposal respect important features of the site or building, or both?	The proposed signage does not impact upon any important features of the site or building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage integrates within the existing building.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed sign is located on the north facing wall along Union Street. The proposed sign is setback within the boundary of the subject site and is considered to be integrated with the building upon which it is displayed.
Illumination	
Would illumination result in unacceptable glare?	Conditions are recommended to ensure that the illumination will comply with AS4282-1997 – control of obtrusive effects of outdoor lighting.
Would illumination affect safety for pedestrians, vehicles or aircraft?	There are no known safety concerns arising from the proposed development.
Would illumination detract from the amenity of any residence or other form of accommodation?	Conditions are recommended to ensure that the illumination is acceptable. Conditions are recommended to ensure that the illumination will comply with AS4282-1997 – control of obtrusive effects of outdoor lighting.
Can the intensity of the illumination be adjusted, if necessary?	Conditions are recommended to ensure that the illumination will comply with AS4282-1997 – control of obtrusive effects of outdoor lighting.
Is the illumination subject to a curfew?	A condition is included in the condition set ensuring that the proposed business identification signage is not illuminated between 1.00am and 7.00am Monday to Sunday.
Safety	
Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	There are no known safety impacts arising from the proposed signage.

North Sydney Local Environmental Plan 2013

1. Permissibility

The site is zoned IN2 (Light Industrial) as shown on the Land Zoning Map referenced in Clause 2.2 of the NSLEP 2013. The permissible forms of development in the zone are included in the land use zoning table at Clause 2.3 of the LEP.

The proposal involves alterations and additions to an existing hotel, defined as a 'pub' under the NSLEP 2013 and the Standard Instrument. Development for the purposes of a 'Pub' is not ordinarily a permissible form of development in the IN2 Light Industrial Zone.

A '**Pub**' which is a form of '**food and drink premises**' with associated business identification signage, which The definition of a '**food and drink premise**' and 'pub' are outlined below:

'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—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) **a pub,**
- (d) a small bar.

***pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.*

Note— Pubs are a type of food and drink premises—see the definition of that term in this Dictionary.'

Schedule 1 – Additional Permitted Uses

The subject site is identified as having additional permitted uses under Schedule 1 of the NSLEP 2013, as outlined below:

19 Use of certain land at 206 Blues Point Road, McMahons Point

- (1) *This clause applies to land at 206 Blues Point Road, McMahons Point, being Lot 1, DP 565890.*
- (2) *Development for the purposes of a pub is permitted with development consent.*

The proposal for the subject site is therefore considered to be permissible within the zone, with regards to Schedule 1 – Additional Permitted Uses in the NSLEP 2013. The retail bottle shop attached to the hotel, also known as Fleet Street", operates under of the same Hotel license therefore forms part of the pub. No change is proposed to the retail areas of the bottle shop.

3. Objectives of the zone

The objectives of the IN2 –Light Industrial Zone are stated below:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To encourage a mix of lower scale housing types.*
- *To permit development that is compatible with the scale and character of the surrounding residential area.*

The proposal involves a change of use to a food and drink premise with associated business identification signage, which does not compromise any visual or acoustic privacy, subject to the additional conditions recommended by the Police and Council's Environmental Health Officer. The proposed development, as amended by the recommended conditions of consent, will generally meet the objectives of the zone.

Principle Development Standards

4. Compliance Table

The application has been assessed against the relevant numeric controls in NSLEP 2013 as indicated in the following compliance table. More detailed comments with regard to the major issues are provided later in this report.

Principal Development Standards				
Site Area – 1155.61m ²	Existing	Proposed	Control	Complies
Clause 4.3 – Heights of Building	8.1m	8.1m	8.5m	Yes

Clause 4.3 - Height

The maximum building height for the site is 8.5m pursuant to Clause 4.3 of NSLEP 2013. The height of the building works are approximately 8.1m and is therefore compliant with the building height control. The proposed changes to the configuration of the entry roof and new work to the undercroft areas and partial enclosure of the existing dining terrace with louvred windows have been considered against the objectives of the development standard and are found to be satisfactory.

The changes to the roof form over the entry to the Union Street are not considered to present any additional view impacts to nearby residential properties which presently overlook the site. The height, form and scale of the proposed building works are consistent with the low rise, generally two storey form of the existing hotel and would not unreasonably impact on the character of nearby heritage items.

Clause 5.10 – Heritage Conservation

The subject site is located in close proximity to a number of heritage items. However, the proposal does not result in any material impacts to these items. The proposal is generally consistent with the objectives outlined in Section 5.10 of the NSLEP 2013 and is therefore considered to be acceptable in this regard. The proposal is not located within a heritage conservation area.

Clause 6.10 – Earthworks

There will be no significant earthworks as part of this proposal as the proposal seeks to convert the existing car park underneath the hotel into a gaming room. Standard conditions have been recommended in the condition set for minor excavation.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

Compliance Table

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial & Mixed Use Development		
	<i>complies</i>	<i>Comments</i>
2.1 Introduction		
General Objectives <i>O5 are designed to contribute positively to their surroundings and particularly to diversity, vitality, social engagement and 'a sense of place',</i> <i>O6 provide active street frontages both during the day and night,</i> <i>O8 provide an acceptable level of amenity to residents living within and adjoining centres,</i> <i>O12 minimise the acoustic impacts on residents from non-residential activities</i>	Yes	The objectives outlined above are considered to be the most relevant with respect to the current proposal at the subject site. For the reasons the outlined throughout the report, the proposed works are considered to meet the objectives outlined in Section 2.1.1 of the NSDCP 2013. Any adverse impacts as a result of operational procedures and acoustic impacts are discussed in the DCP table as well as additional conditions (see condition set)
<i>O14 creates safe and high quality urban environments through careful design of buildings and use of materials, and a well designed and maintained public domain,</i>		
2.2 Function		
Diversity of Activities	Yes	The proposed use of the subject site as a food and drink premise is consistent with the DCP objective to ensure a diversity of activities within the mixed-use zone.
Maximise Use of Public Transport	Yes	The subject site is well served by public transport due to its proximity to Pacific Highway and North Sydney Train Station.
Mixed Residential Population	No Change	The proposal would not change the mixture of residential population within the locality.
2.3 Environmental Criteria		
Clean Air	Yes	The proposed food and drink premise is unlikely to have negative impact on air quality within neighbourhood. Please refer to the comments provided by Council's Environmental Health Officer, which are detailed earlier in the report.
Noise/Acoustic Privacy	Yes (Via condition)	Refer to the comments provided by Council's Environmental Health Officer, which are detailed earlier in the report. The application is accompanied by an operational plan of management and acoustic report which if implemented would ensure acceptable noise management can be achieved for the ongoing use of the premises as a hotel. Subject to ongoing compliance with the recommended conditions of approval, the proposal is therefore considered

		to satisfy the DCP requirements in relation to noise management and acoustic privacy.
Artificial Illumination	Yes (via condition)	The proposed business identification sign on the Union Street elevation is sought to be illuminated. A condition is recommended to require the Union Street signage to be backlit and not wholly internally illuminated. Appropriate conditions have been recommended to restrict illumination (Condition C1, I8 and I9). The proposal is considered to be acceptable, subject to conditions in order to maintain residential amenity.
Solar Access/Views	Yes	The proposal would not change the existing building envelope and there would be no adverse impacts in terms of solar access or view loss.
Visual Privacy	Yes	The proposal is unlikely to have visual privacy impacts on the surrounding properties due to a majority of the proposed works being internal in nature. The proposed works that are internal do not result in significant overlooking concerns.
2.4 Quality Built Form		
Context	Yes	The proposal seeks to provide a more formalised and landscaped frontage towards Blues Point Road. The proposed works do not result in the removal of any significance vegetation that is characteristic to Blues Point Road. Whilst the first floor level is more visually prominent from Blues Point Road, the ground floor is setback further from the boundary. The ground floor works included planter boxes, which will assist in softening the built form. The over building envelope does not result in significant changes when viewed from the public domain. The proposed signage on the Union Street elevation has been addressed under the SEPP No.64. For the reasons outlined above, the proposal is considered to be acceptable in this regard.
Setback-Side	N/A	The proposal does not seek to change the side setbacks.
Setback-Rear	N/A	The proposal does not seek to change the rear setbacks.
Streetscape	Yes	The proposal seeks to provide a more formalised and landscaped frontage towards Blues Point Road. The proposed works do not result in the removal of any significance vegetation that is characteristic to Blues Point Road. Council's Landscaping Officer has recommended conditions to ensure the ongoing protection of the significant vegetation that resides in close proximity to the subject site. There would be no significant change to the streetscape. Conditions have been recommended by Council's Development Engineer to ensure the pedestrian walkway and vehicle crossover is appropriately constructed (see condition set). This requires the implementation of works in accordance with Council's Public Domain Style Manual and is commensurate with the scope of work involved with the proposal.
Entrances and Exits	Yes	The proposal seeks to retain an entry off Union Street, which is considered to be the main entry. The existing stairs accessed via Blues Point Road are to be removed. A separate entry to the proposed ground floor gaming room will be accessed from Blues Point Road. The proposed entrances and exits are considered to be consistent with the objectives and provisions and are considered acceptable in this regard.

Night time appearances	Yes	The proposed works allow for visual sightlines onto Blues Point Road. The proposed works do not detract from the existing appearance and seeks to maintain a contemporary external façade, which also has clear sight lines to Blues Point Road. The proposal is therefore considered acceptable in this regard.
2.5 Quality Urban Environment		
Accessibility	Yes (via condition)	Council’s Building Officer has assessed the proposed and provided comments earlier in the report. Conditions have been recommended, which are included later in the report around equitable accessibility.
Safety and Security	Yes (via condition)	<p>The application was referred to NSW Police whose comments are outlined earlier in the report.</p> <p>The Superintendent Commander for the Local Area Command made recommendations in order to improve the safety and security of pedestrians, customers and employees within the tenancy.</p> <p>Standard and site specific conditions have been included in the condition set, specifically incorporating the recommendations by the NSW Police.</p>
Illumination	Yes	The proposal does not detract or affect the existing illumination and is therefore considered satisfactory subject to the imposition of Condition C1, I8 and I9 (see condition set).
Vehicular Access	Yes (via condition)	<p>Council’s Development Engineer and Transport Engineer have considered the proposed changes to the existing loading dock access from blues point road and advise that:</p> <p>Traffic Engineer:</p> <p>‘Traffic Generation</p> <p><i>The proposed development does not provide for any on-site parking spaces and as such will not have unacceptable traffic implications in terms of road network capacity.’</i></p> <p>Development Engineer:</p> <p>‘Parking and Access:</p> <p><i>Changes to the existing on-site parking arrangement including modification to the existing loading bay. Existing crossover must be modified.</i></p> <p><i>Appropriate conditions shall be imposed in this regard.</i></p> <p>Loading and Servicing Facilities</p> <p><i>The development retains the existing driveway access to the under-cover parking and retains the existing loading dock to accommodate an 8.8m long Medium Rigid Vehicle (MRV).’</i></p> <p>The proposal does not seek to change vehicle access as part of the application. The access point off Blues Point Road for loading and unloading of goods also remains in a similar to location as existing. The proposal is considered to be acceptable in this regard, subject to conditions.</p>

Car Parking	Yes	Council's Engineer and Traffic Engineer have assessed the proposal and provided comments outlined earlier in the report. Subject to the comments provided by both of Council's Engineers, the proposal is unlikely to have an adverse impact on the surrounding road network (subject to standard and site specific conditions). In terms of traffic generation and parking, the proposed food and drink premise does not seek to change the existing car parking requirements and is considered acceptable because of the availability of existing on-street parking for customers, off-street parking for staff and the close proximity to public transport. The proposal is considered to be reasonable in this regard.
Garbage Storage	Yes	The garbage storage is located at the rear of the building. The proposal does not seek to change the garbage storage facilities, nor does it seek to change the hours of waste disposal /collection and is considered acceptable in this regard.
Site Facilities	N/A	The proposal does not warrant a change in site facilities. The existing site facilities are compliant with Council's objectives and provisions.

SECTION 7 - Late Night Trading Hours										
	Complies	Comments								
7.3 - Trading Hours										
<p>Trading Hours</p> <p>The DCP specifies the following maximum operating hours for the use indoor area of premises on land within IN2 zone:</p> <p>7am – 11pm (Monday to Wednesday) 7am – 12 midnight (Thursday to Saturday) 7am – 10pm (Sunday)</p>	<p>Yes</p> <p>(via condition)</p>	<p>The proposal seeks to match the existing trading hours of the hotel for the new gaming room proposed on the ground floor.</p> <p>The existing trading hours are outlined below:</p> <p>5.00am and 12 midnight Monday to Wednesday 5.00am and 1.00am Thursday to Saturday 10.00am and 10.00pm Sunday</p> <p>The hours of operation are inconsistent with Section 7.3 in the NSDCP 2013. Council imposes a condition (see Condition 13) restricting operating hours to be consistent with the NSDCP 2013.</p> <p>The applicant has submitted an operational plan of management which is considered in further detail below.</p> <p>It is considered that the reduction in the hours of operation is necessary due to potential safety and security concerns, including potential for anti-social behaviour, which are detailed earlier in this report as well as to minimize the amenity impacts to nearby residential properties. However, operating hours outside of the specified hours in the NSDCP can be considered under a trial period (please refer to discussion below).</p>								
<p>Trial Periods</p>	<p>Yes</p> <p>(via condition)</p>	<p>The existing hotel operates in accordance with preceding development consents which permits the following hours of operation and maximum patron numbers:</p> <table border="1"> <thead> <tr> <th colspan="2">Existing hours of operation</th> </tr> </thead> <tbody> <tr> <td>Internal areas</td> <td>The existing hours of operation will remain unchanged. The existing hours of operation for the Hotel is between 10am and 12 midnight the following day, Monday to Thursday, between 10am and 1am the following day, Friday to Saturday, and between 10am and 10pm Sunday, as listed on the Hotel Liquor License.</td> </tr> <tr> <td>Outdoor Terrace</td> <td></td> </tr> <tr> <td>Retail premises</td> <td>Unknown</td> </tr> </tbody> </table>	Existing hours of operation		Internal areas	The existing hours of operation will remain unchanged. The existing hours of operation for the Hotel is between 10am and 12 midnight the following day, Monday to Thursday, between 10am and 1am the following day, Friday to Saturday, and between 10am and 10pm Sunday, as listed on the Hotel Liquor License.	Outdoor Terrace		Retail premises	Unknown
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Outdoor Terrace										
Retail premises	Unknown									

		<p>Total maximum patrons: 405</p> <p>The proposed capacity of the Hotel is 405 patrons at any one time, with a maximum capacity of 82 patrons for the ground floor gaming room and sports bar, as demonstrated in the BCA Capability Statement.</p> <p>After midnight, the ground floor sports bar will close and the capacity of the ground floor reduces to 34 patrons within the gaming room.</p>
Acoustic Impacts	<p>Yes (via condition)</p>	<p>The acoustic impacts from the mechanical plants for the food and drink premise is considered to be reasonable in a IN2 Light Industrial Zone (subject to Condition C18 and C19).</p> <p>A standard condition relating to patron behaviour is also recommended. Therefore, the proposal is considered to be acceptable having regard to acoustic impacts on the adjoining properties.</p>
Premises Management & Plans of Management		
Plan of Management	<p>Yes (via condition)</p>	<p>The applicant has responded to Council's requirement with a Plan of Management, which outlines operational details, management measures and waste management measures that have been undertaken. Security measures have been made for late night trading. One (1) license security person is to be employed between 10.00pm and close between Thursday and Sunday.</p> <p>The proposed Plan of Management generally satisfies Section 7.4.2 – Plans of Management Criteria, with regards to:</p> <ul style="list-style-type: none"> - Site and Locality Details - Operational Details; Hours of Operation, Noise and Safety and Security - Management Measures; General Amenity, Noise and Security/Safety <p>Furthermore, a site-specific condition is recommended referring to the operating hours in the Plan of Management by amended to reflect the requirements of Condition C1, I1 and I10.</p> <p>Subject to the imposition of the condition specified, the proposal is therefore considered reasonable in this regard.</p>
B9.4 Design, Scale & Size	<p>Yes (subject to conditions)</p>	<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</i></p> <p>The proposed sign will be contained within and framed by the entry façade of the building fronting Union Street and visible from the intersection with Blues Point Road.</p> <p><i>P3 Signage should be visually interesting and integrated with the architecture of the building</i></p> <p>The proposed signage is visual interesting yet integrated within the architecture of the building.</p> <p><i>P5 Signage must not dominate the building or site to which it is attached</i></p>

		<p>The proposed signage is of a reasonable scale and does not dominate the Union Street elevation of the existing building.</p> <p><i>P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing</i></p> <p>The proposed signage does not obstruct views, vistas or cause significant overshadowing.</p> <p><i>P7 Signage must not dominate the skyline or protrude above any parapet or eaves</i></p>
		<p>The signage will not result in any view or shadow impacts, or protrude above the building roof.</p> <p><i>P8 Signage must not cover any window, other opening or significant architectural features of the building</i></p> <p>The signage does not cover any significant architectural features of the building.</p> <p>For the reasons outlined above, the proposal satisfies the provisions outlined in Section B9.4 of the NSDCP 2013.</p>
B9.5 Location	Yes	The positioning of the signs are a reasonable response to the architecture of the building.
B9.6 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.
B9.8 Pedestrian & road safety	Yes	The signs will not adversely affect driver or pedestrian safety.
B9.10 Illumination	Yes	Locality amenity and appropriate levels of illumination can be preserved by way of conditions , including an illumination curfew between 1am & 7am, use of automated timing devices calibrated to the curfew hours, and minimisation of excessive light spill or nuisance. A condition is recommended to require the signage to Union Street to be a backlit sign only.

SECTION 10 – Car Parking and Transport

	<i>Complies</i>	<i>Comments</i>									
<p>Maximum car Parking rates for Specific non-residential uses:</p> <ul style="list-style-type: none"> 1 space/60sqm – other non-residential uses 	<p>Yes</p> <p>(merit assessment)</p>	<p>There is on-site parking available for staff and patrons located at the rear of the subject site accessed via Union Street.</p> <p>The on site parking spaces allows for six (6) car spaces, which complies with the maximum requirements outlined in the NSDCP 2013.</p> <p>Furthermore, the subject site is also in close proximity to North Sydney Train Station and multiple bus stops along Blues Point Road. The proposal is considered to be acceptable in this regard.</p> <p>Parking Provision</p> <p><i>Based on the Council's DCP 2013 (amended on 5 November 2015 Section 10) the following maximum parking provisions for this development are required:</i></p> <table border="1"> <thead> <tr> <th>Type of Parking</th> <th colspan="2">North Sydney Council DCP 2013 Requirement per dwellings</th> </tr> </thead> <tbody> <tr> <td>Hotel and motel accommodation Pubs Registered clubs (excluding residential) 1056m²</td> <td>1/100m² (licensed floor area)</td> <td>11</td> </tr> <tr> <td>Total car parking</td> <td></td> <td>11</td> </tr> </tbody> </table> <p><i>The development has a very broad access to public transport system and does not propose any off-street parking spaces.</i></p>	Type of Parking	North Sydney Council DCP 2013 Requirement per dwellings		Hotel and motel accommodation Pubs Registered clubs (excluding residential) 1056m ²	1/100m ² (licensed floor area)	11	Total car parking		11
Type of Parking	North Sydney Council DCP 2013 Requirement per dwellings										
Hotel and motel accommodation Pubs Registered clubs (excluding residential) 1056m ²	1/100m ² (licensed floor area)	11									
Total car parking		11									

Part C Section 9.2 of NSDCP 2013 – McMahons Point Business Precinct

The application has been assessed against the relevant controls in Part C of NSDCP 2013 and generally found to be acceptable subject to conditions as permitted as detailed in this report.

The subject site is specified as an identity/icon in the McMahons Point Business Precinct. The proposal is reasonably consistent with the provisions outlined for the desired future character of the area. The proposal is generally considered to be acceptable in this regard.

McMahon's Point Public Domain Master Plan

At its meeting on 23 July 2020, Council endorsed the public exhibition of the Draft Masterplan for McMahons Point - Blues Point Road Village Centre Public Domain Upgrade. Community consultation for this project was undertaken between September and November 2020.

At its meeting of 26 April 2021 considered a post exhibition report the Council Masterplan for the Public Domain upgrade of McMahons Point - Blues Point Road Village Centre. The subject site is not within the area of works identified for the public domain upgrade plans and further consideration of this aspect is unnecessary.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

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 Car parking 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 considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

SECTION 7.11 CONTRIBUTIONS

The proposal includes converting the existing lower ground car park into a gaming/sports bar area, which will result in an increase in gross floor area. The Section 7.11 contribution required for the proposed development is outlined in the table below:

s7.11 contribution	Amount
Open space and recreation facilities:	\$9,624.43
Public domain:	\$26,773.79
Active transport:	\$1,527.85
Community facilities:	\$1,933.20
Plan administration and management:	\$602.83
Total Contribution:	\$40,462.09

A condition has been included in the condition set with the applicable Section 7.11 contributions payment sum.

Suitability of the Site for the Proposed Development

The proposal, as amended by conditions of consent, is considered to be suitable development for the subject site with no adverse impacts on the amenity of the adjoining properties.

Public Interest

The proposal is considered to be contrary to the public interest.

SUBMITTERS CONCERNS

The notification of the application resulted in **ten (10)** submissions were received by Council during the notification of the application. Responses to the submissions are outlined below:

Issue: Impact on our local area, noise and traffic congestion.

Response: Council's traffic engineer and Environmental Health Department has assessed the proposal and provided comments earlier in the report.

Issue: Provides no benefit to the local community - just increases undesirable behaviour.

Response: The existing hotel operates under historical approvals and is currently not subject to a plan of management. The applicant has submitted an operational plan of management to detail how the premises will be operated. Conditions have been included in the consent to ensure amenity impacts to community are minimised. NSW police were invited to comment on the application were outlined earlier in the report.

Issue: Loss of parking spaces. There are already extremely limited Parking spaces on Blues Point Road and locals find it difficult enough to park. This will make it worse.

Response: The application was referred to Council development engineer and traffic engineer who have assessed the proposal and provided comments earlier in the report. The proposal results in an outcome consistent with Council's parking policy and controls.

Issue: Increased patronage and increased employees will lead to more traffic congestion on this busy intersection and danger to pedestrians.

Response: The application was referred to Council development engineer and traffic engineer who have assessed the proposal and provided comments earlier in the report. Furthermore, the subject site is in close proximity to the North Sydney Train Station and multiple bus stops along Blues Point Road.

Issue: Adds to late night noise from patrons.

Response: The operating hours are not altered as part of the application. Despite this, the applicant has submitted an operational plan of management which includes provisions for security and patron management. NSW Police have considered the application and NSW Licensing authority can consider liquor & gaming related incidents and review licensing conditions appropriately. In relation to the management of the proposed gaming area, a condition has been included for a trial period for the operating hours of the ground floor gaming room.

Issue: Is at odds with the McMahons Point Masterplan, which seeks to foster a 'village atmosphere' with increased on premises gambling.

Response: The proposal will not significantly impact the village atmosphere outlined in the McMahons Point Masterplan for the reasons outlined throughout the report. The application was also referred to NSW Police who provided recommended conditions to minimise any potential amenity impacts.

Issue: Too much development in the village precinct.

Response: The proposal relies on existing use rights, which is discussed earlier in the report. Regardless of this the proposal is considered of a reasonable scale and contemporary form. The proposal on its merits is considered to be reasonably consistent with the future character for the area.

Issue: Brings a different vibe to the local area, increases the level of pub activity which will be a negative impact on the local community

Response: NSW Police has provided comments earlier in the report. Conditions have been recommended to minimise the amenity impacts to nearby properties.

Issue: Creating a whole new floor for gaming machines will increase the risk for residents who struggle with problem gambling. It will have a negative influence on the community and adds nothing of value.

Response: The proposed gaming room is subject to strict liquor licensing laws and has been heavily conditioned by the NSW Police who have provided comments earlier in the report.

CONCLUSION

This development application seeks approval for alterations and additions to a food and drink premise, including the conversion of an existing ground floor carpark into a gaming room, with associated business identification signage.

The proposal is permissible, consistent with Schedule 1 – Additional Permitted Uses under subclause 19 in the NSLEP 2013 and would reflect the operational conditions of previous development consent which apply to the existing hotel.

The application has referred to the NSW Police for comment who have expressed general support of the proposal subject to a number of recommendations. These recommendations seek to manage the ongoing safety of pedestrians, customers and employees working in and around the premise.

Council's Environmental Health Officer has considered the acoustic report and operational plan of management and has recommended certain conditions be imposed to limit the effect of any additional noise generated by the proposed gaming room as well as in relation to changes to the existing openings to the building.

The application is supported by an operational plan of management and the conditions recommended by Council's Environmental Health Officer and NSW Police, it is considered that the operation of the premises would be broadly in line with the existing hotel management conditions, including licensing requirements. The proposal complies with the relevant requirements for a commercial premise and is considered to be reasonable in the circumstances.

The development application has been assessed against the *North Sydney Local Environmental Plan 2013* and the *North Sydney Development Control Plan 2013*. The proposed operating hours of the food and drink premise are non-compliant with Council's late-night trading controls located in a IN2 Light Industrial zone. **Condition I4 and I5** have been recommended to ensure that the plan of management remains in force and to reflect the existing and proposed operating hours.

The works is reasonably consistent with the form and scale of the surrounding area. Having regard to the provisions of Section 4.15(1) of the *Environmental Planning & Assessment Act 1979*, the proposed development will not have any unreasonable amenity or environmental impacts. The application is considered to be satisfactory and therefore can be approved, subject to standard and site specific conditions.

