

**NSLPP MEETING HELD ON 01/06/2022****Attachments:**

1. Architectural Plans
2. Independent HIS
3. Plan of Management

**ADDRESS/WARD:** 199 Miller Street, North Sydney**APPLICATION No:** DA 398/21**PROPOSAL:** Alterations and additions to existing hotel including addition of a rooftop bar, function space, lift and associated works**PLANS REF:**

Draw No.	Draw Title	Date	Drawn by
DA-A00-001 Rev C	Ground floor existing and demolition plan	18/03/2022	Alexander & Co
DA-A01-001 Rev C	First floor – existing and demolition plan	18/03/2022	Alexander & Co
DA-AB1-001 Rev C	Basement – existing plan	18/03/2022	Alexander & Co
DA-D00-011 Rev C	Ground floor	18/03/2022	Alexander & Co
DA-D01-011 Rev D	First floor	18/03/2022	Alexander & Co
DA-D02-011 Rev D	Second floor	18/03/2022	Alexander & Co
DA-DXX-001 Rev D	Proposed site and roof plan	18/03/2022	Alexander & Co
DA-EXX-001 Rev D	Overall building - External elevations	18/03/2022	Alexander & Co
DA-FXX-001 Rev D	Overall building – Sections AA & BB	18/03/2022	Alexander & Co
DA-FXX-002 Rev A	Overall building – Sections CC	18/03/2022	Alexander & Co
DA-MXX-001 Rev B	Material references (page 1 and 2)	07/03/2022	Alexander & Co
DA-D02-071 Rev A	Second floor landscape plan	04/04/2022	Alexander & Co

**OWNER:** Anna and Peter Calligeros**APPLICANT:** Alexander & Co**AUTHOR:** Annelize Kaalsen of AK Planning**DATE OF REPORT:** 17 May 2022**DATE LODGED:** 22 November 2021**RECOMMENDATION:** Approval

## EXECUTIVE SUMMARY

This development application seeks approval for alterations and additions to an existing hotel including the addition of a rooftop terrace, function space, lift and associated internal works. A total proposed patron capacity of 600 (increase of 150 patrons), with new trading hours for the rooftop terrace of 10am to 2am, Monday to Saturday and 10am to 10pm on Sundays.

**The application is reported to North Sydney Local Planning Panel (NSLPP) for determination as more than 10 submissions objecting to the proposal were received by Council. This application is required to be determined by a public meeting of the Panel in accordance with the Directions from the Minister for Planning dated 10 August 2020 as there are more than 10 unique submissions.**

The original notification of the application attracted a **total of twenty-one (21) submissions** including one in support. The additional information including an amended acoustic report and Plan of Management were re-notified and attracted **two (2) submissions**. In summary the submissions raised particular concerns with respect to compromised heritage significance, noise intrusion, trading hours, increase in number of patrons, overshadowing and adequacy of the Plan of Management. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The subject site is listed as a heritage item under Schedule 5 of the NSLEP 2013 and is located in the vicinity of a number of heritage items within the North Sydney Commercial Core. An independent heritage assessment by Kemp and Johnson Heritage Consultants supports the proposal noting that the DA is considered to be acceptable in relation to the relevant objectives and controls of Clause 5.10 of the North Sydney LEP 2013, as the proposed works will not reduce the heritage significance of the heritage item or adversely impact on the significance of heritage items in the vicinity. The roof top terrace addition is setback 3.3m from the existing Miller Street façade and 2.6m from the Berry Street façade, and it complies with the maximum building height of RL80.00 pursuant to Clause 4.3 of the NSLEP 2013. The proposed built form is not readily visible behind the existing parapet and considered subservient to the original heritage fabric in addition landscape planting behind the parapet further softens the massing and visual impact.

The application was referred to the NSW Police who advised that the proposed use was considered low risk and recommended conditions of consent.

The proposed hours of operation are not consistent with the late night trading hours in North Sydney Development Control Plan 2013. Moreover, the application failed to demonstrate the ability to accommodate the intensification of the use through proposed trading hours beyond the Commercial Core hours and the increase in patron numbers. A condition of consent in this regard is recommended.

It is considered that insufficient physical acoustic measures have been introduced to ameliorate 150 people speaking loudly in a semi-enclosed environment. It is therefore recommended to restrict the use of the rooftop area with no amplified sound, music or entertainment of any form and restrict the patron capacity to 110, to ensure that the rooftop terrace does not result in unacceptable amenity impacts on the surrounding residential premises.

Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions of consent.



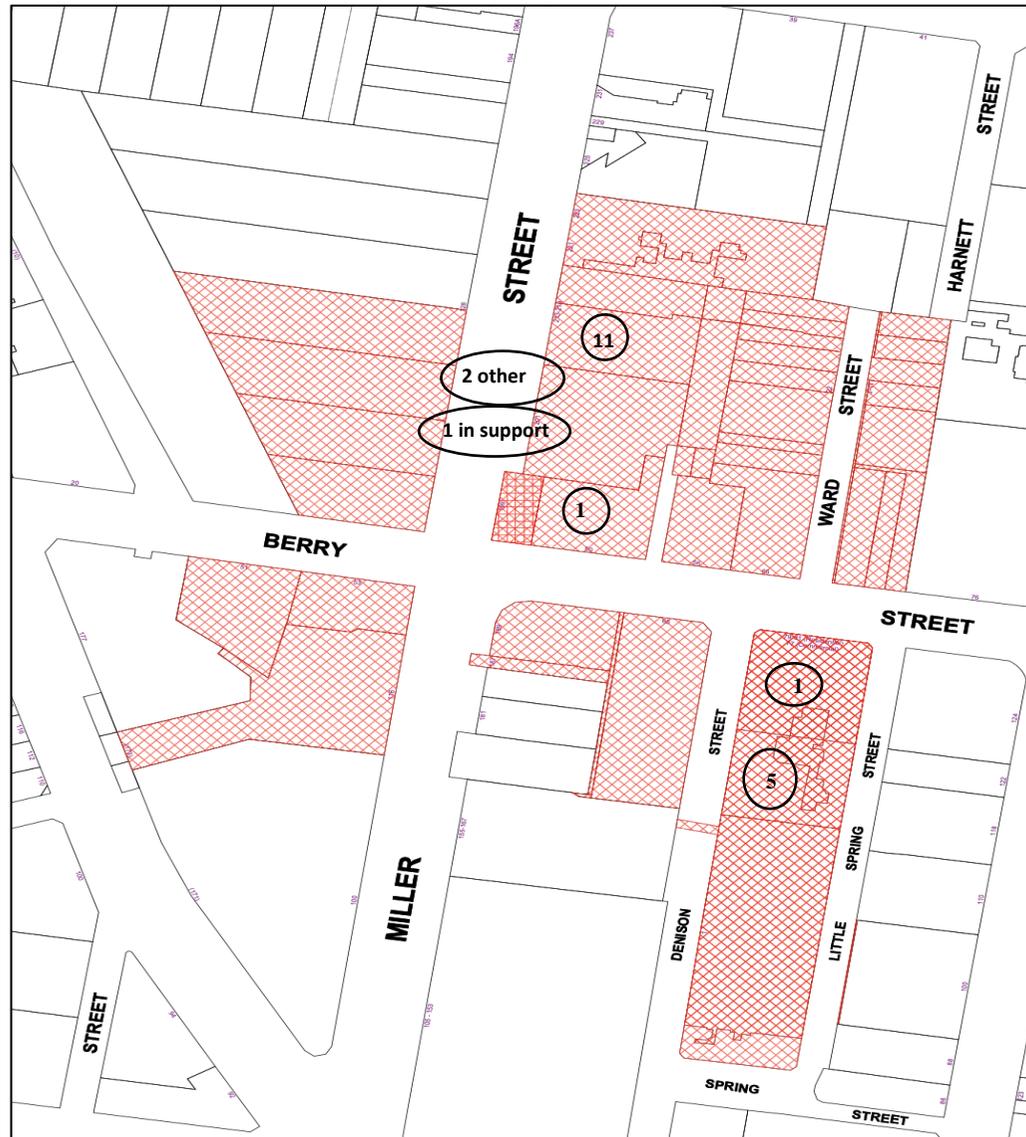
Property/Applicant



Properties Notified



Submitters



## DESCRIPTION OF PROPOSAL

The application seeks approval for alterations and additions to existing hotel including rooftop bar, function space, lift and associated works. In more detail the proposed work is listed below:-

### Basement level

- No change

### Ground floor (RL68.52)

- Demolition of internal walls within the northern part of the building to allow for
  - smoking and non-smoking gaming lounges
  - DDA/female and male toilet facilities;
- Relocation of stair to access L1 and Roof-top
- New lift connecting all levels
- Remove glazing to existing gaming area with new exterior wall along the rear northern and eastern elevations

### First Floor (RL72.24)

- demolition of internal walls to existing bar; offices; storage and toilets within the northern part of building to allow for:
  - new female and male toilets
  - Relocate kitchen/cool room to the north
  - Construction of a new bar
  - New lift
  - New storeroom / office adjoining fire stairs
  - Removal of some internal walls, nibs, and bulkheads in order to create larger rooms
  - Upgrade to existing fire stairs for egress
  - Two new timber door openings within eastern elevation with metal balustrades

### Roof Top (RL75.44)

- new lift and stairs to access roof-top
- New glass roof over stairs below
- New bar with back of house facilities open towards Miller Street
- Enclosed room within north-eastern corner with roof over
- New toilet facilities
- New low-level roof over fire egress stairs

### Proposed Capacity

Ground floor = 250 patrons (as per existing)

First floor = 200 patrons (as per existing)

Second floor (rooftop terrace, proposed) = 150 patrons

**Total capacity = 600 patrons**

### Proposed Hours

Ground and first floor: no change to existing hours of operation

5am to 5am, Monday to Saturday

10am to 10pm on Sundays

Current alfresco area: 5am to midnight on Monday to Saturdays

10am to 10pm Sunday

Proposed rooftop terrace: 10.00 am to 2.00 am, Monday to Saturday  
10.00am to 10.00pm on Sundays

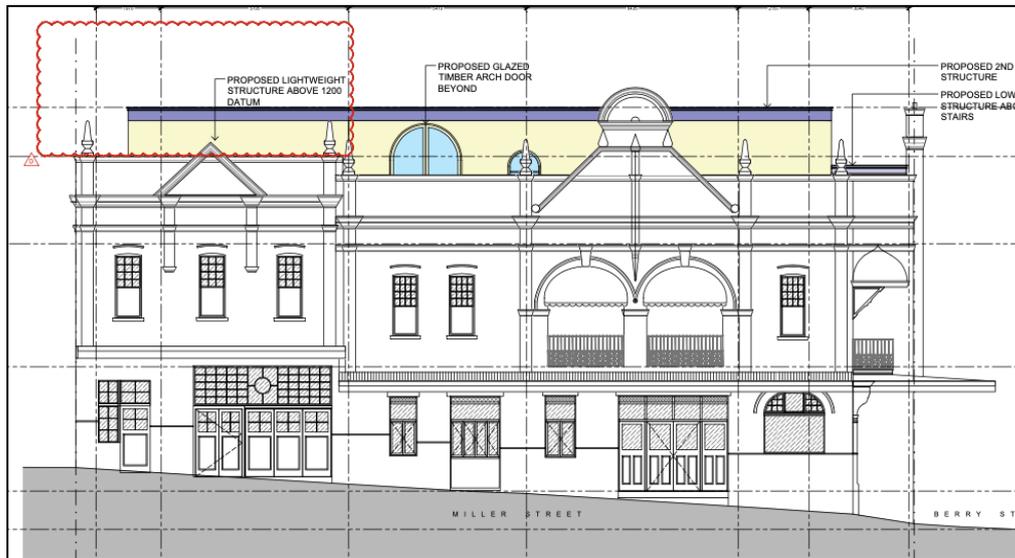


Figure 1: Proposed Miller Street elevation

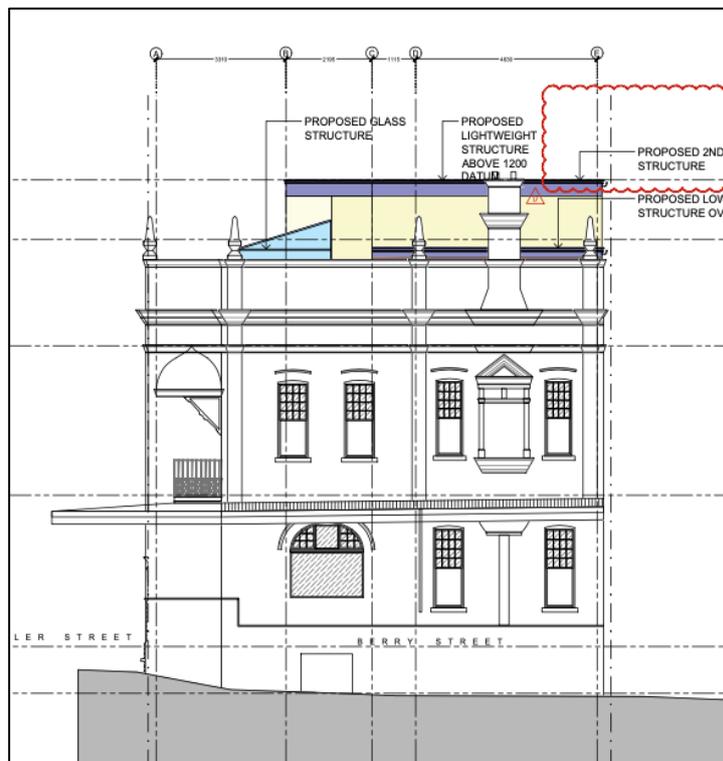
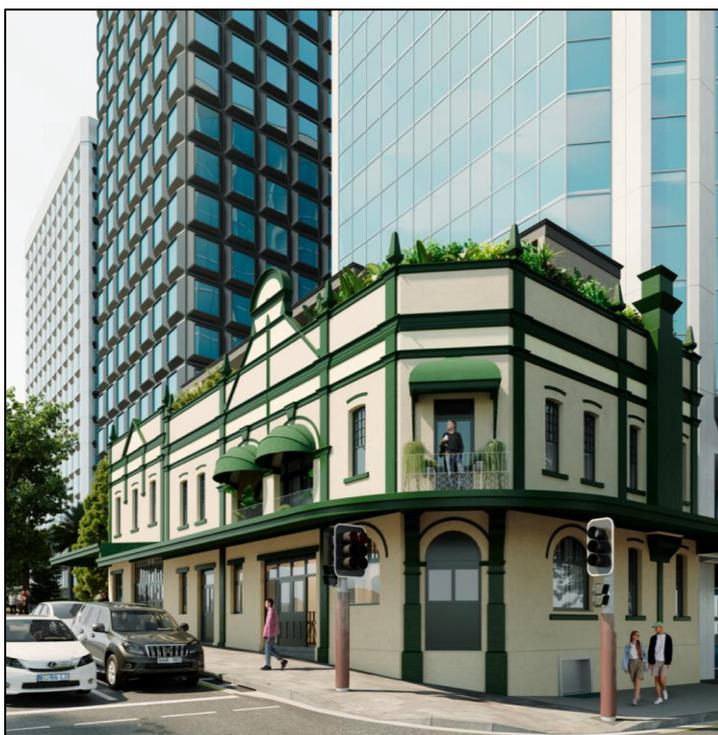


Figure 2: Proposed Berry Street elevation



**Figure 3: Artist impression of proposed development**

A detailed Plan of Management (see attachment 3) has been submitted that outlines the operational requirements of the hotel including the proposed rooftop terrace.

### **STATUTORY CONTROLS**

North Sydney LEP 2013

- Zoning – B3 Commercial Core
- Item of Heritage – Yes (I0901)
- In Vicinity of Item of Heritage – Yes
  - No. 201 Miller Street (I0904) Commercial building
  - No. 128 Miller Street (10894-0897) Monte Sant Angelo Group
  - No. 187 Miller Street (10898) Shop
- Conservation Area – No
- FSBL - No

Environmental Planning & Assessment Act 1979 (as amended)

Liquor Act 2007 and Liquor Regulations 2018

SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021

Foreshore Development - No

Local Development

### **POLICY CONTROLS**

North Sydney DCP 2013

North Sydney Local Contributions Plan 2020

## DESCRIPTION OF SITE AND SURROUNDING LOCALITY

The subject site is known as No. 199 Miller Street, North Sydney with a legal description of Lot 1 in DP708306 (refer to **Photo 2**). The subject site is located on the eastern side of Miller Street on the intersection of Miller and Berry Streets (see **Figure 5**). It is an irregular rectangle in shape, with a dimension of 25.48m to Miller Street and 11.8m to Berry Street. The site has a northern boundary dimension of 11.8m and an eastern boundary dimension of 25.27m. The site has a total area of 299.4sqm and the topography falls from north to south along Miller Street.

The building on the subject site, consists of a two storey plus basement brick heritage listed building known as The Rag and Famish Hotel.

The site currently allows patron access from the Miller Street frontage (refer to **Photo 3**).

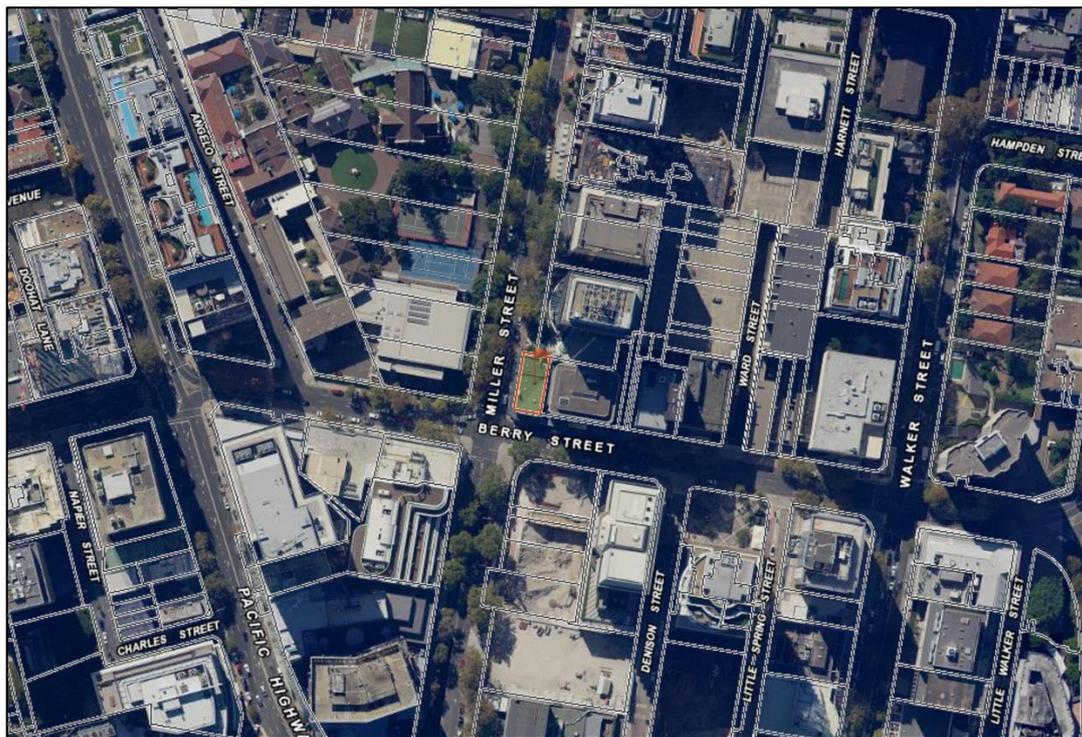
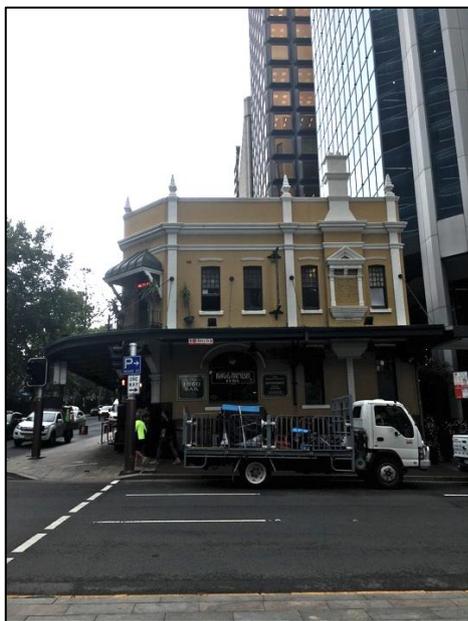


Figure 4: Aerial view of subject site and surrounding development Source: SIX Maps



**Photo 1: View of subject site from the intersection of Miller and Berry Streets**



**Photo 2: Subject site viewed from Berry St**



**Photo 3: Subject site viewed from Miller**

The intersection at which the site is located is predominantly characterised by commercial office buildings with ground floor retail premises.

To the north-east of the site is No. 201 Miller Street, a heritage listed commercial office tower with underground car parking. Adjoining the site to the east is No. 50-54 Berry Street, a multi-storey commercial office tower with a café on the ground floor. To the south and south-west of the site, diagonally opposite on Berry Street, is No. 189 Miller Street and 53 Berry Street respectively, both comprising commercial office developments with ground floor retail premises.



**Photo 4: View of No 201 Miller Street**



**Photo 5: View of No. 50-54 Berry Street**

To the west of the site, on the opposite side of Miller Street (No. 128 Miller Street), is Monte Sant' Angelo Mercy College, a Catholic high school for girls.



**Photo 6: No. 128 Miller Street**

## RELEVANT HISTORY

Previous applications:

**DA370/08** for alterations and additions including a new roof terrace, internal alterations, and excavation, was approved on 16 February 2009. The approval included conditions for the implementation of a Plan of Management and a trial period for the rooftop terrace opening hours of 10am -midnight Monday to Saturday.

Two (2) subsequent Section 96 applications were lodged, with the latter approved on 22 September 2011. The amendments included additional excavation, reorientation of stairway and reconfiguration of internal rooms; new external staircase, changes to toilet facilities and flooring replacement.

**DA17/2021** for alterations and additions to existing hotel including two level addition including function space and terrace, rooftop bar with retractable roof, total proposed capacity of 600 persons, trading hours 10am to 2am, seven days, was withdrawn on **02 July 2021**.

### Current application

The history of the subject development application is summarised below: -

<b>10 September 2021</b>	Pre-lodgement meeting with held with senior Council planning and heritage staff
<b>22 November 2021</b>	A Development Application ( <b>DA398/21</b> ) for alterations and additions to the existing hotel including rooftop bar, function space lift and associated works was received by Council through the NSW Planning Portal.
<b>24 November 2021</b>	Council wrote to the applicant requesting additional information with respect to: <ul style="list-style-type: none"> <li>• Clause 6.4 and Clause 5.10 of the NSLEP 2013 and its application to the site</li> <li>• Revised architectural plans addressing demolition; updated sections and removing the watermark stating 'DA approval'</li> <li>• Revised Heritage Impact Statement</li> </ul>
<b>3 December 2021 to 17 December 2021</b>	The application was notified and attracted 21 submissions (including one in support).
<b>13 December 2021</b>	Additional information / clarification was requested from the applicant with respect to the plans and accompanying documentation as well as additional information with respect to the acoustic report submitted with the application.
<b>23 December 2021</b>	The applicant submitted additional information including an updated acoustic report and architectural plans; HIS and legal advice on application of Clause 6.4 and Clause 5.10.
<b>18 January 2022</b>	A site visit was conducted.
<b>16 February 2021</b>	Following the preliminary assessment the following information was requested from the applicant:- <ul style="list-style-type: none"> <li>• Inconsistencies on plans</li> <li>• Annotations of Shadow diagrams</li> <li>• External materials and finishes schedule</li> <li>• Confirmation of existing and proposed hours of operation and patron numbers</li> <li>• Details of roof plant or kitchen exhausts</li> </ul>

	<ul style="list-style-type: none"><li>• Lift overrun details / section</li><li>• Planter boxes along Miller and Berry Street frontages</li><li>• Table seating proposed on the roof top</li><li>• More robust Plan of Management</li><li>• Updated acoustic report</li></ul>
<b>23; 28 &amp; 30 March 2022</b>	The applicant submitted amended plans; materials and finishes schedule and an updated acoustic report.
<b>4 April 2022</b>	The applicant submitted an updated Plan of Management.
<b>6 April 2022</b>	The applicant submitted a landscape plan and seating plan for the rooftop terrace level.
<b>19 April and 3 May 2022</b>	The application was re-notified to adjoining properties and attracted <b>two (2) submissions</b> .

## REFERRALS

### Building

The application was referred to Council's Building Surveyor who provided the following comments:-

*The building will be classified by the NCC BCA 2019 as a class 6 and 7b building of Type B construction.*

*The development application contains a NCC 2019 Design Specification dated 4 November 2021 prepared by Trevor R Howse. The Design Specification identifies that the proposed design will comply with the NCC BCA via a combination of satisfying the Deemed to Satisfy provisions of the BCA and use of Performance based Solutions. The Design Specification also includes proposed comprehensive fire safety upgrades to the existing building and as such this Design Statement is recommended to be used to set the basis of an upgrade pursuant to Clause 94 of the Environmental Planning & Assessment Regulations 2000.*

*The development application also contains an Access Report dated 4 November 2021 prepared by Trevor R Howse. The Access Report identifies that Performance based Solutions are required to be developed to address non-compliances with the proposed design with regards to accessible pedestrian entry requirements to the building being available at less than 50% of entry points and accessible sanitary facilities only being proposed to Ground Floor.*

*Acceptance of any Performance Solution is a matter for an appropriately accredited building surveyor during Construction Certificate assessment.*

*Given the scope and scale of the proposed building works upgrade of the existing building pursuant to Clause 94 of the Environmental Planning & Assessment Regulations 2000 is 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.*

*It is recommended the following standard Conditions are imposed.*

***Building Code of Australia***

*All building work must be carried out in accordance with the provisions of the Building Code of Australia.*

*(Reason: Prescribed - Statutory)*

***Provision of Accessible Paths of Travel***

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

*Notes:*

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

***Upgrade of existing building – Fire Spread and Safe Egress***

*Pursuant to clause 94 of the EP&A Regulation 2000, aspects of the existing building must be brought into conformity with the Building Code of Australia (BCA).*

*Work must be carried out as part of the development so as to upgrade the building to bring it into partial conformity with the NCC BCA 2019 by upgrading the existing building in accordance with the following:*

- a) **NCC 2019 – Volume 1 Design Specification dated 4 November 2021, Issue 2, prepared by Trevor R Howse.***

*Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.*

Notes:

1. *The Certifying Authority must be satisfied that the plans and specifications submitted prior to the issue of any Construction Certificate comply with the requirements of this condition.*
2. *The Certifying Authority issuing the Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.*
3. *Where this condition specifies compliance with the performance requirements of the BCA, the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters.*

(Reason: *Application of Regulations relating to Fire and Life Safety*)

#### **Planning comment**

The building comments are noted, and the recommended conditions of consent have been incorporated in the recommendation.

