

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0457
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 1 SP 60821, 1 / 1 Minna Close BELROSE NSW 2085
Proposed Development:	Use of Premises as a artisan food and drink industry (coffee roasting and production facility) and cafe including fit-out and mechanical ventilation
Zoning:	Warringah LEP2011 - Land zoned SP4 Enterprise Warringah LEP2011 - Land zoned C2 Environmental Conservation WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Adam Bortz

Application Lodged:	05/05/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Industrial
Notified:	14/05/2025 to 28/05/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 207,900.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the use of an existing premises (Lot 1 within the existing strata complex) as an artisan food and drink industry (coffee roasting and production) which includes a small café. Internal fit-out works and the construction of a mechanical exhaust system is also required.

Key components of the development are as follows:

Land Use

- Use of the premises as an artisan food and drink industry.

Construction / Fit-out Works

- Installation of new racking and coffee roasting equipment.
- Internal alterations to the upper ground level adjacent to the pedestrian access way to provide a small café for the retail sale of coffee and food.
- Installation of new exhausts for the coffee roasting equipment.

Operational Components

- The proposed hours of operation are as follows:
 - Monday to Friday: 6.00am to 10.00pm; and
 - Saturday and Sunday: 7.00am to 5:00pm.
- Five (5) staff will be present on-site.
- Deliveries to and from the site will be limited to 6.00am - 4.00pm Monday to Friday.
- The tenancy has access to the following car parking areas:
 - Ten (10) visitor at-grade parking spaces; and
 - Twenty-Four (24) parking spaces located in the basement car park for the strata complex.

The development will be carried out over the following two stages:

(a) Stage 1 Construction:

- One coffee roasting facility and production area on the lower ground floor.
- Storage and racking on the lower ground floor.
- A coffee tasting and workshop area on the lower ground floor.
- Internal works and the provision of a cafe on the upper ground floor.
- Penetrations of the roof for mechanical ventilation and exhausts for the Stage 1 works.

(b) Stage 2 Construction

- One coffee roasting facility and production area on the lower ground floor (as clouded in red as 'STAGE 2' on the approved floor plans referenced in Condition 1).
- Penetrations of the roof for mechanical ventilation and exhausts for the Stage 2 works.

Note: The provisions of Clause 5.4(10) of the Warringah Local Environmental Plan 2011 (WLEP) as they pertain to artisan food and drink industries are not applicable as the subject site is not zoned Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, but rather is located in the SP4 Enterprise zone with a small

portion (outside of where the works are proposed) located in the C2 Environmental Conservation zone.

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 Local Environmental Plan 2011 - Zone SP4 Enterprise
Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
Warringah Development Control Plan - D3 Noise
Warringah Development Control Plan - D12 Glare and Reflection

SITE DESCRIPTION

Property Description:	Lot 1 SP 60821 , 1 / 1 Minna Close BELROSE NSW 2085
Detailed Site Description:	<p>The subject site consists of one irregular-shaped allotment that is located on the south-eastern side of Minna Close within the Belrose locality. The site has an area of approximately 4,825 square metres (sqm).</p> <p>The site is located within the SP4 Enterprise zone under the WLEP and currently accommodates a two storey light industrial / commercial building above a basement car parking level. The existing building accommodates two separate Strata title allotments, with the development being confined to Lot 1. The basement car parking level has 24 car parking spaces assigned to Lot 1.</p> <p>The site is predominantly occupied by a hardstand or the existing building; however, the perimeter of the site contains vegetation. Vegetation within the north-eastern and</p>

southern corners of the site contains remnant native vegetation. The site is also bushfire prone.

The site experiences a crossfall of approximately 12 metres (m) that slopes away from the north towards the south.

The site is located within the Austlink Business Park. Surrounding development within the business park comprises of offices, warehouses and light industrial land uses.

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant history:

- Development Application DA2009/0437 for the removal of nine trees refused by the former Warringah Council on 24 April 2009. The reasons for refusal related to impacts on endangered and threatened species.

APPLICATION HISTORY

Following the preliminary assessment of the application, which included a site inspection, Council wrote to the applicant raising concerns with the development in relation to potential biodiversity impacts, the building height non-compliance, the lack of a waste storage area within the development and clarification around the staging of the development application and noise mitigation measures. The Request for Further Information letter can be viewed on Council's Development Application tracker.

