

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2012/0415 |
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| Responsible Officer | Luke Perry |
| Land to be developed (Address): | Lot 1 DP 100563 , 22 Lawrence Street FRESHWATER NSW 2096 |
| Proposed Development: | Use of premises as a restaurant |
| Zoning: | LEP - Land zoned B2 Local Centre |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Warringah Council |
| Land and Environment Court Action: | No |
| Owner: | Alex Zakos |
| Applicant: | Oliver Peter Iaccarino |

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| Application lodged: | 12/04/2012 |
| Application Type | Local |
| State Reporting Category | Commercial/Retail/Office |
| Notified: | 17/04/2012 to 02/05/2012 |
| Advertised | Not Advertised in accordance with A.7 of WDCP |

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| Estimated Cost of Works: | \$ 17,000 |
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D3 Noise

RECOMMENDATION

Approval

SITE DESCRIPTION

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| Property Description: | Lot 1 DP 100563 , 22 Lawrence Street FRESHWATER NSW 2096 |
| Approximate Site Area: | See detailed site description below |

Map:



SITE HISTORY

The site is currently occupied by a two storey shop top housing building. The shop was previously occupied by a bakery but is currently vacant.

DA2011/1361 was approved by Council on 14 March 2012 for Demolition works and Construction of a Mixed Use (Commercial/Retail and Residential) Building, Subdivision (Stratum and Strata) and Signage. The existing and proposed takeaway shop plans to operate until this development takes place.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves a fitting out a shop to create a restaurant to cater for up to 30 patrons. The shop is currently vacant, however it will operate in conjunction with the adjoining takeaway shop (number 22 Lawrence St). Essentially the new restaurant will act as an extension of the existing takeaway shop at number 22, with food being cooked in the kitchen at number 22.

The application has been lodged concurrently with a modification application (MOD2012/0069) to modify a condition limiting the hours of operation of number 22 to 7am to 5pm Monday to Friday, 7am to 1pm Saturday and no work on Sunday. That application proposes to modify the operating hours to between Midday and 11pm Sunday to Thursday, and Midday to Midnight Friday and Saturday. The same operating hours are proposed for number 24.

DA2011/1361 was approved by Council on 14 March 2012 for Demolition works and Construction of a Mixed Use (Commercial/Retail and Residential) Building, Subdivision (Stratum and Strata) and Signage. The existing and proposed takeaway shop operator plans to operate until this development takes place.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 79C 'Matters for Consideration' | Comments |
|---|---|
| Section 79C (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument | See discussion on “Draft Environmental Planning Instruments” in this report. |
| Section 79C (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan applies to this proposal. |
| Section 79C (1) (a)(iia) – Provisions of any planning agreement | None applicable. |
| Section 79C (1) (a)(iv) – Provisions of the regulations | See discussion on “Environmental Planning and Assessment Regulations” in this report. |
| Section 79C (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 | (i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. |

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| | <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 79C (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Public Exhibition” in this report. |
| Section 79C (1) (e) – the public interest | No matters have arisen that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS

All provisions of the Environmental Planning and Assessment Regulation 2000 have been considered of specific relevance the following is provided in greater detail:

| ‘Matters of Consideration’ | |
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| Division 8A of the EPA Regulations 2000 requires the consent authority to consider Prescribed conditions of development consent. | These matters have been addressed via a condition of consent. |
| Clause 50(1A) of the EPA Regulations 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. |
| Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information and has therefore considered the number of days taken in | No Additional information was requested |

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| this assessment in light of this Clause within the Regulations. | |
| Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i> | This matter has been addressed via a condition of consent. |
| Clause 93 and / or 94 of the EPA 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. |
| Clause 98 of the EPA Regulations 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989 . | This matter has been addressed via a condition of consent. |
| Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval. | This Clause is not relevant 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 Warringah Development Control Plan. As a result of the public exhibition of the application Council received no submissions

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

| Internal Referral Body | Comments |
|------------------------|--|
| Building Assessment | The proposal involves Use of premises as a restaurant in the building. Should the application be recommended for approval then conditions are recommended to be included in any consent issued. |
| Environmental Health | The plans submitted showed two toilet facilities and |

