

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0229
<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 18 SP 74166, 18 / 99 Alfred Street NARRAWEENA NSW 2099
<b>Proposed Development:</b>	Use of Premises as a cafe
<b>Zoning:</b>	Warringah LEP2011 - Land zoned B1 Neighbourhood Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	AK Maroun Pty Ltd
<b>Applicant:</b>	BBF Town Planners
<b>Application lodged:</b>	07/03/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	25/03/2019 to 10/04/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	9
<b>Recommendation:</b>	Deferred Commencement Approval
<b>Estimated Cost of Works:</b>	\$ 0.00

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 18 SP 74166 , 18 / 99 Alfred Street NARRAWEENA NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site consists of a Strata Plan, legally known as Lot 18 SP 74166, consisting of 18 lots located on the junction of Alfred Street and Maxwelton Place.</p> <p>The site is regular in shape with a primary frontage on Alfred Street and a secondary frontage on its southern boundary to Maxwelton Place. The site has a surveyed area of 1243.3 m<sup>2</sup>.</p> <p>The site is located within the B1 Local Neighbourhood zone of WLEP 2011 and accommodates a two-storey shop-top housing building, with retail shops on the ground floor and residential units on the 1<sup>st</sup> floor. The site is located within the Narraweena shopping village.</p> <p>The topography of the site is relatively flat, with no significant vegetation on the site.</p> <p>Adjoining and surrounding development is characterised by retail / commercial premises to the north and west. Residential properties (within a R2 Low Density Residential zone of WLEP 2011) adjoins the site to the east and south.</p>

Map:



## SITE HISTORY

History relevant to the subject site relates to the following:

1755DA: Development consent for "Mixed retail / residential flat building with associated carparking and landscaped area" granted on 28 September 1999. No specific consent was granted for any land use of what became the existing shop (Lot 18) subject to this application.

EPA2018/0265: A Development Control Order was served on the owners of the subject property on 20 December 2018. The order required the owner:

"To stop using premises or a building, specifically for the purposes of trading as a café food outlet."

The Order was issued on the basis that no consent had been sought for the use. The Order has since been held in abeyance dependent on the outcome of the subject application.

BC2019/0067: Building Certificate application lodged on 4 April 2019. The application relates to works on the site undertaken as part of the illegal land use, being: shop fit-out and external bin enclosure. A condition of Deferred Commencement is recommended to ensure that the proposed use does not operate until this Certificate has been issued.

Other history relevant to the adjoining areas includes the following:

CDC2015/0236: Complying Development Certificate issued on 27 May 2015 for "First use of the part as a food premises (take away fish and chip shop) and associated internal alterations and mechanical ventilation system" at No.172 Alfred Street. Hours of operation are set at 7AM to 7PM, Monday - Saturday.

DA2013/0475: Development consent granted for "alterations and additions to existing retail shops" at No.170 Alfred Street on 19 June 2013. The hours of operation for this consent are set at 7AM to 7PM, Monday - Saturday.

88/184: Development consent for "supermarket" issued on 17 June 1988 at No.170A Alfred Street. No conditions for hours of operation were applied.

## PROPOSED DEVELOPMENT IN DETAIL

The application seeks land use consent for a cafe (food and drink premises) in the existing shop (Lot 18 in SP 74166).

The premises has been used for the purposes of a shop for a number of years (over 10, as stated in the Statement of Environmental Effects).

No hours of operation are stated in the documentation provided in the application.

Consent has been sought in response to enforcement action undertaken by Council in October 2018, for unauthorised use of the shop and other works. An application for a building certificate has been lodged in relationship to the physical works. Refer to the Site History section of the report for further detail.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	<i>Warringah Development Control Plan 2011</i> applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, permits Council to request additional information, if required. However, no additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p>

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 9 submission/s from:

Name:	Address:
Mr Edward Scott Courtney	12 Yallaroi Road NARRAWEENA NSW 2099
Mr Reece Tunstall Gardiner	10 / 99 Alfred Street NARRAWEENA NSW 2099
Ms Tracey Channon Peters	99 Victor Road DEE WHY NSW 2099
Ms Aleeda Lowe	
Ms Shayne Cohen	1 / 99 Alfred Street NARRAWEENA NSW 2099
Ms Judith Margaret Warne	99 Victor Road DEE WHY NSW 2099
Ivan Dery	7 Greenwood Avenue NARRAWEENA NSW 2099
Kathy Sippel	4 / 118 Fisher Road DEE WHY NSW 2099
Caroline Murphy	4 Maxwellton Place NARRAWEENA NSW 2099

A total of nine (9) submissions were received.

Eight (8) of these submissions were in support of the proposal, with only one (1) submission in objection.

The submissions in support of the proposal have no validity in the assessment of an application and whilst noted, do not need to be considered in detail. The issues raised in the objection have been summarised and are addressed below:

- The existing cafe opens as early as 5.30am which causes an adverse noise impact on the adjoining 1<sup>st</sup> floor residence at No.10/99 Alfred Street. 7.00am to 6.00pm are more appropriate hours of operation.*

Comment: The issue of potential noise impact is considered elsewhere in this report. The recommended conditions of consent are 7.00am to 7.00pm, Monday to Saturday and 8.00am to 6.00pm Sunday. These hours are based on the advice of Council's Environmental Health Officer and similar recent development consents on Alfred Street.