#### **Development Engineer**

Council's development engineers assessed the application in relation to traffic management and stormwater drainage. In this regard the following comments were made:-

*Traffic Management:*

*Significant alts and adds to a hotel located at a busy intersection. CTMP to be assessed by the Traffic Committee.*

*Appropriate conditions shall be imposed in this regard.*

*Stormwater:*

*The is no increase in BUA and as such, stormwater may discharge to existing.*

*Appropriate conditions shall be imposed in this regard.*

*Parking and Access:*

*No vehicle access existing or proposed.*

*No conditions applied.*

#### **Planning comment**

The comments are noted, and conditions of consent have been included within the recommendation.

#### **Waste**

The application was referred to waste management who provided the following comments:-

*"Commercial property (to be) serviced by private contractor. Bins must not be presented on the kerbside".*

### **Planning comment**

The comments are noted.

The Plan of Management provides for the transfer of waste particularly glass bottles into the garbage room not occurring between the hours of 10pm and 7am. A condition (**Condition 19**) of consent has been recommended for waste and recyclable material generated by this premises, to not be collected between the hours of 10pm and 6am on any day, in order to protect the amenity of surrounding properties.

### **Heritage**

The application was considered by an independent Heritage Consultant (Kemp and Johnson) which had the following comments:-

*“The proposed alterations to the ground and 1st floor levels of the hotel are located in areas already altered in the 1980s, and do not affect significant fabric within the building.*

*With regard to the proposed roof addition, as this is setback (except for the lower height roof areas behind the parapet along Berry St and at the corner of Berry St & Miller Street), the roof addition is considered acceptable and the proposed landscaping within the setback as shown in the landscape plans is considered acceptable”.*

A full assessment of the application against Section 13 of the North Sydney DCP is contained within the independent heritage assessment (attached). In conclusion the report notes as follows:-

*“The proposal in the amended plan Issue C and submitted landscape plan is considered to comply with the relevant heritage objectives, controls and provisions of the North Sydney LEP 2013 Clause 5.10 and the North Sydney DCP 2013, and approval of the proposal is recommended, without any special heritage conditions of consent.”*

### **Planning comment**

The above comments from Kemp and Johnson are noted and agreed with, especially having regard for the setback from Miller Street reducing the visual impact on the aesthetic significance on the very prominent Pub on the corner of Miller and Berry streets. Moreover, the proposed materials and finishes are considered sympathetic to the original pub and have a relationship to assist in enhancement of the building's character.

### **Environmental Health (Noise / Acoustic Impact)**

Councils' environmental health officer reviewed the amended acoustic report dated 25 March 2022 prepared by AKA Acoustics and noted the following:

1. *The background noise levels are based on an acoustical study carried out in 2017, as the current “covid” landscape from a noise perspective, is considered atypical. The actual background noise levels therefore, could be higher or lower than those upon which the report is based. The current actual noise level, whether atypical or not, could be here to stay for sometime.*

2. *The current Liquor & Gaming NSW liquor license for the premise permits trading in the current al fresco area up to 10pm Sunday to Thursday and up to midnight on Fridays and Saturdays.*
3. *The acoustical report advises that up to 2am the noise level from 150 patrons on the roof of the Rag and Famish will be inaudible in any of the three residential premises examined as part of the assessment. The behaviour of those patrons and therefore the "noise" they create relies upon management at the premises to ensure patrons do not become too loud or unruly This raises a concern.*
4. *If the proposal is to be supported, I recommend the operating hours to be in line with the current liquor license condition for al fresco areas. Anything beyond that should be on a trial basis of at least 12 months.*
5. *As mentioned before, I think there is merit in having the acoustical report peer reviewed by an external consultant (a reputable consultant) to see if the assertions and assumptions made in the report are supported.*

Recommended conditions of consent address:

***Cleanliness and Maintenance of Food Preparation Areas***

***Noise from plant and equipment***

***Noise Control (licence Premises)***

***Compliance with Acoustic report***

***Noise Certification***

***Noise and Vibration impact***

**Planning comment**

The comments above are noted and concurred with. The lower background noise levels due to the COVID landscape might be here to stay for some time and any premises seeking to increase patron capacity and trading hours should have regard for the current noise environment.

Refer to **Section 2.3.2** of the NSDCP within this report for further comments on noise impact.

**External Referrals**

**NSW Police**

The application was referred to the North Shore Area Command for comment, who noted that the site has been occupied by the same licenced premises for many years and is a low risk venue.

The NSW Police raised no concerns subject to recommended conditions of consent should the application be worthy of approval.

The following ***Crime Prevention Through Environmental Design*** were requested:-

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.*

3. *The front windows of business should remain free of clutter and promotional material so as not to restrict sightlines into and out of the premises.*
4. *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.*
5. *Staff should be provided with a secure area in which to store their personal effects whilst working.*
6. *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.*
7. *The lighting in the hotel 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.*
8. *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 ñ Lock Sets AS:4145.*
9. *Windows within the businesses should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards ñ 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.*
10. *Tills should be positioned out of reach and should front customers to enable staff to maintain vision of the servicing area and beyond.*
11. *An efficient and secure Cash Collection and Storage system should be implemented to minimise the risk of robbery offences and should include a safe designed and installed to the Australian Standards.*
12. *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.*
13. *An intruder alarm system should be designed and installed to the Australian Standard ñ Domestic & Commercial Alarm Systems to enhance the physical security of the premises.*
14. *An emergency control and evacuation plan should be implemented within the business. Management and staff should be trained in the execution of the plan in emergency situations.*
15. *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 identify an individual, who may be involved in criminal behaviour.*

**Other:-**

16. **Wheelchair access** should at no time be blocked nor impede access to anyone with a disability.
17. **Noise emissions need to be considered when using an outdoor area.**
18. *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.*

**Planning comment**

The comments from NSW Police are noted and conditions of consent are included within the recommendation.

At the time of writing this report no comments from the North Shore PAC Licensing Unit with regard to alcohol related crime and any liquor licence issues had been received.

**Transport for NSW**

The application was referred to TfNSW in accordance with Clause 2.117 of State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW raised no objection to the application as it is *“unlikely to have a significant impact onto the classified road network”*.

Conditions of consent were recommended as follows:-

1. *All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Miller Street and Berry Street boundary.*
2. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Miller Street and Berry Street.*

**Planning comment**

The comments are noted, and conditions of consent (**Conditions C6; E13 and E14**) were included within the recommendation.

**SUBMISSIONS**

The proposal was notified to adjoining property owners seeking comment between **3 December and 17 December 2021**. A total of **twenty-one (21)** submissions (including one in support) were received during the notification period.

The additional information including an updated acoustic report and Plan of Management was re-notified between **19 April and 3 May 2022**. **Two (2)** submissions were received during the second notification period.

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](https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs) and are available for review by NSLPP members.

**Summary of Concerns:-**

- Hours of operation
- Noise disturbance
- Heritage significance
- Pedestrian interference
- Restrictions on hours of operation
- Possible light pollution
- No value to surrounding neighbourhood
- Anti-social behaviour
- Acoustic report did not consider buildings in Miller St
- Acoustic report focuses on noise from sound systems and does not recognise noise from additional 150 people
- Recent outdoor tables resulted in considerable noise
- Addition is visually incongruous and unsympathetic
- Inappropriate opposite a school
- Fire safety
- Inconsistent with B3 zone objectives
- Inadequate assessment against objectives of NS Centre under the LEP
- Impacts arising from proposed management of hotel
- Impacts on heritage significance
- Insufficient information to enable a proper assessment under S4.15

**MATTERS FOR CONSIDERATION UNDER SECTION 4.15 (Evaluation)**

**i. *SEPP (Resilience and Hazards) 2021***

The provisions of Chapter 4 of the Policy 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 been used by the hotel since 1860 and as such is unlikely to contain any contamination; therefore, the requirements of SEPP have been satisfactorily addressed.

**ii *SREP (Biodiversity and Conservation)***

Having regard to Chapter 10 of the SEPP, and the Sydney Harbour Foreshores and Waterways Area DCP 2005, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore. As such, the development satisfies the provisions contained within the SEPP and the Sydney Harbour Foreshores and Waterways DCP 2005.

**iii *Liquor Act 2007 and Liquor Regulations 2018***

The application does not include a new liquor licence and continues to rely on the existing licence. It is unclear whether this licence needs to be updated to include the additional patron capacity and proposed hours of operation. The application did not include any detail to that affect.

## North Sydney LEP 2013

### 1. Permissibility

The subject site is zoned B3 Commercial Core under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and is listed as a heritage item under Part 1 of Schedule 5 of the NSLEP 2013. Development for the purposes of alterations and additions to a commercial premises is permissible with Council's development consent.

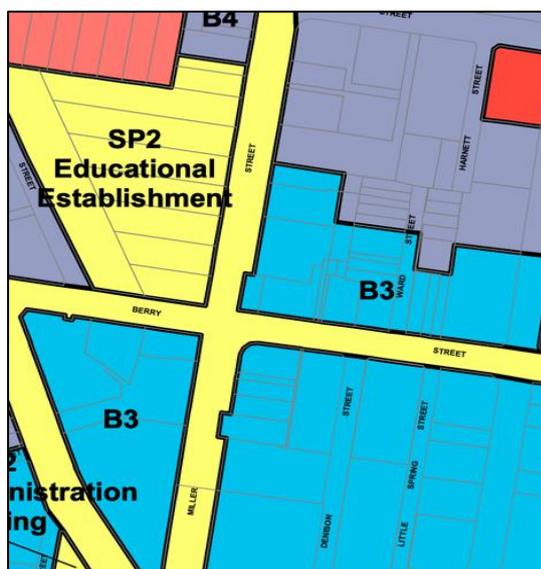


Figure 5: B3 Commercial Core Zone

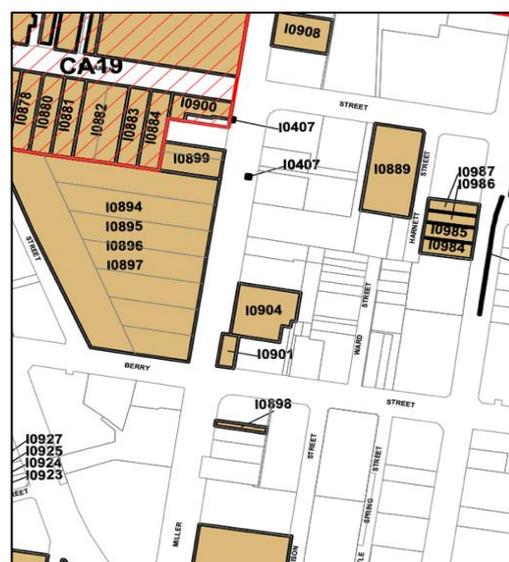


Figure 6: Heritage Map

### 2. Commercial Core Zone Objectives

The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community, and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To prohibit further residential development in the core of the North Sydney Centre.
- To minimise the adverse effects of development on residents and occupiers of existing and new development.

The development generally satisfies the objectives of the B3 Commercial Core zone as it continues to provide for entertainment to serve the needs of the local and wider community, whilst subject to conditions of consent, not adversely impacting on the amenity of residents in nearby apartments and occupiers of existing business premises.

### 3. Provisions of NSLEP 2013

The application has been assessed against the relevant numeric controls in NSLEP 2013 and DCP 2013 as indicated in the following compliance tables.

### Clause 4.3. Height of Buildings

Height Compliance Table	
Height control (B3)	RL80
Existing building	Variable parapet height Along Miller Street RL77.93 to RL78.50 Along Berry Street RL 77.98 to RL78.02
Proposed	RL76.82 to mechanical ventilation RL79.57 to lift overrun RL80.00 to new roof

Accordingly, the application complies with the required height of RL80 and satisfies Clause 4.3 of the NSLEP 2013.

### Clause 5.10 Heritage Conservation

The proposal is acceptable in relation to the relevant objectives and controls of Clause 5.10 of the North Sydney LEP 2013, as the proposed works will not reduce the heritage significance of the heritage item or adversely impact on the significance of heritage items in the vicinity.

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

Clause 5.20 was introduced to the standard instrument LEP on 11 December 2020. This clause provides non-refusal grounds regarding the playing or performance of music in relation to a licensed premises. Sub-clause (2) provides that: *the consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.*

The application did not include any detail or plans seeking to include live and amplified music to be played or performed within the existing or proposed new level. However, the Plan of Management under point 13 Entertainment states as follows “...entertainment in the form of musicians”.

The acoustic report also comments on noise emissions from patron activity and amplified music on the second-floor. In this regard the Acoustic report recommends:

- *Any audio system used for ambient background music playback must be limited to a maximum sound pressure level of 70dBLA,10 when measured at a distance of 5m from any speaker between the hours of 12:00am and 7:00am.*
- *All efforts must be made to ensure that the location and directionality of the proposed audio system be installed in such a way that no direct sound is emitted away from the Hotel.*

The above recommendation can form a condition of consent. It is further recommended to restrict the use of the rooftop bar area with no amplified sound, music, or entertainment of any form to ensure that the roof top bar does not result in unacceptable amenity impacts on the neighbours and the area.

### Clause 6.1 Objectives of Division (North Sydney Centre)

a) *to maintain the status of the North Sydney Centre as a major commercial centre,*

**Comment:** The proposed development's continued use for the purposes of a hotel (commercial development) is considered to be consistent with and maintain the status of North Sydney Centre as a major commercial centre.

b) *to maximise commercial floor space capacity and employment growth within the constraints of the environmental context of the North Sydney Centre,*

**Comment:** The commercial floor space of the hotel is proposed to be increased consistent with this objective.

(c), (d) *(Repealed)*

(e) *to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,*

**Comment:** Not applicable

(f) *(Repealed)*

(g) *to prevent **any net** increase in overshadowing during winter months of any land in Zone RE1 Public Recreation (other than Brett Whiteley Plaza) or **any land identified as "Special Area" on the North Sydney Centre Map,***

**Comment:** The subject site does not adjoin RE1 zoned land, however the land to the north, the south and southwest of the subject site is identified as "Special Area" on the North Sydney Centre Map (refer to **Figure 8** below).

The proposal does not result in additional shadow to the Special Area.

(h) *to ensure that any land within a residential zone is afforded a reasonable amount of solar access,*

**Comment:** The subject site does not adjoin and therefore does not affect any residential zoned land.

(i) *to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.*

**Comment:** Setbacks to Miller or Berry Street are not being altered by the proposal. The roof-top terrace addition is setback 3.3m from the existing Miller Street façade and 2.6m from the Berry Street façade. The new roof over is 1.47m and 2.07m (RL80.00) above the existing parapet which vary in height (RL87.53 and RL77.93) along Miller Street.

The additions also allow for a low roof over the existing fire egress stairs which sits 300mm above the existing parapet along Berry Street.

The resultant built form is not readily visible behind the existing parapet and not considered to dominate the heritage significance of the item. In addition landscape planting behind the parapet further softens the massing and visual impact.

### **Clause 6.3 Building height and massing**

**(1)** *The objectives of this clause are as follows:*

**(2)** **(a)** *Repealed*

**(b)** *to promote a height and massing that has no adverse impact on land in Zone RE1 Public Recreation in the North Sydney Centre or land identified as “Special Area” on the North Sydney Centre Map or on the land known as the Don Bank Museum at 6 Napier Street, North Sydney,*

The proposed development is not in the vicinity of land zoned RE1 Public Recreation and as such has no adverse impact on this land.

However, the subject site adjoins land identified as a “Special Area” to the north as well as to the south and southwest across Berry Street (refer to **Figure 8**). The Special Area to the north of the subject site includes a setback to Miller Street of 5m and to the south a 6m setback, whilst the subject site has a 10.5m setback requirement. The purpose of these setbacks is to maintain a landscape setting along the eastern side of Miller Street and minimise any overshadowing of these spaces.

Consequently, the current built form environment allows for a predominant building alignment or placement of massing along the eastern side of Miller Street, well setback from Miller Street.

Although it is acknowledged that the proposal is not for “*the erection of a building*”, it is considered that the objective of Clause 6.4 “*Miller Street*” gives context to the Special Area and the maximum building height of RL80.0. The objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street to minimise any overshadowing to the Special Area.

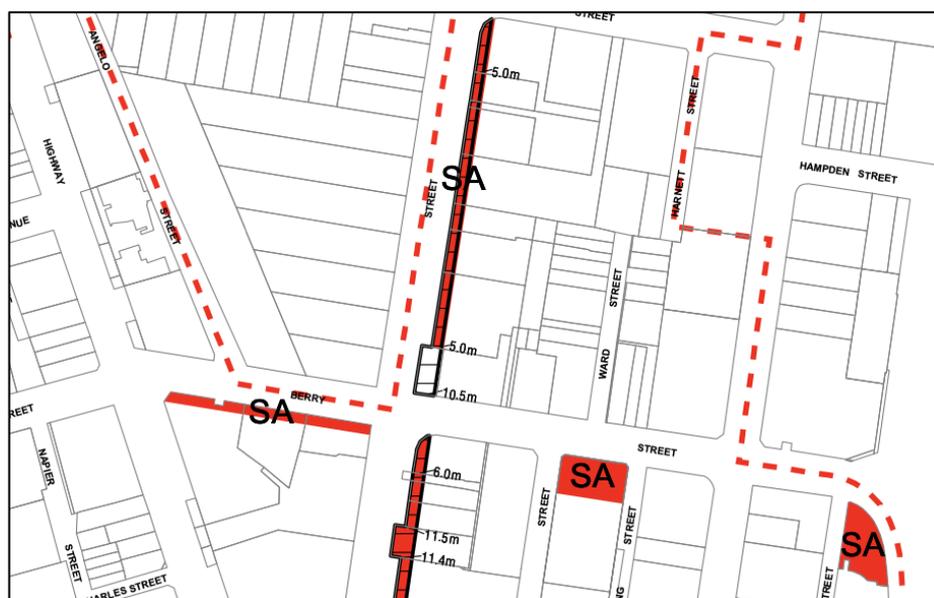


Figure 7: North Sydney Centre Map showing "Special Area"

The subject heritage building is located within this "corridor" of Special Area land where the future desired built form is that of minor structures, within a landscape setting with larger built form well setback from the street, allowing a comfortable pedestrian environment.

The existing and proposed development has and proposes built form well forward of the established building alignment of other development in Miller Street, which is accentuated by its position on this prominent corner. However, the proposed height and massing is considered not to dominate the decorative lightweight form of the rooftop parapet elements.

Moreover, the roof top addition is not readily visible from the Special Area being setback 3.3m from the existing Miller Street façade and 2.6m from the Berry Street façade. The new roof over is 1.47m and 2.07m (RL80.00) above the existing parapet which varies in height (RL87.53 and RL77.93) along Miller Street. Proposed setbacks from the existing parapets allow for the placement of massing without impacting on the building's aesthetic significance.

The resultant massing is considered to reinforce a human scale when viewed from the landscape setting / Special Area, satisfying this objective.

***(c) to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or land that is located outside the North Sydney Centre,***

The proposed development is located within the North Sydney Centre and is not in the vicinity of land zoned R2, R3, R4 of RE1 or land outside of the North Sydney Centre. As such it has no impact with respect to overshadowing or solar access to these lands.

***(d) to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale, and visual dominance,***

The subject site is highly visible from vantage points along Miller Street and Berry Street. The proposed setback to both Miller and Berry Street results in a scale and massing which is considered to not visually dominate the existing heritage fabric. The new additions are setback from the original decorative parapet wall and is not considered to detract from the significant element.

***(e) to encourage the consolidation of sites for the provision of high grade commercial space.***

The site cannot be consolidated as it is on the corner and adjacent to existing commercial development.

***(2) Development consent must not be granted for the erection of a building on land to which this Division applies if:***

***(a) the development would result in a net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as "Special Area" on the North Sydney Centre Map, or***

The proposed additional level will result in additional shadows. They will mainly fall within existing shadows of larger surrounding buildings.

The proposal results in no additional shadow to the Special Area.

***(b) the development would result in a net increase in overshadowing between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum, or***

The proposal is unlikely to overshadow Don Bank.

***(c) the site area of the development is less than 1,000 square metres and any building resulting from the development would have a building height greater than 45 metres.***

The subject site is 299.4sqm in area and there is no opportunity to amalgamate with adjoining land.

***(3) The consent authority may grant development consent to development on land in the North Sydney Centre that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving—***

***a. if it received 2 hours or more of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less than 2 hours of direct sunlight, or***

- b. if it received less than 2 hours of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less direct sunlight than it did immediately before that commencement.***

The proposed development is located within the North Sydney Centre and is not in the vicinity of land outside of the North Sydney Centre. As such it has no impact with respect to overshadowing or solar access to these lands.

- (5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following—**

- (a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining the North Sydney Centre,***

It is acknowledged that the proposed massing will partly obscure the public views from the south to the neighbouring development, at No. 201 Miller Street (heritage listed building). However, due to the scale of the existing commercial building and the proportion of spaces that will be affected, this impact is acceptable.

- (b) whether the proposed development preserves significant view lines and vistas,***

The subject site is highly visible from a number of viewpoints along Miller and Berry Streets.

It is considered that the public views of the heritage listed building and particularly the aesthetic significance of the building (specifically the intact decorative parapet wall) will not be compromised by the proposed roof additions due to the proposed setbacks height and material selection. Moreover the proposal is sympathetic to the original built form as viewed from the public domain. As such the proposed development does not adversely impact on the existing vistas within the landscape setting of the Special Area, satisfying this objective.

- (c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.***

The proposed additions with a proposed height of RL80.00 and setback of 3.3m from the existing parapet and 7.4m from the Miller Street kerb would not dominate the existing built form of the heritage listed building. In particular the height, form, colours, and materials of the additions would complement the heritage significance of the building satisfying this objective.

#### 4. North Sydney DCP 2013

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial and Mixed Use Development		
	<i>complies</i>	<i>Comments</i>
<b>2.2 Function</b>		
<b>Diversity of Activities facilities, opportunities and services</b>	Yes	The proposal ensures a diversity of activities within the Commercial Core by continuing to provide facilities for entertainment, dining and social exchange, consistent with the DCP objectives.

<p><b>Maximise Use of Public Transport</b></p>	<p>Yes</p>	<p>The site is well served by public transport due to its proximity to the North Sydney Station and bus routes along Miller Street. Public transport services continue to run beyond the proposed hours of operation.</p>
<p><b>2.3 Environmental Criteria</b></p>		
<p><b>2.3.2 Noise / Acoustic privacy.</b>  <i>Noise emission associated with the operation of the Hotel (and specifically the rooftop bar with the roof open) must not exceed 5dBA above the background noise max 1 hour noise level during the day and evening and not exceeding the background level at night when measured at the property boundary.</i></p>	<p>Via Conditions</p>	<p>The application is located in proximity to a number of mix use buildings which contain apartments on the upper levels. They include No. 211 Pacific Highway, No. 77 &amp; 79-81 Berry Street and No. 221 Miller Street.</p> <p>An acoustic report accompanies the application which in this regard states as follows:-</p> <p><b>4.5.1 Noise Impact on Residents at 79-81 Berry Street</b>  <i>Distance attenuation and acoustic shielding from nearby structures has been taken into account. The direct “line-of-site” transmission path between the Hotel’s rooftop and the nearest residential receiver at 79-81 Berry Street is obstructed by the Hotel’s proposed roof, and the large, commercial buildings at 50 Berry Street and 65 Berry Street (as illustrated in Figure 10).</i></p> <p><i>It can be seen that the total estimated noise contribution from the second-floor rooftop development will be 15dB (or more) below the RBL between 12:00am and 2:00am, and therefore satisfies the noise criteria presented in Section 3.2.</i></p> <p><b>4.5.2 Noise Impact on Residents at 211 Pacific Highway</b>  <i>With respect to the properties along Princess Highway; the lower floors of the buildings will experience significant acoustic shielding from the properties along Miller Street and Angelo Street (see Appendix C.1). The proximity to traffic noise along the main arterial road will also be exaggerated, compared to the noise logging results at the measurement location on Miller Street.</i></p> <p><i>Regarding the residential apartments on the upper floors – those with direct line-of-site to the Hotels rooftop – the noise from the proposed area will be subject to further distance attenuation; the direct “hypotenuse” distance from the roof opening to the upper-level apartments is longer than the horizontal distance from the Hotel to the residential tower at the same elevation.</i></p>
		<p><i>The noise propagation maps at 30m and 50m elevations (illustrated in Appendix C.2 and C.3) estimate a maximum sound pressure level of 48dBA at the building’s facade (equal to the existing ambient back- ground noise level). Considering any attenuation through operable windows, this will result in a sound pressure level of ≈ 38dBA in the centre of the habitable room; well-within the acceptable noise thresholds.</i></p> <p><i>It is also expected that these apartments will experience generally-higher ambient noise levels, having greater exposure to distant road traffic. For the sake of determining a conservative estimate, the ambient noise levels used in the calculation have not been adjusted and are likely to be lower-than-experienced.</i></p>

		<p><b>4.5.3 Noise Impact on Residents at 223 Miller Street</b>  <i>The noise propagation map in Appendix C demonstrates that there will be no adverse impacts on acoustic amenity to any of the residential properties along Miller Street (regardless of elevation), to the north of the proposed development site.</i></p> <p>In conclusion the acoustic report recommends:-</p> <ul style="list-style-type: none"> <li>• Patron capacity on the second-floor is limited to 150 people.</li> <li>• Any amplified background music on the rooftop must not exceed an LF10 of 75dBA when measured 5 meters from the speaker between 7:00am and 12:00am, and 70dBA between 12:00am and 7:00am.</li> </ul> <p>The acoustic report assumed 50% of the maximum 150 patron capacity speaking in a raised voice to satisfy the L10 noise conditions outlined by Liquor and Gaming NSW. However, the report relies on management to control and discourage unreasonably loud vocal efforts after 12 midnight.</p> <p>It is considered that insufficient physical acoustic measure has been introduced to ameliorate 150 people speaking loudly in a semi-enclosed environment especially after midnight. Relying purely on management to silence patrons is not an effective noise mitigation measure.</p> <p>It is therefore recommended to restrict the use of the rooftop area with no amplified sound, or entertainment of any form to ensure that the rooftop terrace does not result in unacceptable amenity impacts on the neighbours and the area – <b>Condition I2.</b></p> <p>In addition, the patron capacity is recommended to be limited to 110 people. Physically limiting the number of patrons reduced the noise source which is considered appropriate in lieu of the lack of recent background noise levels and concerns raised by neighbours for noise disturbance during current trading hours – <b>Condition I6.</b></p>
<p><b>2.3.4 Reflectivity</b></p>	<p>Yes</p>	<p>The proposed materials and finishes do not result in unreasonable reflectivity.</p>
<p><b>2.3.7 Solar Access</b></p>	<p>Yes</p>	<p>The proposal complies with the height provisions contained within Clause 4.3 of the NSLEP 2013 consistent with P1. The proposed roof top addition will result in some additional shadows. Notably most of which will fall within existing, much larger surrounding built form shadows.</p> <p><b>9am</b>      The proposal will not result in additional shadow to the Special Area</p> <p><b>12 noon</b>      The additional shadow falls largely across the subject site and Berry Street.</p> <p><b>3pm</b>      Additional shadow is largely across the subject site and within existing shadows across No. 50 Berry Street. Accordingly, the proposed development satisfies the objective of the control in that solar access is maintained to</p>

		the Special Areas, open spaces; publicly accessible outdoor places and to residential areas surrounding the North Sydney Centre.
<b>2.3.8 Views</b>	Yes	The proposal will not significantly alter views for adjoining properties.
<b>2.3.11 Visual Privacy</b>	Yes	The nearest residential building is located 90m from the subject site (No 79-81 Berry Street) and 140m from No. 211 Pacific Highway. The proposed new roof top bar is located at RL75.92. This level is below most of the mixed-use building's residential components and shielded by surrounding commercial buildings. The separation distance and the nature of the Commercial Core is such that direct overlooking is minimal ensuring a reasonable level of visual privacy to residents.
<b>2.4 Quality built form</b>		
<b>2.4.1 Context</b>	Yes	The proposal is consistent with the commercial nature of the locality and adjoining sites.
<b>2.4.3 Setbacks</b>	Yes	<p>The proposed roof top addition is setback 3.3m from the existing Miller Street façade and 2.6m from the Berry Street façade. The new roof over is 1.47m and 2.07m (RL80.00) above the existing parapet which vary in height (RL87.53 and RL77.93) along Miller Street.</p> <p>The proposed roof-top addition is setback beyond the existing building's street alignment and the resultant visual massing is not readily visible from the public domain.</p> <p>The proposed development is considered to be subservient to the existing heritage fabric and its impact of scale, is considered to be acceptable, consistent with Objective 1.</p>
<b>2.4.5 Building Design</b>	Yes	<p>The proposed materials and finishes, responds to the heritage character of the existing heritage listed building. Moreover, the proposed additions are considered to respect the setting and curtilage of the heritage item (refer to Part B Section 13 <i>Heritage and Conservation of the DCP</i>), contrary to P9.</p> <p>In addition, the proposed architectural detailing and finishes are not considered to complement the existing well known and very visible heritage item failing to ensure a continued rich visual reference for pedestrians contrary to P10.</p> <p>The proposed additions are considered to be sympathetic and contribute to the visual significance of the heritage building on the street corner consistent with Objective 2.</p>
<b>2.4.11 Entrances and Exits</b>	Yes	<p>No change to existing openings within the Miller Street façade is proposed. The main entry closer to the intersection of Miller and Berry Streets remains unchanged. The second entry which currently allows accessible access will be retained but altered whilst the northern most opening which is not currently being used will be utilised as a "new entry to the gaming lounge".</p> <p>Refer to Section 12 Access below.</p>
<b>2.5 Quality Urban Environment</b>		
<b>2.5.1 Accessibility</b>	Yes	Refer to Section 12 Access below.
<b>2.5.2 Safety and Security</b>	Yes	Continue to rely on CCTV as well as employing licenced security personnel.
<b>2.5.9 Waste Storage</b>	No change	No change to existing proposed.