How community views were taken into consideration

The owners of adjoining properties and the Union/Lavender Bay Precinct were notified of the proposed development for a 14-day period. The notification resulted in **ten (10)** submissions. Standard and site specific conditions have been included in the consent to address any potential, unreasonable adverse impacts within the locality and ensure the protection of the public interest.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, grant consent to Development Application **DA101/21** for alterations and additions to an existing hotel, including the conversion of an existing ground floor parking to a gaming room and new illuminated signage on land at 206 Blues Point Road, McMahons Point, subject to the following site-specific conditions and the attached standard conditions: -

Terms of Consent

- A4. Approval is granted for alterations and additions to the existing food and drink premise (pub) on the subject site, including the conversion of a ground floor car park to a gaming room with associated business identification signage. No consent is granted for any other works other than that outlined in this consent.

Furthermore, any future requests for on-street drop off/pick up or any other short or long-term parking spaces for future patron's will not be granted consent by Council due to existing patron car spaces becoming a gaming room.

(Reason: To ensure that the terms of the consent are clear.)

Plan of Management

- C1. The Plan of Management as prepared by Design Collaborative dated April 2021, must be complied with at all times. Any changes to the Plan of Management must be approved by Council.

(Reason: To ensure the ongoing operation of the premise is in accordance with the terms of this consent)

Construction Management Plan

- C2. A Construction Traffic Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate.

Reversing into the loading dock from Blues Point Road is to be approved by Transport for NSW due to proximity of the driveway access to the traffic signal at the intersection of Blues Point Rd and Lavender Street/Union Street prior to the issue of the Construction Certificate.

Any use of Council property shall require appropriate separate permits/ approvals.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

NSW Police Conditions

C3. The following conditions are recommended by the NSW Police:

- i. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
- ii. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance". Appropriate internal signs should be used to guide patrons through the property.
- iii. All 'Staff only' areas should be clearly marked as such and physical barriers such as doors and gates should be erected to prevent unauthorised entry.
- iv. Staff should be provided with a secure area in which to store their personal effects whilst working.
- v. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
- vi. Windows within the building should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- vii. An emergency control and evacuation plan should be implemented within the hotel. Management and staff should be trained in the execution of the plan in emergency situations.
- viii. The landscaping design around the hotel needs to be free from potential hiding places and provide sightlines throughout the outside areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials, which could, when mature, serve as screens or barriers to impede views.

(Reason: To ensure the safety of the owners, customers and general community)

Union Street Signage

- C4. The proposed signage on the Union Street frontage is to be backlit and not wholly internally illuminated.

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 maintain a reasonable level of amenity for nearby residential properties)

Plan of Management to be updated

- G1. The Plan of Management prepared by Design Collaborative Pty Ltd, received by Council on 19 April 2021, must be updated to reflect the requirement of this consent and a copy be provided to Council prior to the issue of the occupation certificate.

The use of the gaming room and sports bar must not commence until the amended plans of management document required by this consent has been submitted to Council.

(Reason: To ensure the ongoing operation of the premises is in accordance with the requirements of this consent)

Patron Numbers

- I1. The total number of patrons permitted under this consent may be in the following areas of the pub:

Lower ground floor

- Gaming Room & Sports Bar 34

Ground floor

- Sports Bar 47

Total Patrons (max) 405

The operator of premises must ensure that at all times during operation, the capacity of any area of the premises identified in this condition does not exceed the total patron numbers permitted by this consent.

(Reason: To limit patron number in accordance with historical development consents and to reflect the total number patrons assessed as acceptable for the gaming room and sports bar under the acoustic report)

Noise

12. The use of the premises must not cause the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

(Reason: To ensure reasonable level of acoustic privacy for nearby residential properties is maintained.)

NSW Police Conditions

13. The following recommendations by NSW Police are outlined below:
1. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a ‘white light’ source. Note that high or low pressure sodium ‘orange’ lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from ‘Staff only’ areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.
 2. Lighting around the hotel will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
 3. All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual who may be involved in criminal behaviour.
 4. Wheel chair access should at no time be blocked nor impede access to anyone with a disability.
 5. The proprietors/management of the premises must take all steps necessary to ensure that no increased noise emissions occur from persons entering or leaving the premises. Management must also ensure the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood and that patrons leave the vicinity in an orderly manner.

6. An electronic surveillance system should be included to provide maximum surveillance of all areas of the hotel including entry/exits, bar and service areas, corridors and areas where cash is either kept or handled. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.

(Reason: To ensure safety and security and protect the amenity of surrounding areas)

Hugh Shouldice
ASSESSMENT OFFICER

David Hoy
TEAM LEADER (ASSESSMENTS)

Stephen Beattie
TEAM LEADER (ASSESSMENTS)

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
206 BLUES POINT ROAD, MCMAHONS POINT
DEVELOPMENT APPLICATION NO. 101/21

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	Dated	Title	Drawn by	Received
DA0101	D	18 6 2021	Ground Floor Existing & Demolition Plan	Paul Kelly Design	25.6.21
DA0102	D	18 6 2021	Ground Floor Proposed Plan	Paul Kelly Design	25.6.21
DA1101	D	18 6 2021	First Floor Existing & Demolition Plan	Paul Kelly Design	25.6.21
DA1102	D	18 6 2021	First Floor Proposed Plan	Paul Kelly Design	25.6.21
DA1104	D	18 6 2021	First Floor Proposed GFA Plan	Paul Kelly Design	25.6.21
DA3101	D	18 6 2021	Roof Existing and Demolition Plan	Paul Kelly Design	25.6.21
DA3102	D	18 6 2021	Roof Proposed Plan	Paul Kelly Design	25.6.21
DA301	D	18 6 2021	External Elevation	Paul Kelly Design	25.6.21
DA302	D	18 6 2021	External Elevation	Paul Kelly Design	25.6.21
201428.5 P	A	April 2021	Plan of Management	Design Collaborative	25.6.21

(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.

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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)

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)

Terms of Consent

A4. Approval is granted for alterations and additions to the existing food and drink premise (pub) on the subject site, including the conversion of a ground floor car park to a gaming room with associated business identification signage. No consent is granted for any other works other than that outlined in this consent.

Furthermore, any future requests for on-street drop off/pick up or any other short or long-term parking spaces for future patron's will not be granted consent by Council due to existing patron car spaces becoming a gaming room.

(Reason: To ensure that the terms of the consent are clear.)

B. *Matters to be Completed before the lodgement of an Application for a Construction Certificate*

Construction and Traffic Management Plan (Major DAs & sites with difficult access)

B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Signage type and location to manage pedestrians in the vicinity,
 - iii. The locations of any proposed Work Zones in the frontage roadways,
 - iv. Locations and type of any hoardings proposed,

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- v. Area of site sheds and the like,
 - vi. Location of any proposed crane standing areas,
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected, and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following: -
- i. Traffic control measures proposed in the road reserve that are in accordance with the **TfNSW** publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum **TfNSW** 'red card' qualification).
 - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all time.
- A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.
- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process,
- (e) Evidence of **TfNSW** concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road,
- (f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements, and

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- (g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's **Traffic and Transport Engineers** as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

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

- C1. The Plan of Management as prepared by Design Collaborative dated April 2021, must be complied with at all times. Any changes to the Plan of Management must be approved by Council.

(Reason: To ensure the ongoing operation of the premise is in accordance with the terms of this consent)

Construction Management Plan

- C2. A Construction Traffic Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate.

Reversing into the loading dock from Blues Point Road is to be approved by Transport for NSW due to proximity of the driveway access to the traffic signal at the intersection of Blues Point Rd and Lavender Street/Union Street prior to the issue of the Construction Certificate.

Any use of Council property shall require appropriate separate permits/ approvals.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

NSW Police Conditions

- C3. The following conditions are recommended by the NSW Police:
- i. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
 - ii. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance". Appropriate internal signs should be used to guide patrons through the property.
 - iii. All 'Staff only' areas should be clearly marked as such and physical barriers such as doors and gates should be erected to prevent unauthorised entry.

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- iv. Staff should be provided with a secure area in which to store their personal effects whilst working.
- v. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
- vi. Windows within the building should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- vii. An emergency control and evacuation plan should be implemented within the hotel. Management and staff should be trained in the execution of the plan in emergency situations.
- viii. The landscaping design around the hotel needs to be free from potential hiding places and provide sightlines throughout the outside areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials, which could, when mature, serve as screens or barriers to impede views.

(Reason: To ensure the safety of the owners, customers and general community)

Union Street Signage

- C4. The proposed signage on the Union Street frontage is to be backlit and not wholly internally illuminated.

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 maintain a reasonable level of amenity for nearby residential properties)

Dilapidation Report Damage to Public Infrastructure

- C5. 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)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C6. A photographic survey and dilapidation report of adjoining properties No's. 188 Blues Point Road and 121 Union Street detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

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In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Structural Adequacy of Existing Building

C7. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Waste Management Plan

C8. 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.

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)

Work Zone

- C9. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C10. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of 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 interface between property and public land remains uniform)

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Required Infrastructure Works –Roads Act 1993

C11. Prior to issue of any Construction Certificate engineering design plans and specifications must be prepared by a qualified civil design engineer. An application must be made to Council on the “To Satisfy DA Consent Condition” application form with payment of the adopted assessment/inspection fees. The plans and specifications must be to a detail suitable for construction issue purposes and must provide detail and specification for the following infrastructure works to be completed as part of the development:

Road Works

- a) All elements of the works within the road reserve must be constructed in accordance with the latest version of Council’s documents:
- ☒ *Infrastructure Specification,*
 - ☒ *Public Domain Style Manual and Design Codes*
 - ☒ *Vehicular Access Application Guidelines and Specification*
- b) Construction of a new full width footpath pavement in accordance with Council’s *Public Domain Style Manual and Design Codes*, for the Village Centres and Activity Strips, is required across the entire site frontage in Blues Point Road, including the corner and kerb ramps on Blues Point Road and Union Street. A longitudinal section is required along the footpath property boundary at a scale of 1:50@A3, extending 5.0 m past the property side boundary lines.
- c) All new footpaths shall be designed and constructed at a single straight cross fall grade of 3.0% falling to the kerb so that it is uniform without showing signs of dipping or rising particularly at entrance.
- d) Construction of a fully new concrete kerb and gutter is required across the entire site frontage in Blues Point Road, including the corner at the intersection of Blues Point Road and Union Street. A longitudinal section is required along the gutter line (existing and proposed levels), at a scale of 1:50 extending 5m past the property boundary line.
- e) Reconstruction of the carriageway shoulder will be required, extending out one lane width from the gutter lip in AC10 - 50mm thick, adjacent to all new gutter works.

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- f) cross sections at a scale of 1:50 along the centreline of each access point to the building must be provided and are to show the calculated clearance to the underside of any overhead structure. All the entry points are to comply with the Building Code of Australia (BCA), including disability requirements. The Council approved footpath levels must be accommodated at the building entry points.

Certifying Authorities must not issue a Construction Certificate without the formal written approval of Council (as Roads Authority) under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with North Sydney Council's current documents Infrastructure Specification for Road Works, Drainage and Miscellaneous Works and Performance Guide for Engineering Design and Construction. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. A detailed survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RMS Traffic Control at Work Sites (1998). **Construction of the works must proceed only in accordance with any conditions attached to the Council Roads Act 1993 approval.**

Note: *A minimum of 21 days will be required for Council to assess Roads Act submissions. Early submission is recommended to avoid any delays in obtaining a Construction Certificate. A fee to cover cost of assessment (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.*

(Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993)

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Obtain Driveway Crossing Permit under S.138 Roads Act 1993

C12. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of any Construction Certificate. In order to obtain a permit under S.138 of the Roads Act 1993, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

The civil design drawings must include the following at a minimum: -

- a) the vehicular access way must comply with AS 2890.1, AS2890.2 and Council's current Vehicular Access Application Guidelines and Specifications (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or loading bay floor,
- b) the redundant layback crossing must be removed and reconstructed,
- c) the width of the new vehicular layback must be 9.0 metres (including the wings)
- d) the vehicular crossover must be set square to the kerb,
- e) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered,
- f) new footpath, kerb/gutter and road shoulder works are required for the full property frontage in Blues Point Road,
- g) the works will require reconstruction of the carriageway shoulder extending out one lane width from the gutter lip in AC10 - 50mm thick, adjacent to all new gutter works,
- h) any twisting of the driveway access must occur entirely within the subject property,
- i) all inspection openings, utility services must be adjusted to match the proposed driveway levels,
- j) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the loading bay itself and must include all changes of grade and levels both existing and proposed,
- k) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter,
- l) a longitudinal section along the footpath property boundary at a scale of 1:50 is required,
- m) the sections must show the calculated clearance to the underside of any overhead structure,
- n) a swept path analysis is required demonstrating that a Medium Rigid Vehicle (MRV) can manoeuvre in and out of the loading bay in accordance with AS 2890.2 2004 "Off Street Commercial Vehicle Facilities".

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The permit must be granted by Council prior to the issue of any Construction Certificate.

All driveway and infrastructure works on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Certifying Authority issuing the Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Disposal – Drainage Plan

C13. Prior to the issue of any Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must –be designed in accordance with the following criteria:

- a) compliance with BCA drainage requirements and current Australian Standards and guidelines,
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed in a controlled manner by gravity to the kerb/gutter in Blues Point Road,
- c) new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres,
- d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system, and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

Drainage 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.

(Reason: Proper disposal of stormwater)

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

C14. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$115,000.00 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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Tree Bond for Public Trees

C15. Tree Bond Value (indicative)

Small trees (small residential): \$3,000 per tree

Significant Trees: \$5,000 per tree

Major development: \$10,000 per tree as advised by Landscape Development Officer

Prior to the issue of any construction certificate, security in the sum of **\$50,000** for five (5) x mature Platanus species trees planted in the council verge (two (2) on the Blues Point Road frontage, and three (3) on the Union Street frontage. The sum must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security must be provided by way of:

a deposit with the Council; or

a guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

- Five (5) x mature Platanus species trees:
- Two (2) on the Blues Point Road frontage; and
- Three (3) on the Union Street frontage.

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

Cleanliness and Maintenance of Food Preparation Areas

C16. 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

C17. 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.

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

Noise from Plant and Equipment

C18. 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

C19. 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.

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“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.

“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)

C20. 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.

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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).

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

- C21. The recommendations contained in the acoustic report prepared by "*Renzo Tonin & Associates*" dated 12 March 2021, must be adhered to at all times namely: -

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

- C22. 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.

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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.
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)

Section 7.11 Contributions

- C23. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Infrastructure Contributions 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.

S7.11 Contributions	Amount
A	B
Open space and recreation facilities:	\$9,624.43
Public domain:	\$26,773.79
Active transport:	\$1,527.85
Community facilities:	\$1,933.20
Plan administration and management	\$602.83
Total Contribution	\$40,462.09

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 Infrastructure 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)

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Security Deposit/ Guarantee Schedule

- C24. 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 (\$)
Infrastructure Bond	\$115,000.00
Tree Bond (5 x mature Platanus species)	\$50,000.00
TOTAL BONDS	\$165,000.00

Note: The following fees applicable

Fees	Amount (\$)
Section 7.11 Contributions	\$40,462.09
TOTAL	\$40,462.09

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)

Amendments to the Landscape Plan

- C25. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The *Ficus elastica* 'Burgundy' shall be replaced with a less invasive species that is less likely to cause future problems with containment structures.
- Plant species shall be identified with their correct scientific nomenclature (not common names), and plant referred to as "*variegated ficus green*" may need to be substituted depending on what it turns out to be."

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

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

Tree Protection Requirements

- D1. The tree tree protection and management requirements as detailed in the Arborist report prepared by Urban Arbor dated 28 May 2021 must be strictly adhered to.

The five (5) Platanus species shall be protected in accordance with AS4970, no roots greater than 40mm shall be cut, trunk and branch protection shall be installed for the duration of works. No pruning are permitted as part of this consent.

(Reason: To ensure the ongoing vitality of the landscaping adjacent to the subject site.)

Public Liability Insurance – Works on Public Land

- D2. 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.

(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

- D3. 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.

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)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

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(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

E4. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- a) Formwork for layback, kerb/gutter, etc; and
- b) All reinforcement for the concrete base beneath pavers.

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Removal of Extra Fabric

E5. 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)

Noise and Vibration

E6. 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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No Work on Public Open Space

- E7. No work can be undertaken within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Developer's Cost of Work on Council Property

- E8. 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

- E9. 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

- E10. 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)

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)

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Construction Hours (Commercial Core & Mixed Use Zones)

- E11. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
B3 Commercial Core B4 Mixed Use	Monday – Friday	7.00am – 7.00pm
	Saturday	8.00am – 1.00pm
	Sunday Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP & A Act 1979 and in accordance with Council's adopted Compliance & Enforcement Policy.

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

Installation and Maintenance of Sediment Control

- E12. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

- E13. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

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(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Health and Safety

E14. 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

E15. 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)

Plant & Equipment Kept Within Site

E16. 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

E17. All records demonstrating the lawful disposal of waste must be retained and kept readily access inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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DEVELOPMENT APPLICATION NO. 101/21**

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(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)

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)

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DEVELOPMENT APPLICATION NO. 101/21**Page 30 of 38

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)

Protection of Public Places

- F7. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

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

G. *Prior to the Issue of an Occupation Certificate***Plan of Management to be updated**

- G1. The Plan of Management prepared by Design Collaborative Pty Ltd, received by Council on 19 April 2021, must be updated to reflect the requirement of this consent and a copy be provided to Council prior to the issue of the occupation certificate.

The use of the gaming room and sports bar must not commence until the amended plans of management document required by this consent has been submitted to Council.

(Reason: To ensure the ongoing operation of the premises is in accordance with the requirements of this consent)

Infrastructure Repair and Completion of Works

- G2. 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)

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)

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DEVELOPMENT APPLICATION NO. 101/21**

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Noise Certification

- G4. 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)

Damage to Adjoining Properties

- G5. 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)

Utility Services

- G6. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

I. On-Going / Operational Conditions

Patron Numbers

- I1. The total number of patrons permitted under this consent may be in the following areas of the pub:

Lower ground floor

- Gaming Room & Sports Bar 34

Ground floor

- Sports Bar 47

Total Patrons (max) 405

The operator of premises must ensure that at all times during operation, the capacity of any area of the premises identified in this condition does not exceed the total patron numbers permitted by this consent.

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(Reason: To limit patron number in accordance with historical development consents and to reflect the total number patrons assessed as acceptable for the gaming room and sports bar under the acoustic report

Noise

12. The use of the premises must not cause the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

(Reason: To ensure reasonable level of acoustic privacy for nearby residential properties is maintained.)

NSW Police Conditions

13. *The following recommendations by NSW Police are outlined below:*

1. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.
2. Lighting around the hotel will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
3. All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual who may be involved in criminal behaviour.
4. Wheel chair access should at no time be blocked nor impede access to anyone with a disability.

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5. The proprietors/management of the premises must take all steps necessary to ensure that no increased noise emissions occur from persons entering or leaving the premises. Management must also ensure the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood and that patrons leave the vicinity in an orderly manner.
6. An electronic surveillance system should be included to provide maximum surveillance of all areas of the hotel including entry/exits, bar and service areas, corridors and areas where cash is either kept or handled. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.

(Reason: To ensure safety and security and protect the amenity of surrounding areas)

Hours of Operation

14. The hours of operation are restricted to:

Indoor: 7.00am – 10.00pm
Outdoor: 8.00am – 8.00pm

Definitions

Outdoor For the purpose of this condition, reference to the term “outdoor” refers to the “covered terrace” shown the drawing numbered DA 1-02 D referenced in Condition A1 of this consent.

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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DEVELOPMENT APPLICATION NO. 101/21**Page 35 of 38

Hours of Operation – trial period

15. Notwithstanding Condition I3 above the approved use (**indoor**) may operate between:

5.00am and 12 midnight Monday to Wednesday

5.00am and 1.00am Thursday to Saturday

10.00am and 10.00pm Sunday

for a trial period of **six (6)** months from the date of issue of the first Occupation Certificate, being interim or otherwise. Council must be informed in writing of the date of commencing the trial period.

In order for the above trial hours of operation to be confirmed as ongoing, a modification application must be lodged with Council prior to the expiration of the trial period. The assessment of the application to continue the use in accordance with the trial, will consider amongst other things, the impact of the use on surrounding areas the performance of the operation in relation to compliance with development consent conditions.

In the event that no modification application is lodged, or an application is not approved, then the hours of operation for the premises must revert to the standard hours of operation identified by this consent.

Note: Any person acting on this consent is advised that any modification application to the trial hours of operation period should be submitted to Council a minimum of thirty (30) days prior to the expiration of the trial period otherwise the trial period must lapse.

(Reason: To ensure safety and security and protect the amenity of surrounding areas)

Trade Waste

16. Trade waste water 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)

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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)

Hours of Illumination

18. All illuminated signs approved by this consent must cease illumination between the hours of 1.00am and 7.00am.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Signage Illumination Intensity

19. The sign(s) must be installed and used at all times in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.
- (b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
- (c) The signage illumination must not flash.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Patron Behaviour

110. 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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DEVELOPMENT APPLICATION NO. 101/21**

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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)

Plan of Management

111. The operation of the premises must at all times be conducted in accordance with the Plan of Management prepared by Design Collaborative Pty Ltd, received by Council on 19 April 2021 except where otherwise amended by the conditions of this consent.

In the event any inconsistency between the requirements of this consent or the a condition of any other development consent which otherwise applies to the land or premises, the requirements of any development consent shall prevail to the extent of the inconsistency.

A written copy of the updated plan of management and the complaint register must be maintained on premises at all times during operation.

(Reason: To ensure ongoing operation of the premises is in accordance with the terms of consent)

Daily Cleaning

112. 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)

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Waste Collection

- I13. 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

- I14. 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)

DEVELOPMENT APPLICATION

COMMODORE HOTEL

206 BLUES POINT ROAD
MCMAHONS POINT, NSW 2060

Project Number: 632

DRAWINGS

- DA 0 00 Cover Page
- DA 00 1 01 Ground Floor Existing & Demolition Plan
- DA 00 1 02 Ground Floor Proposed Plan
- DA 00 1 03 Ground Floor Existing GFA Plan
- DA 00 1 04 Ground Floor Proposed GFA Plan
- DA 00 1 05 Ground Floor Smoking Calculations
- DA 01 1 01 First Floor Existing & Demolition Plan
- DA 01 1 02 First Floor Proposed Plan
- DA 01 1 03 First Floor Existing GFA Plan
- DA 01 1 04 First Floor Proposed GFA Plan
- DA 02 1 01 Second Floor Existing Plan
- DA 03 1 01 Roof Existing & Demolition Plan
- DA 03 1 02 Roof Proposed Plan
- DA 3 01 External Elevation
- DA 3 02 External Elevation



206 BLUES POINT ROAD
MCMAHONS POINT, NSW 2060

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Rev	Date	Description	Checked
D	18.06.21	DEVELOPMENT APPLICATION ISSUE	PK
C	27.05.21	DEVELOPMENT APPLICATION ISSUE	PK
B	18.03.21	DEVELOPMENT APPLICATION ISSUE	PK
A	08.03.21	DEVELOPMENT APPLICATION ISSUE	PK
P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
206 BLUES POINT ROAD
MCMAHONS POINT NSW 2060

Cover Page

Status	DEVELOPMENTAPPLICATION			
Scale	N/A			
Drawn	HG			
Project No.	632			

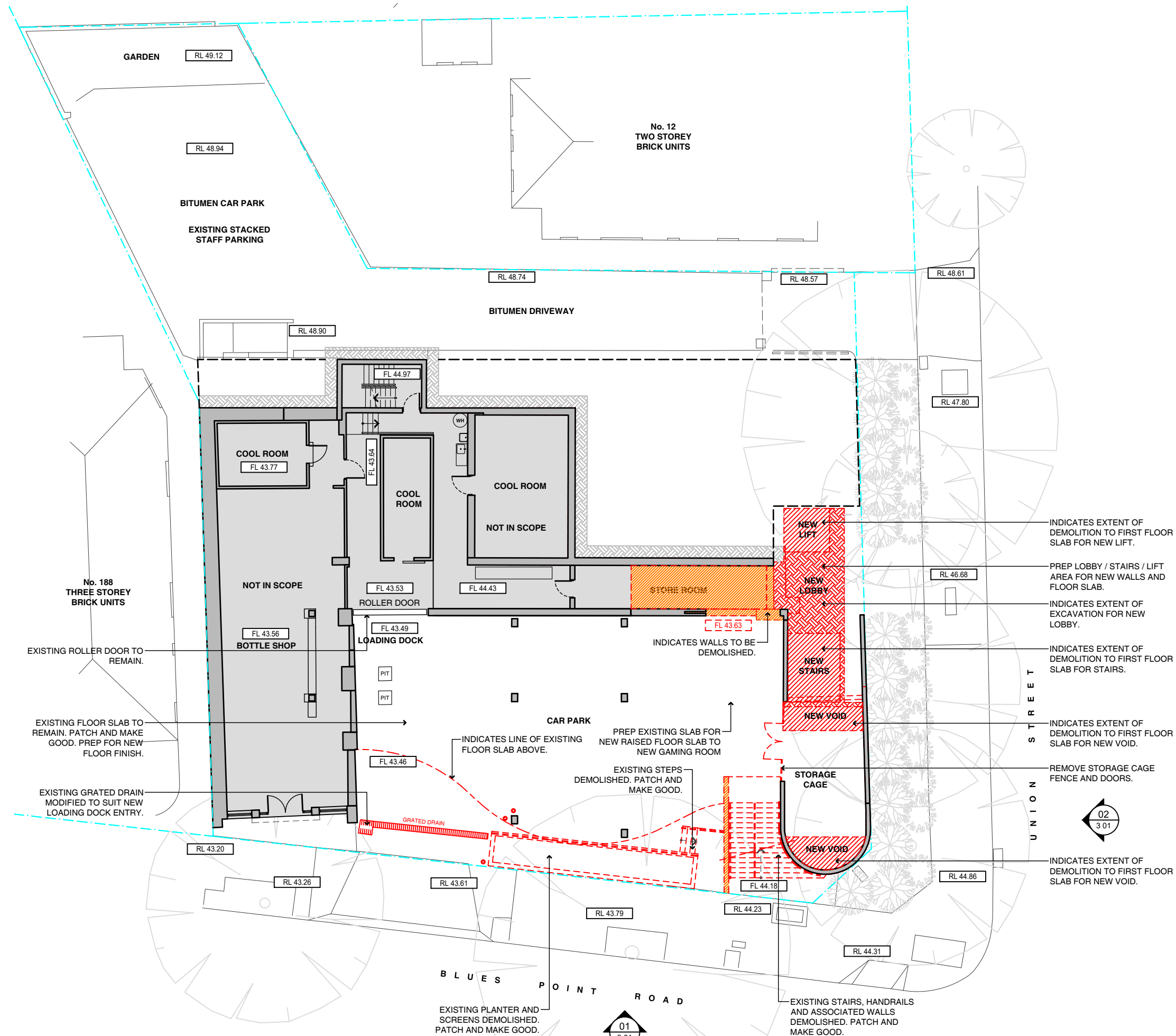
01 Location Plan
N.T.S. @ A3

Drawing No.	Discipline Code	Level	Type	No.	Revision
DA				00	D

503 / 50 Holt Street
Surry Hills NSW 2010
phone: 02 9660 8299
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DEVELOPMENT APPLICATION



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PLAN LEGEND

- EXISTING WALLS TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NOT IN SCOPE. NO NEW WORKS
- INDICATES ALL NEW WORKS.