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| and Protection (Food Premises) | proposed seating for 30 patrons. Appropriate conditions are to be included in any consent for required sanitary facilities, in accordance with the Building Code of Australia. |
| Heritage Advisor | <p>The application is for the fit-out and occupation of an existing building at 22 Lawrence Street, Freshwater for the purposes of a restaurant in accordance with the Statement of Environmental Effects and plans attached as part of DA2012/0415.</p> <p>It is highlighted that proposed works are for the fit-out and occupation of the building. There will be no physical impact or change to the external façade of the building.</p> <p>It is considered that the proposal results in a satisfactory outcome from a heritage perspective and due to its nature, being for the fit-out and occupation of the building, will have no impact upon the heritage significance of the items in its vicinity.</p> |
| Traffic Engineer | <p>The peak trading hours for this development will occur outside peak traffic flow and demand for parking.</p> <p>Council has provided two parking areas in close proximity to the site that can accommodate parking demand generated by this development. In addition a small amount of on street parking is available to service this development.</p> <p>Due to the proximity of existing parking areas a discounted rate of parking can be applied to this development.</p> <p>Traffic generated by this site will not have any significant adverse effect on the local road network. It will generate demand for an additional 11 parking spaces outside established peak times. This parking can be accommodated within existing public parking areas.</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 22 - Shops and Commercial Premises

The proposed use is permissible in the zone and will have a minor environmental impact.

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential and commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP (Infrastructure) 2007

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out as a result the application was referred to Ausgrid who did not respond within the 21 day statutory period. It is therefore assumed they have no objections to the proposal.

Warringah Local Environment Plan 2011

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| 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 |
|---|-------------------------------------|
| 4.3 Height of buildings | N/A |
| 4.6 Exceptions to development standards | N/A |
| 5.3 Development near zone boundaries | Yes |
| 5.8 Conversion of fire alarms | Yes |

Warringah Development Control Plan

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|-------------------------------------|------------------------------------|
| B2 Number of Storeys | N/A | |
| B6 Merit Assessment of Side Boundary Setbacks | N/A | N/A |
| B7 Front Boundary Setbacks | N/A | N/A |
| Other land in B2 zone | N/A | N/A |
| B10 Merit assessment of rear boundary setbacks | N/A | N/A |
| C2 Traffic, Access and Safety | Yes | Yes |
| C3 Parking Facilities | No | Yes |
| C4 Stormwater | N/A | N/A |
| C5 Erosion and Sedimentation | N/A | N/A |
| C6 Building over or adjacent to Constructed Council Drainage Easements | N/A | N/A |
| C7 Excavation and Landfill | N/A | N/A |
| C8 Demolition and Construction | Yes | Yes |
| C9 Waste Management | Yes | Yes |
| Mixed Use Premises (Residential/Non-Residential) | Yes | Yes |
| D3 Noise | Yes | Yes |
| D5 Orientation and Energy Efficiency | N/A | N/A |
| D6 Access to Sunlight | N/A | N/A |
| D7 Views | N/A | N/A |
| D8 Privacy | Yes | Yes |
| D9 Building Bulk | N/A | N/A |
| D10 Building Colours and Materials | N/A | N/A |
| D11 Roofs | N/A | N/A |
| D12 Glare and Reflection | Yes | Yes |
| D14 Site Facilities | Yes | Yes |
| D18 Accessibility | Yes | Yes |
| D20 Safety and Security | Yes | Yes |
| | | |

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| D21 Provision and Location of Utility Services | Yes | Yes |
| D22 Conservation of Energy and Water | N/A | N/A |
| D23 Signs | N/A | N/A |
| E1 Private Property Tree Management | N/A | N/A |
| E2 Prescribed Vegetation | N/A | N/A |
| E6 Retaining unique environmental features | N/A | N/A |
| E10 Landslip Risk | N/A | N/A |
| F1 Local and Neighbourhood Retail Centres | Yes | Yes |

Detailed Assessment

B7 Front Boundary Setbacks

No change to existing.

C3 Parking Facilities

The proposal was referred to Council's Traffic Engineer for assessment. The application was found to be non-compliant with parking requirements, however given the existing situation in the area, proposed operating hours and the nearby Council carparks, the proposal was found to be acceptable with regard to parking. See Referral section of this report.

D3 Noise

The site is in Freshwater Village and the proposal does not involve any outdoor seating. Noise generated by patrons will therefore largely be contained in doors. A standard condition will be included in the consent limiting noise to 5dba in accordance with the NSW Industrial Noise Policy. The proposed operating hours of Midday to 11pm Sunday to Thursday and Midday to Midnight Friday and Saturday will not cause any unreasonable noise impacts, given that no outdoor seating is involved.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

Draft Warringah DCP (Amendment 2 Freshwater DCP)

The proposal has been assessed against the objectives and requirements of the Draft Warringah DCP (Amendment 2 Freshwater DCP) and is fully compliant. The proposal does not involve any changes to the external façade or external building. No signage is proposed.