Section 7 Late Night Trading Hours	
<p><b>7.3 Trading Hours</b></p> <p>The B3 Commercial Core zone allows for maximum trading hours of:</p> <ul style="list-style-type: none"> <li>• 6am to midnight (indoor)</li> <li>• 7am to 11pm (outdoor)</li> </ul>	<p>Via Condition</p> <p><b>Current alfresco area</b>                      5am to midnight on Monday to Saturdays                      10am to 10pm Sundays</p> <p><b>Proposed</b>                      10.00 am to 2.00 am, Monday to Saturday                      10.00am to 10.00pm on Sundays</p> <p>Under Section 12 of the <i>Liquor Act 2007</i> the Standard trading period for certain licensed premises are:  <i>(a) for any day of the week other than a Sunday—</i>  <i>(i) the period from 5 am to midnight, or</i>  <i>(ii) if the regulations prescribe a shorter period—the period as so prescribed, and</i>  <i>(b) for a Sunday—</i>  <i>(i) the period from 10 am to 10 pm, or</i>  <i>(ii) if the regulations prescribe a shorter period—the period as so prescribed.</i></p> <p>The proposed trading hours extend beyond the allowable max. trading hours for the Commercial Core within the NSDCP as well as the hours of the existing alfresco area (beer garden).</p> <p>Although an extension of the hours of operation beyond the maximum trading hours may be possible for an ongoing trial period, it is considered that the appropriate operation of the rooftop level at the maximum or “core” hours, first needs to be demonstrated. As such the proposed hours are not supported beyond the allowable maximum trading hours of the B3 Commercial Core and the current alfresco area.</p> <p>A condition of consent is recommended for the roof top terrace to be used only between 10.00am and 11.00pm Monday to Sunday, with a 12 month trial period to operate between 10am and 12 midnight on Fridays and Saturdays-  <b>Condition I4 &amp; I5.</b></p> <p>The responsible service of alcohol is to comply with relevant Liquor Licensing requirements.</p>
<p><b>Matters for Consideration – Trading Hours</b></p> <p>Despite Clause 7.3 above, the maximum trading hours may only be adopted provided that the following matters for consideration being satisfied to ensure that the proposed hours of operation are appropriate for the proposed use and locality.</p>	
<p>a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises.</p>	<p>The site is located within the Commercial core of North Sydney. The continued use of the site as a “pub” is considered to be compatible use within the B3 zone, subject to continued effective management.</p>
<p>b) the specific nature of the premises (e.g., pub, nightclub, restaurant etc) and the proposed hours of operation;</p>	<p>The site is proposed to continue to be used for the purposes of a pub. However the number of patrons is sought to be increased by 150, from 450 to 600. The additional proposed levels seek to operate outside / beyond the maximum permitted trading hours for the zone. The intensification of the use is considered having regard for the Planning Principle established in <i>Vinson v Randwick Council [2005] NSWLEC 142</i> (refer to discussion below).</p>
<p>c) the existing hours of operation of surrounding businesses;</p>	<p>The surrounding area is characterised by various uses including commercial offices; schools; cafes as well as residential entries and services such as driveways and parking. These have various operating hours.</p>

d) the size and patron capacity of the premises;	The proposal allows for a roof top addition and an increase of 150 patron capacity. The intensification of the use is considered having regard for the Planning Principle established in <b>Vinson v Randwick Council [2005] NSWLEC 142</b> (refer to discussion below).
e) the availability of amenities provided to premises;	The pub provides the required number of amenities for patrons and staff.
f) the impact of the premises on the mix, diversity, and possible concentration, of late night uses in the locality;	The proposal does not seek to introduce new entertainment premises but rather seeks to intensify use of the existing pub (capacity and hours of operation). This intensification is considered having regard for the Planning Principle established in <b>Randall Pty Ltd v Leichhardt Council [2004] NSWLEC 277</b> (refer to discussion below).
g) the likely operation of the proposal during daytime hours	The additional level is proposed to operate during the mornings and lunch time continuing into the night. The proposal would provide active use during the daytime contributing to the vitality of the area subject to continued effective management
h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;	A Plan of Management has been submitted with the application.
i) the diversity of retail services within an area and the impact of a late-night proposal on this diversity;	The area includes a mix of restaurants and other retail premises. The proposed hours would not affect the diversity of the retail services within the area.
j) measures to be used for ensuring adequate safety, security, and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;	The pub has an existing Plan of Management which includes a Security Management Plan for the existing use – this will be extended to also apply to the proposed additions. The application was also referred to the NSW Policy who recommended conditions of consent to minimise the opportunity for crime to occur.
k) the accessibility and frequency of public transport during late night trading hours.	The pub is located within the North Sydney Centre which has high accessibility and frequency of public transport services that extend beyond the proposed closing time.
<p><b>Matters for Consideration – Conclusion</b></p> <p>The additions to the existing heritage listed hotel would continue to add diversity of uses within the Commercial Core, whilst the potential noise impacts that may arise, can be managed through incorporating the acoustic report recommendations and through the operational practices within the Plan of Management.</p> <p>However, the documentation submitted with the application failed to adequately demonstrate existing “good” practices – refer to planning principle below.</p>	

## Planning Principle

The Planning Principles for the assessment of an extension or intensification of a use which may have an adverse impact on residential amenity, as established in **Randall Pty Ltd v Leichhardt Council [2004] NSWLEC 277** are:

1. *First, is the impact of the operation of the existing use on residential amenity acceptable?*
2. *Second, if the answer is yes, is the impact of the proposed extension or intensification still acceptable?*

In addition, to the broader principles set out in **Randall** above, the planning principles for an application for licensed premises to extend trading hours and increase permitted patron numbers require addressing the following questions:

1. *What are the adverse impacts of the present trading hours, permitted number of patrons and permitted activities?*
2. *What measures are in place to address those impacts?*
3. *How are those measures documented?*
4. *Have those measures been successful?*
5. *What additional measures are proposed by the applicant or might otherwise be required?*

**Comment:**

In seeking additional patron capacity as well as hours of operation beyond the “core” hours within the NSDCP (intensification of the use), the application is assessed against these principles in order to demonstrate whether the impact of the operation of the existing use is acceptable.

First question is ***what the impacts of the existing trading hours are***, which potentially affect the amenity of surrounding residential premises. These may include:-

- **Anti-social behaviour**

In this regard, the applicant did not provide any evidence of anti-social behaviour or otherwise linked to the premises, taken from records such as the police COPS system and/or other police records and/or incident diaries.

Comments from North Shore PAC Licensing Unit with regard to alcohol related crime / incidents and any liquor licence issues, were not received. However the Local Area Command advised the premises is a low risk venue.

Submissions received did raise concern with anti-social behaviour experienced at the premises.

- **Noise**

Submissions received raised concern with respect to noise impact. Potential noise impacts could be managed through incorporating the acoustic report recommendations. However Council’s Team Leader Environmental Health raised concerns with the background noise criteria relied upon within the submitted acoustic report – refer to **Section 2.3.2 and referral** for more detail.

In order to mitigate potential noise impact, a condition of consent is recommended to restrict the use of the rooftop terrace, limiting the number of patrons at any one time to 110 people, as well as prohibiting use of amplified sound, or live entertainment (refer to **Condition I2**).

- **Litter**

The Plan of Management includes procedures for staff or contract cleaners to inspect the perimeter of the Hotel on a daily basis to remove any visible waste and material.

***What measures are in place to address those impacts?***

The Plan of Management includes measures to address impacts which may arise including :

- Attending Local Licensing Accord meetings
- Maintaining the CCTV system
- Restricted entry procedures
- Responsible service of alcohol
- Noise and patron management
- Waste management
- Incident records
- Complaint management

However, no evidence or documentation of the existing measures such as minutes of meetings; inspection diaries; trading logs or head counts were provided to demonstrate successful current operations.

Accordingly, the application failed to demonstrate the premises' ability to accommodate the intensification of the use through proposing trading hours beyond the Commercial Core hours and the increase in patron numbers.

<b>7.3.3 Acoustic Impacts</b>	Via condition	Provision P4 requires that the recommendations of any Acoustic Report must form part of the Plan of Management. The Acoustic report includes recommendations on p19. These recommendations were translated into the Plan of Management.  A condition of consent in this regard is recommended refer to <b>Condition C11 &amp; C13.</b>
<b>7.3.4 External doors, windows, and openings B3 = doors and windows to be kept closed by 11pm</b>	Via condition	The acoustic report does not include any consideration for doors and windows being open or closed on the roof top, noting that the proposal is partly enclosed. In an attempt to ameliorate noise disturbance due to the "openness" of the roof top bar, the hours of operation have been reduced from those proposed and the number of patrons have been limited to a maximum of 110 people.
<b>7.3.5 Waste management</b>	Via condition	The PoM includes a section 6 for waste management, cleaning, and Maintenance which states:  <ol style="list-style-type: none"> <li>1. All general waste and recycling are to be stored for waste removal for collection not less than once a week.</li> <li>2. All glass waste is to be stored and relocated to the pick-up zone at the side of the Hotel on the days preceding collection.</li> <li>3. Glass sorting or disposal shall not take place external to the premises between the hours of 10.00pm and 7.00am.</li> </ol> The waste management plan submitted with the application noted the collection point is within existing loading zone on Berry Street. Pick up time is between 10am-6pm and rubbish/recycling is picked up daily.  The above satisfies P3 and O1. A condition of consent to minimise noise transfer from glass is recommended refer to <b>Condition I9.</b>
<b>7.4 Premises Management &amp; Plan of Management</b>		
<b>7.4.1 and 7.4.2 Plan of Management</b>	Yes	The application was accompanied by a Plan of Management and is considered to be satisfactory.  Subject to conditions of consent including the ongoing implementation of the operational management practises within the PoM ensures that the premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses.  As such a condition of consent is recommended requiring the operation of the premises to be in accordance with the Plan of Management (refer to <b>Condition I3</b> )
<b>DEVELOPMENT CONTROL PLAN 2013 -Part B, Section 12 Access</b>		
<b>12.4.1 Continuous accessible path of travel 12.4.2 Parts of a building required to be accessible 12.4.5 Doorways and Doors 12.4.6 Circulation Spaces 12.4.8 Sanitary Facilities</b>	Via condition	O1 & O2 of S12.4.1 requires the premises to allow for at least one main entrance providing <b>a continuous accessible path of travel</b> - to allow people with disability to access goods and services in the same way as people without a disability.  Currently a continuous path of travel is provided through the use of internal ramps (see <b>photo 7</b> ). The proposed development allows access through an existing opening (northern most door) to the new lift that allows access to all levels.



**Photo 7: Existing openings along Miller Street**

An accessibility report was submitted with the application which at p16 states as follows:-

*“The prescriptive provision requires (inter alia) that access be provided to and within the main entry to the building and not less than 50% of the overall number of entry points.*

*It is acknowledged though that none of the existing entries are AS 1428.1-2009, and that upgrade of each is impractical given the constraints of the site and absence of a setback between the external wall and the allotment boundary.*

*It is understood though, that the northern-most entry into the ground floor from Miller Street shall be designed and designated as the main entry to the building, and that this doorway opening shall be upgraded to provide AS 1428.1-2009 compliant access into the building.*

*This approach still constitutes a performance solution, as access shall be provided to less than 50% of the doorways in the perimeter.*

*Signage should be installed at the other entry points into the ground floor identifying the availability of wheelchair access through this new main entry doorway opening”.*

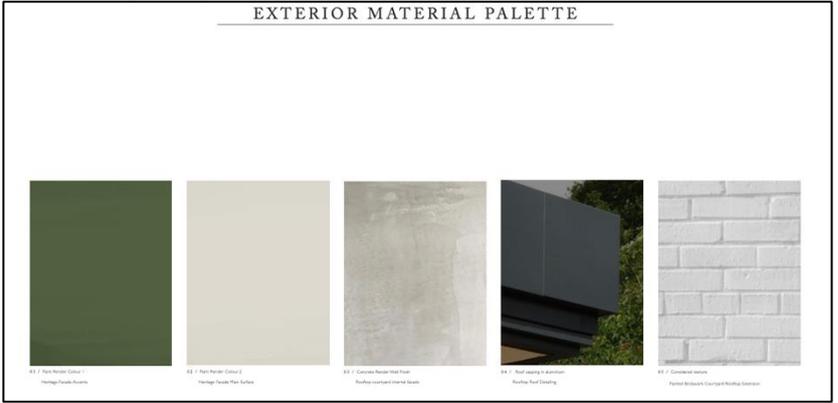
In this regard, Councils building officer noted as follows:-

*“The development application also contains an Access Report dated 4 November 2021 prepared by Trevor R Howse. The Access Report identifies that Performance based Solutions are required to be developed to address non-compliances with the proposed design with regards to accessible pedestrian entry requirements to the building being available at less than 50% of entry points and accessible sanitary facilities only being proposed to Ground Floor.*

*Acceptance of any Performance Solution is a matter for an appropriately accredited building surveyor during Construction Certificate assessment”.*

A condition of consent requiring the building to be designed and constructed to provide access and facilities in accordance with the BCA and Disability (Access to Premises- Building) Standards 2010 is recommended – **Condition C15.**

<b>DEVELOPMENT CONTROL PLAN 2013 – Part B, Section 13 Heritage and Conservation</b>		
<p><b>13.4 Development within the vicinity of heritage item</b></p>	<p>Yes</p>	<p>The proposed development will somewhat obscure views to and from the adjacent heritage listed Sabemo building located at No. 201 Miller Street. However, having consideration for the much larger building and the small percentage impacted, the proposal is not considered to adversely impact on heritage items in the vicinity of the site.</p> <p>In addition, the proposal will have low impact upon the Monte Sant' Angelo Mercy College.</p>
<p><b>13.5.1 Protecting Heritage significance</b>  <i>O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item. Note: Council does not support demolition of heritage items as a matter of principle.</i>  <i>O3 Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks, and materials.</i>  <i>P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.</i></p>	<p>Yes</p>	<p>The Heritage Impact Statement submitted with the proposal has demonstrated an understanding of the changes which have occurred to the hotel over time and have assessed the significance of the fabric of the heritage listed hotel. The internal changes proposed affect areas altered in the 1980s, consistent with O1.</p> <p>The setback of the proposed roof addition is significant to ensure the roof addition does not have an adverse impact – consistent with O3.</p> <p>The proposed internal changes may not be easily reversible however they affect non-significant fabric. The new rooftop terrace is obscured by the existing parapets and is visually softened by landscape planting. The proposed works will be clearly identifiable as new works – consistent with O8.</p>
<p><b>13.5.2 Form massing scale</b>  <i>O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.</i>  <i>O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.</i></p>	<p>Yes</p>	<p>The areas altered to the ground and 1st floor levels affect non-significant 1980s fabric, and the proposed roof top addition is not visible from the public domain due to the parapets; proposed landscaping and setbacks.</p> <p>The proposed setbacks ensure that the additions are located away from the principal elevation and primary form. The flat roof form at a maximum height of RL80 ensures that the additions are subservient to the original fabric so that the original building can be clearly discerned.</p>

<p><b>13.5.3 Additional storeys</b>  <i>O1 To minimise the visual dominance of any new work from public places. P1 Additional storeys must be confined to within the existing roof space or below the gutter line of the main roof. Whole floor additions will not be supported.</i></p>	<p>Yes</p>	<p>Section 13.5.3 controls mainly relate to residential buildings. Notwithstanding the additional rooftop storey is not readily visible from the public domain as a result of the flat roof form and setbacks from the existing parapet.</p>
<p><b>13.5.4 Roofs</b>  <i>O1 To ensure that original roofs, their hierarchy, and materials are retained. P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary facades.</i></p>	<p>Yes</p>	<p>The existing roof is obscured by parapets; therefore, the roofing materials are not relevant to the current view of the building from the public domain. The proposed roof addition is designed with a flat roof and setbacks to minimise visibility from the public domain.</p>
<p><b>13.5.5 Interior layouts</b></p>	<p>Yes</p>	<p>The proposal satisfies this objective as the proposed alterations to the ground and 1<sup>st</sup> floor levels are in areas where fabric is predominantly circa 1980s and therefore not significant.</p>
<p><b>13.9.4 Materials</b>  <i>O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation area</i>  <i>P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item'</i></p>	<p>Yes</p>	<p>The proposed external finishes have been chosen to ensure it presents as a minimalist lightweight structure.</p>  <p style="text-align: center;"><b>Figure 8: Proposed materials and finishes</b></p>
<p><b>3.11.3 Pubs and Hotels</b>  <i>O1 retain significant fabric and building elements from all significant periods of construction including interior features</i>  <i>O2 Maintain the ongoing use as public houses and hotels</i></p>	<p>Yes</p>	<p>Significant exterior fabric is to be retained.</p> <p>A condition of consent is recommended that a heritage consultant be engaged to supervise the retention of original decorative features and provide written concurrence to the certifier – <b>Condition C5</b> .</p>

**North Sydney Planning Area (Civic Neighbourhood)**

The application has been assessed against the relevant controls relating to the North Sydney Planning Area and the Civic Neighbourhood. The proposal will be generally consistent with these policies.

## SECTION 7.11 CONTRIBUTIONS

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is subject to payment of contributions towards the provision of local infrastructure. Both Section 7.11 and 7.12 applicable levies are calculated, and the higher amount is levied in accordance with the plan. The contributions payable has been calculated in accordance with Council's Contributions Plan as follows:

Type of contribution	Amount
<b>S7.11 Contribution</b>	
210sqm increase in GFA (4.7 worker increase)	
Open space and recreation facilities	\$4,498.92
Public domain	\$12,515.36
Active transport	\$714.19
Community facilities	\$903.67
Plan and Management	\$281.79
<b>Total</b>	<b>\$18,913.94</b>
<b>S7.12 Contribution</b>	
(More than \$100,000 - 1% of that cost)	
Cost of work = \$1,300,000.00	<b>\$13,000.00</b>

Therefore, the Section 7.11 contribution is the higher amount and will be the total contribution applicable in the site circumstances. Accordingly, if the Panel were of a mind to support the application, a condition would need to be imposed requiring the payment of a section 7.11 contribution.

## 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	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing Facilities	N/A
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

## **SUBMITTERS CONCERNS**

The issues raised by the submissions are summarised below and addressed with planning comments:-

- ***Hours of operation***

### **Comment**

The proposed hours of operation extend beyond the core trading hours for the Commercial Core under the NSDCP. A condition of consent is recommended for the roof top terrace to be used only between 10.00am and 11.00pm Monday to Sunday, with a 12 month trial period to operate between 10am and 12 midnight on Fridays and Saturdays.

- ***Noise disturbance***

### **Comment**

An acoustic report accompanies the application which includes recommendations to mitigate noise generated from the use of the rooftop terrace. In addition to adopting the noise report recommendations, it is recommended to limit the patron capacity of the rooftop terrace to 110 people as well as restricting the use of the rooftop area with no amplified sound, or entertainment of any form as a condition of consent.

- ***Impact on Heritage significance***

### **Comment**

An independent heritage assessment by Kemp and Johnson Heritage Consultants supports the proposal noting that the DA is considered to be acceptable in relation to the relevant objectives and controls of Clause 5.10 of the North Sydney LEP 2013. Refer to heritage assessment within the body of this report.

- ***Obscuring detailing of neighbouring heritage building at No. 201 Miller Street***

### **Comment**

It is acknowledged that the proposed massing will partly obscure the public views from the south to the neighbouring development, at No. 201 Miller Street (heritage listed building). However due to the scale of the existing commercial building and the proportion of spaces that will be affected, this impact is acceptable.

- ***Pedestrian interference (tables and chairs on the footpath)***

### **Comment**

This assessment report only has regard for the proposed work. Footpath trading is not part of this application and subject to a separate consent process. Approval was granted by Council in October 2021 for temporary placement of tables and chairs on the footpath, which expired on 30 January 2022. This issue will be considered and resolved by Councils Engineering and Property Services Division.

- ***Possible light pollution***

**Comment**

Conditions of consent include lighting to comply with the AS1158 as well as not having illuminated roof top complying with AS4282-1997 is recommended.

- ***No value-add to surrounding neighbourhood***

**Comment**

The subject site is located within the heart of the North Sydney Centre and has been operating at the premises for some time. Contrary to the comments in the submission the area is not characterized by residential premises but rather commercial premises with some mixed-use buildings containing apartments at higher levels. The proposal is consistent with the B3 Commercial Core zoning and the LEP's specific objectives for development in the City Centre and continues to serve the needs of the local and wider community.

- ***Anti-social behaviour***

**Comment**

The amended Plan of Management includes operational practices such as responsible service of alcohol; noise management; patron and complaint management, all of which contribute to minimising anti-social behaviour. Moreover, NSW Police noted that the premises is a low risk venue raising no concerns subject to recommended conditions of consent.

- ***Acoustic report did not consider buildings in Miller St***

**Comment**

The amended acoustic report had regard for residential accommodation at No. 211 Pacific Highway; No. 77 & 79-81 Berry Street and No. 221-223 Miller Street.

- ***Acoustic report focuses on noise from sound systems and does not recognise noise from additional 150 people***

**Comment:**

The recommendation limits the patron numbers on the rooftop terrace to 110 reducing the capacity and noise source.

- ***Recent outdoor tables resulted in considerable noise***

**Comment**

Footpath trading is not part of this application and subject to a separate consent process. Noise generated as a result of this application is addressed within the body of this report.

- ***Addition is visually incongruous and unsympathetic***

**Comment**

The roof-top terrace is setback 3.3m from the existing Miller Street façade and 2.6m from the Berry Street façade, and it complies with the maximum building height of RL80.00 pursuant to Clause 4.3 of the NSLEP 2013. The proposed built form is not readily visible behind the existing parapet and considered subservient to the original heritage fabric. The proposal is supported by the independent heritage consultant.

- ***Inappropriate opposite a school***

**Comment**

The proposal is for internal alterations and additions to an existing licensed premises, not for a new premises/use. The appropriateness of the existing use has long since been established. The application however, failed to demonstrate the site ability to accommodate the intensification of the use through proposing trading hours beyond the Commercial Core hours and the increase of 150 patrons. Conditions of consent to reduce the proposed patron numbers and trading hours are recommended.

- ***Inconsistent with B3 zone objectives***

**Comment**

The development generally satisfies the objectives of the B3 Commercial Core zone as it continues to provide for entertainment to serve the needs of the local and wider community, whilst subject to conditions of consent, not adversely impacting on the amenity of residents in nearby apartments and occupiers of existing business premises.

- ***Inadequate assessment against objectives of NS Centre controls***

**Comment**

This assessment report had regard for Part 6 Division 1 of the NSLEP 2013 and the application has been found to satisfy the objectives of these controls. Refer to the assessment within the body of this report.

- ***Impacts arising from proposed management of Hotel***

**Comment**

The amended Plan of Management includes operational practices such as incident recordings; alcohol management; managing patrons leaving the premises; complaint management; training of staff as well as incorporating the acoustic report recommendations. Subject to adhering to the Plan of Management and the recommended conditions that would be imposed by granting consent, any impacts that may arise should be appropriately mitigated.