Rev	Date	Description	Checked
D	18.06.21	DEVELOPMENT APPLICATION ISSUE	PK
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COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Existing Demolition Plan
 Ground Floor

Status: DEVELOPMENTAPPLICATION
 Scale: 1:200@A3
 Drawn: HG
 Project No.: 632

Drawing No. DA 00 1 01 D
 Discipline Level Type No. Revision

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01 Existing Demolition Plan
 Ground Floor 1:200 @ A3

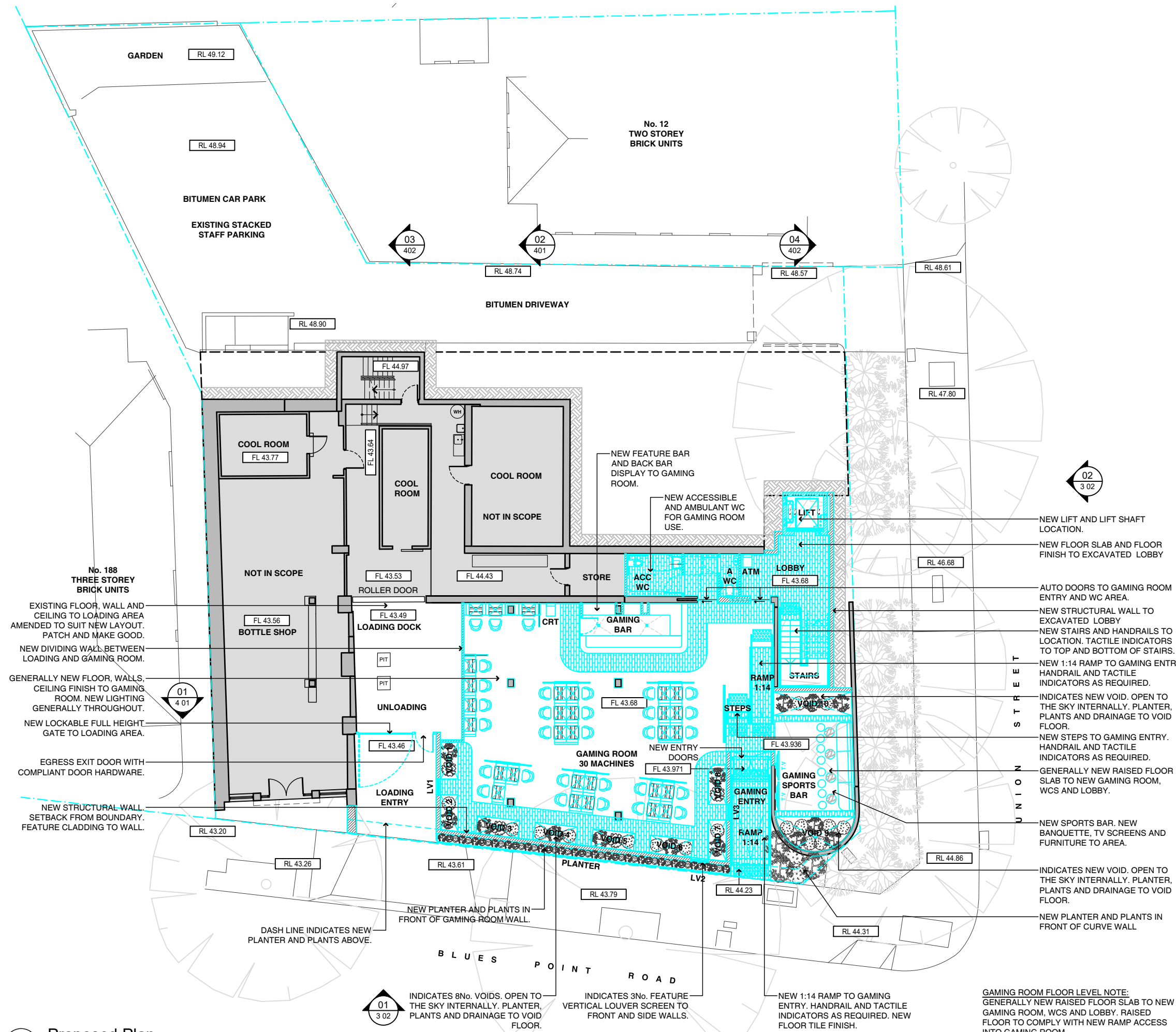
DEVELOPMENT APPLICATION

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COMMODORE HOTEL
206 BLUES POINT ROAD
MCMAHONS POINT NSW 2060

Proposed Plan
Ground Floor

Status: DEVELOPMENTAPPLICATION
Scale: 1:200@A3
Drawn: HG
Project No.: 632

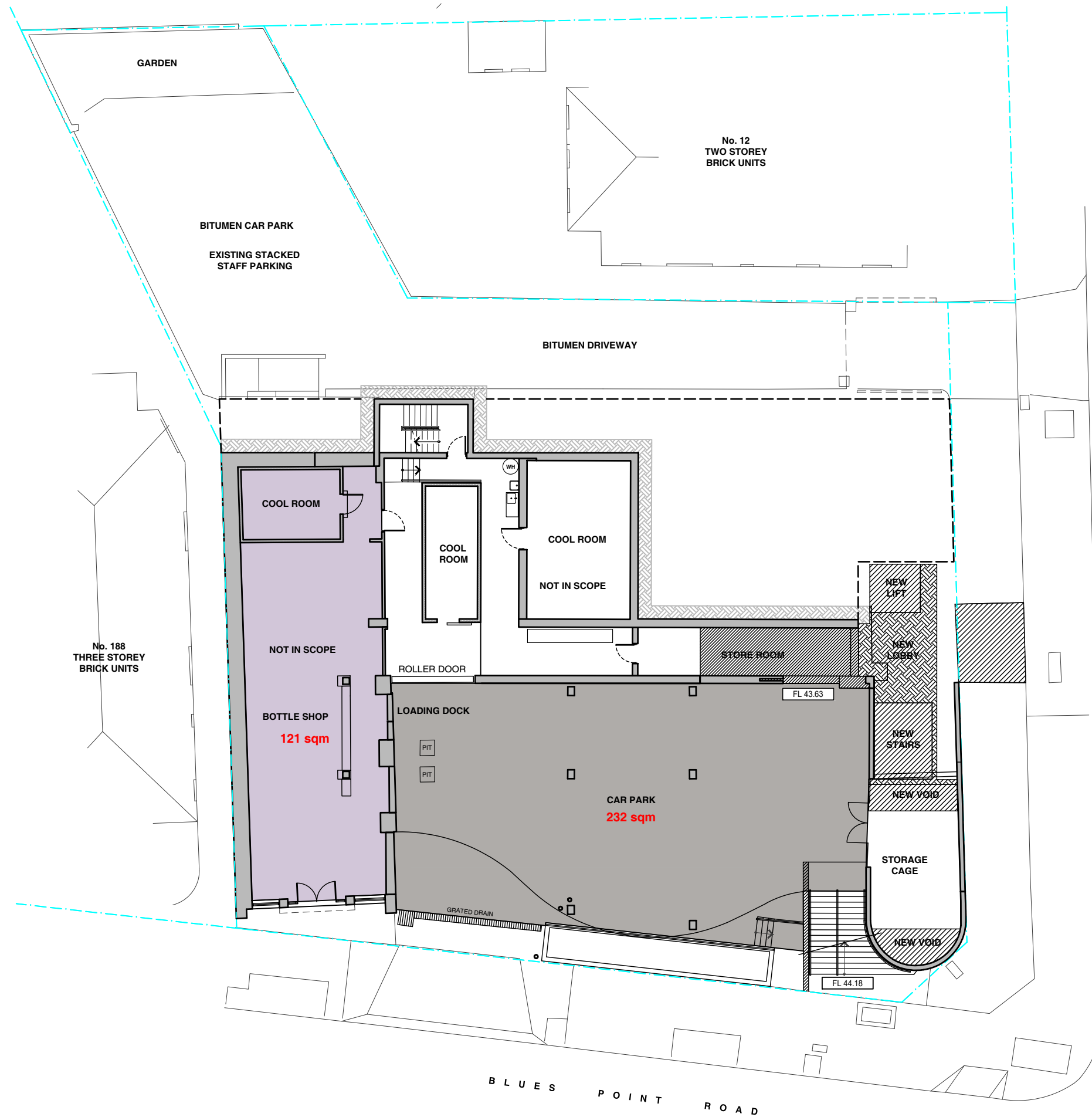
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01 Proposed Plan
Ground Floor
1:200 @ A3





DEVELOPMENT APPLICATION



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COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Existing Gross Floor Area Plan
 Ground Floor

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

Drawing No.	DA 00 1 03 C			
Discipline Code	Level	Type	No.	Revision

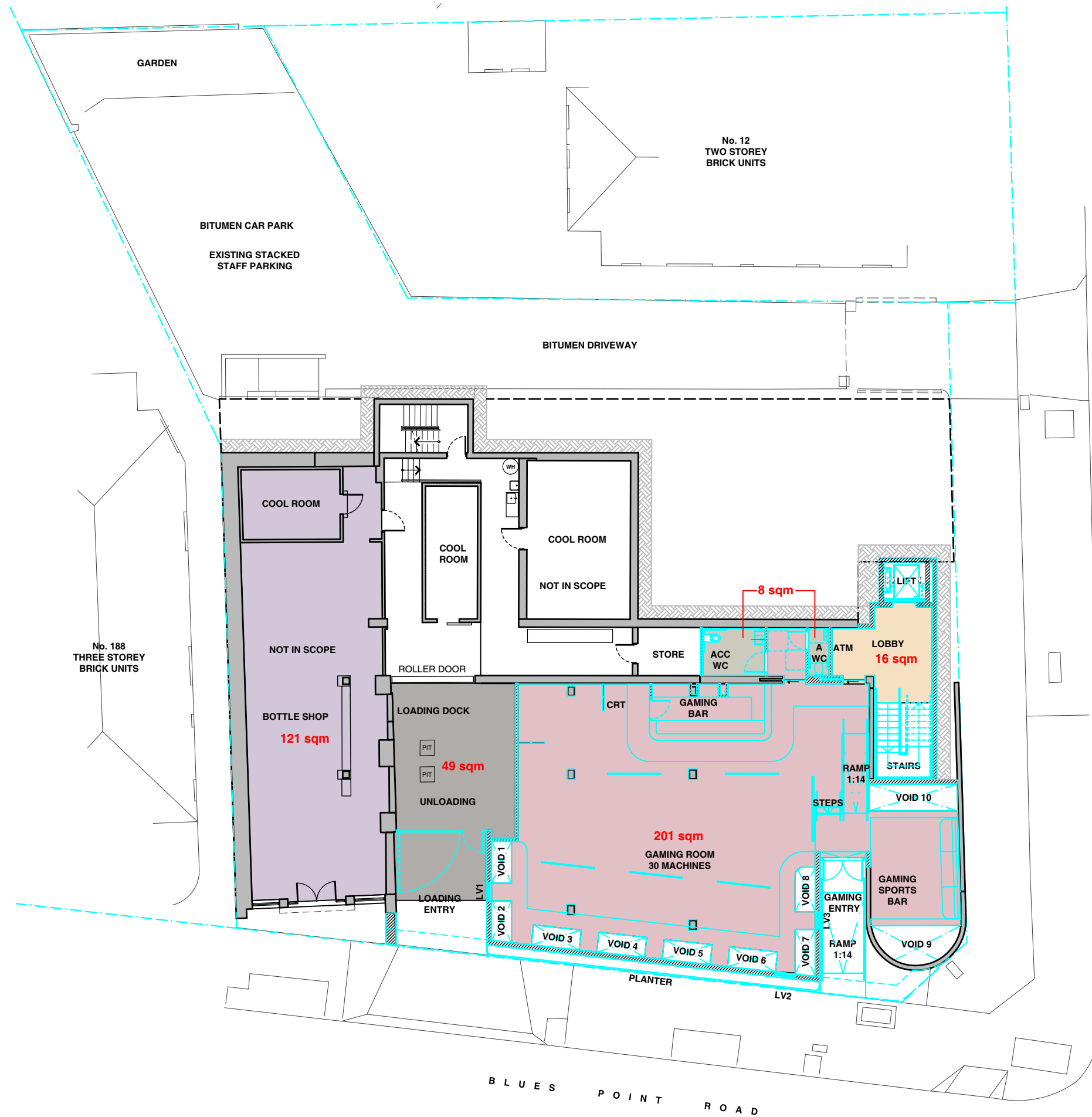
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01 Existing GFA Plan
 Ground Floor 1:200 @ A3

GFA TOTAL: 353 sqm

DEVELOPMENT APPLICATION



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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
 206 BLUES POINT ROAD
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Proposed Gross Floor Area Plan
 Ground Floor

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

Drawing No.	DA 00 1 04 C			
Discipline Code	Level	Type	No.	Revision

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01 Proposed GFA Plan
 Ground Floor 1:200 @ A3

GFA TOTAL: 395 sqm

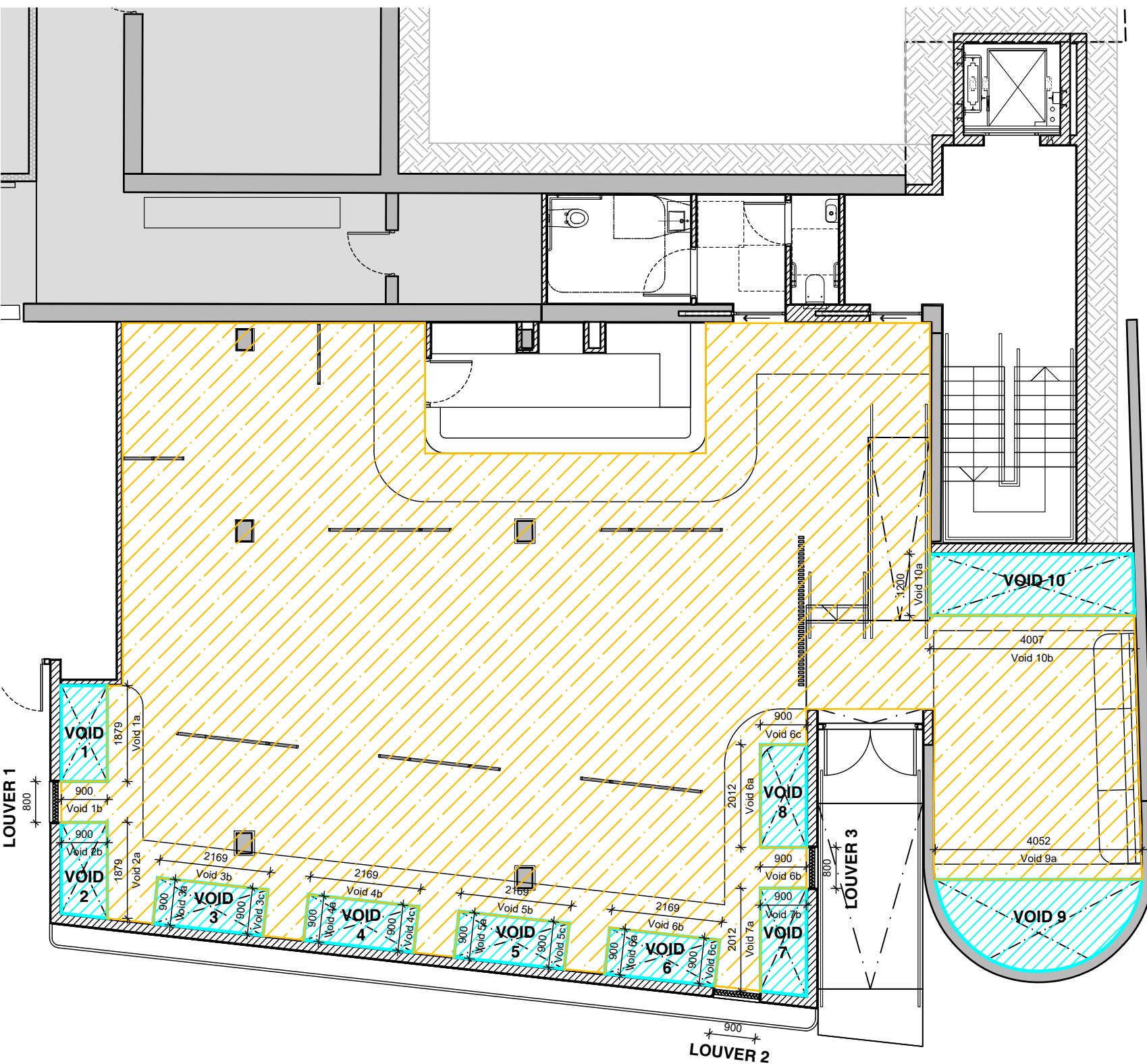
DEVELOPMENT APPLICATION

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COMMODORE HOTEL
Calcs Using Existing Opening Data (C.O.S) MINUS The frame around louvers

SMOKING CALCULATIONS (TOTAL ROOM)

Description	(mtrs)
Room Ceiling Area	207.523
Voids	25.158
Total: Ceiling Area - Voids	182.367
Room Perimeter	87.796
Room Height	2.700
Total: Room Perimeter x Room Height	237.049
Total: Ceiling Area + Walls	419.416
25% of Total Above	104.854

SMOKING CALCULATIONS (OPEN AREA)

TYPE	NAME	Existing Base Building Opening Length (mtrs)	C.O.S
VOID Ceilings	VOID 1	1.691	1.691
	VOID 2	1.646	1.646
	VOID 3	1.952	1.952
	VOID 4	1.952	1.952
	VOID 5	1.952	1.952
	VOID 6	1.952	1.952
	VOID 7	1.855	1.855
	VOID 8	1.810	1.810
	VOID 9	5.555	5.555
	VOID 10	4.790	4.790
		TOTAL 25.158	
VOID Wall Openings	VOID 1a	1.879	1.879
	VOID 1b	0.900	0.900
	VOID 2a	1.879	1.879
	VOID 2b	0.900	0.900
	VOID 3a	0.900	0.900
	VOID 3b	2.169	2.169
	VOID 3c	0.900	0.900
	VOID 4a	0.900	0.900
	VOID 4b	2.169	2.169
	VOID 4c	0.900	0.900
	VOID 5a	0.900	0.900
	VOID 5b	2.169	2.169
	VOID 5c	0.900	0.900
	VOID 6a	0.900	0.900
	VOID 6b	2.169	2.169
	VOID 6c	0.900	0.900
	VOID 7a	2.012	2.012
	VOID 7b	0.900	0.900
VOID 8a	0.900	0.900	
VOID 8b	2.169	2.169	
VOID 8c	0.900	0.900	
VOID 9a	4.052	4.052	
VOID 10a	1.200	1.200	
VOID 10b	4.007	4.007	
		TOTAL 28.158	
		TOTAL 28.158	
		x Ceiling Height	2.700
		Minus Hob	0.000
		TOTAL 2,700	
		TOTAL 76.627	
VOID Wall Openings	VOID 9a	4.052	4.052
	VOID 10a	1.200	1.200
	VOID 10b	4.007	4.007
		TOTAL 9.259	
		x Ceiling Height	2.444
		Minus Hob	0.000
		TOTAL 2,444	
		TOTAL 22.629	
Wall Openings Louvered	Louwer 1	0.800	0.800
	Louwer 2	0.900	0.900
	Louwer 3	0.800	0.800
		TOTAL 2,500	
		x Ceiling Height	2.700
		Minus Hob	0.100
		TOTAL 2,600	
		TOTAL 5,500	
		Total Open Area	105.156
			25.67%

REVISION HISTORY

Rev	Date	Description
P1	30.10.20	Preliminary DA Issue - Consultants
A	12.03.21	DA Issue

Rev	Date	Description	Checked
D	18.06.21	DEVELOPMENT APPLICATION ISSUE	PK
C	27.05.21	DEVELOPMENT APPLICATION ISSUE	PK
B	18.03.21	DEVELOPMENT APPLICATION ISSUE	PK
A	08.03.21	DEVELOPMENT APPLICATION ISSUE	PK
P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
206 BLUES POINT ROAD
MCMAHONS POINT NSW 2060

Smoking Calculations Plan
Ground Floor

Status DEVELOPMENTAPPLICATION

Scale 1:200@A3

Drawn HG

Project No. 632

Drawing No.

Discipline	Level	Type	No.	Revision
DA	00	1	05	D

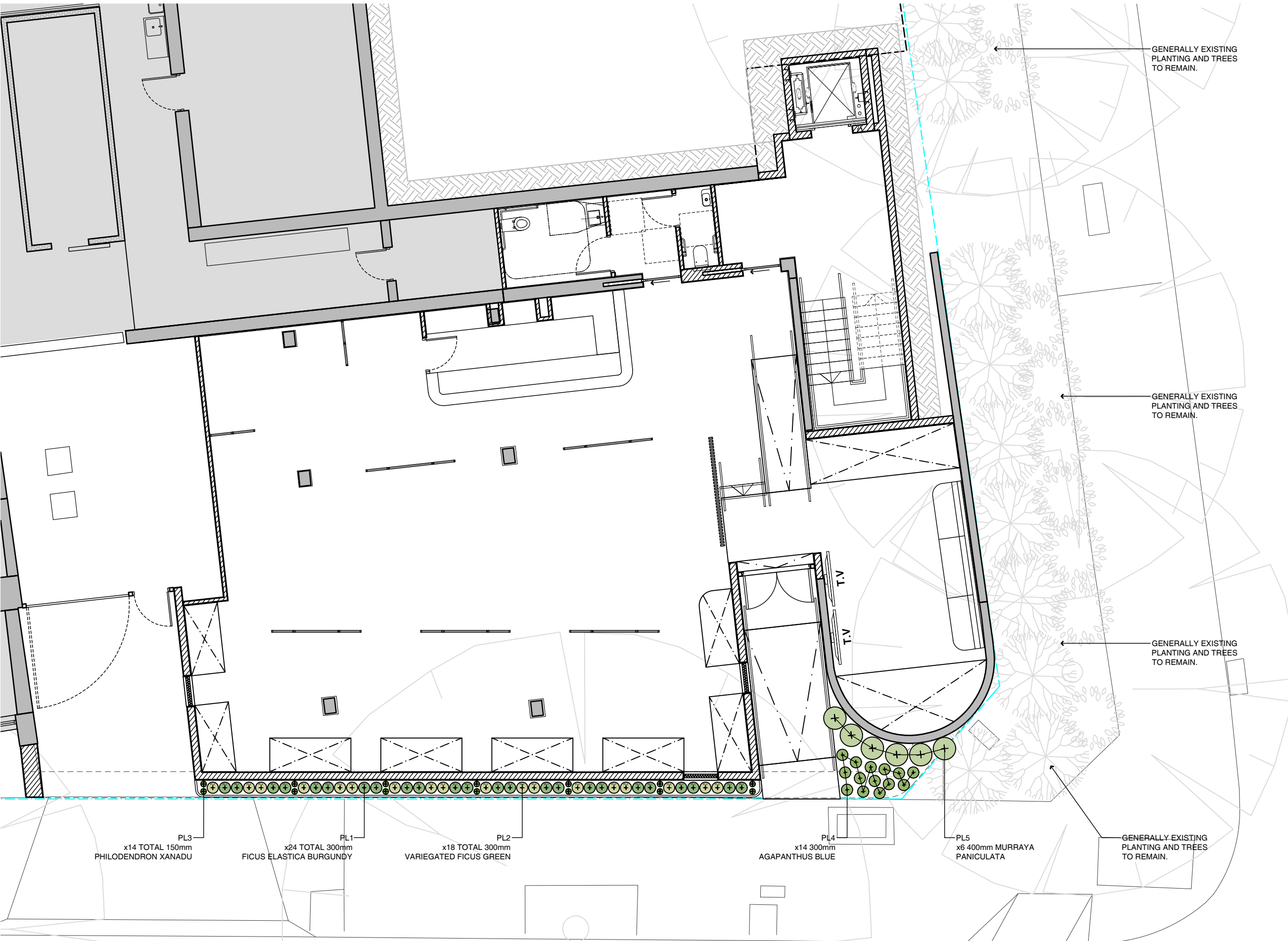
01 Smoking Calculations Plan
Ground Floor 1:200 @ A3

01 Smoking Calculations
Ground Floor N.T.S. @

DEVELOPMENT APPLICATION






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- PLANT LEGEND**
- 
PL1 - 300mm
FICUS ELASTICA BURGUNDY
 - 
PL2 - 300mm
VARIEGATED FICUS GREEN
 - 
PL3 - 150mm
PHILODENDRON XANADU
 - 
PL4 - 300mm
AGAPANTHUS BLUE
 - 
PL5 - 400mm
MURRAYA PANICULATA

B	18.06.21	DEVELOPMENT APPLICATION ISSUE	PK
A	11.06.21	DEVELOPMENT APPLICATION ISSUE	PK
Rev	Date	Description	Checked

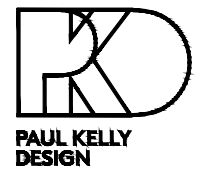
COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Landscape Plan
 Ground Floor

Status	DEVELOPMENT APPLICATION
Scale	1:100@A3
Drawn	HG
Project No.	632

Drawing No.	DA	00	1	06	B
	Discipline Code	Level	Type	No.	Revision

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01 Landscape Plan
 Ground Floor
 1:100@A3

DEVELOPMENT APPLICATION





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PLAN LEGEND

-  EXISTING WALLS TO BE RETAINED
-  EXISTING TO BE DEMOLISHED
-  NOT IN SCOPE. NO NEW WORKS
-  INDICATES ALL NEW WORKS.