- Patrons congregate on the adjoining footpath at Maxwellton Place and smoke, causing amenity impact to the the adjoining 1<sup>st</sup> floor residence at No.10/99 Alfred Street.*

Comment: This relates to public activity which cannot be reliably enforced by Council.

- An illegal structure (planter box) has been built on the Alfred Street footpath. This causes damage to the building at No.99 Alfred Street and need to be removed.*

Comment: Council's Environmental Compliance Team has undertaken action in this regard.

## REFERRALS



Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Food Premises, Skin Pen.)	<p><b>General Comments</b></p> <p>Council has been advised: This application is for the use of the unit as a food and drink premises, which includes cafes. The café has been operational, without Council consent, for over 10 years. The physical works associated with the café will be subject to a separate building certificate application.</p> <p><b>There are no plans submitted and no hours of operation stated or proposed.</b></p> <p><b>In a residential area trading 24 hours a day is not recommended.</b></p> <p><b>In lieu of hours being set by Planning we recommend restricting hours of operation to at least "day light hours" or 7am to 6pm to minimise disturbance to residential neighbours.</b></p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
NECC (Development Engineering)	Development Engineer has no objection to the application.
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed development is for a change of use to a cafe. From the SEE, a cafe has been operating without Council consent for more than 10 years. The physical works associated with the cafe will be subject to a separate application. No plans have been submitted with the current DA.</p> <p>There are no objections to the change of use to a cafe. However any proposed works in a future application will need to take into account that the front of the property is affected by the medium flood risk precinct.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

### State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

#### SEPP (Infrastructure) 2007

##### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

##### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

#### Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

##### Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
6.3 Flood planning	Yes



Clause	Compliance with Requirements
6.4 Development on sloping land	Yes

## Warringah Development Control Plan

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
D3 Noise	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E11 Flood Prone Land	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

### Detailed Assessment

#### C3 Parking Facilities

Consent is only sought for the use of the existing floor space. Hence, the existing parking on-site is adequate to service the proposed land use.

#### D3 Noise

The application provides no information in regard to the proposed hours of operation. In a discussion with the applicant held on the 6 May 2019, no confirmation was provided of the proposed hours of operation. The applicant did however state that the operator of the cafe expressed a desire to commence operation from 5.30am during week days.

Council's Environmental Health Officer has recommended that the hours of operation be 7.00am to 6.00pm, seven (7) days a week.

An examination of recent consents for similar land uses in Alfred Street has been undertaken as part of this assessment (refer to Site History for details). In summary, the most recent consents for similar shops and food and drink premises (in 2013 and 2015) have had hours and operation ranging between 7.00AM to 7.00PM, Monday to Saturday.

These hours of consent are considered most appropriate for the zone in which the site is located and the close proximity of the site to residences / residential zones. For commencement to occur from 5.30AM is not considered appropriate in the circumstances of the surrounding area and will be inconsistent with the following objective of Part D3 Noise:

- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result*

*in noise intrusion which would be unreasonable for occupants, users or visitors.*

Hence, a condition of consent is recommended to restrict the hours of operation between the following hours:

- Monday to Saturday – 7.00am to 7.00pm; and
- Sunday and Public Holidays – 8.00am to 5.00pm.

## **D23 Signs**

No signage is proposed as part of the application. A condition of consent is recommended to ensure that no illegal signage is undertaken.

## **POLICY CONTROLS**

### **Northern Beaches Council Contributions Plan 2018**

S7.12 levies are not applicable to this application as they were subject to the original development application relating to the whole site.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

### DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2019/0229 for Use of Premises as a cafe on land at Lot 18 SP 74166, 18 / 99 Alfred Street, NARRAWEENA, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

### DEFERRED COMMENCEMENT CONDITIONS

#### 1. Deferred Commencement

The use of the premises is not to operate until a Building Information Certificate, pursuant to Section 6.26 of the Environmental Planning & Assessment Act 1979.

Evidence required to satisfy these conditions must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. (DACE0A01)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 2. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
88918.01 Issue A	11 December 2018	HSA Architects

##### b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

### 3. **No Approval for any Signage**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

### 4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 5. **Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

### 6. **Plans of Kitchen Design, construction and fit out**

Prior to any Occupation Certificate being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

### 7. **Kitchen Design, construction and fit out of food premises**

The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises'. Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the kitchen complies with the design requirements.

### 8. **Mechanical ventilation**

Where Mechanical ventilation is required to be installed in the food premises it must comply with Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings" Prior to any Occupation Certificate being issued, certification is to be provided by a suitably qualified person that the mechanical ventilation complies with the

above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2.

9. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

10. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Saturday – 7.00am to 7.00pm
- Sunday and Public Holidays – 8.00am to 5.00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

11. **Commercial Waste Collection (DACPLG18)**

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

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Nick England, Planner**



The application is determined on //, under the delegated authority of:



**Anna Williams, Manager Development Assessments**