- ***Insufficient information to enable Council to carry out a proper assessment under S4.15, specifically:-***

- ***Overshadowing***

**Comment**

The amended plans include more detailed shadow diagrams which identify the additional shadow cast by the proposed development during the 9am; 12 noon and 3pm periods for March, June and September. These diagrams have demonstrated no adverse impact by way of overshadowing to the adjoining Special Area and commercial premises.

- ***Visual impact assessment***

**Comment**

The application is accompanied by detailed elevations; a materials and finishes board as well as a street perspective. All of these allow for a visual impact assessment which is appropriate within the context.

- ***Structural work***

**Comment**

No information with regard to the need for structural upgrading were provided with the application.

- ***Acoustics***

**Comment**

An updated acoustic report was received by Council which considered noise impacts to No. 211 Pacific Highway; No. 77 & 79-81 Berry Street and No. 221-223 Miller Street.

- ***Fire safety***

**Comment**

A NCC Design Specification prepared by Trevor R Howse submitted with the application, includes proposed comprehensive fire safety upgrades Council's building officer recommended a condition of consent for the upgrade of the existing building with to address Clause 94 of the EP&A Regulations 2000, with respect to Fire Spread and Safe Egress.

**SITE SUITABILITY**

The subject site is located within the North Sydney Centre, although there is a degree of sensitivity given the residential uses nearby. However, it is considered that the potential acoustic impacts can be mitigated by restricting the number of patrons and the trading hours, beginning with a 12 month trial of the latter. As such the site is suitable for the proposed alterations and additions, subject to conditions of consent.

**HOW THE COMMUNITY VIEWS WERE TAKEN INTO CONSIDERATION**

The application was notified in accordance with the Council Community Engagement Protocol from 3 December 2021 to 17 December 2021 and the amended plans and additional information (including an updated Plan of Management) was re-notified between 19 April and 3 May 2022. The application is to be referred to the North Sydney Local Planning Panel given the number of submissions received. Conditions have been recommended to ensure that the proposed development does not result in adverse impacts to the amenity of nearby apartments.

**CONCLUSION AND REASONS**

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

The proposed alterations and addition of a rooftop terrace allow an existing commercial activity to be intensified, within the heart of the North Sydney Centre. The proposed development will contribute to the continued vitality of the Centre. The subject site is listed as a heritage item under Schedule 5 of the NSLEP 2013 and is located in the vicinity of a number of heritage items within the North Sydney Commercial Core. An independent heritage assessment by Kemp and Johnson Heritage Consultants supports the proposal noting that the DA is considered to be acceptable in relation to the relevant objectives and controls of Clause 5.10 of the North Sydney LEP 2013, as the proposed works will not reduce the heritage significance of the heritage item or adversely impact on the significance of heritage items in the vicinity.

The roof top terrace addition is setback 3.3m from the existing Miller Street façade and 2.6m from the Berry Street façade, and it complies with the maximum building height of RL80.00 pursuant to Clause 4.3 of the NSLEP 2013. The proposed built form is not readily visible behind the existing parapet and considered subservient to the original heritage fabric. In addition landscape planting behind the parapet further softens the massing and visual impact.

The application was referred to the NSW Police who advised that the proposed use was considered low risk and recommended conditions of consent.

The proposed hours of operation is not consistent with the late-night trading hours in North Sydney Development Control Plan 2013. Moreover, the application failed to demonstrate the site ability to accommodate the intensification of the use through proposing trading hours beyond the Commercial Core hours and the increase in patron numbers. A condition of consent to restrict the hours of operation to between 10.00am and 11.00pm Monday to Sunday, with a 12 month trial period to operate between 10am and 12 midnight on Fridays and Saturdays is recommended.

It is considered that insufficient physical acoustic measures have been introduced to ameliorate 150 people speaking loudly in an open environment. It is therefore recommended to restrict the use of the rooftop area with no amplified sound, music or entertainment of any form and restrict patron capacity to 110 people, to ensure that the roof top terrace does not result in unacceptable amenity impacts on the surrounding residential premises.

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

#### **NOTE BY DEVELOPMENT SERVICES MANAGER**

This report has been prepared by an independent consultant planner and has been reviewed by Council staff for quality and consistency with reporting guidelines and expectations. The assessment and recommendations contained herein are materially those of the assessing planner and are considered to provide a balanced view of the proposal.

#### **RECOMMENDATION**

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

**THAT** the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, and **approve** Development Application No. 398/21 for the alterations and additions to the existing hotel including the addition of a rooftop terrace, function space, lift and associated works, subject to following site specific conditions and attached standard conditions of consent:-

### **Restrictions on Use of the Roof Terrace**

12. No amplified sound or entertainment and the like shall be provided on the roof top terrace area.

(Reason: To ensure that the use of the roof terrace area does not result in unacceptable amenity impact on neighbours and the area, and the use is consistent with the maximum LAB noise criteria)

### **Hours of Operation - Roof top terrace only**

14. The hours of operation are restricted to 10.00am and 11.00pm Monday to Sunday. Upon expiry of the permitted hours:

- a) all restaurant and bar service 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)

### **Trial Period – Roof Top Terrace Hours of Operation**

15. Notwithstanding Condition 14, the roof top terrace may operate between 10:00am and 12 midnight on Fridays and Saturdays for a trial period of 12 months from the date of issue of the Occupation Certificate. Should the applicant wish to continue to trade outside those hours referred to in Condition 14 following the end of the trial period, a Section 4.55 application must be lodged within 6 months of end of the trial period for Council's consideration.

Note: Consideration of the continuation of extended trading hours will be based on, among other things, the performance of the operator in relation to compliance with development consent conditions and any substantiated complaints received.

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

### **Maximum Capacity – Premises**

16. The maximum number of patrons within the level 2 roof top terrace allowed by this consent is 110 persons.

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

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

**ANNELIZE KAALSEN  
(AK PLANNING)**

---

**JIM DAVIES  
EXECUTIVE PLANNER**

**STEPHEN BEATTIE  
MANAGER DEVELOPMENT SERVICES**

---

**NORTH SYDNEY COUNCIL**  
**CONDITIONS OF DEVELOPMENT APPROVAL**  
**199 MILLER STREET, NORTH SYDNEY**  
**DEVELOPMENT APPLICATION NO. 398/21**

**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 and this consent.

<b>Draw No.</b>	<b>Draw Title</b>	<b>Date</b>	<b>Drawn by</b>
DA-A00-001 Rev C	Ground floor existing and demolition plan	18/03/2022	Alexander & Co
DA-A01-001 Rev C	First floor – existing and demolition plan	18/03/2022	Alexander & Co
DA-AB1-001 Rev C	Basement – existing plan	18/03/2022	Alexander & Co
DA-D00-011 Rev C	Ground floor	18/03/2022	Alexander & Co
DA-D01-011 Rev D	First floor	18/03/2022	Alexander & Co
DA-D02-011 Rev D	Second floor	18/03/2022	Alexander & Co
DA-DXX-001 Rev D	Proposed site and roof plan	18/03/2022	Alexander & Co
DA-EXX-001 Rev D	Overall building - External elevations	18/03/2022	Alexander & Co
DA-FXX-001 Rev D	Overall building – Sections AA & BB	18/03/2022	Alexander & Co
DA-FXX-002 Rev A	Overall building – Sections CC	18/03/2022	Alexander & Co
DA-MXX-001 Rev B	Material references (page 1 and 2)	07/03/2022	Alexander & Co
DA-D02-071 Rev A	Second floor landscape plan	04/04/2022	Alexander & Co

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

**Plans on Site**

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

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

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

**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)

**External Finishes & Materials**

- A4. External finishes and materials must be in accordance with the submitted schedule Page 1 (Exterior Material Palette) and Page 2 (Material references) of Drawing No. DA-MXX-001 Revision B dated 7 March 2022, prepared by Alexander & Co Architects unless otherwise modified by Council in writing.

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

***B. Matters to be completed before the lodgement of an application for a construction certificate***

**Construction Management Program – North Sydney Council Traffic & Transport Operations Division Approval**

- B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted for consideration by the North Sydney Traffic Committee and approved in writing by North Sydney Council's Traffic Division PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
- i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
  - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
  - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
  - iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee);
  - v. Locations of hoardings proposed;
  - 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

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 3 of 29

- ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
  
- c) The proposed phases of works on the site, and the expected duration of each phase.
  
- d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
  
- e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
  
- f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
  
- g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
  
- h) A Waste Management Plan. 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.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's Traffic and Transport engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

**Notes:**

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on 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.

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 4 of 29

- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a **minimum six (6) weeks assessment period** is required, including referral to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed 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 process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

**C. *Prior to the issue of a construction certificate (and ongoing, where indicated)***

**Dilapidation Report Damage to Public Infrastructure**

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

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

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

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

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

**Dilapidation Survey Private Property (Neighbouring Buildings)**

- C2. A photographic survey and dilapidation report of adjoining properties No's. 50 Berry Street and 201 Miller 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.

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**

- C3. 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**

- C4. 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:

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 6 of 29

- 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)

**Heritage Architect to be commissioned**

- C5. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: if advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require an application under s96 of the Environmental Planning and Assessment Act 1979 or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

**Work Zone**

- C6. 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.

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 7 of 29

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)

**Stormwater Disposal**

- C7. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the BCA and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

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

- C8. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$150,000.00 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)

#### **Upgrade of existing building – Fire Spread and Safe Egress**

C9. Pursuant to clause 94 of the EP&A Regulation 2000, aspects of the existing building must be brought into conformity with the Building Code of Australia (BCA).

Work must be carried out as part of the development so as to upgrade the building to bring it into partial conformity with the NCC BCA 2019 by upgrading the existing building in accordance with the following:

- a) NCC 2019 – Volume 1 Design Specification dated 4 November 2021, Issue 2, prepared by Trevor R Howse.**

Plans and specifications showing the upgrading works which must be carried out under this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Notes:

1. The Certifying Authority must be satisfied that the plans and specifications submitted prior to the issue of any Construction Certificate comply with the requirements of this condition.
2. The Certifying Authority issuing the Construction Certificate has no power to remove the requirements to upgrade the existing building as required by this condition.
3. Where this condition specifies compliance with the performance requirements of the BCA, the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters.

(Reason: Application of Regulations relating to Fire and Life Safety)

### Security Deposit/ Guarantee Schedule

- C10. 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 Damage Bond	\$150,000.00
<b>TOTAL BONDS</b>	<b>\$150,000.00</b>

Note: The following fees applicable

Fees	Amount (\$)
Section 7.11 Contribution	\$18,913.94
<b>TOTAL FEES</b>	<b>\$18,913.94</b>

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

(Reason: Compliance with the development consent)

### Noise from Plant and Equipment

- C11. The use of all plant and equipment installed on the premises must not:

- (a) Comply with the Project Specific Noise Emission Criteria contained in the acoustic report prepared by AKA Acoustics dated 25 March 2022, pertaining to this development
- (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)

**Noise Control (Licensed Premises)**

C12. The use of the premises must comply with the following:

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

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

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

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

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

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**

- C13. The recommendations contained in the acoustic report prepared by AKA Acoustics dated 25 March 2022, must be implemented during construction and use of the development.

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

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

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

**Noise and Vibration Compliance Certification Prior to Issue of Construction Certificate**

- C14. A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that suitable measures have been incorporated into the development and that the noise criteria contained in the conditions herein have been satisfied, must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

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

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

**Provision of Accessible Paths of Travel**

- C15. Access from the pedestrian entry to the premises and access throughout the building 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.

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 12 of 29

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

- C16. 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 Local Infrastructure Contribution Plan 2020 for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

Type of contribution A	Amount B
Open space and recreation facilities	\$4,498.92
Public domain	\$12,515.36
Active transport	\$714.19
Community facilities	\$903.67
Plan and Management	\$281.79
<b>Total</b>	<b>\$18,913.94</b>

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 Local Infrastructure Contribution Plan 2020 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](http://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)

### Cleanliness and Maintenance of Food Preparation Areas

- C17. 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: -

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 13 of 29

- 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)

**Mechanical Exhaust Ventilation**

C18. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. 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 and operation of mechanical plant)

**D. Prior to the commencement of any works (and continuing where indicated)****Public Liability Insurance – Works on Public Land**

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

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

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

**Commencement of Works Notice**

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

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

**E. During demolition and building work****Parking Restrictions**

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

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

**Road Reserve Safety**

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

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

(Reason: Public Safety)

**Removal of Extra Fabric**

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

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

**Dust Emission and Air Quality**

- E4. The following must be complied with at all times:
- (a) Materials must not be burnt on the site.
  - (b) Vehicles entering and leaving the site with soil or fill material must be covered.
  - (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
  - (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

**Noise and Vibration**

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

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

**Temporary Disposal of Stormwater Runoff**

- E6. 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.

(Reason: Stormwater control during construction)

**Developer's Cost of Work on Council Property**

- E7. 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)

**Special Permits**

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

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

**1) On-street mobile plant**

E.g. 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)

**Construction Hours**

- E9. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 18 of 29

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

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

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

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

**Out of Hours Work Permits**

E10. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
  - the erection of awnings,
  - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
  - the erection and removal of hoardings and site cranes, and

- craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
- extended concrete pours
  - works which are solely to convenience the developer or client, and
  - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

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

### **Site Amenities and Facilities**

- E11. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

### **Health and Safety**

- E12. 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](http://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**

- E13. 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**

- E14. All plant and equipment used in the undertaking of the demolition and construction 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](http://www.northsydney.nsw.gov.au).

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

**Waste Disposal**

- E15. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

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

**F. *Prescribed conditions imposed under EP&A act and regulations and other relevant legislation*****National Construction Code**

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

(Reason: Prescribed - Statutory)

**Appointment of a Principal Certifying Authority (PCA)**

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

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

**Construction Certificate**

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

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

**Occupation Certificate**

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

(Reason: Statutory)

**Critical Stage Inspections**

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

(Reason: Statutory)

**Commencement of Works**

- F6. 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 the erection of the building.

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

**Demolition**

- F7. 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)

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 22 of 29

**Protection of Public Places**

- F8. 1) A hoarding and/or 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)

**Site Sign**

- F9. 1) A sign must be erected in a prominent position on the site
- a. stating that unauthorised entry to the work site is prohibited;
  - b. showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c. showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

**Maximum Capacity Site Sign**

- F10. A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in this development consent, that are permitted in the building.

(Reason: Prescribed - Statutory)

**G. Prior to the issue of an occupation certificate****Infrastructure Repair and Completion of Works**

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

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

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

(Reason: Maintain quality of Public assets)

**Noise Certification**

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

(Reason: To ensure acoustic amenity)

**Access to Premises**

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

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

**Damage to Adjoining Properties**

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

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

**Utility Services**

- G5. 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)

**Damage to Adjoining Properties**

- G6. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Certifying Authority (and a copy to Council if it is not the Certifying Authority) certifying:
- a) whether any damage to adjoining properties has occurred as a result of the development,
  - b) the nature and extent of any damage caused to the adjoining property as a result of the development,
  - c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development,
  - d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development, and
  - e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Certifying Authority in accordance with this consent.

Where works required to rectify any damage caused to adjoining property as a result of the development identified in the report and certification have not been carried out, a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible prior to the issue of an Occupation Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To ensure adjoining owner's property rights are protected in so far as possible)

***I. On-going / operational conditions***

**Umbrellas**

11. Umbrellas or other shade devices are not to be located on level 2 roof top terrace area at any time.

(Reason: Visual amenity and heritage conservation)

**Restrictions on Use of the Roof Terrace**

12. No amplified sound or entertainment and the like shall be located on the roof top terrace area.

(Reason: To ensure that the use of the roof terrace area does not result in unacceptable amenity impact on neighbours and the area, and the use is consistent with the maximum LAB noise criteria)

**Plan of Management**

13. The premises are to operate at all times in accordance with the Plan of Management dated April 2022, prepared for Rag and Famish Hotel except as varied by relevant conditions of this consent.

The Plan of Management may be varied from time to time after consultation with NSW Police and/or Liquor & Gaming NSW.

A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, or Liquor & Gaming NSW inspector.

(Reason: To ensure that the use of the roof terrace area and related areas does not result in unacceptable amenity impact on neighbours and the area)

**Hours of Operation - Roof top terrace only**

14. The hours of operation are restricted to 10.00am and 11.00pm Monday to Sunday.

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)

**Trial Period – Roof Top Terrace Hours of Operation**

15. Notwithstanding Condition I4, the roof top terrace may operate between 10:00am and 12 midnight on Fridays and Saturdays for a trial period of 12 months from the date of issue of the Occupation Certificate. Should the applicant wish to continue to trade outside those hours referred to in Condition I4 following the end of the trial period, a Section 4.55 application must be lodged within 6 months of the end of the trial period for Council's consideration.

Note: Consideration of the continuation of extended trading hours will be based on, among other things, the performance of the operator in relation to compliance with development consent conditions and any substantiated complaints received.

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

**Maximum Capacity – Premises**

16. The maximum number of patrons within the level 2 roof top terrace allowed by this consent is 110 persons.

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

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

**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)

**Patron Behaviour**

18. 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.

(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.

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 27 of 29

- (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)

**Waste Collection**

- I9. 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**

- I10. 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)

**Roof Top Lighting**

- I11. Lighting on rooftop or podium level areas must not be illuminated between 11:00 pm and 7:00 am. The design and placement of the lighting must:
- (a) be directed away from any residential dwelling;
  - (b) not create a nuisance or negatively affect the amenity of the surrounding neighbourhood; and
  - (c) comply with AS4282-1997 control of obtrusive effects of outdoor lighting.
- (Reason: To ensure residential premises are not affected by inappropriate or excessive illumination)

**NSW Police Requirements**

- I12. The operation of the proposed rooftop bar area must comply with the following as required by NSW Police:
- Crime preservation condition:-**

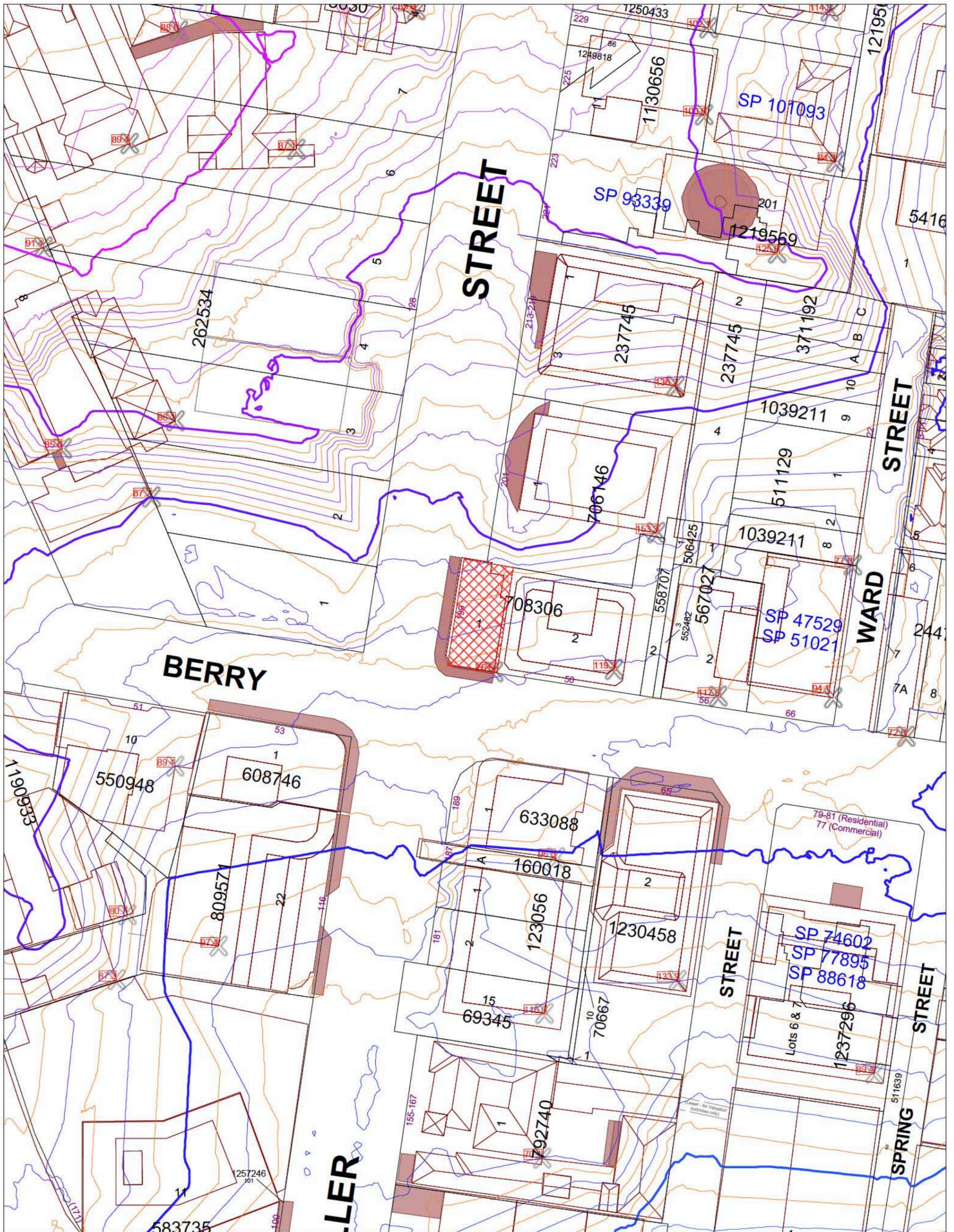
- a) The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises

- b) 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"*.
- c) The front windows of business should remain free of clutter and promotional material so as not to restrict sightlines into and out of the premises.
- d) 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.
- e) Staff should be provided with a secure area in which to store their personal effects whilst working.
- f) 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.
- g) The lighting in the hotel 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.
- h) 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 ñ Lock Sets AS:4145.
- i) Windows within the businesses should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards ñ 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.
- j) Tills should be positioned out of reach and should front customers to enable staff to maintain vision of the servicing area and beyond.
- k) An efficient and secure Cash Collection and Storage system should be implemented to minimise the risk of robbery offences and should include a safe designed and installed to the Australian Standards.
- l) 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.
- m) An intruder alarm system should be designed and installed to the Australian Standard ñ Domestic & Commercial Alarm Systems to enhance the physical security of the premises.
- n) An emergency control and evacuation plan should be implemented within the business. Management and staff should be trained in the execution of the plan in emergency situations.

**199 MILLER STREET, NORTH SYDNEY  
DEVELOPMENT APPLICATION NO. 398/21**

Page 29 of 29

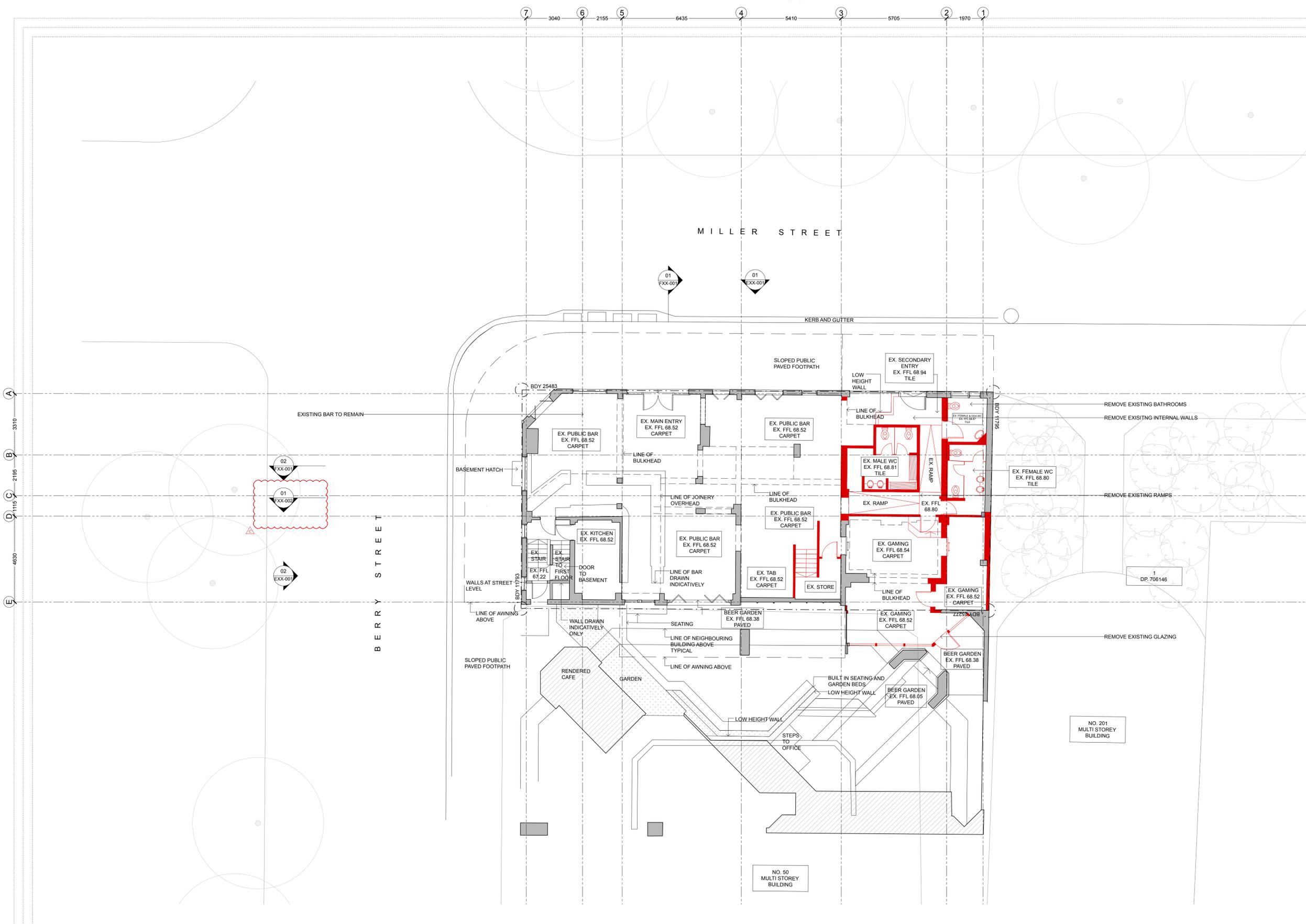
- o) All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identify an individual, who may be involved in criminal behaviour.
- p) Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
- q) Noise emissions need to be considered when using an outdoor area.
- r) 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.



**North Sydney Council**

Copyright © North Sydney Council - No part of this map may be reproduced without permission. Commercial decisions should not be made based on information contained in this map without first checking details held by the responsible Government authority.

Further details can be obtained by calling (02) 9936 8100 or e-mail [mapping@northsydney.nsw.gov.au](mailto:mapping@northsydney.nsw.gov.au).