Rev	Date	Description	Checked
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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL

206 BLUES POINT ROAD
MCMAHONS POINT NSW 2060

Existing Demolition Plan
First Floor

Status DEVELOPMENTAPPLICATION

Scale 1:200@A3

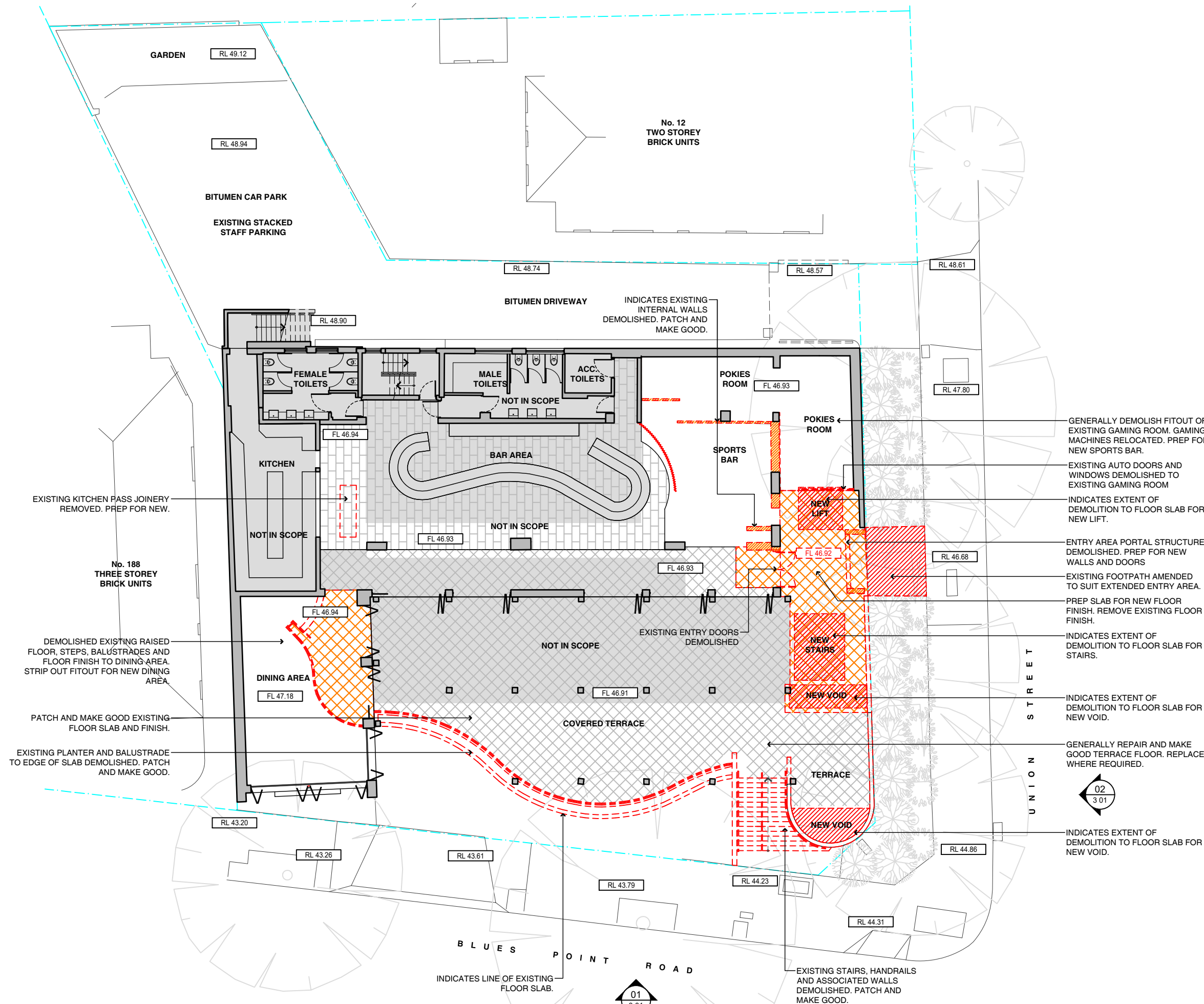
Drawn HG

Project No. 632

Drawing No.

DA	01	1	01	D
Discipline Code	Level	Type	No.	Revision

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01 Existing Demolition Plan
First Floor 1:200 @ A3

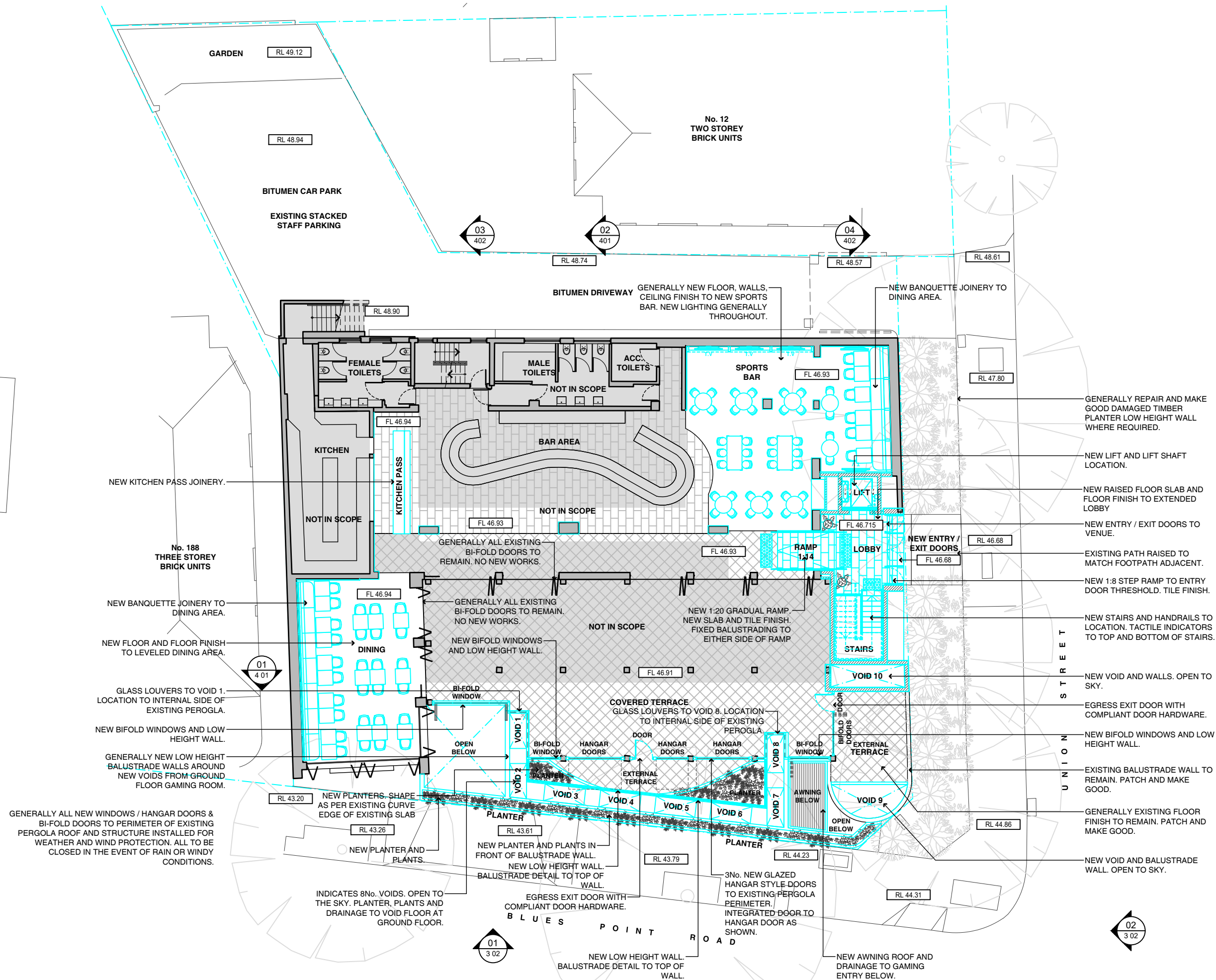
DEVELOPMENT APPLICATION

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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
206 BLUES POINT ROAD
MCMAHONS POINT NSW 2060

Proposed Plan
First Floor

Status: DEVELOPMENT APPLICATION
Scale: 1:200@A3
Drawn: HG
Project No.: 632

Drawing No. **DA 01 1 02 D**

Discipline Code	Level	Type	No.	Revision

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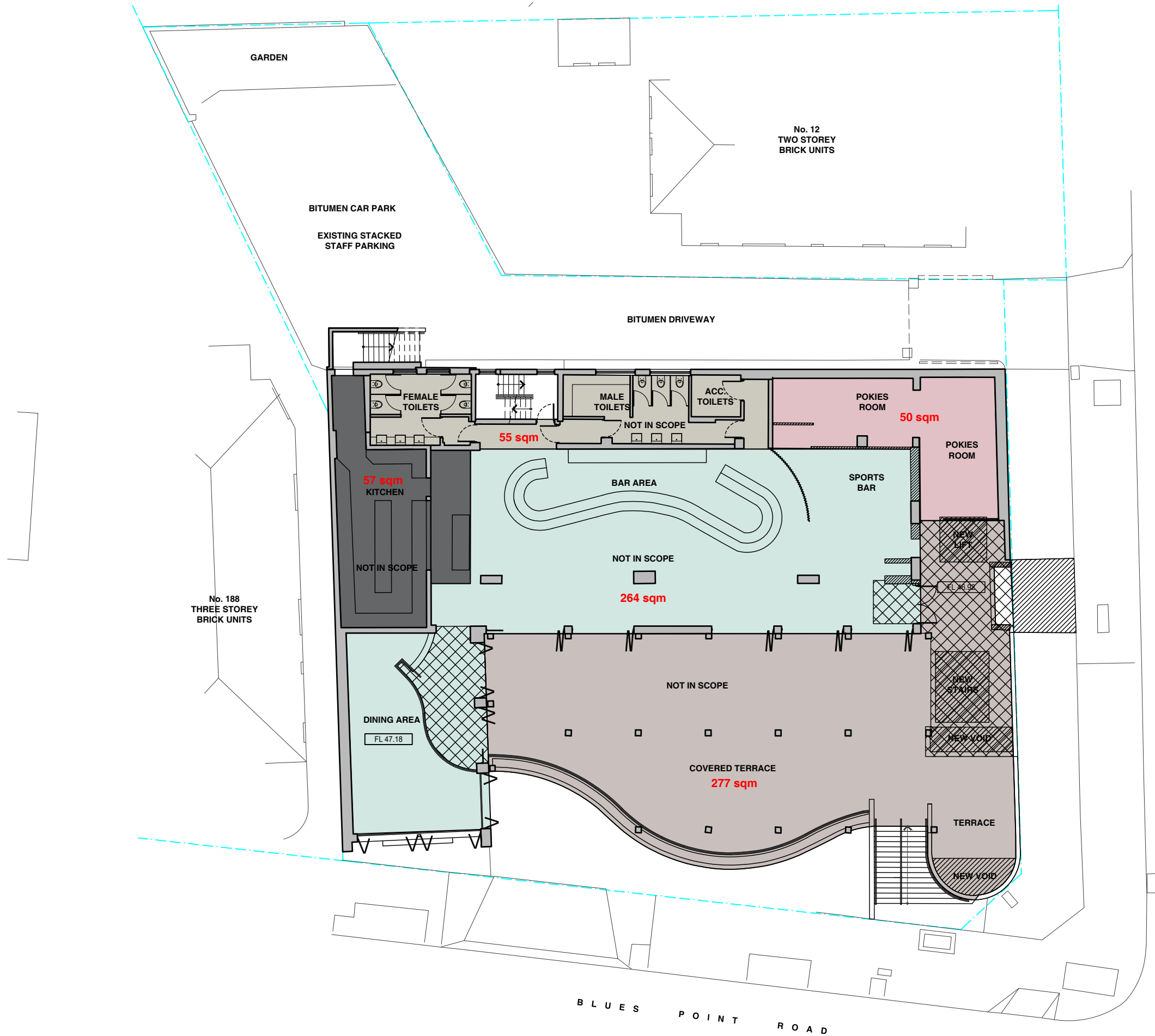


01 Proposed Plan
First Floor
1:200 @ A3

DEVELOPMENT APPLICATION

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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

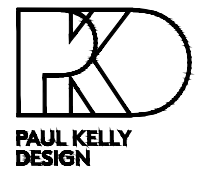
COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Existing Gross Floor Area Plan
 First Floor

Status	DEVELOPMENTAPPLICATION		
Scale	1:200@A3		
Drawn	HG		
Project No.	632		

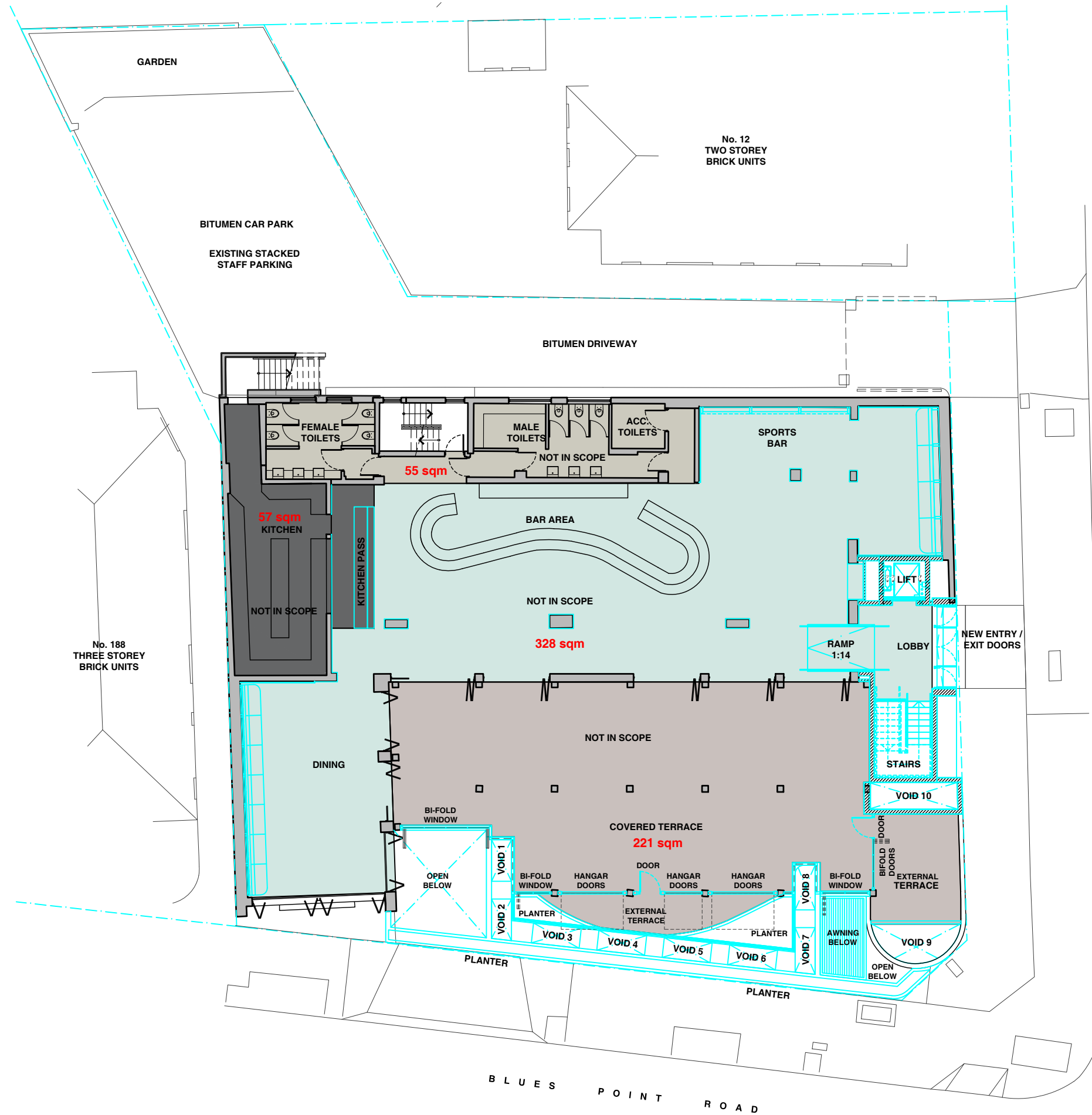
Drawing No.	DA 01 1 03 D			
Discipline Code	Level	Type	No.	Revision

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01 Existing GFA Plan
 First Floor
 1:200 @ A3

GFA TOTAL: 703 sqm
DEVELOPMENT APPLICATION



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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Proposed Gross Floor Area Plan
 First Floor

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

Drawing No.	DA 01 1 04 D			
Discipline Code	Level	Type	No.	Revision

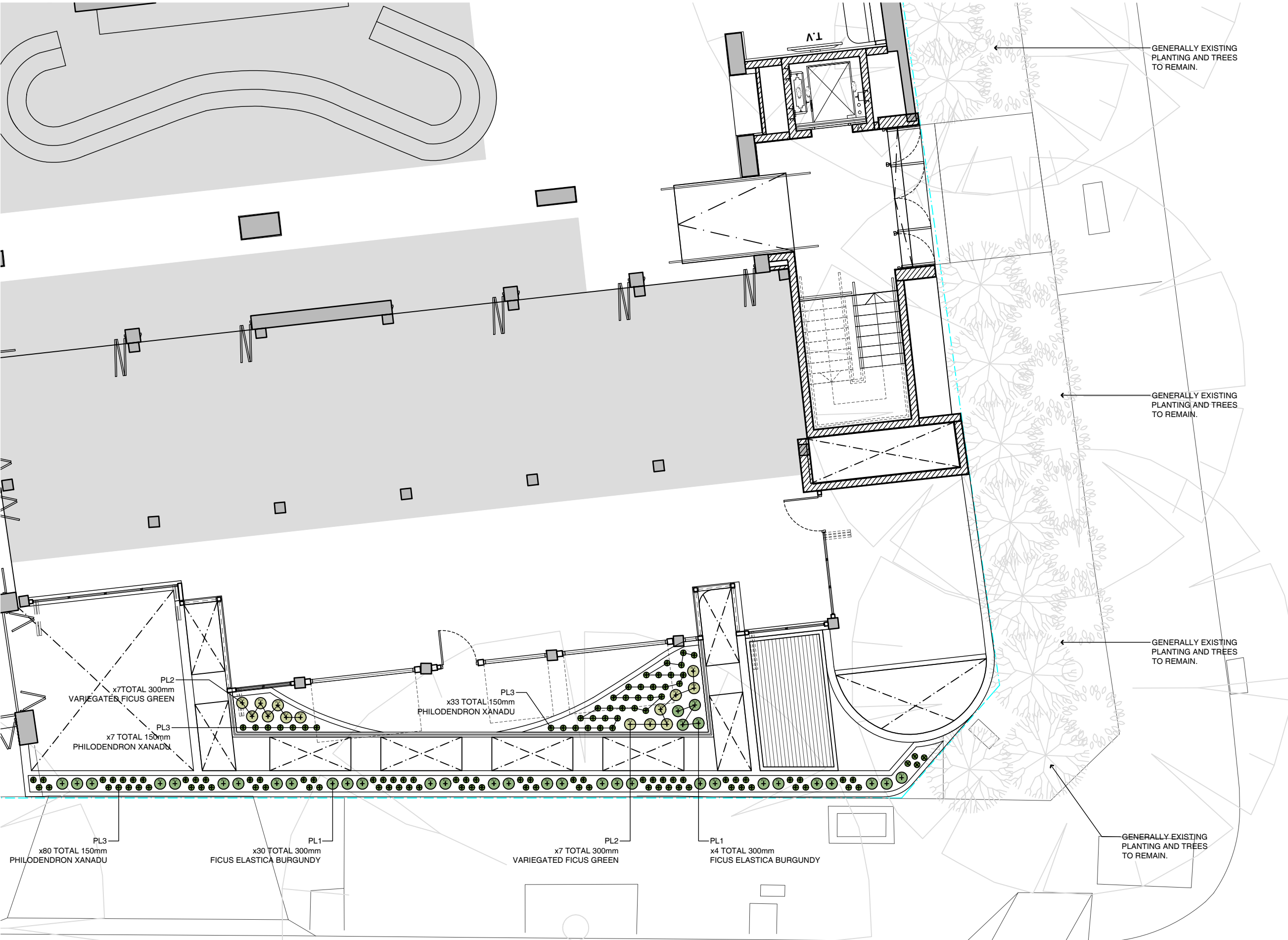
01 Proposed GFA Plan
 First Floor
 1:200 @ A3

GFA TOTAL: 661 sqm

DEVELOPMENT APPLICATION






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- PLANT LEGEND**
-  PL1 - 300mm FICUS ELASTICA BURGUNDY
 -  PL2 - 300mm VARIEGATED FICUS GREEN
 -  PL3 - 150mm PHILODENDRON XANADU
 -  PL4 - 300mm AGAPANTHUS BLUE
 -  PL5 - 400mm MURRAYA PANICULATA

Rev	Date	Description	Checked

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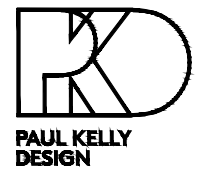
COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Landscape Plan
 First Floor

Status	DEVELOPMENT APPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

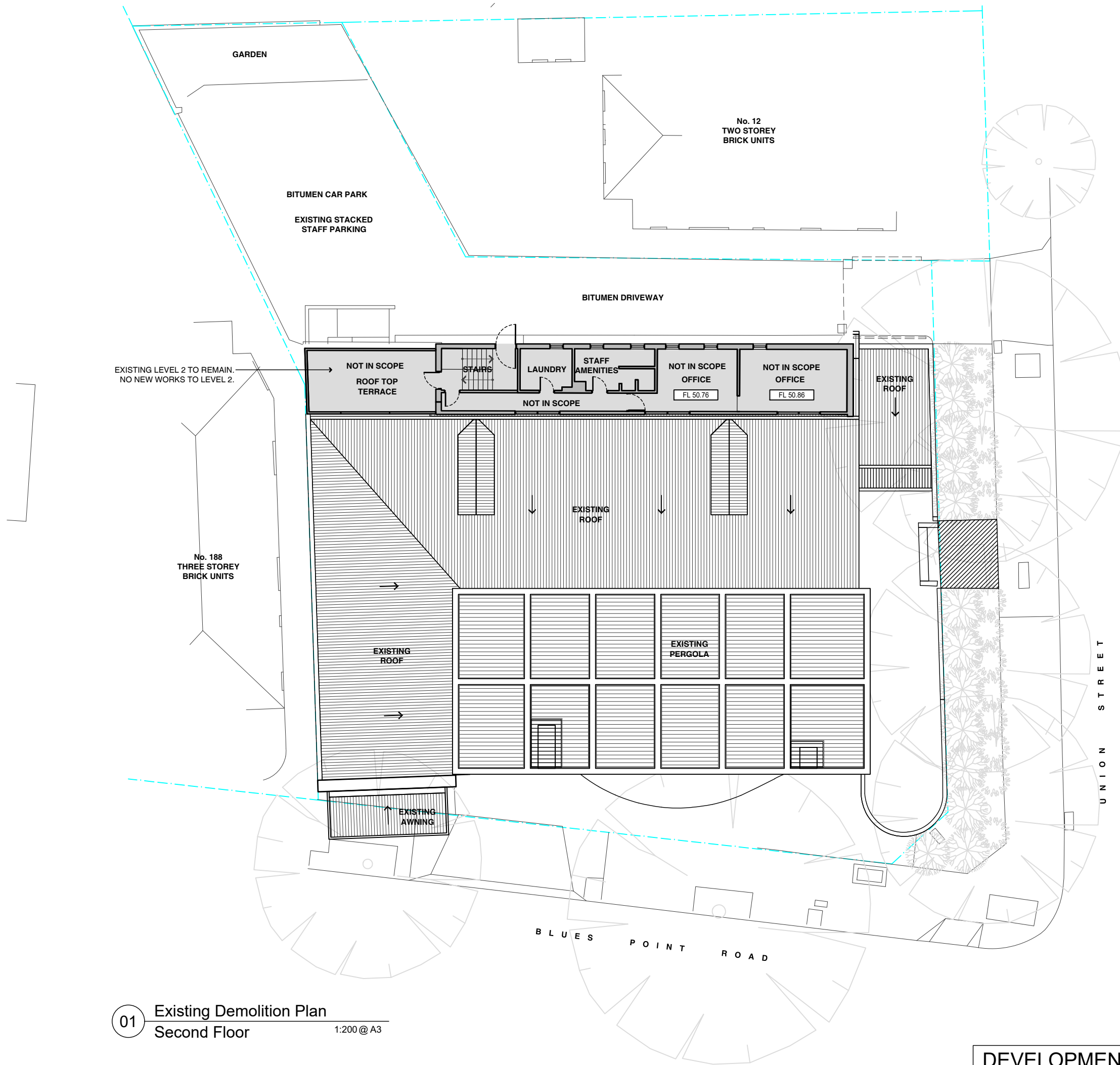
Drawing No.	Discipline Code	Level	Type	No.	Revision
DA	01	1	06	B	