The applicant subsequently amended the Development Application pursuant to section 37 of the

Environmental Planning and Assessment Regulation 2021 as follows:

- Reduced the height of the mechanical exhausts to comply with the 11m height standard under clause 4.3 of the WLEP.
- Submitted an amended Bushfire Report to ensure that the asset protection zone did not encroach into the NSW Government's Biodiversity Values Mapped area.
- Provided a waste storage area within the existing building for the development.
- Provided an updated Operational Noise Emission Assessment to correct typos within the noise mitigation measures section.
- Clarified that Stage 1 of the development relates to the first coffee roasting machine and Stage 2 of the development relates to the second coffee roasting machine. It is noted that these stages are not tied to a Concept Development Application within the meaning of Division 4.4 of the Environmental Planning and Assessment Act 1979.

The amended Development Application constitutes a reduced environmental impact. Moreover, the amended Development Application does not change the nature of the Development Application, insofar as it is not a Concept Development Application that would require the submission of a future detailed Development Application. In this regard, the Development Application is not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan.

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to

Section 4.15 Matters for Consideration	Comments
	<p>request additional information. Additional information was requested in relation to amended architectural plans, clarification on the nature of the staged application and clarification on biodiversity impacts as they relate to asset protection zone requirements. The additional information was submitted to Council's satisfaction.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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 69</u> of the EP&A Regulation 2021 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>
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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Environmental Planning Instruments, Biodiversity Conservation Act 2016 and Warringah Development Control Plan 2011 sections in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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	No submissions were received.
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.

BUSHFIRE PRONE LAND

The site is classified as bushfire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection 2019 (PBP).

The proposed development will be used to produce goods (i.e. coffee roasting and production) and will have a small café to sell coffee. These uses are classified as a Class 6 and Class 7 buildings within the meaning of the National Construction Code (NCC).

Section 8.3.1 of the PBP stipulates that the NCC does not provide any bushfire specific performance requirements for Class 5-8 buildings. As such, AS 3959 and the NASH Standard are not required to be considered as a set of Deemed to Satisfy provisions.

Furthermore, Section 8.3.1 of the PBP states that while bushfire is not captured in the NCC for Class 5-8 buildings, the following objectives are to be considered in relation to access, water supply and services, and emergency and evacuation planning:

- to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;
- to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;
- to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and
- provide for the storage of hazardous materials away from the hazard wherever possible.

An amended Bushfire Report (BR) (prepared by Bushfire Planning Services Proprietary Limited, dated 428 May 2025) was submitted with this application. The BR has provided an assessment against the above-mentioned objectives of the PBP that apply to the development. The BR states that the development complies with the PBP for the following reasons:

- access to the site from the public road remains suitable for firefighters; and
- adequate services of water will remain available for the protection of buildings during a fire.

The BR notes that it is unknown if hazardous materials will be stored within the building; however, the assessing officer notes that the existing building that will be used for the development is not located within the mapped bushfire hazard area, but rather then 100m buffer area. As such, hazardous materials will not be stored within the hazardous area.

The BR has provided the following recommendations to mitigate bushfire risk:

1. A Bushfire Survival Plan is to be formulated for the site. <https://www.rfs.nsw.gov.au/resources/bush-fire-survival-plan>.

2. At the commencement of building works and in perpetuity the area surrounding the new works is to be managed as defendable space for a distance of at least 2m or, if 2m is not achievable due to the proximity of a property boundary, to the property boundary. Note. This area of defendable space has been reduced to the minimum distance due to the ecological sensitivity of the area. If greater than 2m can be achieved without causing environmental issues this should be considered.

These recommendations form part of the recommended conditions of consent.

The assessing officer concurs with the findings of the BR and considers that the development complies with the relevant provisions within the PBP, subject to the recommended conditions.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 14/05/2025 to 28/05/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p>General Comments Use of the premises as artisan food and drink industry, internal fit out and mechanical ventilation at 1/1 Minna Close</p> <p>Environmental Health have reviewed</p> <ul style="list-style-type: none"> • Operational Noise Emission Assessment prepared by Acoustic Dynamics; • Air Quality and Odour Assessment prepared by Northstar; <p>Recommendation APPROVAL - subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p>General Comments use of the premises as artisan food and drink industry, internal fit out and mechanical ventilation at 1/1 Minna Close</p> <p>Environmental Health have reviewed</p> <ul style="list-style-type: none"> • Operational Noise Emission Assessment prepared by Acoustic Dynamics; • Air Quality and Odour Assessment prepared by Northstar; <p>Recommendation APPROVAL - subject to conditions</p>