**LEGEND - FLOOR DEMOLITION**

[Red outline]	EXISTING TO BE DEMOLISHED
[Red hatching]	EXISTING MASONRY WALLS AND WINDOWS TO BE DEMOLISHED
[Red diagonal lines]	EXISTING FLOOR FINISH TO BE REMOVED
[Red cross-hatching]	EXISTING FLOOR FINISH TO BE REMOVED
[Red wavy lines]	EXISTING FLOOR STRUCTURE TO BE REMOVED INCLUSIVE OF SUB STRUCTURE AND SERVICES WITHIN
[Red dashed lines]	EXISTING DOORS AND WINDOWS TO BE DEMOLISHED
[Red dotted lines]	EXISTING SERVICES TO BE REMOVED. CONTRACTOR TO FACILITATE THE INSTALLATION OF NEW SERVICES AND CO-ORDINATE WITH EXISTING IN ACCORDANCE WITH INSTRUCTIONS FROM NECESSARY CONSULTANTS
[Red solid lines]	EXISTING FINISH TO REMAIN AS IS UNLESS OTHERWISE NOTED
[Red solid lines]	EXISTING SLAB TO BE REMOVED

**DEMOLITION NOTES:**

**DEMOLISH** = REMOVE AND DISPOSE OF OFF SITE  
**RETAIN** = KEEP IN PLACE, SAFE AND IN WORKING ORDER/COMPLETE CONDITION  
**DEFTIT** = KEEP OFF SITE FOR FUTURE CLIENT USE

REFER TO GENERAL NOTES RE. PROTECTION AND SITE SET UP  
 ELECTRICAL  
 REFER TO ELECTRICAL CONSULTANT'S DOCUMENTATION REGARDING ELECTRICAL EQUIPMENT, WIRING, AV, SECURITY RETENTION AND DECOMMISSIONING  
 LIGHTING  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS PER ELECTRICAL ENG. DOCUMENTS. REMOVE REDUNDANT.  
 REMOVE ALL EXISTING PENDANT, TROUGH, TRACK AND WALL LIGHTS THROUGHOUT AS PER ELECTRICAL ENG. DOCUMENTS AND RETAIN FOR CLIENTS FUTURE USE.  
 PLUMBING  
 REFER TO HYD. ENG. DOCUMENTS.  
 DEFTIT ALL EXISTING RETICULATION AND FLOOR WASTES AS REQUIRED THROUGHOUT.  
 DEFTIT ALL EXISTING FITTINGS AND FIXTURES AS REQUIRED THROUGHOUT. CAPS AS REQUIRED.  
 FIRE  
 RETAIN ALL EXISTING FIRE EQUIPMENT AND FIXTURES THROUGHOUT AS REQUIRED. REFER TO FIRE ENG DOCUMENTS.  
 MECHANICAL  
 REFER TO MECH. ENG. DOCUMENTS. DEFTIT, DECOMMISSION AND RELOCATE GRILLES AS REQUIRED  
 FLOOR  
 REMOVE ALL CARPET/ UNDERLAY/ GLUE AS HATCHED ACID CLEAN THROUGHOUT.  
 WALLS  
 REMOVE ALL WALLS AS INDICATED- REFER TO STRUC. ENG DETAILS AS REQUIRED.  
 REMOVE ALL TILES/ BED/ MEMBRANE AS INDICATED. CLEAN, PATCH AND PREPARE AS REQUIRED.  
 CEILING  
 REMOVE PLASTERBOARD/ ACOUSTIC/ DROP IN/ paneled CEILING AS INDICATED.  
 REMOVE ALL DOWNLIGHTS WITHIN AREAS OF CEILING TO BE DEMOLISHED.  
 CLEAN PATCH AND PREPARE AS REQUIRED.  
 DOORS  
 REMOVE ALL DOORS AND DOOR JAMBS AS SHOWN DASHED. REMOVE DOOR HANDLES AS NOTED. PATCH, FILL, SAND SMOOTH AND PREPARE EXISTING DOORS FOR PAINTING.  
 SIGNS  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS REQUIRED. RETAIN AS REQUIRED, REMOVE REDUNDANT.  
 PROTECTION  
 PROVIDE PROTECTION TO EXISTING WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL.  
 PATCH AND REPAIR WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL.  
 PROPPING AND SCAFFOLDING  
 CONTRACTOR TO ALLOW FOR PROPPING AND SCAFFOLDING AS REQUIRED TO CARRY OUT DEMOLITION WORKS

01 GROUND FLOOR - EXISTING & DEMOLITION PLAN  
 1:200@A3

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
18.03.22	C	DA APPROVAL



CLIENT: CALLIGEROS HOTEL GROUP

PROJECT: RAG & FAMISH HOTEL  
 199 MILLER STREET  
 NORTH SYDNEY NSW 2060



DRAWING: GROUND FLOOR EXISTING & DEMOLITION PLAN  
 CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
 USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
 COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
 COMPLY WITH BUILDING CODE OF AUSTRALIA  
 COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

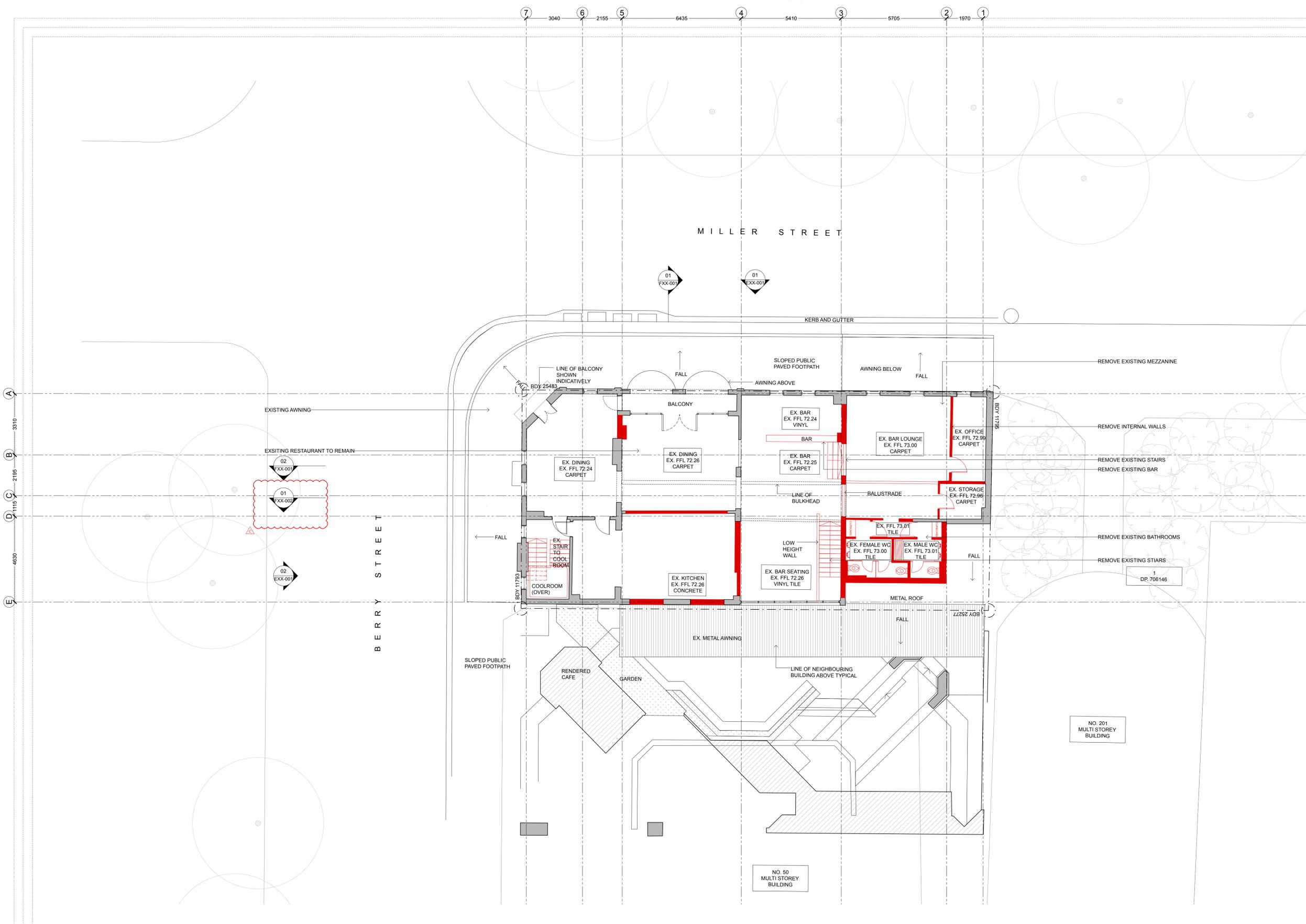
PROJECT NO.	DRAWN MO
0382	
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO. DA-A00-001	ISSUE C

LEGEND - FLOOR DEMOLITION	
[Red outline]	EXISTING TO BE DEMOLISHED
[Red hatched]	EXISTING MASONRY WALLS AND WINDOWS TO BE DEMOLISHED
[Red diagonal lines]	EXISTING FLOOR FINISH TO BE REMOVED
[Red cross-hatched]	EXISTING FLOOR FINISH TO BE REMOVED
[Red diagonal lines]	EXISTING FLOOR STRUCTURE TO BE REMOVED INCLUSIVE OF SUB STRUCTURE AND SERVICES WITHIN
[Red outline]	EXISTING DOORS AND WINDOWS TO BE DEMOLISHED
[Red cross-hatched]	EXISTING SERVICES TO BE REMOVED. CONTRACTOR TO FACILITATE THE INSTALLATION OF NEW SERVICES AND CO-ORDINATE WITH EXISTING IN ACCORDANCE WITH INSTRUCTIONS FROM NECESSARY CONSULTANTS
[Red outline]	EXISTING FINISH TO REMAIN AS IS UNLESS OTHERWISE NOTED
[Red outline]	EXISTING SLAB TO BE REMOVED

**DEMOLITION NOTES:**

**DEMOLISH** = REMOVE AND DISPOSE OF OFF SITE  
**RETAIN** = KEEP IN PLACE, SAFE AND IN WORKING ORDER/COMPLETE CONDITION  
**DEFTIT** = KEEP OFF SITE FOR FUTURE CLIENT USE

REFER TO GENERAL NOTES RE. PROTECTION AND SITE SET UP  
 ELECTRICAL  
 REFER TO ELECTRICAL CONSULTANT'S DOCUMENTATION REGARDING ELECTRICAL EQUIPMENT, WIRING, AV, SECURITY RETENTION AND DECOMMISSIONING  
 LIGHTING  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS PER ELECTRICAL ENG. DOCUMENTS. REMOVE REDUNDANT.  
 REMOVE ALL EXISTING PENDANT, TROUGH, TRACK AND WALL LIGHTS THROUGHOUT AS PER ELECTRICAL ENG. DOCUMENTS AND RETAIN FOR CLIENTS FUTURE USE.  
 PLUMBING  
 REFER TO HYD. ENG. DOCUMENTS.  
 DEFTIT ALL EXISTING RETICULATION AND FLOOR WASTES AS REQUIRED THROUGHOUT.  
 DEFTIT ALL EXISTING FITTINGS AND FIXTURES AS REQUIRED THROUGHOUT. CAPS AS REQUIRED.  
 FIRE  
 RETAIN ALL EXISTING FIRE EQUIPMENT AND FIXTURES THROUGHOUT AS REQUIRED. REFER TO FIRE ENG DOCUMENTS.  
 MECHANICAL  
 REFER TO MECH. ENG. DOCUMENTS. DEFTIT, DECOMMISSION AND RELOCATE GRILLES AS REQUIRED  
 FLOOR  
 REMOVE ALL CARPET/ UNDERLAY/ GLUE AS HATCHED  
 ACID CLEAN THROUGHOUT.  
 WALLS  
 REMOVE ALL WALLS AS INDICATED- REFER TO STRUC. ENG DETAILS AS REQUIRED.  
 REMOVE ALL TILES/ BED/ MEMBRANE AS INDICATED.  
 CLEAN, PATCH AND PREPARE AS REQUIRED.  
 CEILING  
 REMOVE PLASTERBOARD/ ACOUSTIC/ DROP IN/ paneled ceiling AS INDICATED.  
 REMOVE ALL DOWNLIGHTS WITHIN AREAS OF CEILING TO BE DEMOLISHED.  
 CLEAN, PATCH AND PREPARE AS REQUIRED.  
 DOORS  
 REMOVE ALL DOORS AND DOOR JAMBS AS SHOWN DASHED.  
 REMOVE DOOR HANDLES AS NOTED. PATCH, FILL, SAND SMOOTH AND PREPARE EXISTING DOORS FOR PAINTING.  
 SIGNS  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS REQUIRED. RETAIN AS REQUIRED. REMOVE REDUNDANT.  
 PROTECTION  
 PROVIDE PROTECTION TO EXISTING WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL.  
 PATCH AND REPAIR WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL.  
 PROPPING AND SCAFFOLDING  
 CONTRACTOR TO ALLOW FOR PROPPING AND SCAFFOLDING AS REQUIRED TO CARRY OUT DEMOLITION WORKS



01 FIRST FLOOR - EXISTING & DEMOLITION PLAN  
 1:200@A3

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
18.03.22	C	DA APPROVAL



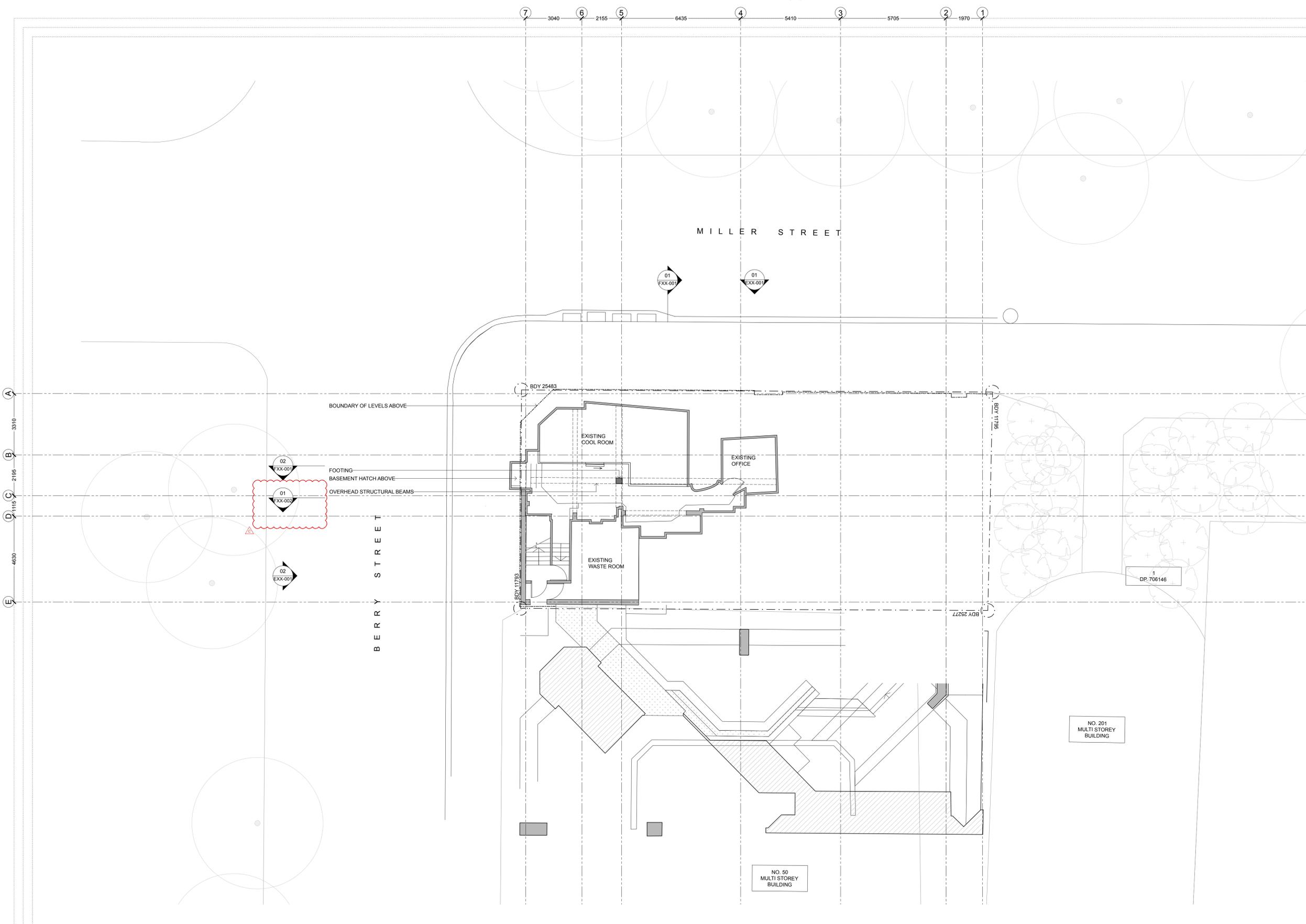
CLIENT:  
 CALLIGEROS HOTEL GROUP

PROJECT:  
 RAG & FAMISH HOTEL  
 199 MILLER STREET  
 NORTH SYDNEY NSW 2060



DRAWING:  
 FIRST FLOOR  
 EXISTING & DEMOLITION PLAN  
 CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
 USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
 COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
 COMPLY WITH BUILDING CODE OF AUSTRALIA  
 COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-A01-001	C



**LEGEND - FLOOR DEMOLITION**

[Symbol]	EXISTING TO BE DEMOLISHED
[Symbol]	EXISTING MASONRY WALLS AND WINDOWS TO BE DEMOLISHED
[Symbol]	EXISTING FLOOR FINISH TO BE REMOVED
[Symbol]	EXISTING FLOOR FINISH TO BE REMOVED
[Symbol]	EXISTING FLOOR STRUCTURE TO BE REMOVED INCLUSIVE OF SUB STRUCTURE AND SERVICES WITHIN
[Symbol]	EXISTING DOORS AND WINDOWS TO BE DEMOLISHED
[Symbol]	EXISTING SERVICES TO BE REMOVED. CONTRACTOR TO FACILITATE THE INSTALLATION OF NEW SERVICES AND CO-ORDINATE WITH EXISTING IN ACCORDANCE WITH INSTRUCTION FROM NECESSARY CONSULTANT
[Symbol]	EXISTING FINISH TO REMAIN AS IS UNLESS OTHERWISE NOTED.
[Symbol]	EXISTING SLAB TO BE REMOVED

**DEMOLITION NOTES:**

DEMOLISH = REMOVE AND DISPOSE OF OFF SITE  
 RETAIN = KEEP IN PLACE, SAFE AND IN WORKING ORDER/COMPLETE CONDITION  
 DEFT = KEEP OFF SITE FOR FUTURE CLIENT USE

REFER TO GENERAL NOTES RE. PROTECTION AND SITE SET UP

ELECTRICAL  
 REFER TO ELECTRICAL CONSULTANT'S DOCUMENTATION REGARDING ELECTRICAL EQUIPMENT, WIRING, AV, SECURITY RETENTION AND DECOMMISSIONING

LIGHTING  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS PER ELECTRICAL ENG. DOCUMENTS. REMOVE REDUNDANT  
 REMOVE ALL EXISTING PENDANT, TROUGH TRACK AND WALL LIGHTS THROUGHOUT AS PER ELECTRICAL ENG. DOCUMENTS AND RETAIN FOR CLIENTS FUTURE USE.

PLUMBING  
 REFER TO HYD. ENG. DOCUMENTS  
 DEFT ALL EXISTING RETICULATION AND FLOOR WASTES AS REQUIRED THROUGHOUT  
 DEFT ALL EXISTING FITTINGS AND FIXTURES AS REQUIRED THROUGHOUT. CAPS AS REQUIRED.

FIRE  
 RETAIN ALL EXISTING FIRE EQUIPMENT AND FIXTURES THROUGHOUT AS REQUIRED. REFER TO FIRE ENG DOCUMENTS.

MECHANICAL  
 REFER TO MECH. ENG. DOCUMENTS. DEFT, DECOMMISSION AND RELOCATE GRILLES AS REQUIRED

FLOOR  
 REMOVE ALL CARPET/ UNDERLAY/ GLUE AS HATCHED  
 ACID CLEAN THROUGHOUT.

WALLS  
 REMOVE ALL WALLS AS INDICATED- REFER TO STRUC. ENG DETAILS AS REQUIRED.  
 REMOVE ALL TILES/ BED/ MEMBRANE AS INDICATED.  
 CLEAN, PATCH AND PREPARE AS REQUIRED.

CEILING  
 REMOVE PLASTERBOARD/ ACOUSTIC DROP IN/ paneled ceiling AS INDICATED.  
 REMOVE ALL DOWNLIGHTS WITHIN AREAS OF CEILING TO BE DEMOLISHED.  
 CLEAN PATCH AND PREPARE AS REQUIRED.

DOORS  
 REMOVE ALL DOORS AND DOOR JAMBS AS SHOWN DASHED  
 REMOVE DOOR HANDLES AS NOTED. PATCH, FILL, SAND SMOOTH AND PREPARE EXISTING DOORS FOR PAINTING.

SIGNS  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS REQUIRED. RETAIN AS REQUIRED. REMOVE REDUNDANT.

PROTECTION  
 PROVIDE PROTECTION TO EXISTING WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL  
 PATCH AND REPAIR WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL  
 PROPPING AND SCAFFOLDING  
 CONTRACTOR TO ALLOW FOR PROPPING AND SCAFFOLDING AS REQUIRED TO CARRY OUT DEMOLITION WORKS

01 BASEMENT - EXISTING PLAN  
 1:200@A3

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
18.03.22	C	DA APPROVAL



CLIENT:  
 CALLIGEROS HOTEL GROUP

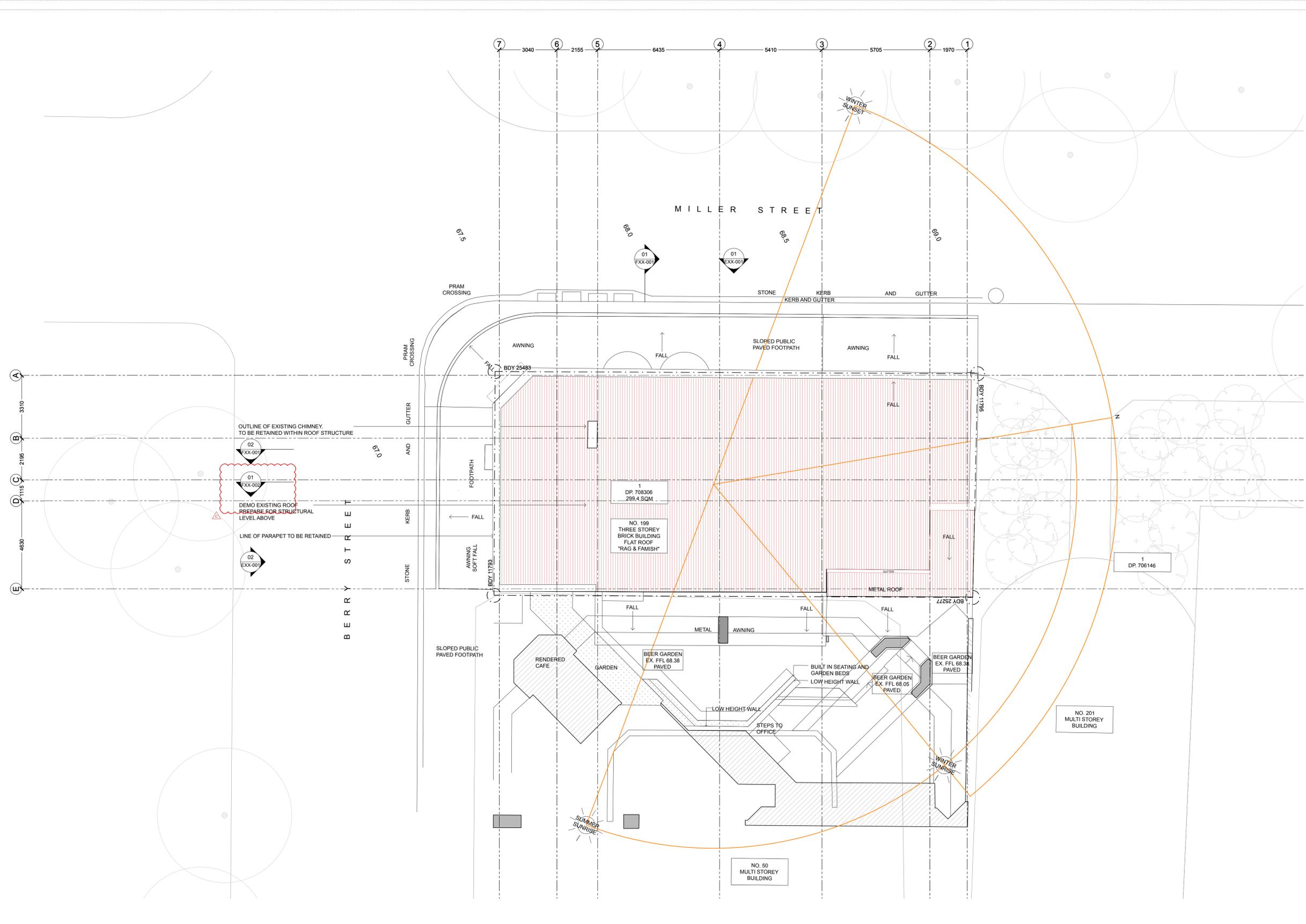
PROJECT:  
 RAG & FAMISH HOTEL  
 199 MILLER STREET  
 NORTH SYDNEY NSW 2060



DRAWING:  
 BASEMENT  
 EXISTING PLAN

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
 USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
 COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
 COMPLY WITH BUILDING CODE OF AUSTRALIA  
 COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-AB1-001	C



**LEGEND - FLOOR DEMOLITION**

[Symbol]	EXISTING TO BE DEMOLISHED
[Symbol]	EXISTING MASONRY WALLS AND WINDOWS TO BE DEMOLISHED
[Symbol]	EXISTING FLOOR FINISH TO BE REMOVED
[Symbol]	EXISTING FLOOR FINISH TO BE REMOVED
[Symbol]	EXISTING FLOOR STRUCTURE TO BE REMOVED INCLUSIVE OF SUB STRUCTURE AND SERVICES WITHIN
[Symbol]	EXISTING DOORS AND WINDOWS TO BE DEMOLISHED
[Symbol]	EXISTING SERVICES TO BE REMOVED. CONTRACTOR TO FACILITATE THE INSTALLATION OF NEW SERVICES AND CO-ORDINATE WITH EXISTING IN ACCORDANCE WITH INSTRUCTION FROM NECESSARY CONSULTANT
[Symbol]	EXISTING FINISH TO REMAIN AS IS UNLESS OTHERWISE NOTED.
[Symbol]	EXISTING SLAB TO BE REMOVED