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01 Landscape Plan
 First Floor
 1:100@A3

DEVELOPMENT APPLICATION



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PLAN LEGEND

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A	08.03.21	DEVELOPMENT APPLICATION ISSUE	PK
P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Existing Demolition Plan
 Second Floor

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

Drawing No.	DA 02 1 01 D			
Discipline Code	Level	Type	No.	Revision

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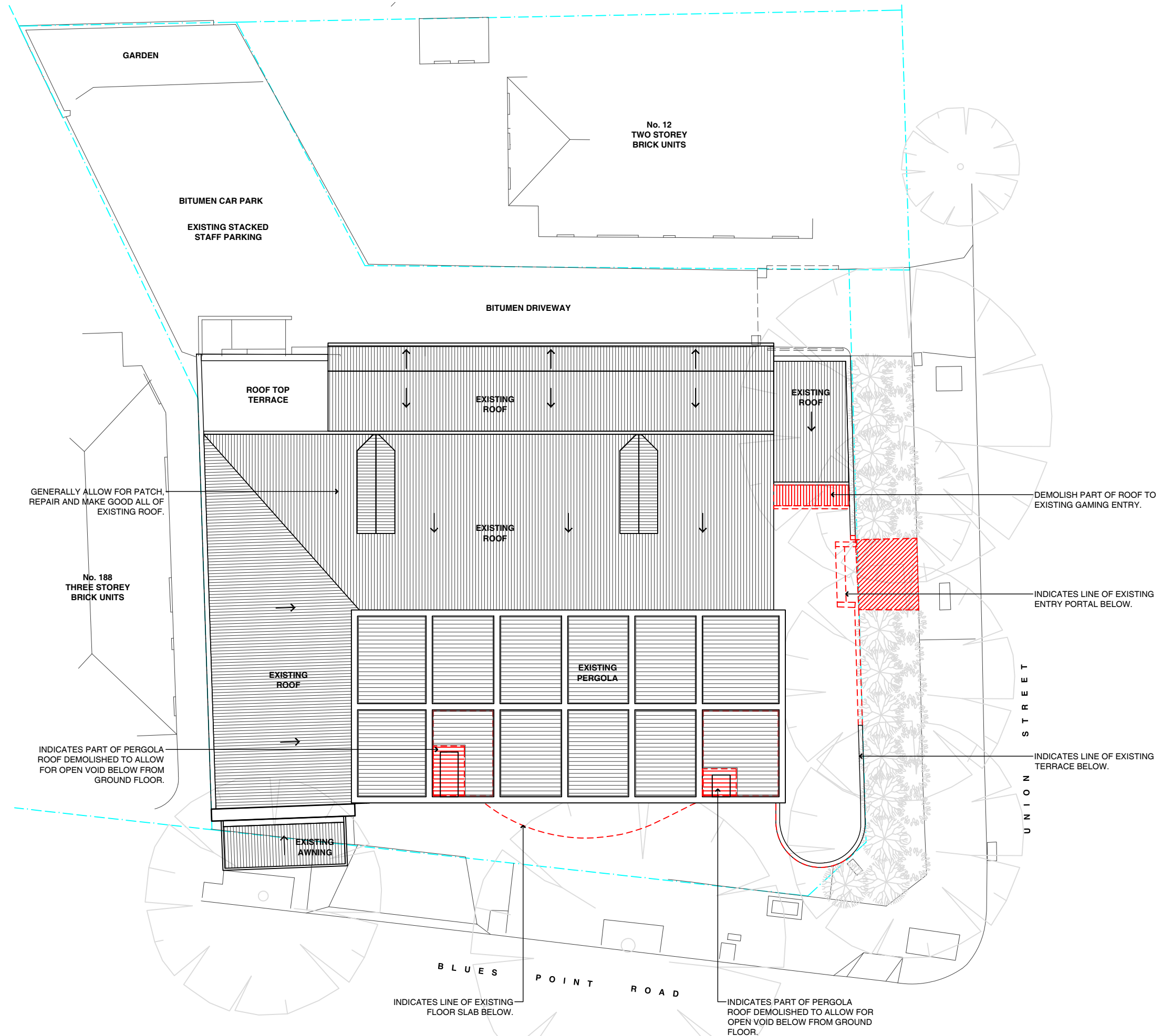
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01 Existing Demolition Plan
 Second Floor 1:200 @ A3





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A	08.03.21	DEVELOPMENT APPLICATION ISSUE	PK
P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

**Existing Demolition Plan
 Roof**

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

Drawing No.	DA 02 1 01 D			
Discipline Code	Level	Type	No.	Revision

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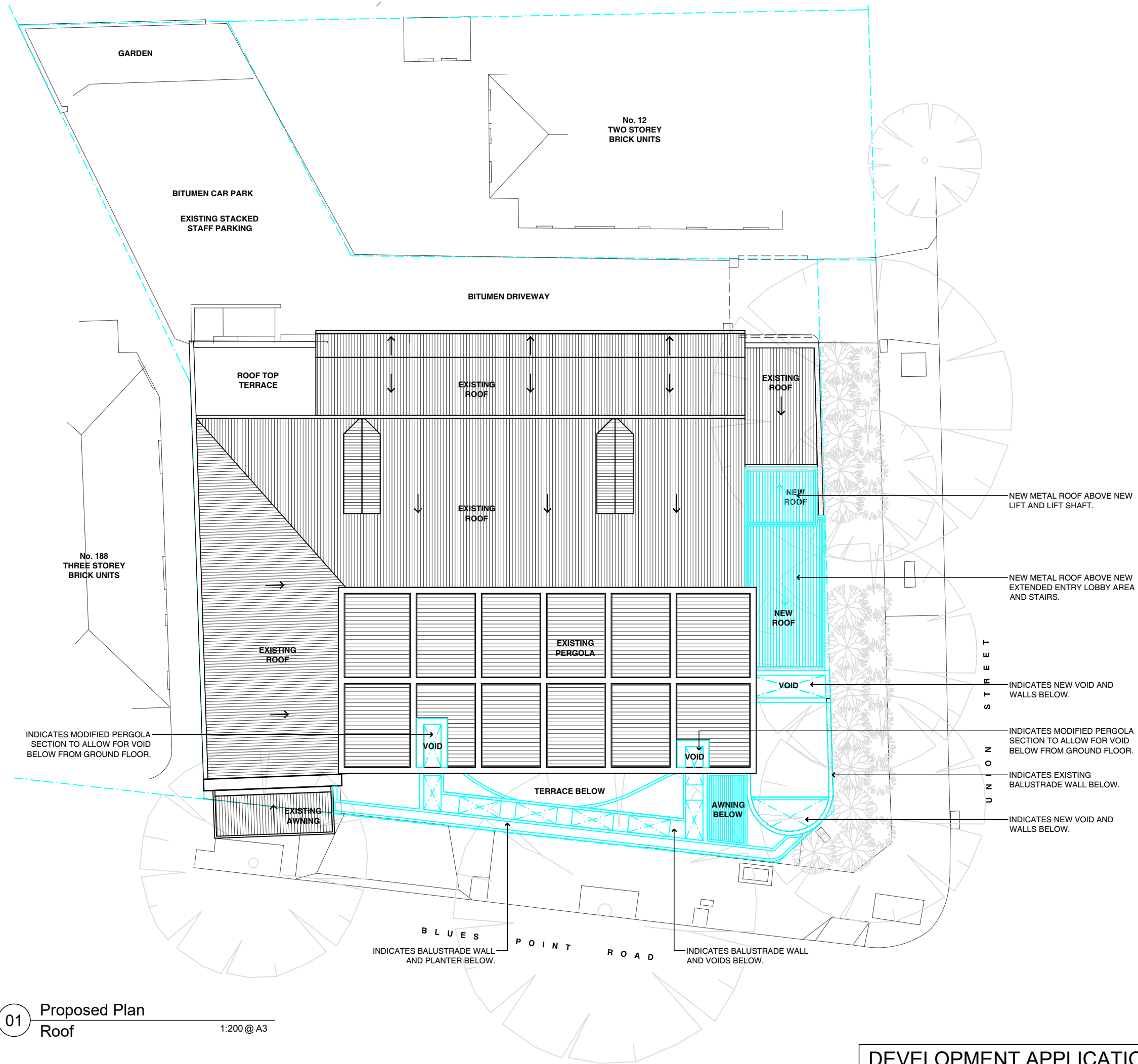
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01 Existing Demolition Plan
 Roof 1:200 @ A3





DEVELOPMENT APPLICATION

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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

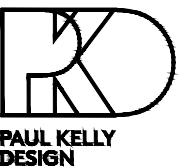
COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Proposed Plan
 Roof

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

Drawing No.	DA 03 1 02 D			
Discipline Code	Level	Type	No.	Revision

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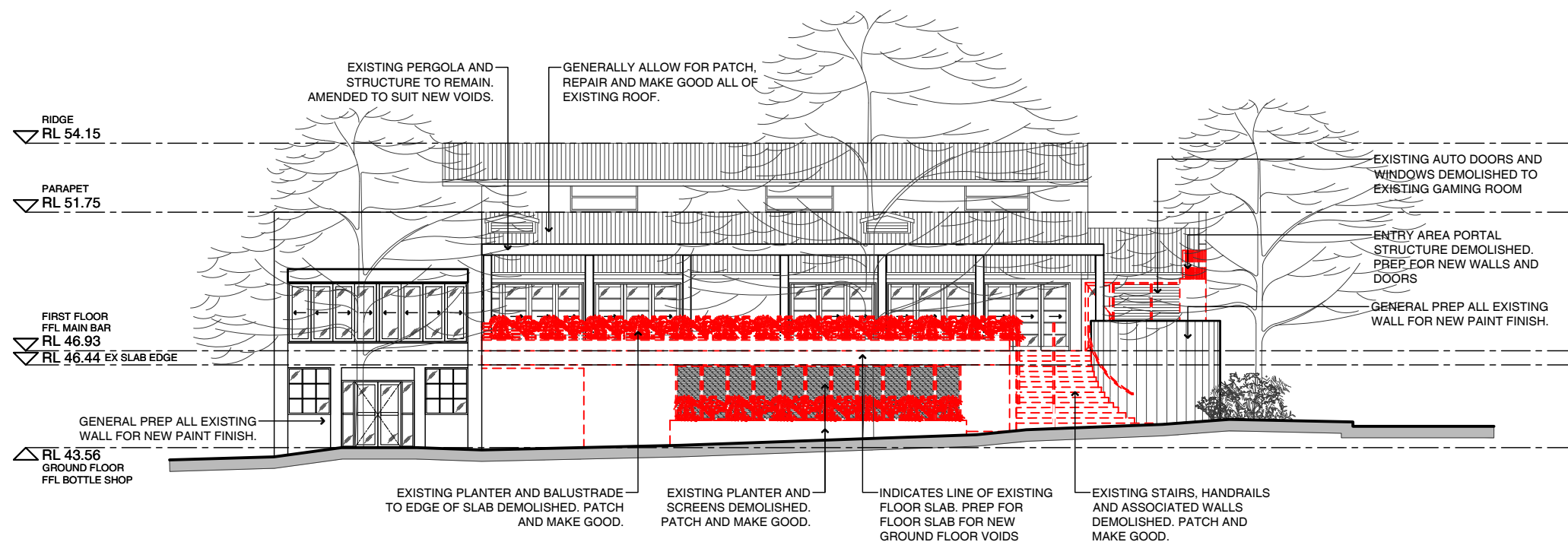


01 Proposed Plan
 Roof 1:200 @ A3

DEVELOPMENT APPLICATION

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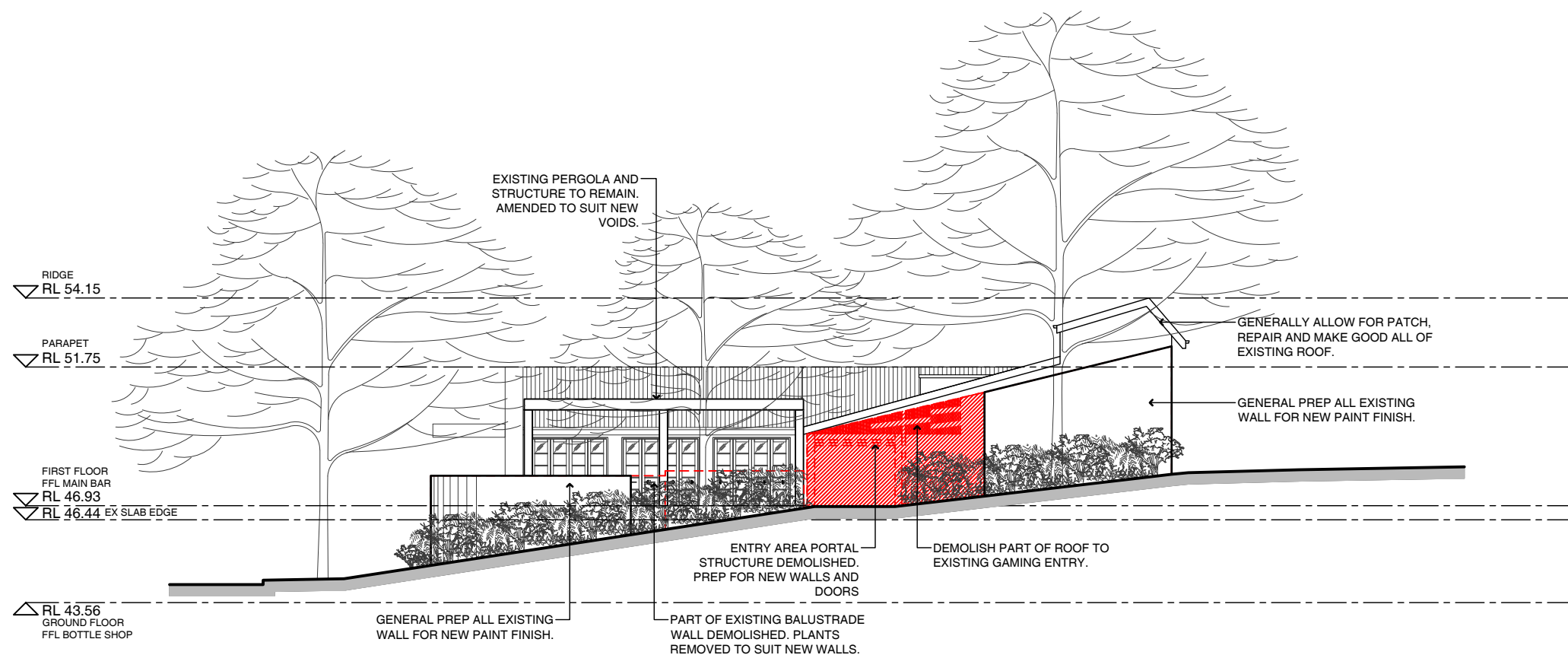
01 External Elevation Existing

1:200 @ A3

PLAN LEGEND

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B	18.03.21	DEVELOPMENT APPLICATION ISSUE	PK
A	08.03.21	DEVELOPMENT APPLICATION ISSUE	PK
P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK



02 External Elevation Existing

1:200 @ A3

COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

External Elevation Existing

Status	DEVELOPMENTAPPLICATION
Scale	1:200@A3
Drawn	HG
Project No.	632

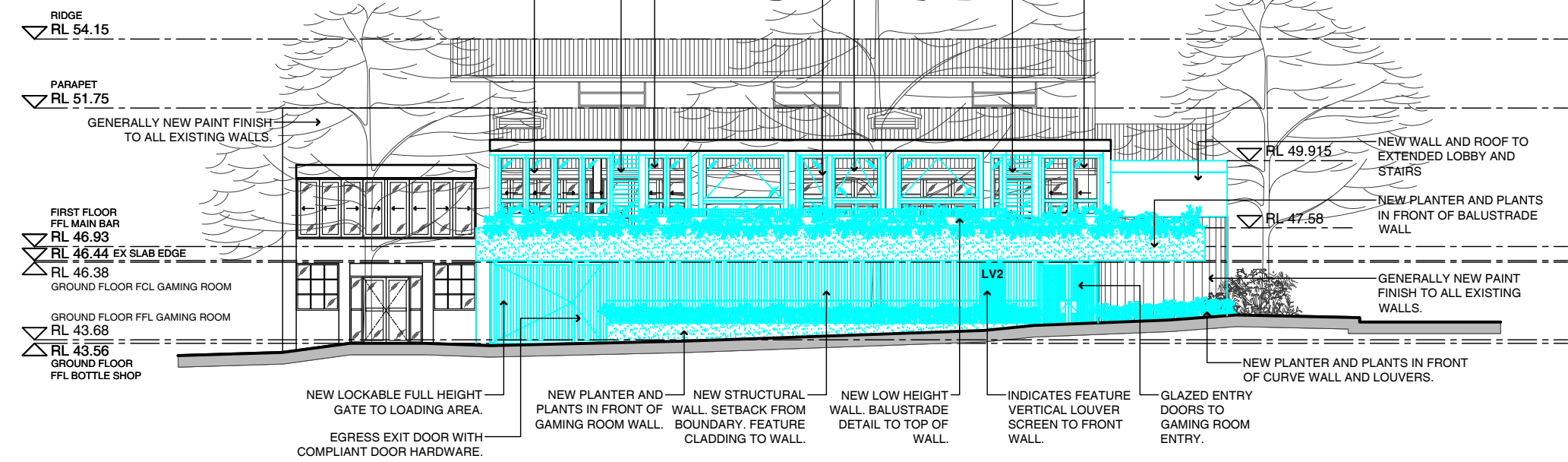
Drawing No.	DA	301	D
Discipline Code	Level	Type	Revision

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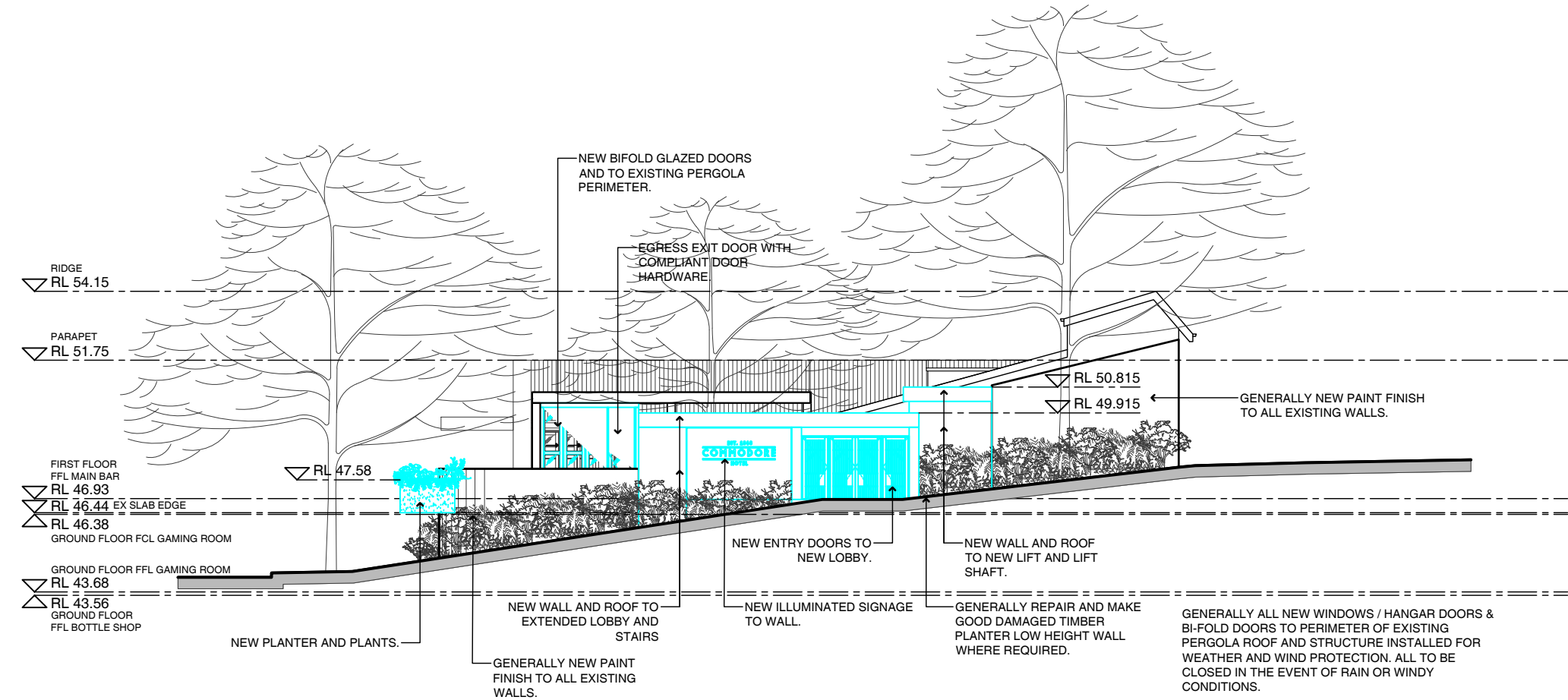


DEVELOPMENT APPLICATION

GENERALLY ALL NEW WINDOWS / HANGAR DOORS & BI-FOLD DOORS TO PERIMETER OF EXISTING PERGOLA ROOF AND STRUCTURE INSTALLED FOR WEATHER AND WIND PROTECTION. ALL TO BE CLOSED IN THE EVENT OF RAIN OR WINDY CONDITIONS.