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p><u>Referral comments 2 June 2025</u></p> <p>The amended bushfire hazard assessment is noted, and the proposed APZ has been minimised and a significant impact to native vegetation, threatened species habitats and wildlife corridor is unlikely.</p> <p><u>Original Referral comments</u></p> <p>The native vegetation within the subject lot and generally to the east and south of the existing building is mapped as having high biodiversity values, as shown on the NSW Biodiversity Values map. As the site is bushfire prone land a Bushfire Hazard Assessment has been provided, which includes the following recommendation on page 6:-</p> <p><i>"At the commencement of building works and in perpetuity the area surrounding the new works is to be managed as defensible space for a distance of at least 10m or, if 10m is not achievable due to the proximity of a property boundary, to the property boundary."</i></p> <p>As this recommendation may require the clearing or modification of native vegetation that is on the BV map further ecological assessment in the form of a Biodiversity Development Assessment Report may be required. It is noted that the proposed works are internal, and that the SEE states that the development "does not propose the removal of any significant vegetation". Therefore the issue of bush fire protection and the management of native vegetation within the BV Map area is to be clarified.</p> <p>The Warringah DCP also includes controls related to biodiversity values of the site, and these will also need to be addressed if the proposed development will include any impacts to trees or native vegetation for the purposes of bushfire protection.</p>
Waste Officer	<p>Updated plans indicate waste storage area on plans. The waste storage area should comply with parts 5.2 and 5.3 of the Northern Beaches Council Waste Management Guidelines.</p> <p>The completed Waste Management Plan Section 5 indicates that the plans include Waste storage design requirements and waste storage area location requirements. This is not actually shown on the plans and must be provided in order to be assessed.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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)

Housing and Productivity Contribution

The development does not increase the gross floor area of the existing building. In this regard, no contributions are payable under this scheme.

SEPP (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

Section 2.48 of Chapter 2 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 development is not located within 5.0m of an overhead power line, power pole and is not located adjacent to an electricity easement or substation. As such, the application was not required to be referred to Ausgrid.

In this regard, no further consideration of State Environmental Planning Policy (Transport and Infrastructure) 2021 is required.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 has been considered and the development does not propose the removal of any prescribed vegetation in order to facilitate the development and therefore, no further consideration of Chapter 2 is required.

Chapter 6 - Water Catchments

Chapter 6 of the BC SEPP applies to the development pursuant to clause 6.1 as the site is located within the Sydney Harbour Catchment.

Chapter 6 has been considered and it has been determined that the development would meet the requirements and objectives of Chapter 6, noting that the development does not result in additional impervious areas on the site. Consequently, there will be no change to how stormwater is currently managed and the development will not result in pollution or adverse stormwater impacts the Sydney Harbour Catchment.

Conclusion

As demonstrated above, the development is consistent with the relevant requirements under the BC SEPP.

SEPP (Resilience and Hazards) 2021

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for light industrial and commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site is suitable for the continued use of the site for light industrial and commercial purposes.

The development is consistent with Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	10.9m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone SP4 Enterprise

The proposed artisan food and drink industry, which falls under the parent land use definition of a light industry, is permitted with development consent in the SP4 Enterprise zone.

The development is consistent with the objectives of the SP4 zone for the following reasons:

- The proposed development supports enterprise and productivity.
- The proposed development does not result in any unacceptable amenity impacts to residential receivers or surrounding commercial / industrial receivers, as detailed within the sections of this report that relation to noise impacts and odour impacts.
- The proposed development provides an opportunity for a new and emerging light industry, comprising of coffee roasting.
- The development restricts the retail component of the development to a small café, which will ensure that a significant portion of the development comprises of a light industry use.

6.4 Development on sloping land

The site is located within Area B on the WLEP Landslip Risk Map and therefore, clause 6.4 of the WLEP is applicable.

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

Comment: The applicant has submitted a Preliminary Geotechnical Assessment Report (PGAR) prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

Comment: The development does not result in any additional impervious areas on the site and therefore, there will not be any additional stormwater loading. While the PGAR has standard recommendations for stormwater, these are not relevant to the development and have not been adopted as recommended conditions of consent.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment: The development does not result in excavation and will not disturb existing subsurface flow conditions.