**DEMOLITION NOTES:**

DEMOLISH = REMOVE AND DISPOSE OF OFF SITE  
 RETAIN = KEEP IN PLACE, SAFE AND IN WORKING ORDER/COMPLETE CONDITION  
 DEFTT = KEEP OFF SITE FOR FUTURE CLIENT USE

REFER TO GENERAL NOTES RE. PROTECTION AND SITE SET UP  
 ELECTRICAL  
 REFER TO ELECTRICAL CONSULTANT'S DOCUMENTATION REGARDING ELECTRICAL EQUIPMENT, WIRING, AV, SECURITY RETENTION AND DECOMMISSIONING  
 LIGHTING  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS PER ELECTRICAL ENG. DOCUMENTS. REMOVE REDUNDANT  
 REMOVE ALL EXISTING PENDANT, TROUGH TRACK AND WALL LIGHTS THROUGHOUT AS PER ELECTRICAL ENG. DOCUMENTS AND RETAIN FOR CLIENTS FUTURE USE.  
 PLUMBING  
 REFER TO HYD. ENG. DOCUMENTS  
 DEFTT ALL EXISTING RETICULATION AND FLOOR WASTES AS REQUIRED THROUGHOUT  
 DEFTT ALL EXISTING FITTINGS AND FIXTURES AS REQUIRED THROUGHOUT. CAPS AS REQUIRED  
 FIRE  
 RETAIN ALL EXISTING FIRE EQUIPMENT AND FIXTURES THROUGHOUT AS REQUIRED. REFER TO FIRE ENG DOCUMENTS.  
 MECHANICAL  
 REFER TO MECH. ENG. DOCUMENTS. DEFTT, DECOMMISSION AND RELOCATE GRILLES AS REQUIRED  
 FLOOR  
 REMOVE ALL CARPET/ UNDERLAY/ GLUE AS HATCHED  
 ACID CLEAN THROUGHOUT.  
 WALLS  
 REMOVE ALL WALLS AS INDICATED- REFER TO STRUC. ENG DETAILS AS REQUIRED.  
 REMOVE ALL TILES/ BED/ MEMBRANE AS INDICATED.  
 CLEAN, PATCH AND PREPARE AS REQUIRED.  
 CEILING  
 REMOVE PLASTERBOARD/ ACOUSTIC DROP IN/ paneled CEILING AS INDICATED.  
 REMOVE ALL DOWNLIGHTS WITHIN AREAS OF CEILING TO BE DEMOLISHED.  
 CLEAN PATCH AND PREPARE AS REQUIRED.  
 DOORS  
 REMOVE ALL DOORS AND DOOR JAMBS AS SHOWN DASHED  
 REMOVE DOOR HANDLES AS NOTED. PATCH, FILL, SAND SMOOTH AND PREPARE EXISTING DOORS FOR PAINTING.  
 SIGNS  
 RETAIN ALL EXISTING EXIT AND EMERGENCY LIGHTS FOR RE-INTEGRATION AS REQUIRED. RETAIN AS REQUIRED, REMOVE REDUNDANT  
 PROTECTION  
 PROVIDE PROTECTION TO EXISTING WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL  
 PATCH AND REPAIR  
 PATCH AND REPAIR WALLS, FLOORS AND CEILINGS ADJACENT TO DEMOLISHED WORKS AS TYPICAL  
 PROPPING AND SCAFFOLDING  
 CONTRACTOR TO ALLOW FOR PROPPING AND SCAFFOLDING AS REQUIRED TO CARRY OUT DEMOLITION WORKS

01 SITE & ROOF - EXISTING & DEMOLITION PLAN  
 1:200@A3

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
18.03.22	C	DA APPROVAL



CLIENT: CALLIGEROS HOTEL GROUP

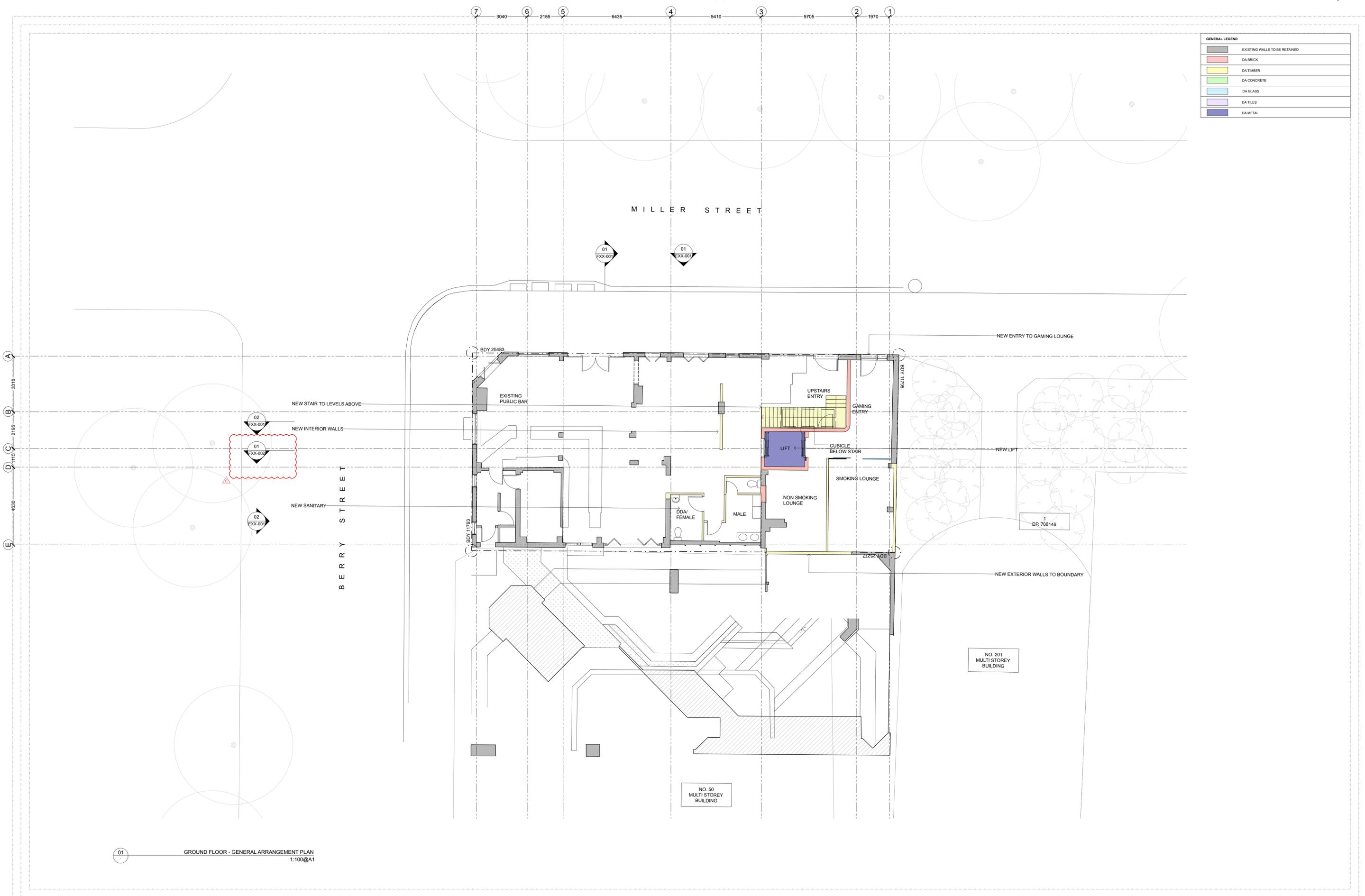
PROJECT: RAG & FAMISH HOTEL  
 199 MILLER STREET  
 NORTH SYDNEY NSW 2060



DRAWING: SITE & ROOF  
 EXISTING & DEMOLITION PLAN  
 CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
 USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
 COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
 COMPLY WITH BUILDING CODE OF AUSTRALIA  
 COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO.

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-XXX-001	C

GENERAL LEGEND	
	EXISTING WALLS TO BE RETAINED
	DA BRICK
	DA TIMBER
	DA CONCRETE
	DA GLASS
	DA TILES
	DA METAL



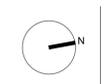
01 GROUND FLOOR - GENERAL ARRANGEMENT PLAN  
1:100@A1

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
18.03.22	C	DA APPROVAL



CLIENT:  
CALLIGEROS HOTEL GROUP

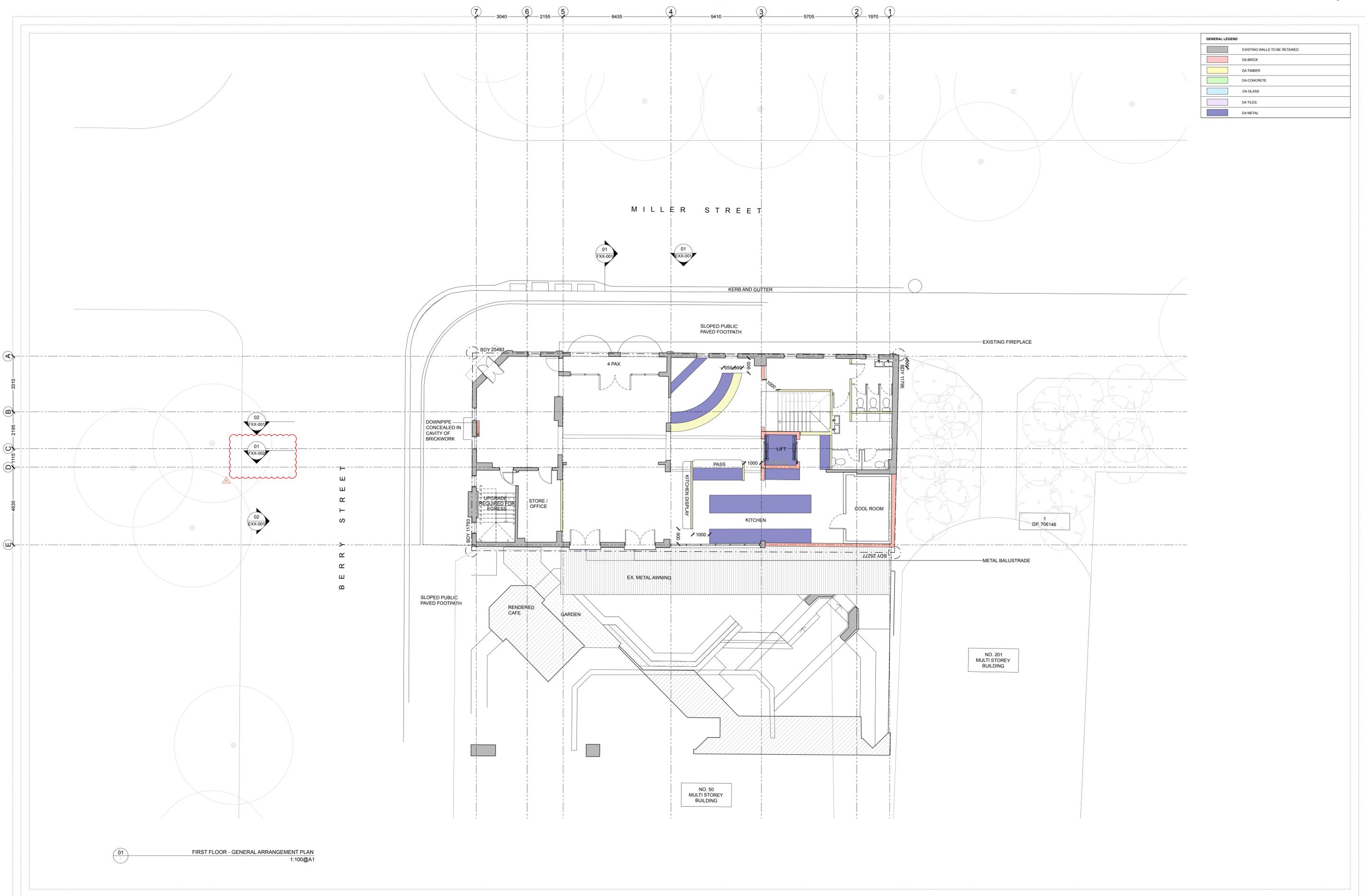
PROJECT:  
RAG & FAMISH HOTEL  
199 MILLER STREET  
NORTH SYDNEY NSW 2060



DRAWING:  
GROUND FLOOR  
GENERAL ARRANGEMENT PLAN  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-D00-011	C

GENERAL LEGEND	
	EXISTING WALLS TO BE RETAINED
	DA BRICK
	DA TIMBER
	DA CONCRETE
	DA GLASS
	DA TILES
	DA METAL



01 FIRST FLOOR - GENERAL ARRANGEMENT PLAN  
1:100@A1

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
16.12.21	B	DA APPROVAL
07.03.22	C	DA APPROVAL
18.03.22	D	DA APPROVAL



CLIENT :  
CALLIGEROS HOTEL GROUP

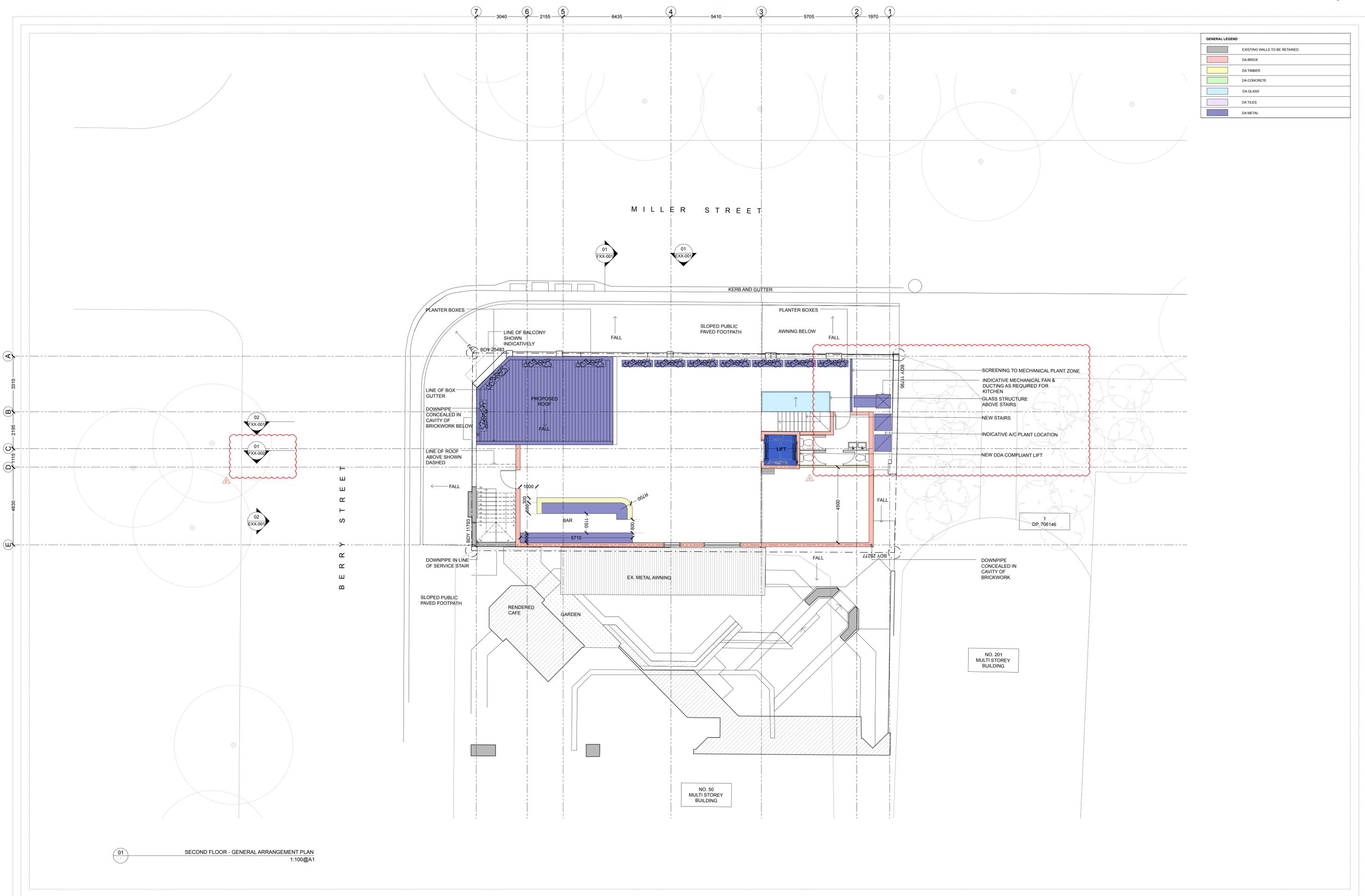
PROJECT :  
RAG & FAMISH HOTEL  
199 MILLER STREET  
NORTH SYDNEY NSW 2060



DRAWING:  
FIRST FLOOR  
GENERAL ARRANGEMENT PLAN  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-D01-011	D

GENERAL LEGEND	
[Grey Box]	EXISTING WALLS TO BE RETAINED
[Red Box]	DA BRICK
[Yellow Box]	DA TIMBER
[Green Box]	DA CONCRETE
[Blue Box]	DA GLASS
[Purple Box]	DA TILES
[Dark Blue Box]	DA METAL



01 SECOND FLOOR - GENERAL ARRANGEMENT PLAN  
1:100@A1

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
07.03.22	C	DA APPROVAL
18.03.22	D	DA APPROVAL



CLIENT:  
CALLIGEROS HOTEL GROUP

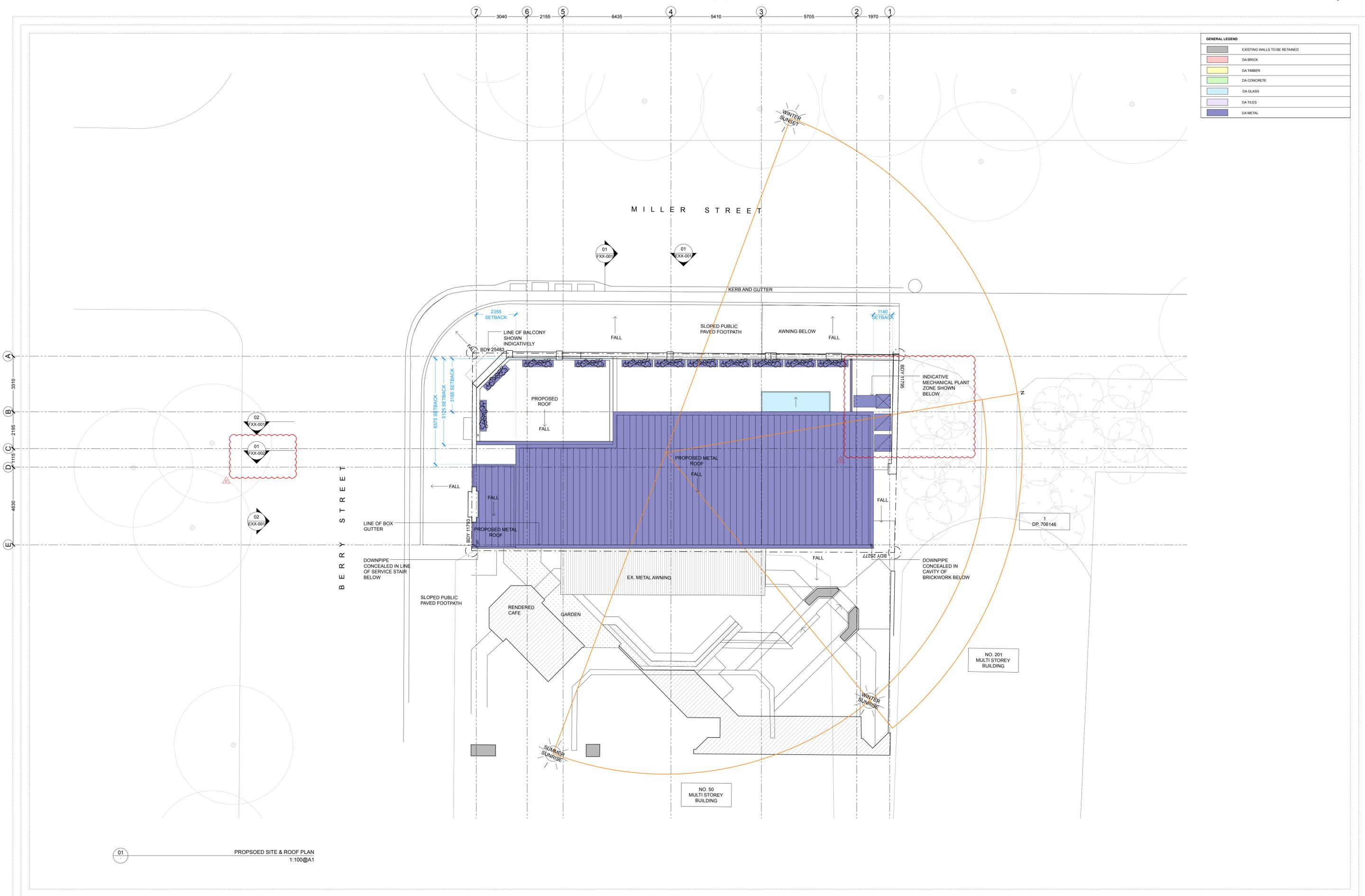
PROJECT:  
RAG & FAMISH HOTEL  
199 MILLER STREET  
NORTH SYDNEY NSW 2060



DRAWING:  
SECOND FLOOR  
GENERAL ARRANGEMENT PLAN  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-D02-011	D

GENERAL LEGEND	
[Grey Box]	EXISTING WALLS TO BE RETAINED
[Red Box]	DA BRICK
[Yellow Box]	DA TIMBER
[Green Box]	DA CONCRETE
[Light Blue Box]	DA GLASS
[Purple Box]	DA TILES
[Dark Blue Box]	DA METAL



01 PROPOSED SITE & ROOF PLAN  
1:100@A1

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
23.12.21	B	DA APPROVAL
07.03.22	C	DA APPROVAL
18.03.22	D	DA APPROVAL



CLIENT :  
CALLIGEROS HOTEL GROUP

PROJECT :  
RAG & FAMISH HOTEL  
199 MILLER STREET  
NORTH SYDNEY NSW 2060



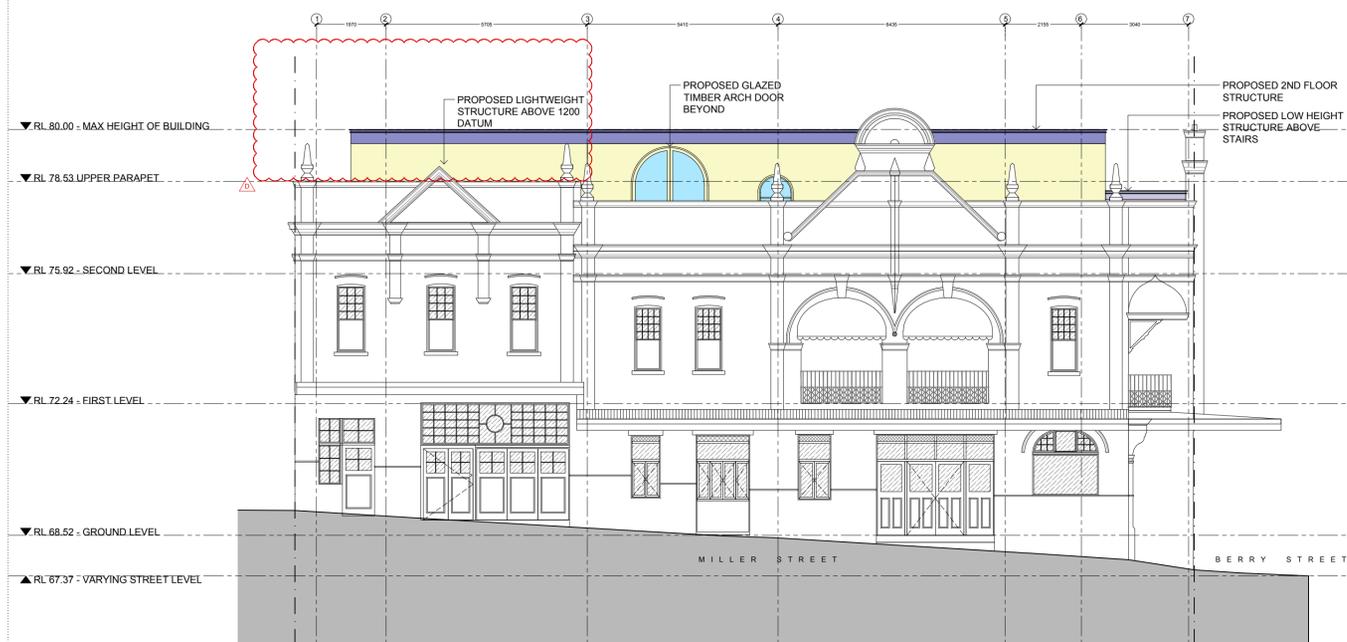
DRAWING:  
PROPOSED SITE & ROOF PLAN  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-DXX-001	D

GENERAL LEGEND	
	EXISTING WALLS TO BE RETAINED
	DA BRICK
	DA TIMBER
	DA CONCRETE
	DA GLASS
	DA TILES
	DA METAL



01 OVERALL BUILDING - SOUTHERN ELEVATION  
1:200@A3



02 OVERALL BUILDING - WESTERN ELEVATION  
1:200@A3



03 OVERALL BUILDING - EASTERN ELEVATION  
1:200@A3

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
07.03.22	C	DA APPROVAL
18.03.22	D	DA APPROVAL