01 External Elevation Proposed 1:200 @ A3



02 External Elevation Proposed 1:200 @ A3

FINISHES SCHEDULE

FINISH: Timber Look Aluminum PRODUCT NAME: Knotwood Aluminum SUPPLIER: Knotwood FINISH: Royal Oak LOCATION: Doors & Door Frame Hangar Doors Windows Garage Door	
FINISH: Stone Wall Cladding PRODUCT NAME: Dogal Wall Cladding SUPPLIER: Surface Gallery COLOUR: Dogal Grey LOCATION: Gaming external wall	
FINISH: External Paint PRODUCT NAME: AcraTex Acrylic Texture SUPPLIER: Dulux COLOUR: Midhurst Quarter LOCATION: General external wall	
FINISH: Reeded Glass PRODUCT NAME: Reeded Glass SUPPLIER: Spectrum Glass COLOUR: Bronze LOCATION: Entry Doors	
FINISH: Brass Powdercoat PRODUCT NAME: Brass Powdercoat SUPPLIER: Prismatic Powders COLOUR: Brass LOCATION: Door Detailing Balustrading	
FINISH: Powdercoat PRODUCT NAME: Duratec Powdercoat SUPPLIER: Dulux COLOUR: Zues Timberland LOCATION: Roof Reveals	
FINISH: Powdercoat PRODUCT NAME: Duratec Powdercoat SUPPLIER: Dulux COLOUR: Eternity Chain Pearl LOCATION: Louvers	

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PLAN LEGEND

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P1	30.10.20	PRELIMINARY DA ISSUE - CONSULTANTS	PK

COMMODORE HOTEL
206 BLUES POINT ROAD
MCMAHONS POINT NSW 2060

External Elevations Proposed

Status: DEVELOPMENT APPLICATION

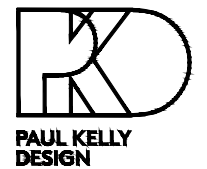
Scale: 1:200@A3

Drawn: HG

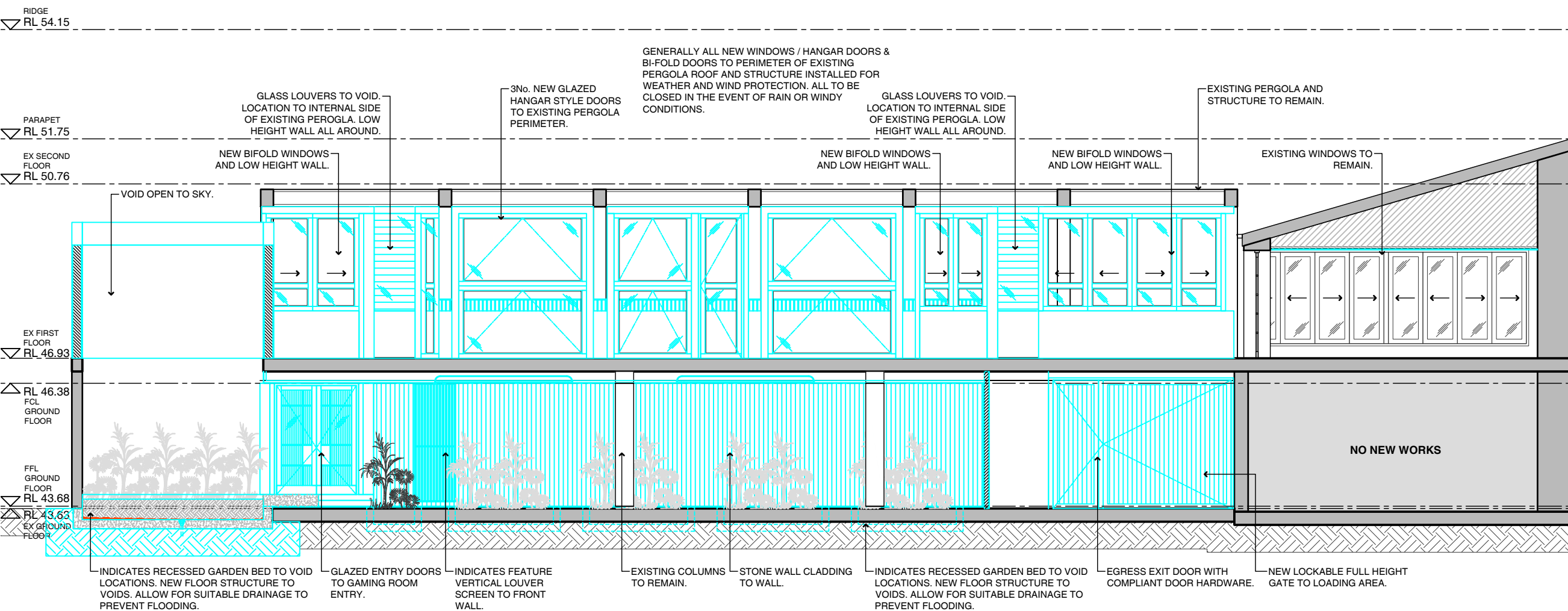
Project No.: 632

Discipline Code	Level	Type	No.	Revision
DA			302	D

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DEVELOPMENT APPLICATION



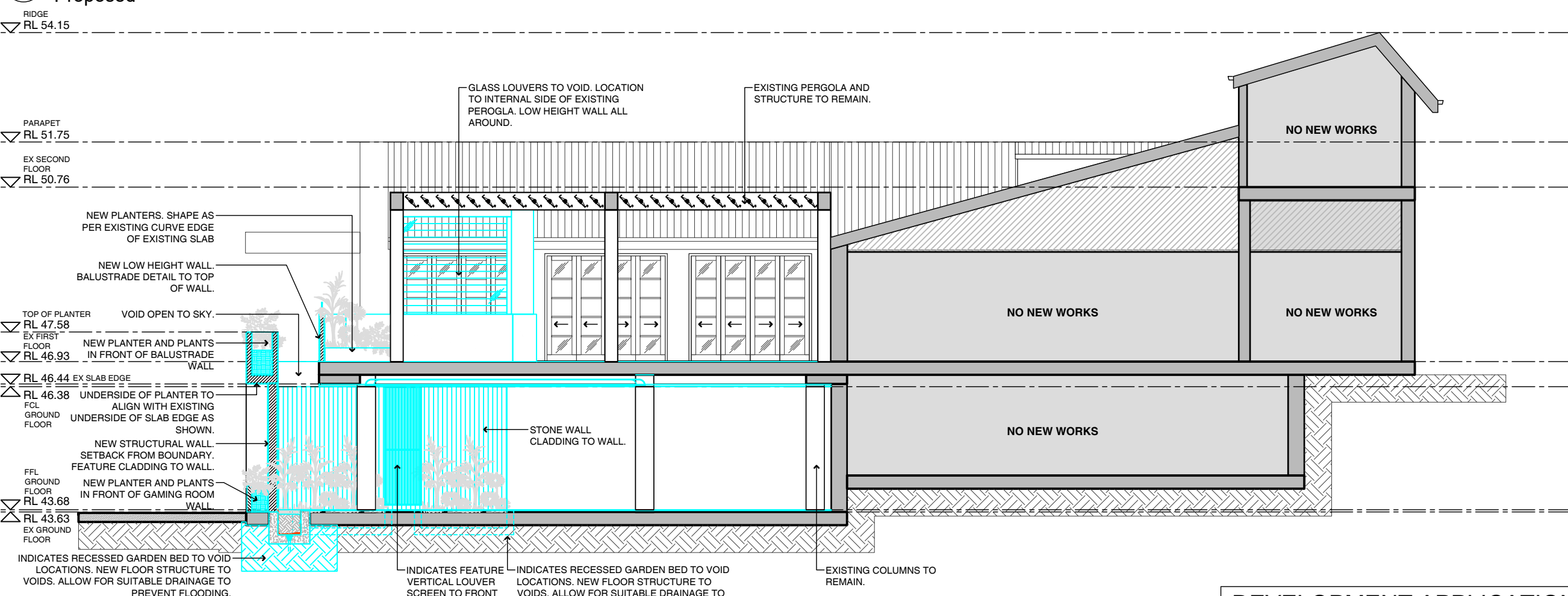
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01 Internal Section Proposed 1:100 @ A3



Rev	Date	Description	Checked
A	18.06.21	DEVELOPMENT APPLICATION ISSUE	PK

COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Internal Sections 1 & 2 Proposed

Status: DEVELOPMENT APPLICATION
 Scale: 1:100@A3
 Drawn: HG
 Project No.: 632

Drawing No. **DA 4 01 A**

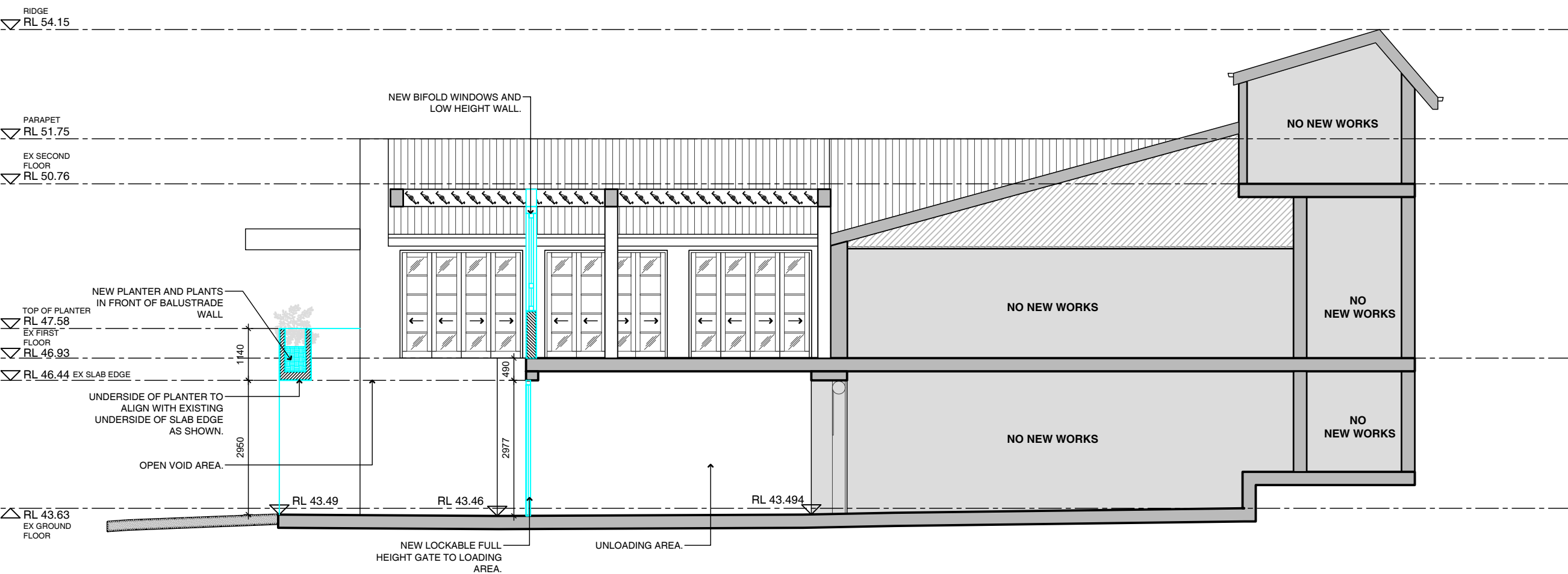
Discipline Level Type No. Revision

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DEVELOPMENT APPLICATION

02 Internal Section Proposed 1:100 @ A3



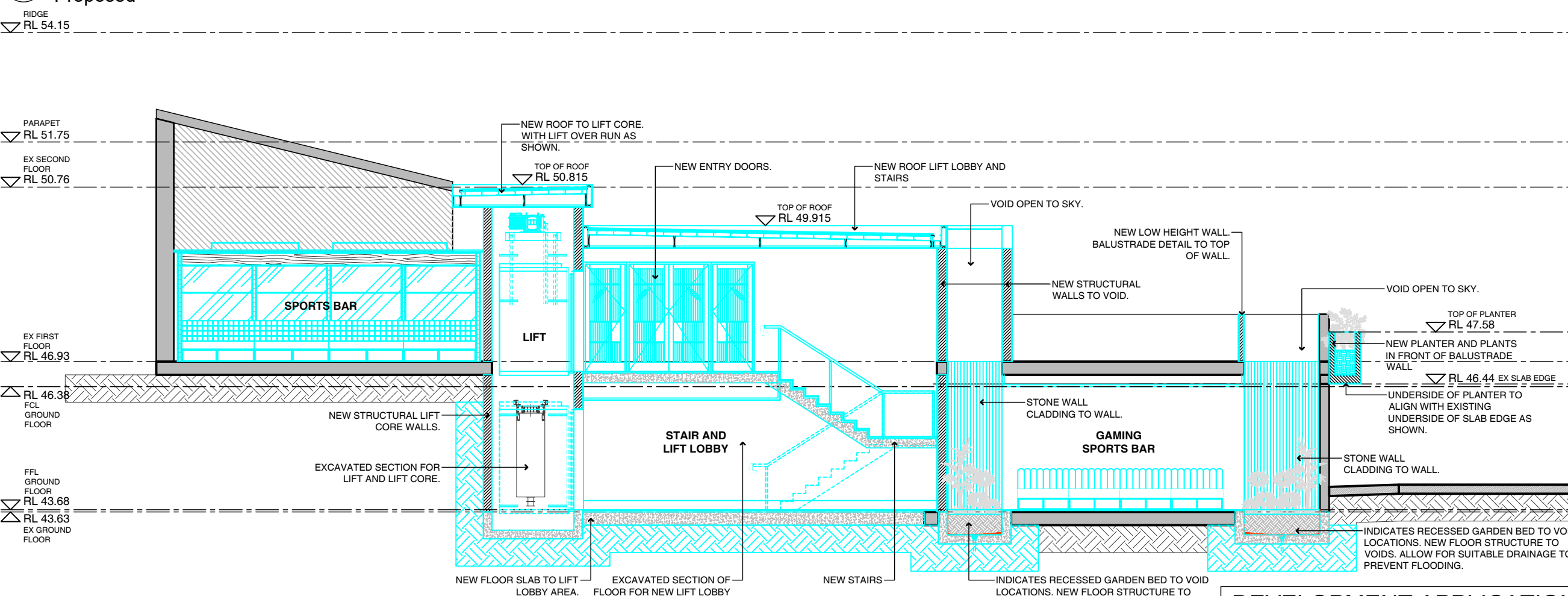
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03 Internal Section Proposed 1:100 @ A3



COMMODORE HOTEL
 206 BLUES POINT ROAD
 MCMAHONS POINT NSW 2060

Internal Sections 3 Proposed

Status	DEVELOPMENT APPLICATION
Scale	1:100@A3
Drawn	HG
Project No.	632

Drawing No. **DA 4 02 A**

Discipline Code	Level	Type	No.	Revision
DA			4 02	A

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04 Internal Section Proposed 1:100 @ A3

DEVELOPMENT APPLICATION



Acoustics
Vibration
Structural Dynamics

COMMODORE HOTEL, MCMAHONS POINT

DA Acoustic Assessment

12 March 2021

Good Beer Company

TL771-01F03 DA Acoustic Assessment (r1)

35

Sydney Melbourne Brisbane Gold Coast Kuwait Singapore

Renzo Tonin & Associates ABN 29 117 462 861

Level 1/418A Elizabeth St SURRY HILLS NSW 2010 | PO Box 877 STRAWBERRY HILLS NSW 2012

P (02) 8218 0500 F (02) 8218 0501 sydney@renzotonin.com.au www.renzotonin.com.au



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1 Introduction

Renzo Tonin & Associates was engaged to undertake an operational noise assessment to support the Development Application (DA) for the proposed alterations and additions to the Commodore Hotel, 206 Blues Point Road, McMahons Point.

The proposed alterations and additions to the Commodore Hotel consists of a new Gaming Room with 30 machines and a Sports Bar on Ground Floor. There is a new lobby on ground floor and modifications to the existing pergola and new roofs.

The licensed premises currently operates from 10:00am to 12:00am Monday to Thursday, 10:00am to 1:00am on Fridays and Saturdays, and 10:00am to 10:00pm on Sundays with a total patron capacity of 543 patrons. The proposal is expected to retain the approved operating hours and seek to have 82 patrons in the new Gaming Room and Sports Bar. The primary aspects of noise emission would be noise breakout from the internal Gaming Room and Sports Bar.

This report quantifies noise emission from activities associated with the proposal and assesses operational noise impacts to nearby sensitive receivers in accordance with the noise requirements of the North Sydney Council (Council) and the Liquor & Gaming NSW (L&GNSW).

The work documented in this report was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001. APPENDIX A contains a glossary of acoustic terms used in this report.

2 Project description

2.1 Site description and development location

The site is predominately surrounded by residential dwellings and commercial premises. The nearest residential dwelling located less than 5m to the south of the site, on Blues Point Road. Figure 1 below presents the subject site location.

Figure 1: Site location



2.2 Acoustic aspects

Based on the proposed design and operational parameters, the following aspects are deemed to require acoustic assessment:

- Noise breakout from internal areas.

2.3 Acoustic assessment methodology

In order to assess the potential noise impact from subject proposal the following methodology was used:

- Identify nearest most potentially affected receiver locations to the subject site
- Determine existing background noise levels at the nearest most potentially affected receiver locations
- Use measured background noise levels to establish noise goals in accordance with the relevant noise criteria
- Using predictive noise modelling, determine the extent of noise impact from the proposal at the nearest most potentially affected receivers
- Identify if noise emission from the area under investigation may exceed the relevant criteria, and
- Where noise emission from the area under investigation may exceed the relevant criteria, provide recommendations to reduce noise impacts from the site.

2.4 Reference material

The following documentation was referenced for this report:

- Architectural plan pack prepared by Paul Kelly Design [ref: Commodore Hotel_DA Issue A] dated 8 March 2021.

3 Project noise goals

3.1 Applicable noise criteria

3.1.1 North Sydney Council

A review of the North Sydney Council Development Control Plan (DCP) 2013 revealed the following:

Section 2 - Commercial & mixed use development

2.3.2 Noise

P1 Noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed the maximum 1 hour noise levels ($L_{Aeq, 1Hour}$) specified in Table B-2.3.

TABLE B-2.3 –Noise Emission Limits			
Time Period			Max 1 hour noise level ($L_{Aeq, 1 Hour}$)
Day	Week	Time	
Weekday	Day	7am – 6pm	60 dBA
	Evening	6pm – 10pm	50 dBA
	Night	10pm – 7am	45 dBA
Weekend	Day	8am – 7pm	60 dBA
	Evening	7pm – 10pm	50 dBA
	Night	10pm – 8am	45 dBA

Notes: L_{Aeq} (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.

P2 In terms of determining the maximum noise levels as required by P1 above, the measurement is to be taken at the property boundary of the nearest residential premises. Within a mixed use development, the boundary is taken to be nearest floor ceiling or wall to a residential dwelling on the site.

P3 Despite P1 above, the noise emission associated with the operation of non-residential premises or non-residential components of the building must not exceed 5 dBA above the background maximum 1 hour noise level ($L_{Aeq, 1 Hour}$) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.

P4 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.

P5 Plant and machinery should incorporate noise reduction measures to minimise their impacts.

- P6 Developments should be designed and / or incorporate features that reduce noise transmission.*
- P7 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive or intermittent noise.*
- P8 Developments must comply with EPA Noise Policy for Industry 2017 in particular the modification required for acceptable noise level (ANL)*

3.1.2 Liquor & Gaming NSW

Noise emissions from licensed premises in NSW, such as restaurants, bars and clubs, should aim to comply with the standard noise criteria set by the L&GNSW. The L&GNSW, through the Liquor Act 2007, is the regulatory authority that deals with noise pollution issues pertaining to licensed premises. The L&GNSW criteria apply to noise emission associated with activities from the licensed area of the premises, including music and patron noise but excludes mechanical plant. Noise emissions are assessed in terms of the noise limits set out in the L&GNSW's 'Standard Noise Condition' which states as follows:

"The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.*

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Liquor Administration Board.

This is a minimum standard. In some instances, the Board may specify a time earlier than midnight in respect of the above condition.

**For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises."*

It is noted that the noise requirements for licensed premises operation from L&GNSW are more stringent than the ones set out in North Sydney Council DCP 2013. Therefore, noise emitted from the licensed premises should be assessed against the noise limits set by the L&GNSW.

3.2 Assessment locations

The identified assessment locations are outlined in Table 3.1 below and are shown in Figure 2.

Table 3-1: Assessment locations

ID	Address	Description
R1	167 Blues Point Road, McMahons Point	A double-storey residential dwelling located approximately 20m east of the subject site.
R2	188 Blues Point Road, McMahons Point	A multi-storey residential building directly south of the subject site.
R3	121 Union Street, McMahons Point	A double-storey residential building located to the west of the subject site.

3.3 Existing noise environment

Criteria for the assessment of operational noise are usually derived from the existing noise environment of an area, excluding noise from the subject development. Fact Sheet B of the NSW Environment Protection Authority (EPA) Noise Policy for Industry (NPfI) outlines two methods for determining the background noise level of an area, being 'B1 - Determining background noise using long-term noise measurements' and 'B2 - Determining background noise using short-term noise measurements'. This assessment has used a combination of long-term and short-term noise monitoring.

As the noise environment of an area almost always varies over time, background and ambient noise levels need to be determined for the operational times of the proposed development. For example, in a suburban or urban area, the noise environment is typically at its minimum at 3:00am in the morning and at its maximum during the morning and afternoon traffic peak hours. The NSW NPfI outlines the following standard time periods over which the background and ambient noise levels are to be determined:

- Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays
- Evening: 18:00-22:00 Monday to Sunday & Public Holidays
- Night: 22:00-07:00 Monday to Saturday and 22:00-08:00 Sundays & Public Holidays

3.3.1 Noise measurement locations

Noise measurements are ideally carried out at the nearest or most potentially affected locations surrounding a development. An alternative, representative location should be established in the case of access restrictions or where a safe and secure location cannot be identified. Furthermore, representative locations may be established in the case of multiple receivers as it is usually impractical to carry out measurements at all locations surrounding a site.

The long-term and short-term measurement locations are outlined in Table 3.2.

Table 3-2: Noise monitoring locations

ID	Address	Description
Long-term noise monitoring		
L1	167 Blues Point Road, McMahons Point	The noise monitor was located on the Level 1 balcony of the property fronting Blues Point Road. The background noise environment at this location is considered representative of Assessment Locations R1 and R2.
L2	206 Blues Point Road, McMahons Point	The noise monitor was located on the roof of the Commodore Hotel. The background noise environment at this location is considered representative of Assessment Location R3.
Short-term noise monitoring		
S1	206 Blues Point Road, McMahons Point	The noise monitor was located in the existing sports bar area. The noise environment was dominated by patrons in the sports bar area.
S2	206 Blues Point Road, McMahons Point	The noise monitor was located in the existing gaming room. The noise environment was dominated by gaming machines in the gaming room.

Figure 2: Assessment and noise monitoring locations



3.3.2 Long-term noise monitoring results

Long-term noise monitoring was carried out from Friday, 4 to Saturday, 12 December 2020. The long-term noise monitoring methodology is detailed in APPENDIX B, and noise level-vs-time graphs of the data are included in APPENDIX C.

Table 3.3 presents the representative background L_{90} and ambient L_{Aeq} noise levels for each assessment period, determined in accordance with the NPfI.

Table 3-3: Long-term noise monitoring results

Descriptor	Period	Overall dB(A)	Octave band centre frequency - Hz (dBZ)								
			31.5	63	125	250	500	1k	2k	4k	8k
L1 - 167 Blues Point Road											
L_{90} Background Noise Levels	Day	56	62	60	55	53	52	50	47	40	30
	Evening (measured)	62	58	56	57	56	59	57	54	46	32
	Evening (adjusted)*	56	62	60	55	53	52	50	47	40	30
	22:00 - 24:00	53	54	52	53	50	51	47	45	37	24
	24:00 - 01:00	49	52	51	52	48	45	42	41	33	21
	Night	48	51	49	52	48	45	41	40	33	21
L_{Aeq} Ambient Noise Levels	Day	63	71	69	64	61	60	59	56	50	42
	Evening	65	70	69	65	63	63	61	57	50	41
	Night	59	63	64	60	57	56	55	52	45	37
L2 - 206 Blues Point Road											
L_{90} Background Noise Levels	Day	55	59	58	55	51	49	49	47	41	32
	Evening (measured)	61	56	57	59	54	57	55	53	47	34
	Evening (adjusted)*	55	59	58	55	51	49	49	47	41	32
	22:00 - 24:00	54	51	53	55	48	48	48	45	41	29
	24:00 - 01:00	51	50	52	53	46	43	45	44	40	25
	Night	50	48	51	53	45	41	43	44	39	25
L_{Aeq} Ambient Noise Levels	Day	63	69	68	65	60	60	58	56	51	42
	Evening	67	67	67	66	62	64	63	59	53	42
	Night	60	64	63	61	56	57	55	53	48	39

Notes: Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays
 Evening: 18:00-22:00 Monday to Sunday & Public Holidays
 Night: 22:00-07:00 Monday to Saturday and 22:00-08:00 Sundays & Public Holidays
 Additional time periods have been added for assessment purposes

As required by the NPfI, the external ambient noise levels presented are free-field noise levels, ie. no facade reflection.

*In accordance with NPfI, the community generally expects greater control of noise during the more sensitive evening and night-time periods than during the less sensitive daytime period. Therefore, in determining project noise trigger levels for this development, it is generally recommended that the project intrusiveness noise level for evening be set at no greater than the project intrusiveness noise level for daytime. As a result, the evening background noise levels have been adjusted to the daytime background noise levels.

3.3.3 Short-term measurement results

Short-term noise measurements were undertaken on Friday, 11 December 2020. The equipment used for noise measurements was a Brüel & Kjær Type 2250 precision sound level analyser which is a Class 1 instrument having accuracy suitable for field and laboratory use. The instrument was calibrated prior and subsequent to measurements using a Brüel & Kjær Type 4231 calibrator. No significant drift in calibration was observed. All instrumentation complies with IEC 61672 (parts 1-3) 'Electroacoustics - Sound Level Meters' and IEC 60942 'Electroacoustics - Sound calibrators' and carries current NATA certification (or if less than 2 years old, manufacturers certification).

A summary of the short-term measurement results is presented in Table 3.4.

Table 3-4: Short-term noise monitoring results

Location / Time	Desc.	Overall dB(A)	Octave band centre frequency – Hz (dBZ)								
			31.5	63	125	250	500	1k	2k	4k	8k
S1 - Sports Bar area. 11/12/2020 19:11 - 19:26	L ₁₀	82	65	65	69	70	79	79	75	68	56
	L _{eq}	79	62	63	66	68	76	76	72	66	53
	L ₉₀	76	56	56	61	64	72	71	67	61	49
S2 -Gaming room. 11/12/2020 20:03 - 20:18	L ₁₀	70	67	70	67	64	67	66	62	57	53
	L _{eq}	68	65	66	64	62	65	64	60	55	51
	L ₉₀	62	60	57	58	58	60	57	53	47	38

3.4 Project noise goals

3.4.1 Operational noise

The octave band noise goals for the identified receivers set out in Table 3.5 below have been established from measured noise levels set out in Sections 3.3.2.

Table 3-5: Noise goals, octave band

Receiver ID	Assessment period	Octave band centre frequency – Hz (dBZ)								
		31.5	63	125	250	500	1k	2k	4k	8k
R1 - 167 Blues Point Road, McMahons Point	Day and Evening	67	65	60	58	57	55	52	45	35
	22:00 - 24:00	59	57	58	55	56	52	50	42	29
	24:00 - 01:00	52	51	52	48	45	42	41	33	21
	24:00 - 01:00 (inaudibility)	48 [^]	41	42	38	35	32	31	23	11
R2 - 188 Blues Point Road, McMahons Point	Day and Evening	67	65	60	58	57	55	52	45	35
	22:00 - 24:00	59	57	58	55	56	52	50	42	29
	24:00 - 01:00	52	51	52	48	45	42	41	33	21
	24:00 - 01:00 (inaudibility)	48 [^]	41	42	38	35	32	31	23	11
	Day and Evening	64	63	60	56	54	54	52	46	37

Receiver ID	Assessment period	Octave band centre frequency – Hz (dBZ)									
		31.5	63	125	250	500	1k	2k	4k	8k	
R3 - 121 Union Street, McMahon's Point	22:00 - 24:00	56	58	60	53	53	53	50	46	34	
	24:00 - 01:00	50	52	53	46	43	45	44	40	25	
	24:00 - 01:00 (inaudibility)	48 [^]	42	43	36	33	35	34	30	15	

Notes: Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays

Evening: 18:00-22:00 Monday to Sunday & Public Holidays

For the determination of inaudibility, Renzo Tonin & Associates consider a design criterion of 10dB below the background noise level in each octave band for intermittent noise sources. It is assumed that if inaudibility goal is achieved externally, the internal inaudibility criterion will also be achieved.