As demonstrated above, the development is consistent with clause 6.4 of the WLEP.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B4 Site Coverage	33.33% (max.)	no change	N/A	N/A
B5 Side Boundary Setbacks	5m	no change	N/A	N/A
	5m	no change	N/A	N/A
B7 Front Boundary Setbacks	6.5m	no change	N/A	N/A
B10 Merit Assessment of Rear Boundary Setbacks	Merit Assessment	Acceptable on merit as no change	-	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	33.3% (min.)	no change	N/A	N/A
Appendix 1 Car Parking Requirements	19 spaces	29 spaces (24 spaces within the basement for Lot 1 including 5 visitor parking spaces at-grade)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	No	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D3 Noise

The operational aspects associated with the development, including mechanical plant and equipment, staff movements, and vehicle movements, has the potential to generate noise that would impact upon the amenity of nearby sensitive receivers.

The application is accompanied by an Acoustic Report (AR) (prepared by Acoustic Dynamics, dated 3 April 2025) which provides an assessment of the noise and vibration impacts associated with the operational aspects of the proposed development, in accordance with the EPA's Noise Policy for Industry 2017 (NPfI). The AR has modelled noise impacts at the following receiver locations (see **Figure 1**):

- Commercial Receivers B1 - B5 located within the Austlink Business Park.
- Residential Receiver R1 located at 1 Myoora Road, Terrey Hills, which is approximately 1km to the north of the development.

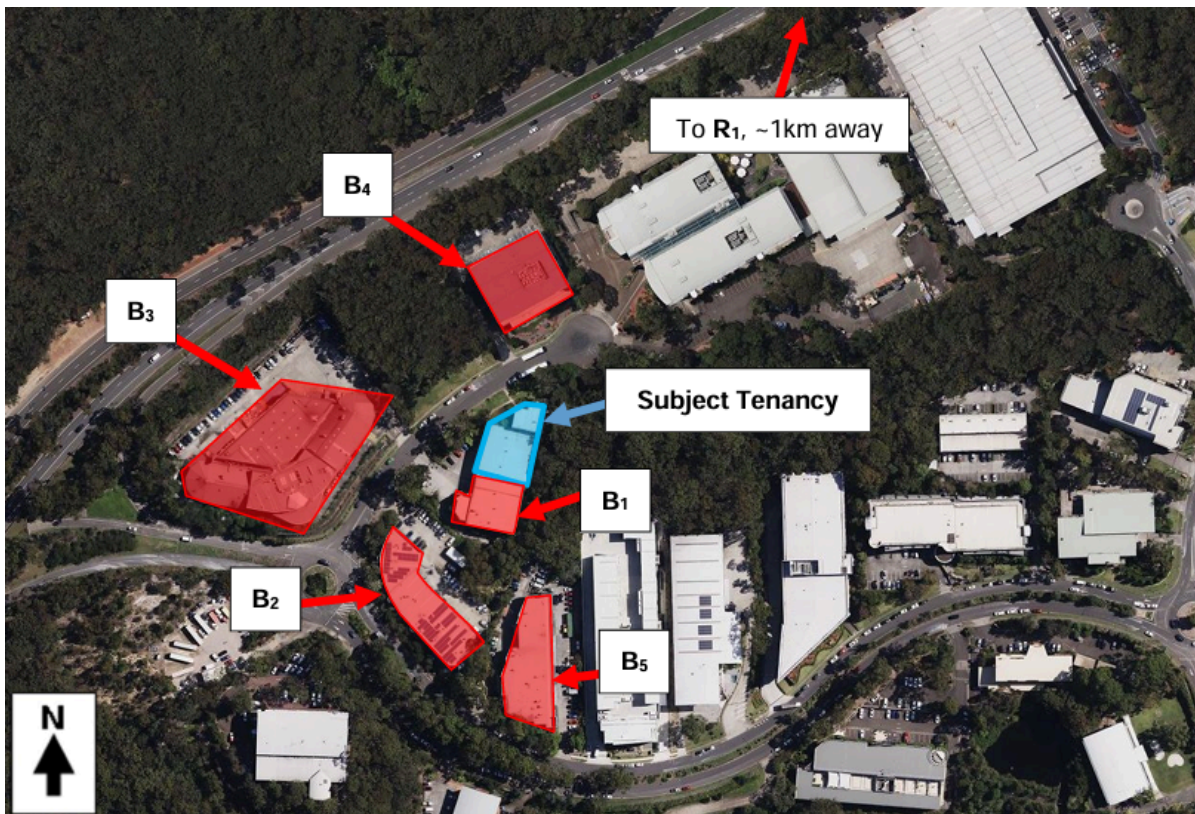


Figure 1 - Subject Site and Surrounding Receivers

The AR calculated external noise emissions based on maximum capacity operations of the development. The AR stipulates that the noise levels are predicted to be below the maximum criteria established within the NPfI at all receiver locations. The AR recommends a number of on-going mitigation measures (i.e. truck engines not left idling for more than 5 minutes during deliveries and roller doors shut during operations) to ensure noise levels are appropriately managed in perpetuity. A condition is recommended to ensure that these measures are complied with during operation.