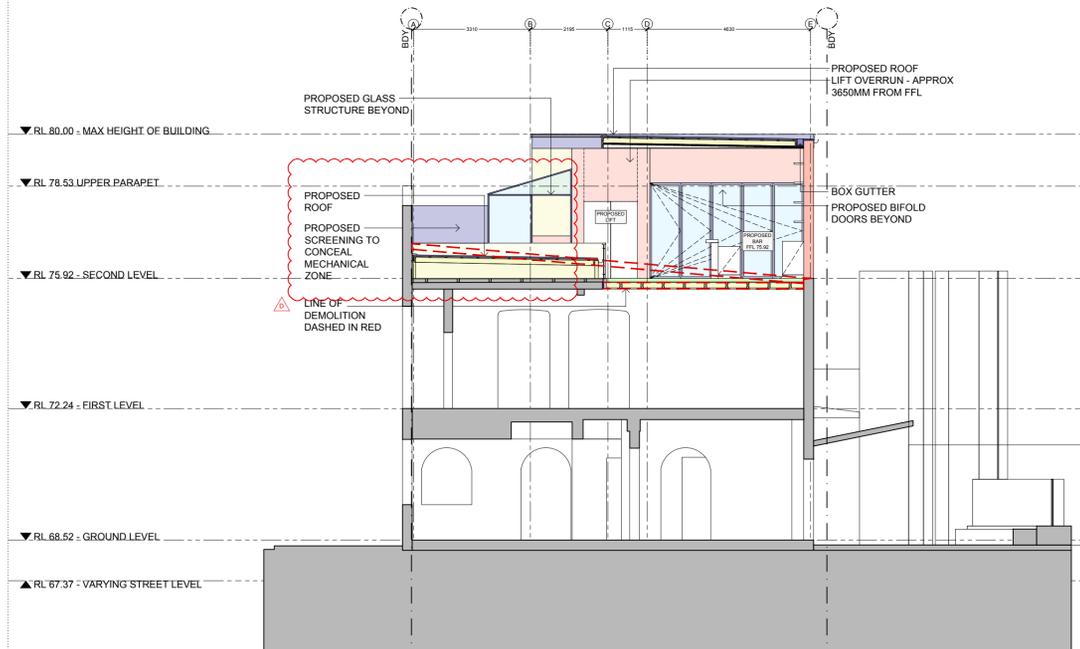
CLIENT :  
CALLIGEROS HOTEL GROUP

PROJECT :  
RAG & FAMISH HOTEL  
199 MILLER STREET  
NORTH SYDNEY NSW 2060

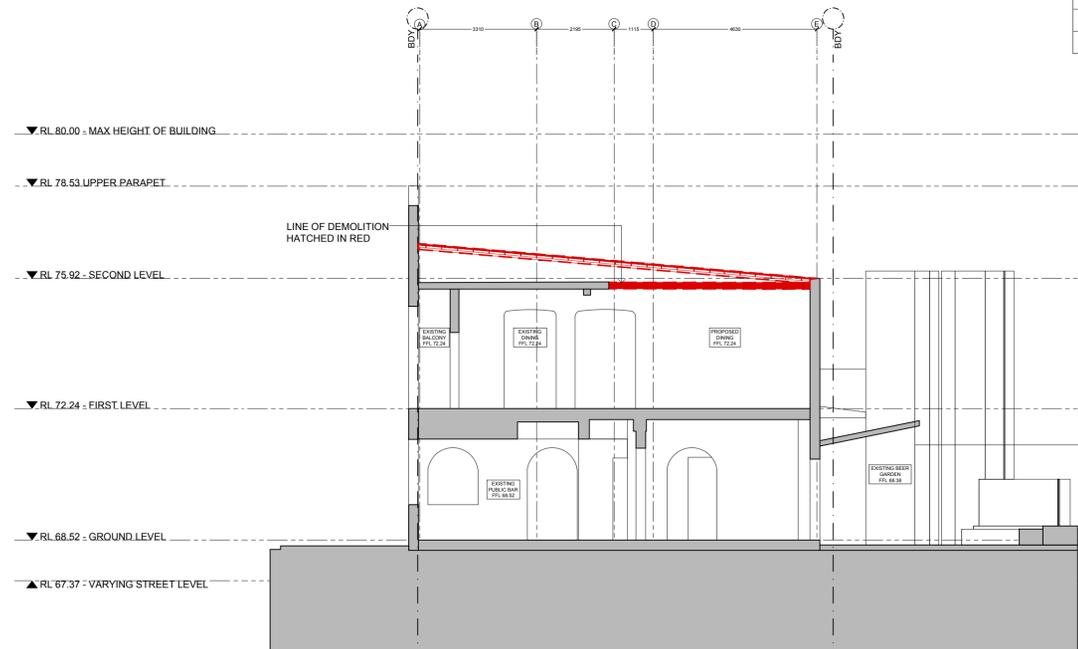
DRAWING:  
OVERALL BUILDING  
EXTERNAL ELEVATIONS  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	ISSUE
DA-EXX-001	D

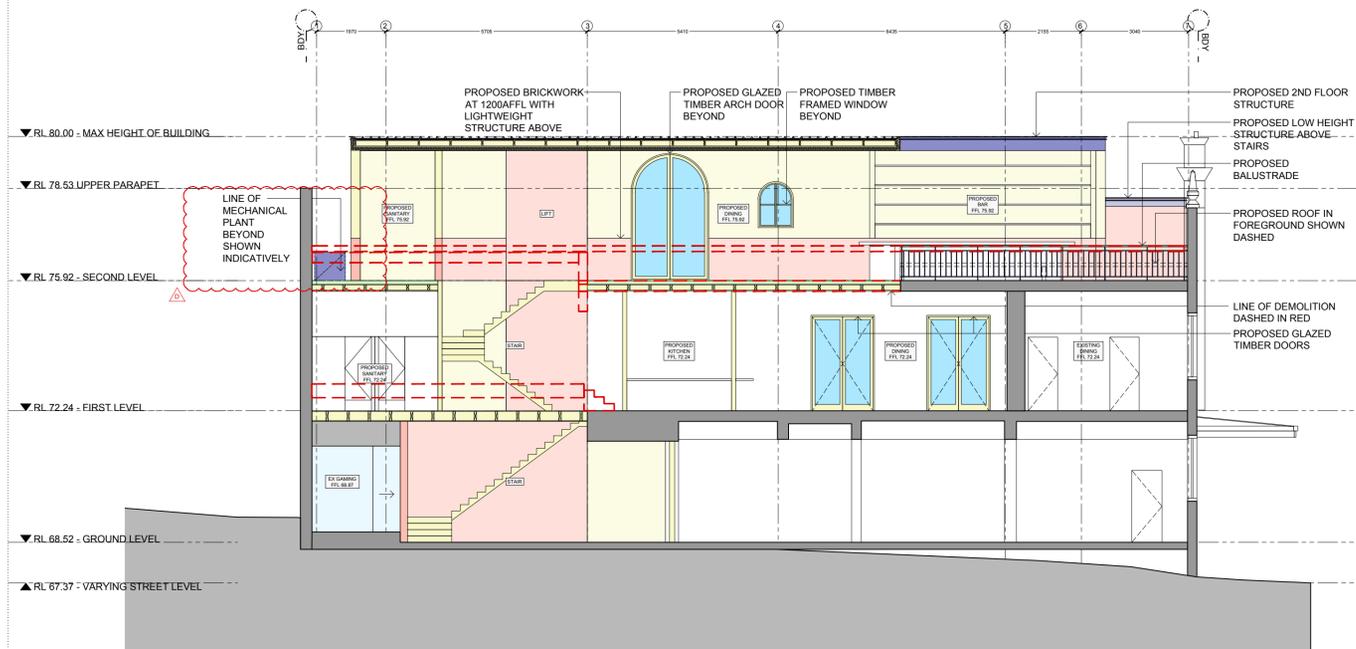
GENERAL LEGEND	
	EXISTING WALLS TO BE RETAINED
	DA BRICK
	DA TIMBER
	DA CONCRETE
	DA GLASS
	DA TILES
	DA METAL



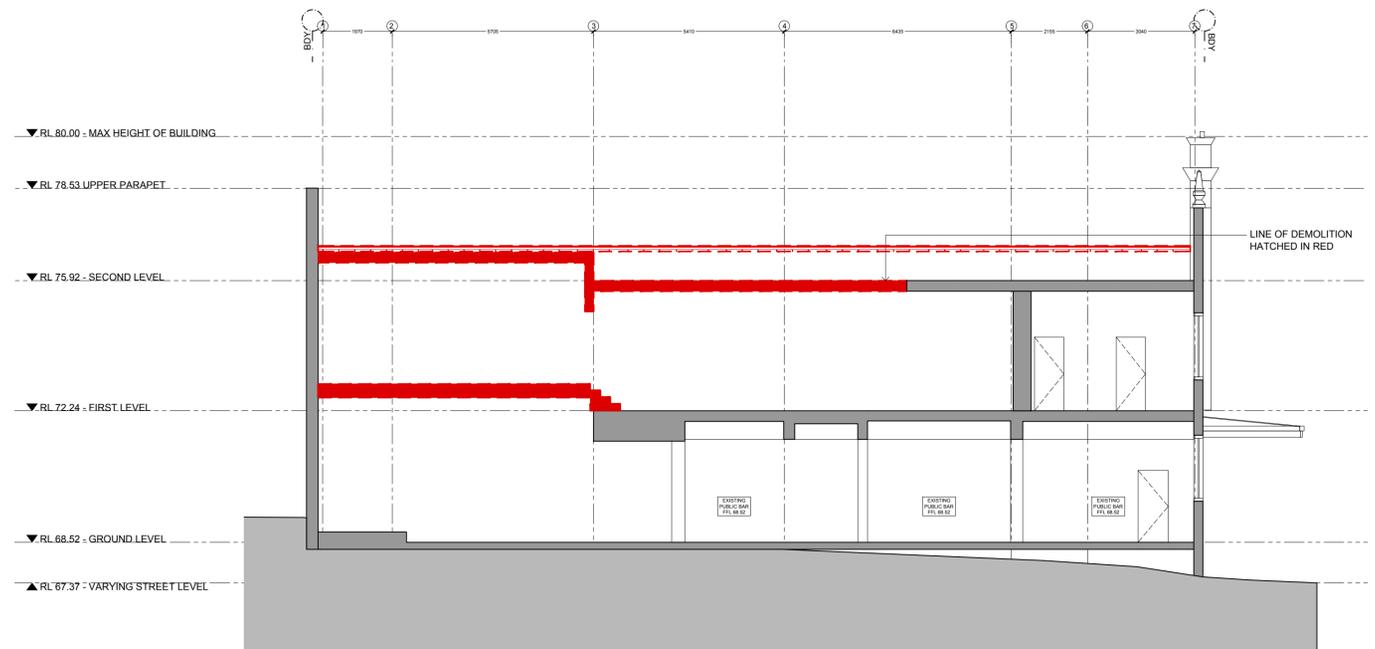
01 OVERALL BUILDING - SECTION AA (PROPOSED)  
1:200@A3



01-1 OVERALL BUILDING - SECTION AA (EXISTING)  
1:200@A3



02 OVERALL BUILDING - SECTION BB (PROPOSED)  
1:200@A3



02-1 OVERALL BUILDING - SECTION BB (EXISTING)  
1:200@A3

DATE	REVISION	ISSUE REASON
01.11.21	A	DA APPROVAL
20.12.21	B	DA APPROVAL
07.03.22	C	DA APPROVAL
18.03.22	D	DA APPROVAL



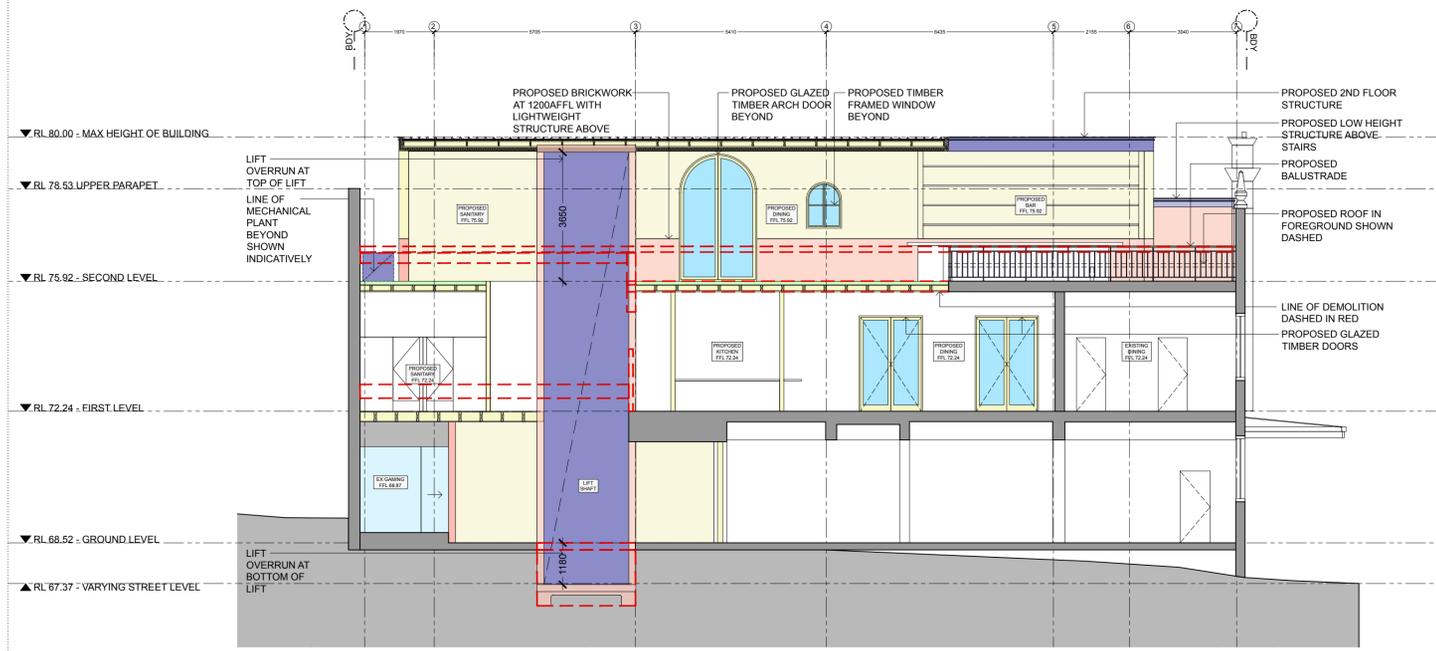
CLIENT :  
CALLIGEROS HOTEL GROUP

PROJECT :  
RAG & FAMISH HOTEL  
199 MILLER STREET  
NORTH SYDNEY NSW 2060

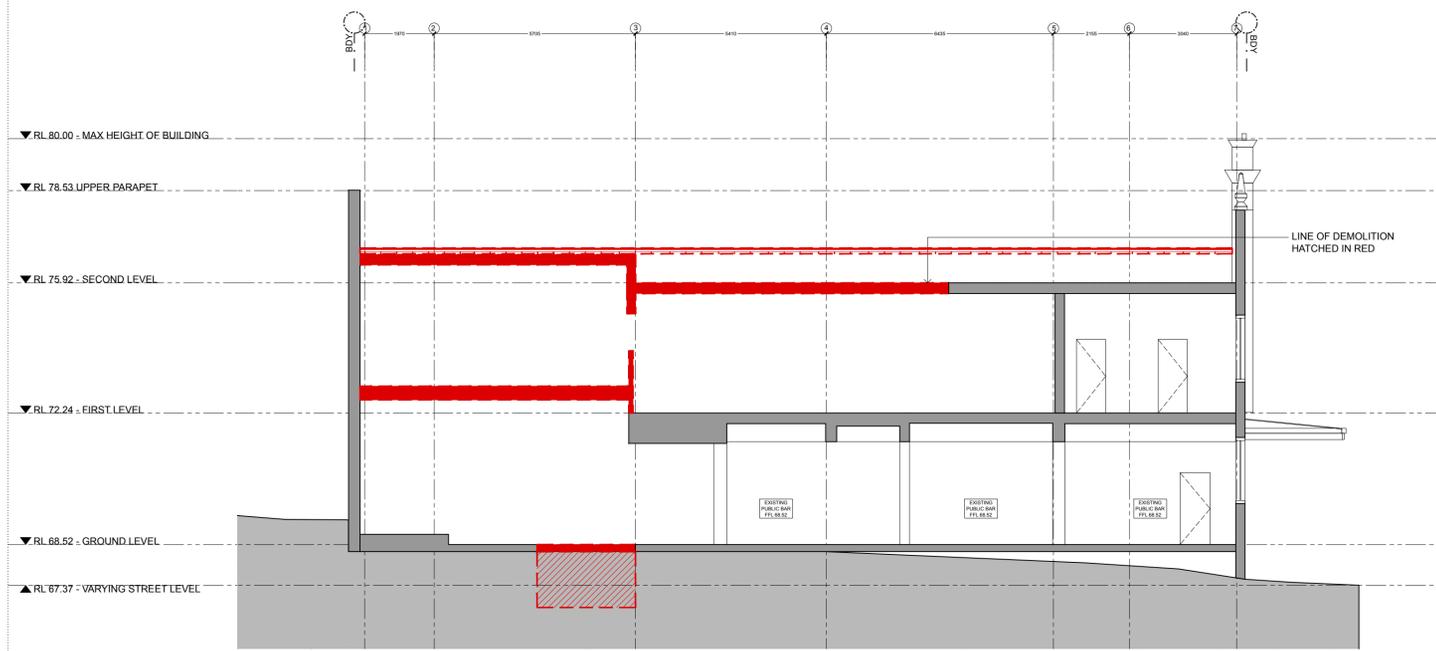
DRAWING:  
OVERALL BUILDING  
SECTION AA & BB  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO.

PROJECT NO.	DRAWN
0382	MO
SCALE@A1	SCALE@A3
1:100	1:200
DWG NO.	CHECKED
DA-FXX-001	SH
	ISSUE
	D

GENERAL LEGEND	
	EXISTING WALLS TO BE RETAINED
	DA BRICK
	DA TIMBER
	DA CONCRETE
	DA GLASS
	DA TILES
	DA METAL



01 OVERALL BUILDING - SECTION CC (PROPOSED)  
1:200@A3



02 OVERALL BUILDING - SECTION CC (EXISTING)  
1:200@A3

13 April 2022

## RAG & FAMISH HOTEL, 199 MILLER ST, NORTH SYDNEY

(LOT 1, DP708306)

### DEVELOPMENT APPLICATION HERITAGE REVIEW OF

AMENDED PLANS FOR DA 398/21

FOR NORTH SYDNEY COUNCIL

#### INTRODUCTION

Kemp and Johnson Heritage Consultants have been engaged by North Sydney Council to undertake an independent heritage review of DA398/21 submitted to Council to undertake alterations and a roof addition to the hotel on the site at 199 Miller Street, North Sydney.

Documents viewed in relation to the DA submission include the following:

- Pre-lodgement meeting advice dated 10 September 2021
- Amended Heritage Impact Statement prepared by Urbis dated December 2021
- Amended architectural plans Issue C prepared by Alexander & Co Architects.
- Amended Schedule of exterior materials, colours and finishes received with Issue C of the architectural plans.
- Landscape plan and seating plan prepared by Alexander & Co Architects

The site was inspected by Chery Kemp, Principal Partner of Kemp and Johnson Heritage Consultants on 18 January 2022, which included inspection of the interior of the hotel in the areas proposed to be altered, and initial review comments were prepared in February 2022. This review relates to Issue C amended plans for the proposal, and a recent landscape plan submitted.

#### DESCRIPTION OF SITE & CONTEXT

The site is located on the corner of Miller Street and Berry Street, North Sydney.

The context of the site is:

On the adjacent site at 58 Berry Street to the east, is a high-rise late 20<sup>th</sup> – early 21<sup>st</sup> century office building, and on the adjacent site at 201 Miller Street to the north is a heritage listed circa 1975 high rise office building (Item No. I0904 in the North Sydney LEP 2013).

On the opposite side of Miller Street to the west is the site of Monte Sant Angelo Mercy College (also heritage listed as the Monte Sant Angelo Group, Item No. 10894 in the North Sydney LEP 2013), which features a multi-storey school building screened by trees, behind a high brick wall in the area opposite the site.

No. 53 Berry Street, on the diagonally opposite corner of Miller & Berry Streets to the south-west of the hotel site is occupied by a 10-storey late 20<sup>th</sup> century-early 21<sup>st</sup> century office building. No. 61 Berry Street, on the opposite south-eastern corner of Berry & Miller Streets to the hotel site, is currently a construction site.

The Rag & Famish Hotel is a 2-storey Federation Free Classical style hotel on a prominent corner site, which features painted brick walls, a wrap-around awning at ground floor level, a decorative parapet with urn-style finials above the parapet terminating pilasters below, and other decorative features. The building features a splayed corner with a balcony and French doors and a curved corrugated steel roof over the balcony to the 1<sup>st</sup> floor level, and two recessed balconies along the Miller Street 1<sup>st</sup> floor façade. The Berry Street façade features a projecting bay window to the 1<sup>st</sup> floor level with a prominent chimney intersecting the parapet above. The facades feature decorative stucco corbels and the parapet also features roughcast stucco panels.

The description of the hotel in the SHI form is:

Two storey painted brick hotel on corner site with traditional layout of public bars on the ground floor and accommodation on the upper floor. Tiles to dado at the ground floor with a suspended metal awning above. Façade above is divided into bays by pilasters. with a cornice and parapet above. There are finials above each pilaster and two pediments, one triangular sprung from the cornice and one triangular with the apex formed into a semi-circular arches to upper floor verandah and corner balcony with cantilevered hipped ogee roof of sheet metal. Stucco decoration to the string courses, pediment and parapet. Two paned double hung sash windows with 16 pane upper lights with coloured glass.

Two storey public hotel building on corner site with traditional layout of public bars on the ground floor and accommodation on the upper floor. Facade of brick is divided into bays by pilasters, with a strong cornice and parapet above. There are finials above each pilaster and two pediments, one triangular sprung from the cornice and one triangular with the apex formed into a semi-circular arch with a scalloped sunburst motif. Other features include paired semi-circular arches to upper floor verandah and corner balcony with cantilevered hipped ogee roof of sheet metal. This building is designed in the Federation Free Classical style.

## HERITAGE STATUS & SIGNIFICANCE OF THE SITE

The Statement of Significance for the Rag & Famish Hotel, built in 1892, from the State Heritage Inventory (SHI) form for the hotel is:



## THE PROPOSAL

The proposed works are for alterations to the ground and 1<sup>st</sup> floor levels of the hotel and a new roof addition to the hotel, as shown on amended plans Issue C prepared by Alexander & Co architects.

At the corner of Miller & Berry Streets, the proposed new roof structure has an area of low-height roof, and there is another area of low-height roofing behind the parapet facing Berry Street. These areas of low-height roof will not be readily visible behind the parapet. The main, higher, roof of the proposed roof addition is set back from the parapet on both street frontages. Planter beds are shown in the plans along the length of the parapet to the roof on the Miller Street frontage, extending around the corner behind the parapet.

## HERITAGE ASSESSMENT OF THE PROPOSAL

### Proposed Alterations

The proposed alterations to the ground and 1<sup>st</sup> floor levels of the hotel are located in areas already altered in the 1980s, and do not affect significant fabric within the building.

With regard to the proposed roof addition, as this is setback (except for the lower height roof areas behind the parapet along Berry St and at the corner of Berry St & Miller Street), the roof addition is considered acceptable and the proposed landscaping within the setback as shown in the landscape plans is considered acceptable.

### LEP Heritage Controls

The proposal is considered to be acceptable in relation to the relevant objectives and controls of Clause 5.10 of the North Sydney LEP 2013, as the proposed works will not reduce the heritage significance of the heritage item or adversely impact on the significance of heritage items in the vicinity.

### DCP Heritage Objectives & Controls

The table below assesses the proposal against the relevant heritage objectives and provisions of the DCP.

Table 1: Assessment of the proposal against the relevant heritage objectives and provisions of Section 13 Heritage and Conservation of the North Sydney DCP 2013

Objective or Provision	Comments
13.4 Development in the Vicinity of Heritage Items	
O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.	The proposed roof addition is largely set back from the Miller St parapet, reducing its' visual impact, and is not considered to adversely impact on heritage items in the vicinity.
P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.	The setback of the proposed roof addition is considered to comply with this provision.
P2 Maintain significant public domain views to and from the heritage item.	Significant public domain views of the heritage item adjacent are not impacted by the proposed roof addition to the hotel.
P3 Ensure compatibility with the orientation and alignment of the heritage item.	Not considered relevant in the context with the adjacent heritage items.
13.5 Heritage Items	
O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.	The Heritage Impact Statement submitted with the proposal has demonstrated an understanding of the changes which have occurred to the hotel over time, and have assessed the significance of the fabric of the heritage listed hotel. The internal changes proposed affect areas altered in the 1980s.
O2 Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item. <i>Note: Development to heritage items should be sympathetic, and achieve a reasonable balance between contemporary expectations, environmental sustainability and protecting heritage significance.</i>	The proposed works are considered to comply with this provision.

Objective or Provision	Comments
O3 Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks and materials.	The proposed works are considered to comply with this provision. The setback of the proposed roof addition is significant to ensure the roof addition does not have an adverse impact.
O4 Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.	The proposal complies, as there is a thorough analysis of the significance of the hotel's fabric in the HIS.
O5 Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.	The hotel is in good condition with no missing details to the exterior, therefore this provision is not relevant.
O6 Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.	Minor changes to the rear proposed are considered acceptable.
O7 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.	The existing hotel use is retained, and the proposal facilitates the continuation of this use.
O8 Encourage changes to be reversible where possible and appropriate.	The proposed changes may not be easily reversible however affect non-significant fabric and the roof, where the roof is obscured by the parapets. The proposed works will be clearly identifiable as new works.
P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.	The exterior of the street facades are predominantly unaltered.
P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.	The hotel is in good condition with no unsympathetic elements to the street facades, therefore this provision is not relevant.
P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.	The proposal is considered to comply, with the proposed setback of the majority of the proposed roof addition from the street facades being crucial to this compliance.

Objective or Provision	Comments
P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.	The proposal complies.
P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.	The proposal complies.
P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.	There is no conservation management plan for the building.
13.5.2 Form, massing, scale	
O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.	The proposal complies as the areas altered to the ground and 1 <sup>st</sup> floor levels affect non-significant 1980s fabric, and the proposed roof addition affects a roof not visible from the public domain due to the parapets. The existing chimney to the roof is retained.
O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.	The proposal complies.
P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line. <i>Note: Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.</i>	The proposal complies, with the setback of the proposed roof addition from the street elevation crucial to this compliance.
P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.	The proposal does not comply with regard to the roof addition, however the flat roof form and set back ensures the roof addition is low scale and largely hidden.