[^] Threshold of hearing in accordance with AS3657.1. Lowest third octave level for the respective octave band.

4 Noise emission assessment

4.1 Noise sources

Noise emission from the premises, as is assessable against the established noise goals, includes:

- Noise breakout from internal Gaming Room and Sports Bar.

The source noise levels used for the predictions, presented in Table 4.1 below, were obtained from the short-term monitoring results.

Table 4-1: Source noise levels for licensed premises assessment

Area	Applicable noise source	Overall dB(A)	Octave band centre frequency - Hz (dBZ)								
			31.5	63	125	250	500	1k	2k	4k	8k
Sports Bar	Internal patrons with low background music (Reverberant L_p L_{10})	82	65	65	69	70	79	79	75	68	56
Pokies Room	Internal patrons with gaming machine noise (Reverberant L_p L_{10})	70	67	70	67	64	67	66	62	57	53

4.2 Prediction methodology

The noise predictions were based upon the architectural drawings set out in Section 2.4 and carried out in accordance with ISO9613 as implemented by CadnaA computer modelling program. The software takes into account sound radiation patterns, acoustic shielding and potential reflections from intervening building elements, and noise attenuation due to distance.

The following assumptions regarding the acoustic performance of the building envelope design have been made for the acoustic assessment.

Table 4-2: Building envelope acoustic performance

Construction element	Assumed acoustic rating R_w	Construction
Glazed doors/windows/openings (operable)	25	6mm thick glass with aluminium frame
Glazed automatic Gaming Room entry doors	25	6mm thick glass with aluminium frame

4.3 Noise prediction results & assessment

Noise emission from the Gaming Room and Sports Bar, as is assessable against the established noise goals, can be categorised as follows:

- Scenario 1 (up until Midnight): 34 patrons in the Gaming area and 47 patrons in the Sports Bar area.

- Scenario 2 (Midnight to 1:00am): 34 patrons in the Gaming area. Sports Bar unoccupied.

Table 4.3 and Table 4-4 summarise the results of the noise assessment, presenting the predicted noise emission levels at the identified assessment locations against the established noise goals.

Table 4-3: Predicted noise level assessment for Scenario 1, octave band

Assessment ID	Description	Octave band centre frequency - Hz (dBZ)									
		31.5	63	125	250	500	1k	2k	4k	8k	
R1 - 167 Blues Point Road, McMahons Point	Predicted noise levels	35	38	34	31	38	37	33	26	18	
	Noise goals	Day and evening	67	65	60	58	57	55	52	45	35
		22:00 - 24:00	59	57	58	55	56	52	50	42	29
R2 - 188 Blues Point Road, McMahons Point	Predicted noise levels	34	36	32	31	38	37	33	27	14	
	Noise goals	Day and evening	67	65	60	58	57	55	52	45	35
		22:00 - 24:00	59	57	58	55	56	52	50	42	29
R3 - 121 Union Street, McMahons Point	Predicted noise levels	34	33	29	27	33	33	27	15	1	
	Noise goals	Day and evening	64	63	60	56	54	54	52	46	37
		22:00 - 24:00	56	58	60	53	53	53	50	46	34

Notes: Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays

Evening: 18:00-22:00 Monday to Sunday & Public Holidays

Bolded values indicate exceedances in the predicted noise levels

Table 4-4: Predicted noise level assessment for Scenario 2, octave band

Assessment ID	Description	Octave band centre frequency - Hz (dBZ)								
		31.5	63	125	250	500	1k	2k	4k	8k
R1 - 167 Blues Point Road, McMahons Point	Predicted noise levels	35	38	33	30	33	32	29	23	17
	Noise goals	24:00 - 01:00 (inaudibility)	48	41	42	38	35	32	31	23
R2 - 188 Blues Point Road, McMahons Point	Predicted noise levels	33	35	31	27	29	28	23	16	9
	Noise goals	24:00 - 01:00 (inaudibility)	48	41	42	38	35	32	31	23
R3 - 121 Union Street, McMahons Point	Predicted noise levels	33	32	28	23	29	30	24	10	0
	Noise goals	24:00 - 01:00 (inaudibility)	48	42	43	36	33	35	34	30

Note: **Bolded** values indicate exceedances in the predicted noise levels

4.4 Discussion

From Table 4-3, it can be seen that the use of the Gaming Room and Sports Bar is predicted to comply with the established noise goals at all the identified receiver locations for all time periods. Furthermore, the predicted noise levels are at least 10dB below the noise goals, indicating that the Gaming Room and Sports Bar would not contribute to cumulative noise from the remainder of the hotel operations.

From Table 4-4, it can be seen that the use of the Gaming Room is predicted to comply with the established noise goals at all the identified receiver locations for all time periods, except for a 6dB exceedance at 8kHz against the inaudibility criteria at 167 Blues Point. Furthermore, the predicted noise levels are at least 10dB below the noise goals for all octave bands, except at 8kHz, which is expected to be masked by the other frequencies.

The prediction at 8kHz is below the measured 8kHz background noise level and more than 20dB below the overall measured background noise level and the exceedance is in only one octave band. Further, Renzo Tonin & Associates apply a conservative 10dB below background noise level for inaudibility (a number between 5dB and 7dB for inaudibility is commonly adopted by other consultants). Therefore, it is unlikely that the noise exceedances will be audible within the neighbouring residential buildings.

5 Recommendations

5.1 Building envelope

The building envelopes as set out in Table 4.2 are to be provided as a minimum. The Gaming Room entry has an automatic closing door.

5.2 Sports Bar operating hours

The Sports Bar is to be unoccupied between Midnight and 1:00am.

5.3 Mechanical services plant and equipment

Mechanical plant associated with the development has the potential to impact on nearby noise sensitive properties. In order to carry out a quantitative assessment of mechanical equipment, a complete specification of equipment is required. At this early stage of the development, appropriate detail for mechanical plant is not typically available. A qualitative assessment has therefore been carried out and in-principle noise management measures outlined:

- Acoustic assessment of mechanical services equipment should be undertaken during the detailed design phase of the development to ensure that the cumulative noise of all equipment does not exceed the applicable noise criteria. Development Consent Conditions typically require detailed assessment of mechanical plant and equipment prior to issue of the Construction Certificate.
- Noise control treatment can affect the operation of the mechanical services system. An acoustic engineer should be consulted during the initial design phase of mechanical services system to reduce potential redesign of the mechanical system.
- Mechanical plant noise emission can be controlled by appropriate mechanical system design and implementation of common engineering methods, which may include:
 - procurement of 'quiet' plant
 - strategic positioning of plant away from sensitive neighbouring premises to maximise intervening acoustic shielding between the plant and sensitive neighbouring premises
 - commercially available acoustic attenuators for air discharge and air intakes of plant
 - acoustically lined and lagged ductwork
 - acoustic barriers between plant and sensitive neighbouring premises
 - partial or complete acoustic enclosures over plant
- The specification and location of mechanical plant should be confirmed prior to installation on site, and

- Fans shall be mounted on vibration isolators and balanced in accordance with Australian Standard 2625 '*Rotating and Reciprocating Machinery - Mechanical Vibration*'.

6 Acoustic risk assessment

Risk management is an integral part of good management practice. Australian/New Zealand Standard AS/NZS 4360:2004 "Risk management" has become part of our company's culture and as a consequence it permeates all aspects of the company's work and is actively promoted to our clients.

The risk management process can be applied to any situation where an undesired or unexpected outcome could be significant or where opportunities are identified. Our clients need to know about possible outcomes and the steps that can be taken to control any adverse impact.

There is an opportunity in the design process for the client to actively participate in risk management by providing input into risk reduction strategy. For example, the client may need to know that some aspects of risk reduction could involve passing those risks on to other entities in a better position to treat those risks. Some aspects of risk reduction may involve additional cost or time consequences. On the other hand, there may also be opportunities to avoid or avert risk at no cost to the client by rescheduling processes so that key information becomes available at a critical time.

When the client is properly informed, this supports better decision making by contributing a greater insight into risks and their impacts. It is recommended that the client seek to understand the potential risk during the detailed design phase of the development.

7 Conclusion

Renzo Tonin & Associates has completed an assessment of operational noise for the proposed alterations and additions to the Commodore Hotel, 206 Blues Point Road, McMahons Point. The primary aspects of noise emission would be noise breakout from the internal Gaming Room and Sports Bar.

The proposed alterations have been assessed against all relevant noise criteria with project specific noise goals established from long-term monitoring at the nearest most potentially affected receiver locations. Based on the predicted noise levels, operational noise emissions from the licensed premises can comply with the established noise goals.

With the adoption of the assumed parameters and the implementation of the recommendations described in the report, the noise predictions show that the design can satisfy the relevant noise criteria.

APPENDIX A Glossary of terminology

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

Adverse weather	Weather effects that enhance noise (that is, wind and temperature inversions) that occur at a site for a significant period of time (that is, wind occurring more than 30% of the time in any assessment period in any season and/or temperature inversions occurring more than 30% of the nights in winter).
Ambient noise	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
Assessment period	The period in a day over which assessments are made.
Assessment point	A point at which noise measurements are taken or estimated. A point at which noise measurements are taken or estimated.
Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level (see below).
Decibel [dB]	The units that sound is measured in. The following are examples of the decibel readings of every day sounds: 0dB The faintest sound we can hear 30dB A quiet library or in a quiet location in the country 45dB Typical office space. Ambience in the city at night 60dB CBD mall at lunch time 70dB The sound of a car passing on the street 80dB Loud music played at home 90dB The sound of a truck passing on the street 100dB The sound of a rock band 115dB Limit of sound permitted in industry 120dB Deafening
dB(A)	A-weighted decibels. The A-weighting noise filter simulates the response of the human ear at relatively low levels, where the ear is not as effective in hearing low frequency sounds as it is in hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.
dB(C)	C-weighted decibels. The C-weighting noise filter simulates the response of the human ear at relatively high levels, where the human ear is nearly equally effective at hearing from mid-low frequency (63Hz) to mid-high frequency (4kHz), but is less effective outside these frequencies.
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
Impulsive noise	Having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.
Intermittent noise	The level suddenly drops to that of the background noise several times during the period of observation. The time during which the noise remains at levels different from that of the ambient is one second or more.
L _{Max}	The maximum sound pressure level measured over a given period.
L _{Min}	The minimum sound pressure level measured over a given period.

L ₁	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
L ₁₀	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
L ₉₀	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
L _{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
Reflection	Sound wave changed in direction of propagation due to a solid object obscuring its path.
SEL	Sound Exposure Level (SEL) is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain Leq sound levels over any period of time and can be used for predicting noise at various locations.
Sound	A fluctuation of air pressure which is propagated as a wave through air.
Sound absorption	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound level meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise	Containing a prominent frequency and characterised by a definite pitch.

APPENDIX B Long-term noise monitoring methodology

B.1 Noise monitoring equipment

A long-term unattended noise monitor consists of a sound level meter housed inside a weather resistant enclosure. Noise levels are monitored continuously with statistical data stored in memory for every 15-minute period.

Long term noise monitoring was conducted using the following instrumentation:

Description	Type	Octave band data	Logger location
RTA06 (NTi Audio XL2, with low noise microphone)	Type 1	1/1	L1, L2

Note: All meters comply with AS IEC 61672.1 2004 "Electroacoustics - Sound Level Meters" and designated either Type 1 or Type 2 as per table, and are suitable for field use.

The equipment was calibrated prior and subsequent to the measurement period using a Brüel & Kjær Type 4230 calibrator. No significant drift in calibration was observed.

B.2 Meteorology during monitoring

Measurements affected by extraneous noise, wind (greater than 5m/s) or rain were excluded from the recorded data in accordance with the NSW NPfl. Determination of extraneous meteorological conditions was based on data provided by the Bureau of Meteorology (BOM), for a location considered representative of the noise monitoring location(s). However, the data was adjusted to account for the height difference between the BOM weather station, where wind speed and direction is recorded at a height of 10m above ground level, and the microphone location, which is typically 1.5m above ground level (and less than 3m). The correction factor applied to the data is based on Table C.1 of ISO 4354:2009 '*Wind actions on structures*'.

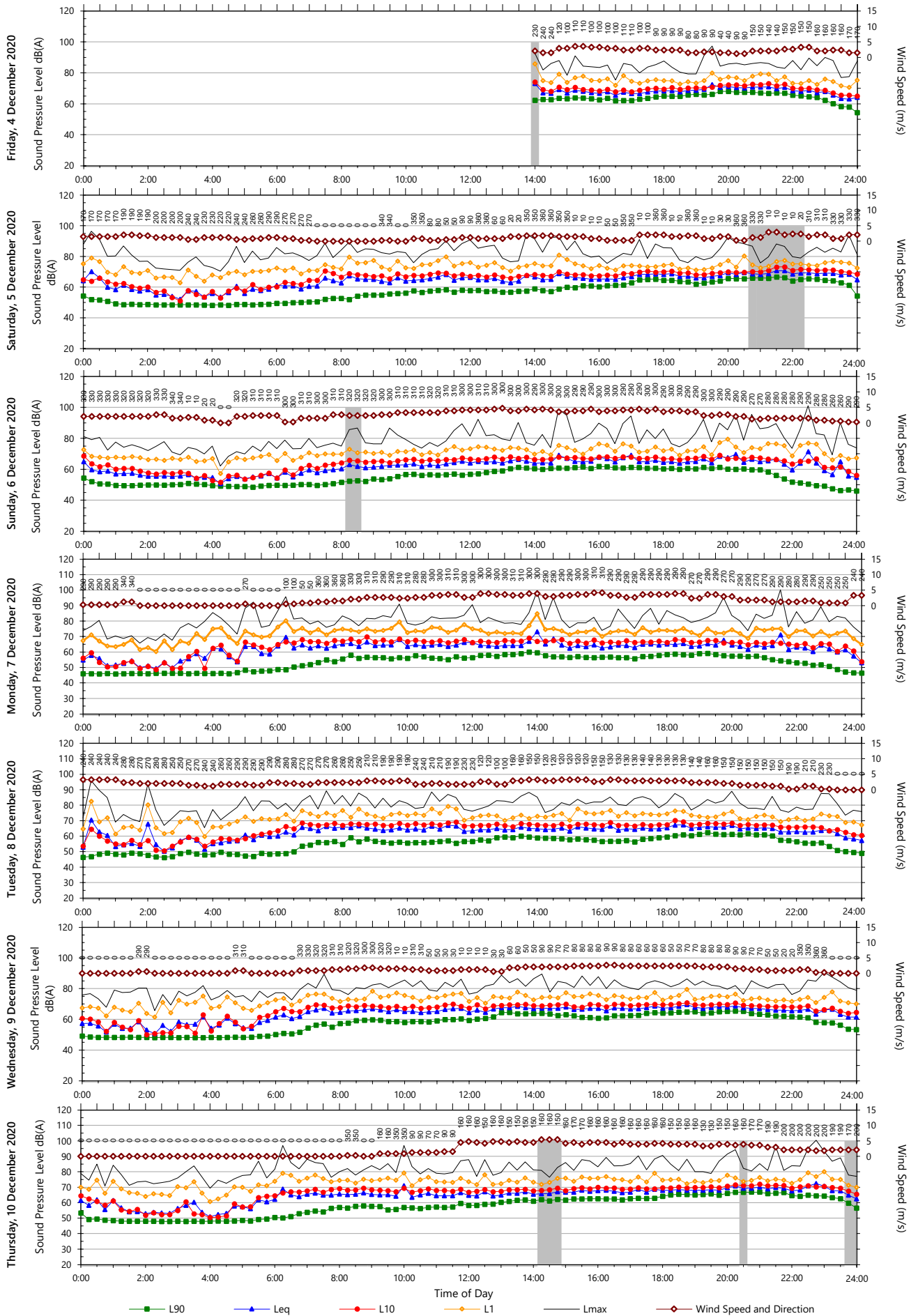
B.3 Noise vs time graphs

Noise almost always varies with time. Noise environments can be described using various descriptors to show how a noise ranges about a level. In this report, noise values measured or referred to include the L_{10} , L_{90} , and L_{eq} levels. The statistical descriptors L_{10} and L_{90} measure the noise level exceeded for 10% and 90% of the sample measurement time. The L_{eq} level is the equivalent continuous noise level or the level averaged on an equal energy basis. Measurement sample periods are usually ten to fifteen minutes. The Noise -vs- Time graphs representing measured noise levels, as presented in this report, illustrate these concepts for the broadband dB(A) results.

APPENDIX C Long-term noise monitoring results

Unattended Monitoring Results

Location: 167 Blues Point Road, McMaho's Point

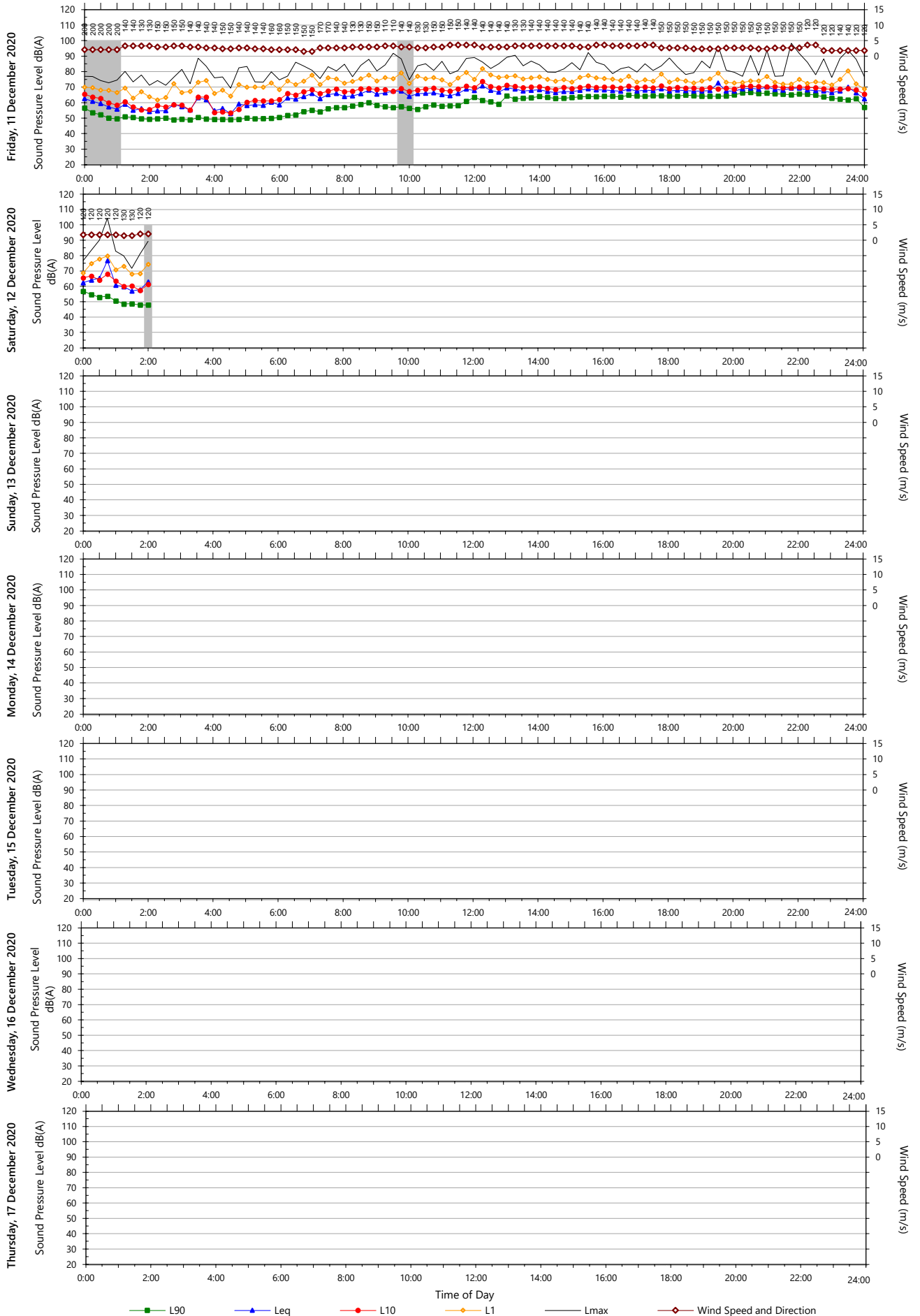


Data File: _123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r34)

Unattended Monitoring Results

Location: 167 Blues Point Road, McMahons Point

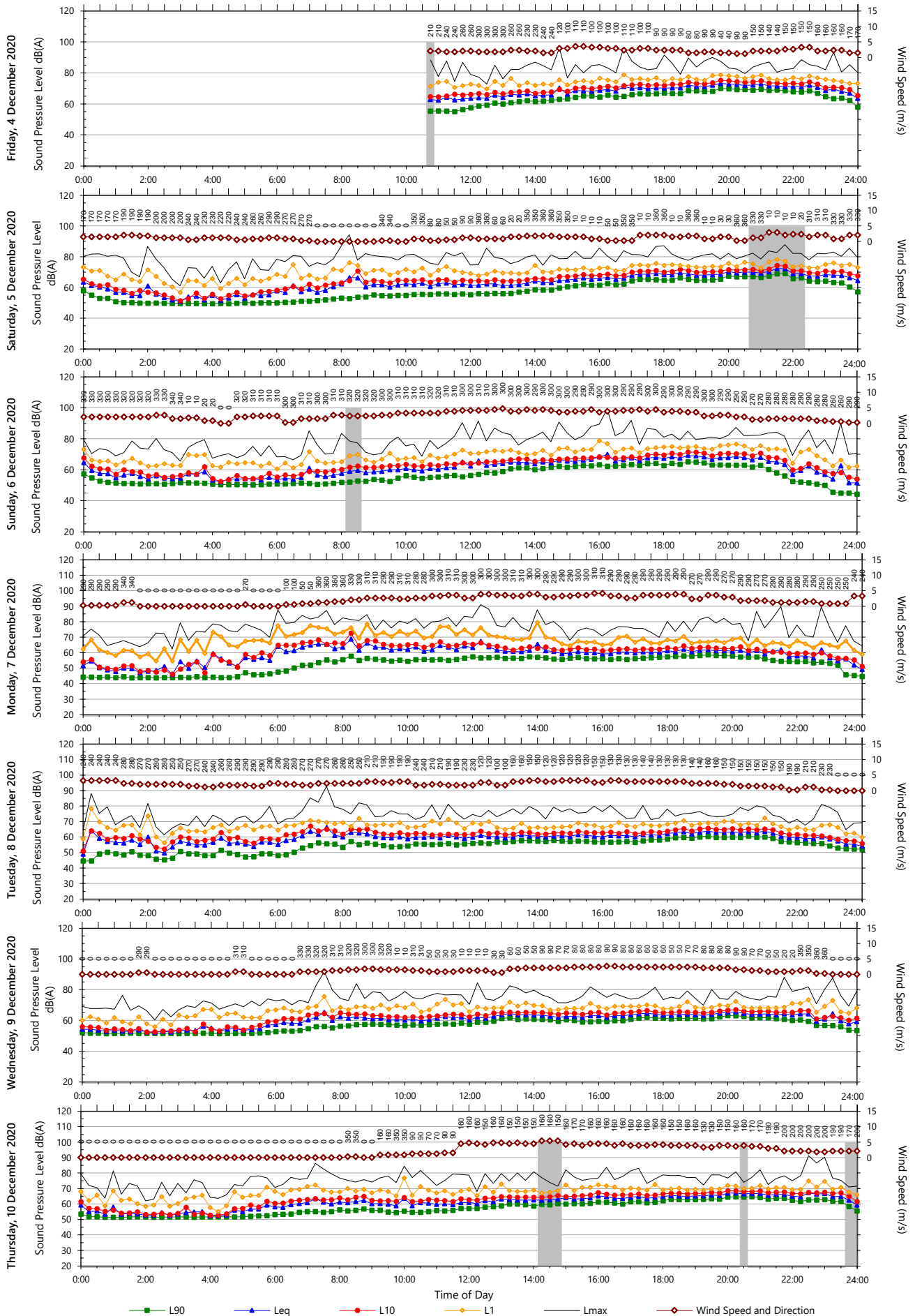


Data File: _123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r34)