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.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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.

The site has been inspected and the application assessed having regard to the provisions of the Environmental Planning and Assessment Act 1979 (and associated regulations), the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2011, Warringah Development Control Plan and the relevant codes and policies of Council.

In consideration of the proposal and the merit consideration 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 of the relevant EPIs
- Consistent with the objects specified in S.5(a)(i) and (ii) 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

APPROVAL

A. THAT Council as the consent authority grant Development Consent to DA2012/0415 for Use of premises as a restaurant on land at Lot 1 DP 100563,22 Lawrence Street,

FRESHWATER subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **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 |
| DA 01 Rev A | 23.12.11 | Applicant: Oliver Laccarino |
| DA 02 Rev A | 23.12.11 | Applicant: Oliver Laccarino |

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

e) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **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 (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and 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).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

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

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. Bonds

Security Bond

A bond (determined from cost of works) of \$500.00 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Councils infrastructure.
(DACENZ01)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5. Toilet facilities

Prior to the issue of the construction certificate provide amended plans to demonstrate toilet facilities in accordance of Building Code of Australia and are accessible without passing through food handling areas.

Reason: To ensure compliance with the Building Code of Australia and applicable food standards.

(DACHPCPCC1)

6. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

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

7. **Food Premises**

The premises shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises).

Reason: To ensure compliance with the applicable food standards.

(DACHPFPOC1)

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

8. **Access to toilet facilities**

Patrons must not access toilet facilities via food handling areas.

Reason: To facilitate appropriate patron access to sanitary facilities and compliance with applicable food standards.(DACHPGOG1)

9. **Hours of Operation**

The hours of operation are to be restricted to Midday to 11pm on Sunday to Thursday and Midday to Midnight on Friday and Saturday (inclusive).

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. (DACPLG08)

10. **Number of patrons**

Number of patrons is to be limited to a maximum of 30 patrons at any given time.

Reason: To ensure no unreasonable impacts in relation to on-street car parking. (DACPLGOG1)

Signed

Luke Perry, Development Assessment Officer


The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager


ATTACHMENT A

| Notification Plan | Title | Date |
|---|--------------------|-------------|
|  2012/098052 | Plans Notification | 16/04/2012 |

ATTACHMENT B

| Notification Document | Title | Date |
|---|------------------|-------------|
|  2012/099033 | notification map | 17/04/2012 |

ATTACHMENT C

| Reference Number | Document | Date |
|---|--|-------------|
|  2012/095988 | invoice for ram applications - Oliver Peter Iaccarino | 12/04/2012 |
|  2012/095991 | DA Acknowledgement Letter - Oliver Peter Iaccarino | 12/04/2012 |
|  2012/097832 | Proposed Essential fire Safety Measures | 16/04/2012 |
|  2012/097837 | Plans da | 16/04/2012 |
|  2012/097844 | Plan deposited - dp | 16/04/2012 |
|  2012/097850 | Report Statement of Environmental Effects | 16/04/2012 |
|  2012/098052 | Plans Notification | 16/04/2012 |
|  2012/098057 | Applicant Details and letter | 16/04/2012 |
|  2012/098061 | Development application form | 16/04/2012 |
|  2012/098827 | File Cover | 17/04/2012 |
|  2012/098836 | Referral to Building Assessment and Compliance | 17/04/2012 |
|  2012/098837 | Referral to Environmental Health and Protection | 17/04/2012 |
|  2012/098838 | Internal Referral to Heritage | 17/04/2012 |
|  2012/098839 | Referral Traffic Engineers - 22 Lawrence St Freshwater | 17/04/2012 |
|  2012/098842 | Referral to AUSGRID - SEPP - Infrastructure 2007 | 17/04/2012 |
|  2012/099029 | notification letters- 16 sent | 17/04/2012 |
|  2012/099033 | notification map | 17/04/2012 |
|  2012/100579 | Referral Response Building Assessment & Compliance | 18/04/2012 |
|  2012/102577 | Heritage Referral Response - 22 Lawrence Street FRESHWATER NSW 2096 | 20/04/2012 |
|  2012/103981 | Referral Response - Traffic | 23/04/2012 |
|  2012/230037 | Environmental Health and Protection Referral Response - commercial use | 10/05/2012 |
|  2012/253509 | Approved Stamped Plans - Internal | 05/06/2012 |
|  2012/255700 | DA Collection Advice Letter – Applicant | 07/06/2012 |