Objective or Provision	Comments
P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.	While the roof form is altered behind the parapets, the roof addition is setback and low scale, and the existing roof form is obscured by the parapets, The proposed roof addition with have minimal impact in this regard, in relation to the view of the building from the public domain.
P5 Additions should be submissive in bulk and scale in comparison to the original building form (i.e. additions should generally be smaller in footprint and lessor in height than the original building form).	The proposed roof addition complies due to its flat roof form and setback.
13.5.3 Additional storeys	
O1 To minimise the visual dominance of any new work from public places.	The proposed roof addition complies due to the setback and flat roof form.
P1 Additional storeys must be confined to within the existing roof space or below the gutter line of the main roof. Whole floor additions will not be supported.	The proposed roof addition does not comply, however the control appears to mainly relate to residential roof forms.
P2 The consent authority may consider permitting additional levels at the rear of a building, but only where those levels are located below and behind the main ridge line.	The proposed roof addition does not comply as the roof addition is not located at the rear of the building, however the control and diagrams in the DCP appear to mainly relate to residential roof forms.
13.5.4 Roof forms	
O1 To ensure that original roofs, their hierarchy and materials are retained.	This control appears to mainly relate to residential roof forms and is therefore not entirely applicable. The existing hotel roof is obscured by the parapets from public view.
P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary facades.	See above.
P2 Retain original roofing materials, such as slate or terracotta tiles.	The existing roof is obscured by parapets, therefore the roofing materials are not relevant to the current view of the building from the public domain.

Objective or Provision	Comments
P3 Retain chimneys and other decorative roof elements.	The existing chimney is retained.
P4 Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character.	This control appears to mainly relate to residential roof forms and is not applicable to the hotel, which has a roof currently obscured by parapets. The proposed roof addition is designed with a flat roof and setbacks to minimise visibility from the public domain.
13.5.5 Interior layouts	
Objective O1 To ensure that significant interior elements are retained and preserved.	The proposal satisfies this objective as the proposed alterations to the ground and 1 <sup>st</sup> floor levels are located in areas where fabric is predominantly circa 1980s and therefore not significant.
P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.	The proposal complies.
P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable. This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.	The proposal complies.
P4 Retain access and relationship to original building entrances and associated hallways.	The proposal complies.
P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.	The proposal complies.
P6 Locate alterations away from rooms that have intact or significant features.	The proposal complies.
P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.	The proposal complies.

Objective or Provision	Comments
P8 Provide for reversibility of internal changes (where appropriate and reasonable).	The proposed changes to the interior may not be easily reversible, however do not affect areas of significant fabric.
13.9.4 Materials, colours and finishes	
O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.	The proposed roof addition external finishes have been chosen to ensure it presents as a minimalist lightweight structure.
P1 Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.	The street facades of the hotel are not altered.
P2 Retain original rendering on walls and ensure that any new materials required for repairs are consistent with the original render texture.	The street facades of the hotel are not altered.
P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.	The materials used for the roof addition identify the structure as new.
P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.	The materials used for the roof addition are modern.
P5 Details of proposed colour scheme are to be provided with the development application.	Proposed external material details have been provided for the roof addition, and are considered acceptable.
13.11.3 Pubs and hotels	
O1 Retain significant fabric and building elements from all significant periods of construction, including interior features.	The proposal complies.

Objective or Provision	Comments
O2 Maintain the ongoing use as public houses and hotels.	The proposal complies.
P1 Refer to sections 13.5 and 13.9 to this Part of the DCP for controls on heritage items and specific development types.	These controls are addressed in the HIS and referred to earlier in this table.

### CONCLUSION

The proposal in the amended plan Issue C and submitted landscape plan is considered to comply with the relevant heritage objectives, controls and provisions of the North Sydney LEP 2013 Clause 5.10 and the North Sydney DCP 2013, and approval of the proposal is recommended, without any special heritage conditions of consent.



Chery Kemp, Principal Partner,  
Kemp and Johnson Heritage Consultants

## **RAG & FAMISH HOTEL**



## **PLAN OF MANAGEMENT**

**Updated: April 2022**

# PLAN OF MANAGEMENT

## CONTENTS

### A. Site and Locality Details

- Location
- Venue Particulars
- Neighbouring Land Use
- Available Safe Transport Options
- Capacity

### B. Operational Details

- Structure, Staffing and Operating Environment
- Mode and Style of Operation
- Trading Hours
- Security

### C. Management Measures and Strategies

- Alcohol Management
- Gaming Management
- Noise Management and Control
- Patron Management
- Complaint Management
- Waste Management, Cleaning and Maintenance
- Amendments to this Plan

## **A. Site and Locality Details**

### **1. Location**

- 1.1 The Rag & Famish Hotel is located at 199 Miller Street, North Sydney NSW 2060.
- 1.2 The site is located within close proximity to major roads and public transport facilities.

### **2. Venue Particulars**

- 2.1 The public areas of the Hotel are comprised over three levels.
- 2.2 The Hotel provides a full-serviced bar, Restaurant / TAB, beer garden, lounge area, gaming room, function space, roof top terrace and take away liquor.
- 2.3 The Hotel is best characterised as a Modern dine and drink venue which primarily caters to the residential occupiers of the suburb of North Sydney and to the employees who work within the North Sydney CBD.

### **3. Land Use**

- 3.1 Having regard to its location within the suburb of North Sydney, there is a significant mix of retail and commercial uses in the immediate vicinity of the hotel. There are no residential premises in the immediate vicinity of the hotel.
- 3.2 The hotel is situated in an area with a high degree of vehicle and pedestrian thoroughfare.

### **4. Available Safe Transport Options**

- 4.1 The Hotel is located within a short walking distance of numerous bus stops and is across the road from Victoria Cross Station (24hr) and a short walk to North Sydney Train Station.
- 4.2 Pedestrian traffic to and from the premises is permissible via Miller Street and Berry Street.
- 4.3 Security or staff are to arrange for taxi pick-ups for any patrons who request such a service.

### **5. Capacity**

- 5.1 The Maximum capacity of the Hotel is 600 patrons.

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 5.2 The number of patrons permitted in the hotel at any one time is limited to the following:
- 5.2.1 The Ground Floor 250 persons
  - 5.2.2 The First Floor (Restaurant & Lounge) 200 persons
  - 5.2.3 The Roof Top Terrace (Function Space and Terrace Bar) 150 persons
- 5.3 For the purposes of monitoring patron movements between the different levels, staff and management will ensure that the patron count is monitored and adhered too by undertaking head counts when the patron number is reasonably suspected to be above 100 persons. On busy nights, Security may also assist in this function by monitoring patron numbers using a ( for example a 'number clicker') at the bottom of the staircase.

## **B. Operational Details**

### **1. Structure, Staffing and Operating Environment**

- 1.1 The operator will incorporate ongoing group practices and policies in order to ensure the effective management and operation of this Hotel.
- 1.2 The operator will employ a full-time licensee to exercise control over the operation of the premises and to ensure compliance with the responsibilities of the Hotel under the relevant licensing laws.
- 1.3 The Hotel also employs duty managers and casual staff including bar attendants and gaming room attendants.
- 1.4 The Licensee is responsible for ensuring compliance with regulatory controls and staff matters. At any time that the Licensee is absent from the premises, a manager who is appropriately qualified to perform that role is required to be present on the premises to perform the functions of the licensee.
- 1.5 The duty managers are responsible for the general operation of the Hotel and report to the licensee. Some of the specific responsibilities of the duty managers are as follows:
  - 1.5.1 Provide support to management in an operational capacity.
  - 1.5.2 Ensure that a copy of the Hotel licence and conditions are correctly displayed and enforced;
  - 1.5.3 Monitor intoxication and responsible service of alcohol.
  - 1.5.4 Instruct and direct staff members and security to perform duties.

Plan of Management  
 Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 1.5.5 Handle complaints from customers and any other person in accordance with the procedures of the Hotel.
- 1.5.6 Reinforce Hotel policies to staff members in relation to procedures such as responsible service of alcohol, checking of identification and evacuation.
- 1.5.7 Customer relations.
- 1.5.8 Monetary control; and,
- 1.5.9 Evaluate performance of staff and security on a weekly basis.
- 1.6 Bar attendants are engaged at the Hotel in numbers necessary to meet the customer demand from time to time. The primary role of bar attendants is customer service. Bar attendants are responsible to ensure that alcohol is served responsibly.
- 1.7 Gaming attendants and TAB operators are engaged to monitor the gaming room and service patrons using gaming machines or the TAB facilities including providing payouts of jackpots, facilitating wagering transactions, and maintaining race/sport information and broadcasts.
- 1.8 The Hotel will operate pursuant to a hotelier's licence in accordance with the requirements of the Liquor Act 2007 and Liquor Regulation 2018.
- 1.9 The Hotel will be a member of the Local Licensing Accord and the Licensee, manager or supervisors will attend Accord meetings, when available.

## **2. Mode and Style of Operation**

- 2.4 The Hotel is best characterised as a modern dine and drink venue which primarily caters to the residential occupiers of the suburb of North Sydney and to the employees who work within the North Sydney CBD.
- 2.1 The Hotel will operate with a focus on food, sports and wagering. Gaming machines are only located within the confines of the gaming room.

## **3. Trading Hours**

- 3.1 The Hotel seeks to have the potential to operate between the following hours subject to the limitations imposed by Division 3 of Part 6 of the Liquor Act 2007:

### **Consumption on Premises: Ground Floor Public Bar and 1<sup>st</sup> Floor Dining Bistro**

Monday	05.00am to 5.00am (as current no change)
Tuesday	05.00am to 5.00am (as current no change)
Wednesday	05.00am to 5.00am (as current no change)

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

Thursday	05.00am to 5.00am (as current no change)
Friday	05.00am to 5.00am (as current no change)
Saturday	05.00am to 5.00am (as current no change)
Sunday	10.00am to 10.00pm (as current no change)

#### **Consumption on Premises: Rooftop Terrace**

Monday	10.00am to 02.00am
Tuesday	10.00am to 02.00am
Wednesday	10.00am to 02.00am
Thursday	10.00am to 02.00am
Friday	10.00am to 02.00am
Saturday	10.00am to 02.00am
Sunday	10.00am to 10.00pm

#### **Consumption on Premises: Other areas within Licensed Premises**

Monday	05.00am to 12.00am
Tuesday	05.00am to 12.00am
Wednesday	05.00am to 12.00am
Thursday	05.00am to 12.00am
Friday	05.00am to 12.00am
Saturday	05.00am to 12.00am
Sunday	10.00am to 10.00pm

#### **Take away sales**

Monday to Saturday	10.00am to 12.00am
Sunday	10.00am to 10.00pm

- 3.2 The gaming room will operate at all times that the Hotel is open in accordance with the requirements of the Gaming Machines Act and Regulations.

#### **4. Security**

- 4.1 Licensed security guards are to be engaged to ensure the safety of patrons inside and outside the premises and to maintain the quiet and good order of the area surrounding the premises when necessary. This obligation shall extend to the orderly dispersal of patrons from the premises.
- 4.2 All security guards should have been trained in the essential requirements of licensed premises; intoxication rules and policies; acceptable identification; crowd control; eviction procedures; and how to deal with noise complaints.
- 4.3 All licensed security personnel engaged at the Hotel are to have successfully completed a Liquor & Gaming NSW approved Responsible Service of Alcohol course.
- 4.4 The specific duties of security guards engaged at the Hotel include the following:

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 4.4.1 Security guards stationed at the entry to the premises are to undertake a stringent screening process of patrons. All patrons who appear under the under the age of 25 years are to be asked for identification. Security guards are only permitted to accept the following forms of identification:
- a valid driver's licence with a photograph.
  - a valid passport with a photograph.
  - a valid photo card with a photograph; or
  - a valid key pass card.
- 4.4.2 All security guards shall request the production of identification regardless of where they are stationed if it appears that a patron is under the age of 25 years.
- 4.4.3 Security guards checking identification shall thoroughly check the document to ensure that the photograph corresponds to the person producing the document and also to check for signs of damage and manipulation as well as distinguishing legitimate features such as a watermark or hologram.
- 4.4.4 Security guards will monitor patrons to screen for any patron who appears to be intoxicated. Patrons who appear intoxicated will not be permitted to enter or remain on the premises.
- 4.4.5 Security guards shall conduct visual surveillance along the perimeter of the Hotel.
- 4.5 Security measures shall be extended to the outside of the premises so that patrons are directed to leave the area of the premises in a quiet and orderly manner to ensure that the amenity of the neighbourhood is maintained.
- 4.6 Security guards are to ensure compliance with all the conditions of the licence and all regulations.
- 4.7 Security guards are to ensure that they are in possession of their notebook (electronic) at all times and shall accurately record incidents immediately after they occur. At the conclusion of the shift, security guards shall provide their notes to the security manager who shall then enter the notes into the Incident Register.
- 4.8 The following matters are examples of matters to be noted by security:
- 4.8.1 Refusal of admission of patrons due to intoxication or due to absence of identification or defective identification.
- 4.8.2 Requesting patrons to leave premises due to intoxication, violent or anti-social and inappropriate behaviour.

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 4.8.3 Detection of drugs or weapons on patrons or inside the premises.
  - 4.8.4 Any assaults inside the premises or outside the premises witnessed by security, whether or not patrons of the premises are involved.
  - 4.8.5 Observations of disturbances outside the premises, whether or not created by patrons of the Hotel.
  - 4.8.6 Results of regular patrols; and
  - 4.8.7 Police attendances on site.
- 4.9 Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:
- 4.9.1 take all practical steps to preserve and keep intact the area where the act of violence occurred,
  - 4.9.2 retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
  - 4.9.3 make direct and personal contact with the NSW Police Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
  - 4.9.4 comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- In clause 4.10, 'staff' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g., crowd controller or bouncer) on or about the premises.
- 4.10 Each security officer must ensure that their licence is always displayed (within reason) and shall ensure that they have their earpieces and radios operational if required.
- 4.11 The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
- 4.11.1 the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of premises that is not required to cease trading, continuously at all times),

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 4.11.2 recordings must be in digital format.
- 4.11.3 any recorded image must specify the time and date of the recorded image,
- 4.11.4 the system's cameras must cover the following areas:
- i). all entry and exit points on the premises,
  - ii). the footpath immediately adjacent to the premises, and
  - iii). all publicly accessible areas (other than toilets) within the licensed area.
- 4.12 The licensee must also:
- 4.12.1 keep all recordings made by the CCTV system for at least 30 days,
- 4.12.2 do its best to ensure that at least one member of staff is on the premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
- 4.12.3 provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

## **C. Management Measures and Strategies**

### **1. Alcohol Management**

- 1.1 The Hotel shall take all reasonable steps to prohibit or restrict activities that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).
- 1.2 The Hotel shall not apply extreme discounts to liquor as part of any promotion.
- 1.3 Each staff member employed at the Hotel and each security officer engaged from time to time at the Hotel shall have completed an approved course of instruction in the Responsible Service of Alcohol.
- 1.4 Each staff member employed at the Hotel are required to carry and make available to police upon request, their competency cards at all times.
- 1.5 The Hotel shall apply house policies and practices on harm minimisation and responsible service of alcohol.

## Plan of Management

Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 1.6 The Hotel shall ensure that notices relating to its policy and the law regarding intoxication are prominently displayed in the premises, and at each public entrance way to the premises notices relating to its policy and the law regarding the requirement to produce evidence of age.
- 1.7 The Hotel has adopted and endorses the Liquor Industry Code of Practice for the Responsible Promotion of Alcohol Products and the Director General of Liquor and Gaming Guidelines on Intoxication and shall continue to implement the initiatives of same.
- 1.8 Alcohol served by staff at the Hotel is to be by way of standard measures only.
- 1.9 The Hotel shall do it best to ensure that drinking vessels (other than bottled beverages) are made from safety glass.
- 1.10 The Hotel shall ensure that free drinking water is made available as well as non-alcoholic beverages (for sale or complimentary) to patrons at all times that alcohol is available for sale and consumption.
- 1.11 Low alcohol beer and non-alcoholic beverages are to be always available when full strength liquor is available.
- 1.12 Food is to be made available at the Hotel at all times that alcohol is sold and supplied at the premises and also during any periods that the premises is open for trade, but not serving alcohol, as part of the harm minimisation strategy, so as to ensure that the effects of alcohol may be mitigated.
- 1.13 The Hotel shall ensure that the conditions of the Hotel licence and statutory provisions applying to the Hotel are complied with. The Manager shall be responsible for maintaining statutory compliance and shall cause compliance audits to be performed by management to ensure that statutory signage is correctly displayed, and other requirements are met so as to assist with harm minimisation.
- 1.14 The Hotel shall prevent patrons from becoming intoxicated to unacceptable levels and shall not admit patrons into the premises who exhibit signs of intoxication. Any patrons exhibiting signs of intoxication within the premises are to be further assessed by security or management and if deemed to be reasonably impaired in mental or bodily functions, as a result of alcohol consumption, shall not be permitted to remain on the premises. Any patron requested to leave the premises shall be escorted out of the Hotel.
- 1.15 The Licensee shall incorporate into monthly staff meetings topics on the responsible service of alcohol including signs of intoxication and preventing potential harm from alcohol use.
- 1.16 All staff members at commencement of employment shall be reminded of their responsibilities relating to responsible sale and supply of alcohol.

1.17 The Hotel shall take all reasonable steps to prohibit or restrict activities (such as promotions or discounting) that could encourage misuse or abuse of liquor (such as binge drinking).

## **2. Gaming Management**

2.1 The Hotel's management and staff are supportive of and encourage responsible gaming practices. All staff engaged in the operation of gaming machines have completed the prescribed Responsible Conduct of Gambling Course. A responsible gambling certificate for all staff is maintained in a register at the Hotel, if applicable.

2.2 All gaming machines are to be located within a gaming room as prescribed by Clause 8 of the Gaming Machines Regulation 2019, in that:

2.2.1 The gaming room is located in a bar area of the Hotel.

2.2.2 The gaming room is physically separated from the general bar area by walls and doors.

2.2.3 Patrons are not compelled to pass through the gaming room in order to enter or leave the Hotel or in order to gain access to another part of the Hotel.

2.2.4 Entry to the gaming room is free of charge.

2.2.5 The machines cannot be seen from any place outside the Hotel that is used by the public or to which the public has access.

2.2.6 All gaming machines are suitable spaced in order to facilitate access.

2.2.7 The gaming room is supervised at all times by way of electronic means and physical present of the licensee or an employee; and

2.2.8 The gaming room has a doorway(s) that provide reasonable access to and from the gaming room to at least one operating bar and at least one toilet for each gender without the need for patrons to go on a public street, or to any area not forming part of the Hotel when moving from the gaming room to the other facilities.

2.3 Patrons of the Hotel are to be made aware of the AHA's counselling services and of the government funded "GambleAware" counselling service.

2.4 Patrons will be made aware of the chances of winning and the problems associated with excessive gambling through the prescribed signage required to be located on each gaming machine and throughout the gaming room by way of the prescribed information notices on display.

## Plan of Management

Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 2.5 The ATMs located within the Hotel also display the appropriate signage to notify patrons of the problems associated with gambling.
- 2.6 The Hotel will not offer prizes associated with the use of its gaming machines and the Hotel has a policy of not cashing cheques.
- 2.7 The Hotel will comply with advertising requirements in respect of gaming:
- 2.7.1 The Hotel will not use the word “casino” in any description or promotion of the Hotel.
- 2.7.2 The Hotel will not permit gaming related advertising material to be displayed on the exterior or interior of the premises.
- 2.7.3 The Hotel will not promote irresponsible gaming or gaming practices.
- 2.7.4 The Hotel will display a clock, that is set to, or within 10 minutes of, the correct time and is in view of patrons in the gaming room.
- 2.7.5 The Hotel will not publish the details of any person who has won a prize in excess of \$1,000; and
- 2.7.6 The Hotel will display the prescribed signage with the gaming room, on all gaming machines, on the ATM any EFTPOS facilities.
- 2.7.7 The Hotel provides gaming related help line pamphlets and has signage located throughout the hotel.
- 2.7.8 The Hotel Manager and supervisors are trained to watch for problem gamblers and talk regularly to patrons, assisting patrons when required.

**3. Noise Management and Control**

- 3.1 Due to the nature of the construction of the premises and the proposed mode and style of operation, potential noise disturbances from inside the Hotel shall be limited.
- 3.2 So as to ensure that any potential noise disturbances from the Rooftop Terrace shall be limited the Hotel will operate in accordance with the Acoustics Report completed by AKA Acoustics dated 2 November 2021. The Acoustic Report provides that any amplified background music on the rooftop must not exceed an LF10 of 75DBA when measured 5 meters from the speaker.
- 3.3 No live entertainment shall be provided after 12 midnight, Monday to Saturday or after 10:00pm on Sunday. However, background music may be played from time to time at a level which shall be inaudible to neighbouring residential premises.

## Plan of Management

Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 3.4 The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 7.00am to 12.00 Midnight at the boundary of the nearest residential premises (as of this date) from the licensed premises.
- 3.5 The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between the hours of 12.00 Midnight to 7.00am at the boundary of the nearest residential premises (as of this date) from the licensed premises.
- 3.6 Notwithstanding compliance with 3.3 and 3.4 above, the noise emitted from the licensed premises shall not be audible within any habitable room in any residential premises (as of this date) between the hours of 12.00 Midnight and 7.00am.

## 4. Patron Management

- 4.1 It is acknowledged that operators of premises have some control over patron behaviour whilst patrons are on the premises, however there are limitations as to control after patrons leave the premises.
- 4.2 The Hotel shall consider the amenity of neighbours and shall take all reasonable measures to ensure that there is a minimal adverse impact to the surrounding area in terms of disturbance and anti-social behaviour caused by patrons.
- 4.3 The Hotel shall ensure that practices relating to alcohol management are maintained so as to reduce the potential for patrons to become intoxicated and therefore less likely to participate in anti-social, inappropriate or noisy behaviour after leaving the Hotel.
- 4.4 The closing procedures at the Hotel are designed to allow a staggered departure of patrons 15 minutes prior to closing. At that point in time, bar service is to be ceased, all background music is to be ceased, and house lights are to be turned on to full capacity. Management and security are to request patrons to depart the premises quietly and to consider the neighbours. Security guards stationed at the front of the premises are to direct patrons to move on and away from the vicinity of the premises.
- 4.5 The Hotel shall cause signage to be displayed at the entry/exit of the premises alerting patrons to ensure that they leave quickly and quietly without disturbing the neighbours.
- 4.6 The Hotel shall maintain an approved Liquor & Gaming NSW Incident Register and complete Parts A & B as applicable in the incident register, which is to include brief reports of incidents occurring within the hotel or in the vicinity. The Security Manager is to provide the Security Incident Diary and any other reports to the manager or licensee for inclusion in the Incident Register. In the event of the occurrence of an incident which is deemed by the licensee or manager to be a serious incident, reports are to be taken from each staff member and any patron witnesses, and a copy of the reports kept with the incident register.

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 4.7 All reports in the Incident Register are to contain a reference to the time and location of the incident and the name of the author of the report.
- 4.8 The Hotel shall take all reasonable measures to ensure that the behaviour of staff and patrons when entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood, including but not limited to the following:
- 4.8.1 erecting signage within the premises and inside the entrance/exit advising patrons to leave the premises in a quiet and orderly manner.
  - 4.8.2 regularly patrolling the perimeter of the Hotel.
  - 4.8.3 verbally encouraging patrons to disperse from the area quickly and quietly, and not to congregate in the forecourt area.
  - 4.8.4 diligent and accurate recording of incidents.
  - 4.8.5 security guards are to use all reasonable steps to prevent people from loitering outside the premises and in the vicinity of the premises.
  - 4.8.6 maintaining high quality digital surveillance and CCTV system both inside and outside the venue to ensure that any anti-social behaviour displayed in the public, regardless of its source may be monitored, reported and dealt with by the appropriate authorities.
  - 4.8.7 maintaining a close working relationship with the Local Area Command and implementing reasonable strategies suggested by its officers.
  - 4.8.8 strictly enforcing the Hotel house policy for the responsible service of alcohol and the provisions of the licensing legislation to ensure that patrons do not become intoxicated to the point where anti-social behaviour may result, and also refusing entry to the premises of those persons who appear to be intoxicated or under the influence of illicit substances.

## **5. Complaint Management**

- 5.1 Any complaints received about the operation of the Hotel are to be dealt with in accordance with these provisions.
- 5.2 As part of the overall training of staff, instructions on how to deal with any complaints made by residents or businesses in the area are to be provided by the licensee and management.
- 5.3 Any complaint received by a staff member from a resident or business is to be referred to the licensee of the Hotel to deal with the complaint.

Plan of Management  
Rag & Famish Hotel – 199 Miller Street, North Sydney NSW 2060

---

- 5.4 In the absence of the licensee the duty manager will handle all complaints and a report is to be made to the licensee as a matter of urgency to ensure the matter has been handled expeditiously and properly. All matters are referred to the Manager of the Hotel for their attention and follow up.
- 5.5 The Manager shall when available take all telephone calls, correspondence and visits in person from residents or business operators.
- 5.6 If the Manager is unable to take the call or visit, the resident or business should be informed, and a time advised as to when the call will be returned or a return visit scheduled.
- 5.7 The Manager is to deal with the resident or business in a sympathetic and sensitive manner. The Manager is to ascertain the nature of the complaint.
- 5.8 The complaint is to be logged into the Complaints Register.
- 5.9 The Manager is to inform the resident or business of how the complaint will be resolved.
- 5.10 The Manager shall be pro-active by asking the resident or business if the solution offered to the complaint is satisfactory.
- 5.11 Any solution offered by the resident or business as to how the complaint should be resolved should be discussed.
- 5.12 Where a complaint cannot be resolved over the telephone, the resident or business operator shall be offered the opportunity of arranging a meeting with the licensee or the duty manager with a view to resolving the complaint.
- 5.13 The Complaint Register is to be completed noting the solution offered to the complainant and whether it was to the resident or business satisfaction.
- 5.14 The Complaint Register is to have the following headings:
- Date.
  - Time.
  - Resident or business name, if volunteered.
  - Resident or business telephone number, if volunteered.
  - Nature of complaint.
  - Solution to complaint; and
  - Resident or business satisfaction.

- 5.15 The Complaint Register is to be kept in the office.
- 5.16 The Manager is to note in the Complaint Register the incident to ensure a true and proper history is recorded for future reference.

## **6 Waste Management, Cleaning and Maintenance**

- 5.1 All general waste and recycling are to be stored for waste removal for collection not less than once a week.
- 5.2 All glass waste is to be stored and relocated to the pick-up zone at the side of the Hotel on the days preceding collection.
- 5.3 Glass sorting or disposal shall not take place external to the premises between the hours of 10.00pm and 7.00am.
- 5.4 The premises are subject to a general clean by contract cleaners daily during periods of closure and regular cleaning by bar staff during operating hours which includes regular duties to be performed and subject of checking by the duty manager.
- 5.5 As part of the Hotels daily opening procedure, either staff or the contract cleaners employed by the Hotel are to conduct an inspection of the perimeter of the Hotel and are to remove all visible waste and material.
- 5.6 A licensed contractor is to be engaged to remove all waste and materials suitable for recycling from the premises.

## **6. Amendments to this Plan**

- 6.1 In the event that better management or improved amenity outcomes are developed over time, amendments may be made to this plan provided that both Police and Council agree to those changes in writing and are provided with a copy of the amended Plan.