Unattended Monitoring Results

Location: Commodore Hotel's Roof, McMaho's Point



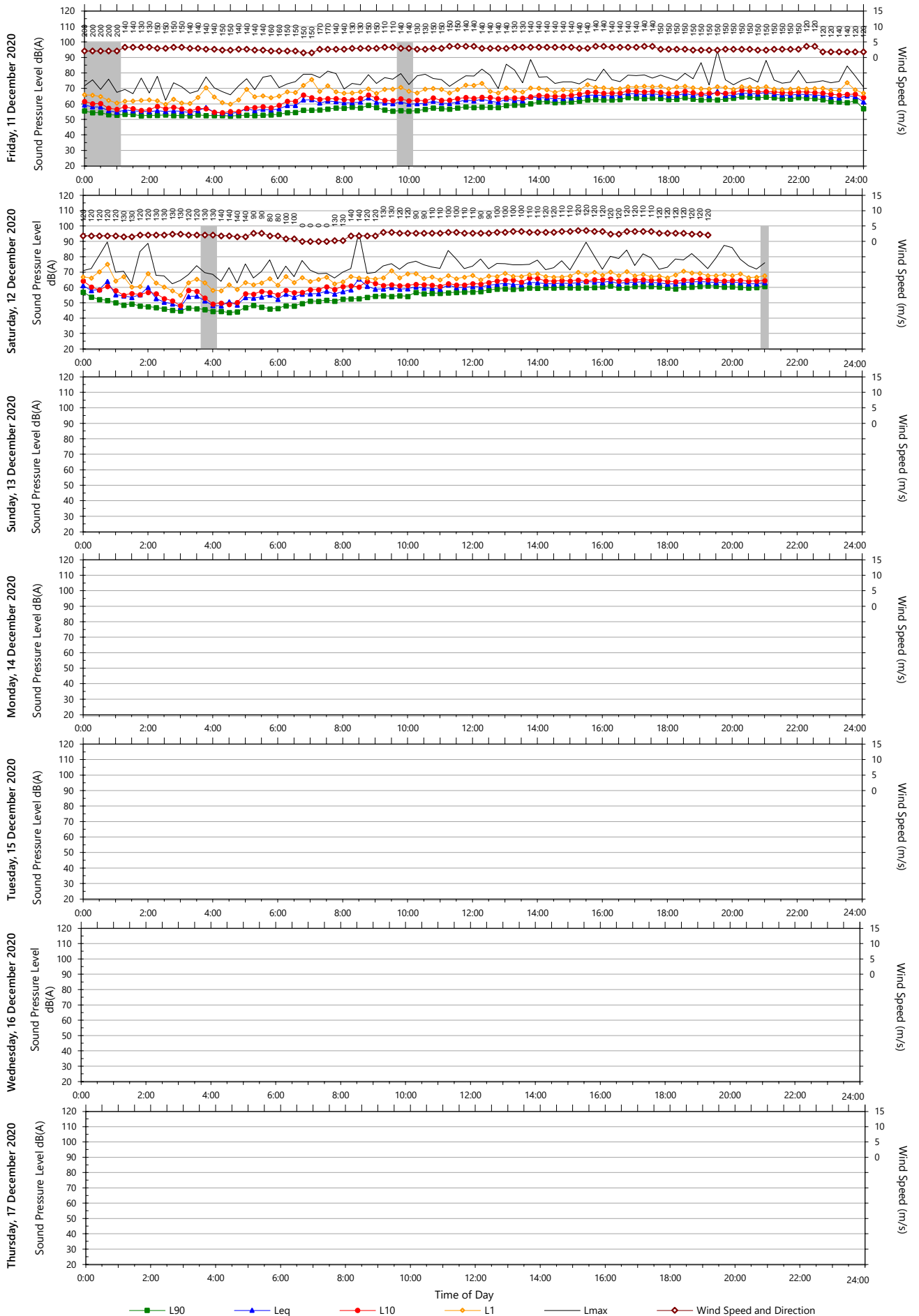
— L90 — Leq — L10 — L1 — Lmax — Wind Speed and Direction

Data File: _123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r34)

Unattended Monitoring Results

Location: Commodore Hotel's Roof, McMahons Point



Data File: _123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r34)



PLAN OF MANAGEMENT

FOR THE COMMODORE HOTEL
206 BLUES POINT ROD, MCMAHONS POINT NSW



DESIGN
COLLABORATIVE





DESIGN COLLABORATIVE Pty Limited

ABN 36 002 126 954
ACN 002 126 954

Town Planning and Liquor Licensing
Consultants

www.designcollaborative.com.au

Managing Director

J Lidis
BTP (UNSW)
MPIA

Director

David Rippingill
BEP (WSU)
Juris Doctor (UNE)
RPIA

Consultant

G W Smith
BSurv (QLD)
MCP (MIT)
MPIA (Life Fellow)
MIS Aust
MRTPI
FAPI

Plan of Management

The Commodore Hotel

206 Blues Point Road McMahons Point

Prepared By

Design Collaborative Pty Ltd.

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COLLABORATIVE



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Issue	Date	Issue	Prepared	Checked
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Appendices			
Appendix	Title	Prepared / Issued	Date
A	Development Consent	North Sydney Council	
B	Hotel Licence	Liquor & Gaming NSW	
C	Intoxication Guidelines	Liquor & Gaming NSW	2020
D	Incident Register	Liquor & Gaming NSW	
E	Liquor Promotion Guidelines	Liquor & Gaming NSW	2019
F.	Patrol Area	Design Collaborative	March 2021

Abbreviations

DC – Designates requirement of specific Development Consent

LL – Designates requirement of Liquor Licence

AR – Designates requirement of an Acoustic Report approved by Council

DCP – Designates requirement of a Council Development Control Plan

LR – Designates requirement of the *Liquor Regulation 2018*

**Number behind abbreviations indicates the number of the clause, section, or condition*



1. Introduction

- 1) The purpose of this Plan of Management (*the Plan*) is to establish performance criteria for the operation of The Commodore Hotel (*the Premises*), with regard to relevant matters under the *Environmental Planning and Assessment Act 1979*, the *Liquor Act 2007* and any relevant regulation under that legislation.
- 2) Management, as well as service staff and any other employee working at the Hotel will be made familiar with this Plan. A copy of this Plan will be available on site at all times and immediately produced for inspection upon request by Police or Council Officers. Copies of the Liquor Licence (**Appendix A**) will be kept on site and be produced in the same manner.
- 3) The provisions of the Plan must be adhered to at all times during the execution of the duty of members of staff.
- 4) All staff made familiar with this Plan are to sign a register stating they have been made familiar with this Plan and its Guidelines and received instruction on how this Plan is to be enforced. That register is to be kept with this Plan.
- 5) Reference in this Plan to the Duty Manager is a reference to the most senior management individual on duty, unless the role is otherwise delegated by the Licensee.
- 6) An obligation or responsibility under this Plan assigned to a Duty manager may be undertaken by another member of staff, as delegated by the relevant manager.

2. Operational Details

2.1 Organisational overview

- 7) The development consent for the Hotel is attached at **Appendix A** which outlines the operational requirements under the Environmental Planning and Assessment Act 1979.
- 8) The Liquor Licence for the Hotel is attached at **Appendix B** which outlines the operational requirements under the Liquor Act 2007.

2.2 The Police and the Community

- 9) The Licensee is an active member of the City North Liquor Accord and will continue to maintain that membership.



- 10) The management team for the Hotel will meet amongst themselves and with the Licensing Unit of the NSW Police Force, North Shore Police Area Command, on a regular basis at the discretion of NSW Police. Matters discussed range from the management of upcoming events, incidents and where improvements could be made with respect to security and management procedures.
- 11) Through the Liquor Accord, the Hotel regularly deals with the concerns of the local community. In addition, this plan has a section to deal with neighbour complaints should they arise.

2.3 Hours of operation

- 12) The Hotel has the following trading hours: (LL)
- (a) 5am to 12 midnight, Monday to Thursday;
 - (b) 5am to 1am, Friday to Saturday; and
 - (c) 10am to 10pm, Sunday.
- 13) Notwithstanding the above, the public and saloon bar may trade until 1am Thursday to Saturday. (LL)
- 14) The bottle shop has the following trading hours: (LL & LR117)
- (a) between 5am and 12 midnight Monday to Saturday, and
 - (b) between 10am and 11pm Sunday.
- 15) Lockout commences at 12 midnight daily. (LL230)
- 16) The ground floor sports bar must not be occupied after midnight. (AR)
- 17) All operable doors and windows must be closed at 8pm except for ingress and egress. (DCP)
- 18) All patrons must leave from the Blues Point Road exit after 10pm. (DCP)

2.4 Capacity

- 19) The capacity of the Hotel is restricted to 405 patrons at any one time.



- 20) The capacity of the ground floor gaming room and sports bar is restricted to 82 patrons at any one time. (DC)
- 21) After midnight, the capacity of the ground floor gaming room is restricted 34 patrons. (AR)
- 22) After midnight, the ground floor sports bar will be closed. (AR)

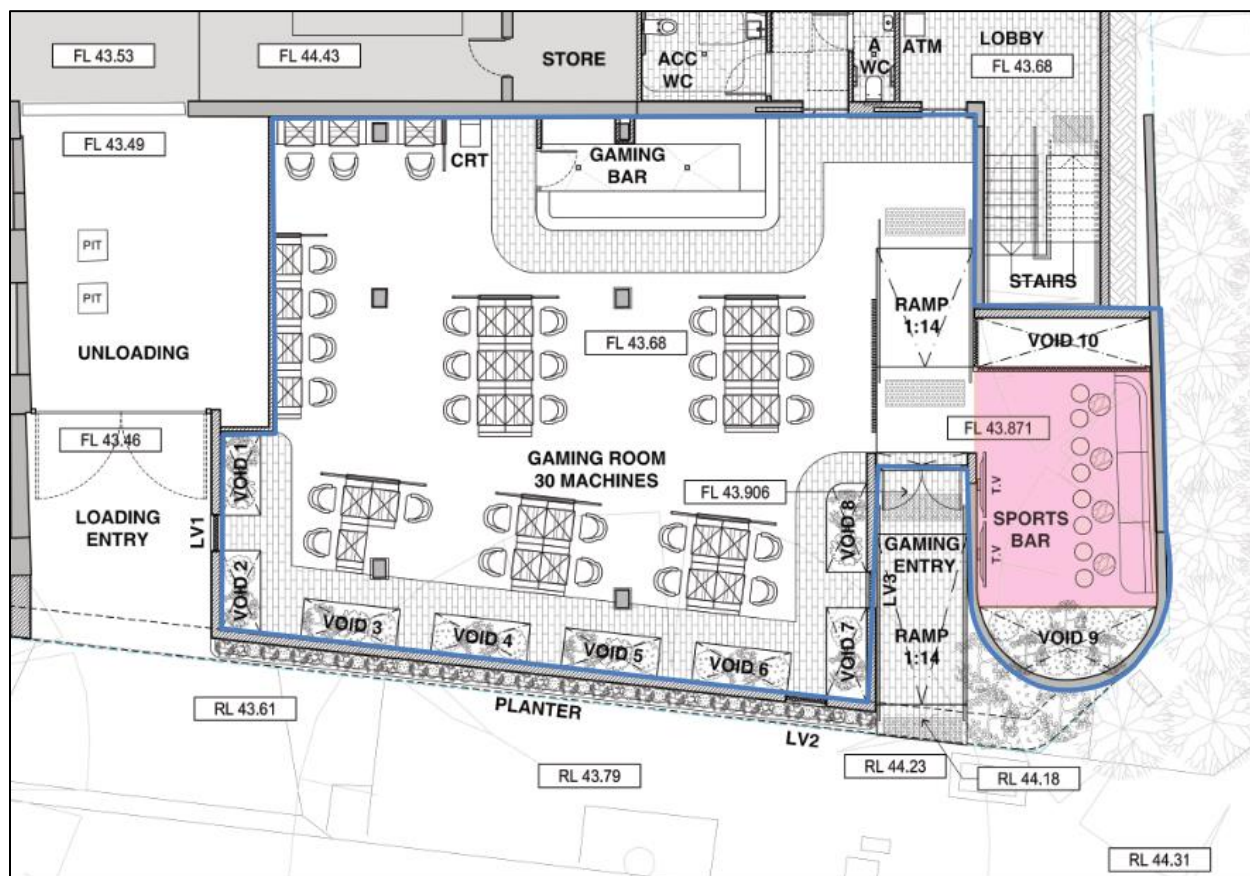


Figure 1 - Areas with additional capacity restrictions (Source: Design Collaborative/Paul Kelly Design)

3. Management Measures

3.1 General Amenity

- 23) Staff shall intervene to provide corrective advice to any patron on the premises or in the immediate vicinity that is behaving in a manner that is likely to disturb the amenity of nearby residents. Any patron whose behaviour is extreme or repeatedly objectionable may be refused service, asked to leave and barred for a period determined by the Licensee.

- 24) For the purpose of this Plan, the description, 'the vicinity of the premises' shall be the Hotel, the Hotel car park and the adjoining pedestrian footpath along Blues Point Road and Union Street to a distance of 10m past the Hotel.
- 25) The Licensee shall use their best endeavours to ensure that the entry points and the immediate vicinity are kept clean and tidy during the Hotel's hours of operation.
- 26) After closing each evening, the Hotel is to clear the neighbourhood, not less than one hundred (100) metres in each direction of the premises, of any glasses, bottles or other litter which may have emanated from the Hotel. (LL 250)



Figure 2 – Patrol Routes (Source: Design Collaborative)

- 27) Signage must not be illuminated between 1am and 7am.

3.2 Noise Controls and Criteria

- 28) Noise likely to result from the operation of the Hotel, includes noise from patrons entering and leaving the Hotel, and from the removal of waste. Any noise complaints need to be recorded

as directed in this Plan and brought to the attention of the Licensee so noise controls can be checked and confirmed they are working.

- 29) No member of staff or security is to modify or in any way seek to circumvent the Hotel's noise limiter or any of the procedures in place that limit the maximum volume of the Hotel's sound system.
- 30) The LA₁₀ noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.
- 31) The LA₁₀ noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7:00am at the boundary of any affected residence.
- 32) Notwithstanding compliance with the above, noise from the Hotel shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7:00am.
- 33) Notwithstanding the above, the Hotel's operations must not give rise to 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997*. Here, offensive noise means noise:
- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
 - b) That is of a level, nature; character or quality prescribed by the regulations of the Protection of the Environment Operations Act 1997 or that is made at a time, or in other circumstances, prescribed by any Regulation under that Act.

3.3 Complaints and the Incident Register

- 34) The Licensee shall ensure that details of the following as required by the Liquor Act are recorded in the Hotel's incident register:
- a) Any incident involving violence or anti-social behaviour occurring on the Hotel;
 - b) Any incident of which the Licensee or management is aware, that involves violence or anti-social behaviour occurring in the immediate vicinity of the Hotel and that involves a person who has recently left, or been refused admission to, the Hotel;
 - c) Any incident that results in a person being turned out of the Hotel under Section 77 of Liquor Act 2007; viz:
 - i) for being intoxicated, violent, quarrelsome or disorderly;
 - ii) whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., minors within a non-authorised area such as the gaming room;
 - iii) who smokes within an area of the Hotel that is a smoke-free area; or
 - iv) who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or prohibited drug.
 - d) Any incident that results in a patron of the Hotel requiring medical assistance;
 - e) Any incidents that occurred either in the Hotel or in the immediate vicinity, which involved the committing of a crime or required the intervention of security; and
 - f) Any visit by any NSW Police Officer, Liquor & Gaming NSW Special Inspector or Council Officer noting their agency or department, reason for the visit and result of the visit.
- 35) The Licensee shall make the Incident Register available to any NSW Police Officer or Liquor & Gaming NSW Special Inspector on request. Copies of the Incident Register will be provided to NSW Police Officers and Liquor & Gaming NSW Special inspectors within seven (7) days of receipt of a written request for copies.



36) In addition to the above, any complaints made directly to the management or staff of the Hotel by local residents or business people, about the operation of the Hotel or the behaviour of its patrons are to be recorded in the Incident Register.

37) Persons who wish to make a complaint about the premises to management should contact (02) 9922 5098. Calls to this number must be answered when feasible during trading hours and for at least 30 minutes after closing time. Any missed calls are to be promptly returned. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner.

Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the complainant's call to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by Hotel management within 48 hours of a complaint being made.

38) The following details of complaints made to the Hotel are to be recorded in the Incident Register:

- a) Date and time of the incident that led to the complaint;
- b) Nature of the complaint;
- c) Address and contact details of the complainant;
- d) Any actions proposed to deal with the complaint; and
- e) The actions taken and the time and date when that was reported to the complainant.

39) Management is to provide a contact phone number that residents can use to contact the Hotel, in order to make a complaint whilst it is operating. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. The Duty Manager is to be informed immediately of any complaint. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the resident's call to let them know what has been done to address the concerns/complaints expressed.

40) Any recurring complaints should be dealt with, if attributable to the Hotel, through new management procedures and incorporated into this Plan.

41) The Incident Register is to be reviewed regularly by the Licensee to ensure that complaints, where possible, are being dealt with appropriately.



3.4 Waste Management

- 42) The collection of waste and recycling must only occur between 5am to 6pm.
- 43) Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.
- 44) Adequate bins are to be provided in smoking areas for patrons to properly dispose of cigarette butts.
- 45) The Hotel shall be cleaned daily after close or more frequently as the need arises.

3.5 Signage

- 46) The Licensee shall ensure that all signage required under the development consent is erected and maintained in a clear and prominent position as follows:
 - i) Signage alerting patrons as they enter the Hotel that CCTV is used on the premises.
 - ii) Signage at the entrance to the Hotel notifying the capacity of the Hotel.
 - iii) Signage adjacent to all points of egress requesting patrons to depart the Hotel in a manner respectful of the surrounding area, or wording to that effect.
- 47) The Licensee shall ensure that all signage required under the Liquor Act is displayed and maintained in a prominent position, in accordance with those legislative requirements, including:
 - a) Signage at the entrance stating the licence name, type of licence, licence number and the name of the Licensee.
 - b) Signage at the entrance stating the times during which liquor is authorised to be sold or supplied on the premises and any other times during which the premises are authorised to be open for business.
 - c) Signage at all bar areas stating: IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.
 - d) Signage at the entrance of the gaming room stating: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.



- e) Signage at the entrance stating: PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW.

4. Responsible Service of Alcohol

48) All provisions within this Section 4.0 'Responsible Service of Alcohol' are subject to change at the discretion of Licensee or following legislative change.

4.1 What is the Law?

49) It is unlawful to sell or supply liquor to a person who is intoxicated on licensed premises.

50) It is unlawful to permit intoxication on licensed premises.

51) A person is considered to be intoxicated if:

- a) The person's speech, balance, co-ordination or behaviour is noticeably affected, and
- b) It is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

52) The Office of Liquor & Gaming NSW has issued Guidelines to assist in the identification of intoxicated persons which are provided at **Appendix C**. Bring to the attention of the Duty Manager any person considered to be in, or approaching a state of intoxication.

4.2 Harm Minimisation Measures

53) The licence attached to the Hotel shall be exercised – at all times – in accordance with the provisions of the Liquor Act and Regulation;

The following operational policies for the Responsible Service of Alcohol shall apply:-

- a) All staff involved in the sale and supply of liquor or security, shall have first completed an approved course in the Responsible Service of Alcohol.
- b) All staff who hold an RSA Competency Card are required to have that card available at all times when working. Failure to produce RSA Certification at the request of Police or Inspector is an offence under the Liquor Act 2007 with a maximum penalty of \$550;
- c) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.

- d) The Licensee will not permit intoxication, violent, quarrelsome or disorderly conduct by patrons on the Hotel. Any person causing such a disturbance shall be refused service and asked to leave the Hotel or may otherwise be denied entry to the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period determined by the Licensee.
- e) Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
 - i) Australian or Foreign Government Driver or Rider's licence;
 - ii) Australian or Foreign Government Passport;
 - iii) Australian State issued photographic identification card; or
 - iv) Keypass Identity Card issued by Australia Post.
- f) Minors are only permitted in the Hotel under the supervision of a responsible adult. A responsible adult is defined as an adult who is:
 - i) A parent or guardian of the minor;
 - ii) The minor's spouse or de facto partner; or
 - iii) A person standing in as the parent of the minor for the time being.
- g) Low alcohol beer and non-alcoholic beverages shall be available at all times when full strength liquor is available.
- h) Free drinking water shall be available at all times when liquor is available.
- i) Food shall be available at all times whenever alcohol is available for consumption in the Hotel.
- j) No person will be permitted to take glasses or open containers of liquor off the Hotel. Packaged liquor sold for consumption off premises must be sealed.
- k) The Duty Manager will arrange (without charge) for taxis to collect any patron from the Hotel if requested to do so.

- l) All liquor promotions provided at the Hotel shall be in accordance with the Liquor Promotion Guidelines issued by the Liquor & Gaming NSW (see **Appendix E**).

5. Security

5.1 Security Staff

- 54) On Thursdays, Fridays and Saturdays, a security personnel will be engaged between the hours 10:30pm until the last patron had departed the Hotel and left the vicinity of the premises. (LL10100)
- 55) The security personnel will continuously patrol the neighbourhood, not less than one hundred (100) metres in each direction of the Hotel. (LL10100) For the Patrol Map see **Figure 2** above or **Appendix F**.

5.2 General Security Measures

- 56) The Duty Manager shall ensure and require any security personnel employed at the Hotel to:
- a) Be dressed in readily identifiable uniform with reflective lettering displaying 'SECURITY' so that they are highly visible to patrons and displaying security licensing identification on their person.
 - b) Fill in a time sheet (with start and finish times) which is to be initialled by the Duty Manager.
 - c) Report to the Duty Manager to obtain a briefing on any specific duties to be addressed before commencing duty.
 - d) Ensure that persons entering the Hotel are suitably attired in accordance with the Hotel's dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean.
 - e) Prevent any person, wearing any form of clothing, jewellery or other accessory that displays or infers by form of word, colours, logo, symbol or otherwise indicating association with any gang, entering the Hotel.
 - f) Prevent any person, detected as intoxicated, entering the Hotel and bring to notice of the Duty Manager, any person on the Hotel who might be considered to be in, or approaching, a state of intoxication.



- g) Prevent patrons leaving the Hotel with glass or alcohol (other than packaged liquor sold for consumption away from the Hotel).
 - h) Prevent patrons entering the Hotel with alcoholic drinks.
 - i) Monitor patron behaviour in, and in the vicinity of, the Hotel until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
 - j) Collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business.
 - k) Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel.
 - l) Patrol all toilets, at random intervals, notifying the Duty Manager of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there are no female security personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person.
 - m) In the event of an incident, clearly identify themselves as security belonging to the Hotel and attempt to rectify the problem.
 - n) Continually apply a 'hands off policy'. Patrons are only to be asked to leave at the direction of management and forced removal from the Hotel must only occur at the direction of management and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another patron.
 - o) Make a written note with details of any incidents in the Hotel's Incident Register, as required by this Plan. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register as soon as practicable.
- 57) The responsibilities of any security person shall be nominated by the Duty Manager, prior to the start of the shift. Security shall also monitor the activity of patrons and persons in the vicinity of the Hotel and act as required, within the scope of their powers in a public place.
- 58) For the purpose of this Plan, the description, 'the vicinity of the premises' shall be the Hotel, Hotel car park and the adjoining pedestrian footpath along Blues Point Road and Union Street.



5.3 Closed-Circuit Television (CCTV)

59) The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- a) be in digital format and record at a minimum of 10 frames a second;
- b) commence at the opening of the Hotel and operate continuously until at least half an hour after closure; and
- c) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

68) The system's camera must cover as a minimum:

- a) Principal entrance(s) and exit(s); and
- b) Areas within the Hotel occupied by the public (excluding toilets).

69) Recordings shall be retained for a period of 30 days before being reused or destroyed. The Licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.

70) When the Hotel is trading, at least one person shall be present at the premises who is capable of accessing the CCTV system and is able to immediately review recording.

71) The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be made available within 24 hours on request by NSW Police.

6. Other relevant matters

6.1 Crime Scene Preservation Guidelines

72) Immediately after the Duty Manager in charge of the Hotel becomes aware of an incident involving an act of violence causing injury to a person on the premises requiring immediate professional medical assistance, the person must:

- a) Render any required first aid;
- b) Immediately contact '000' or the Local Area Commander or his/her delegate and advise them of the incident;

- c) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

73) Unless directed otherwise by the Local Area Commander or his/her delegate the following crime scene preservation guidelines must be observed:

- a) 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 such areas such as toilets, hallways or bars. Remember there may be multiple crime scenes.
- b) Do not allow any persons to enter this area;
- c) DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;

74) Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the Hotel.

6.2 Drugs and Drink Spiking

75) If any person(s) is caught dealing, purchasing or consuming drugs within the Hotel, they are to be requested to leave immediately and Hotel management and the Police must be informed of this. If the same person(s) is caught again, then they are to be barred.

76) Drink spiking is often difficult to detect. Below are some things to look out for and what to do:

- a) Any occurrences of a person(s) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc. – contact management about any person who goes to length to remain anonymous.
- b) An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.
- c) Any affected person will need to get to a safe place, which may be theirs or a friend's place. Ensure people who are showing signs of intoxication are looked after by their friends and not leave them in the company of the person who may have spiked their drink.



- d) Contact the Police and thoroughly document the incident in the Hotel's Incident Register.
- e) Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc.

6.3 Fire safety and essential services

- 77) The Licensee shall ensure that all essential services installed at the Hotel are certified and shall ensure that they remain in good working order at all times.
- 78) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as soon as possible.
- 79) Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
- 80) All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the Hotel. In the event of an emergency, staff and security are to direct patrons to the exits and away from the Hotel. The Duty Manager is to engage with the supervisor for each level progressively from the top to the bottom, ensuring the Hotel is vacated.

7. Amendment to this Plan

- 81) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments must only be made, following consultation with both the Police. Both the Police and Council shall be provided with a copy of any modified plan.

8. Licensee Statement of Understanding

- 60) The Licensee hereby acknowledges that the above provisions have been read and are understood.

Sign:

Date:



Appendix A – Development Consent



Appendix B – Liquor Licence



Appendix C – Intoxication Guidelines



Appendix D – Incident register



Appendix E – Liquor Promotion Guidelines



Appendix F – 100m Patrol Plan