Council's Environmental Health Officer has reviewed the AR and raised no objections.

Based on the above assessment, it is concluded that the noise impacts are acceptable.

D12 Glare and Reflection

The applicant has not provided any details regarding the external finishes of the mechanical roof exhausts and plant. To ensure that the external colours harmonise with the existing building and natural environment, a condition is recommended requiring the external finishes of the mechanical roof exhausts and plant to comprise of dark and earthy tones that are consistent with the existing building.

Subject to compliance with this recommended condition, the visual impacts of the development will be acceptable.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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

Northern Beaches Section 7.12 Contributions Plan 2024

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$2,079 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$207,900.

ASSESSMENT OF ODOUR IMPACTS

The proposed coffee roasting operations have the potential to generate odour impacts at surrounding receivers. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act) requires Council to consider the likely impacts of the development. While not explicitly governed by any controls contained within Environmental Planning Instruments (i.e. SEPPs or the WLEP) or the Warringah Development Control Plan 2011, odour impacts associated with the coffee roasting activities must be considered pursuant to Section 4.15(1)(b) of the EP&A Act.

The application was accompanied by an Air Quality and Odour Assessment (AQOA) (prepared by Northstar Air Quality Pty Ltd, dated 25 February 2025) that was prepared in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW.

The AQOA modelled odour impacts using the CALFULL atmospheric dispersion model to predict off-site impacts at a number of commercial and industrial receivers within the Austlink Business Park (see **Figure 2**).



Figure 2 - Subject Site, Surrounding Receivers and Predicted 99th percentile odour concentration

The AQOA established an odour criterion of 2.0 OU, which is the most conservative criterion, as the site is located within an urban area.

The maximum predicted odour concentration is 1.8 OC at receiver R5, which is below the odour criterion of 2.0 OU. Consequently, no odour concentrations are predicted to exceed the odour impact assessment criterion of 2 OU at any location.

Council's Environmental Health Officer has reviewed the AQOA and raised no objections.

Based on the above, it is concluded that the odour impacts are acceptable.

BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Conservation Act 2016 (BC Act) applies to the land pursuant to Section 1.7 of the

EP&A Act and aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecological sustainable development.

Portions of the site are mapped on the Biodiversity Values Map (BVM) as land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017 (see **Figure 3**).



Figure 3 - BVM (source: NSW Government Spatial Viewer)

Notwithstanding, the development does not include any works that encroach into this area. Furthermore, the development does not involve in the clearing of any native vegetation on the site and the 2m defensible space around the building does not encroach into the BVM area.

As the works do not encroach into the BVM area and the development does not exceed the native clearing thresholds of 0.25 hectares or more, as identified in the BC Act, the application does not require the submission of a Biodiversity Development Assessment Report (BDAR) or require entry into the Biodiversity Offset Scheme.

Council's Biodiversity Officer has reviewed the application and is satisfied that a BDAR is not required for the development and that the impact on biodiversity are acceptable. Conditions have been recommended to minimise impacts on biodiversity.

Overall, the development is not likely to have adverse impacts on threatened ecological communities, species, or their habitats and is consistent with the provisions of the BC Act.

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 2021;

- 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

THAT Council as the consent authority grant Development Consent to DA2025/0457 for Use of Premises as a artisan food and drink industry (coffee roasting and production facility) and cafe including fit-out and mechanical ventilation on land at Lot 1 SP 60821, 1 / 1 Minna Close, BELROSE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA 002	C	Demolition Plans	Alex Bryden Architecture	31 January 2025

DA 100	C	Ground Floor Plan	Alex Bryden Architecture	22 May 2025
DA 101	B	Upper Ground Floor + First Floor Plan	Alex Bryden Architecture	31 January 2025
DA 102	A	Roof Plan	Alex Bryden Architecture	13 December 2024
DA 300	C	Sections	Alex Bryden Architecture	26 May 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Bushfire Report titled 'Lot 1002, DP 872048, 1 Minna Close, Belrose'	-	Bushfire Planning Services Proprietary Limited	28 May 2025
Preliminary Geotechnical Assessment titled '1/1 Minna Close, Belrose NSW'	AG 25088	AscentGeo	4 March 2025
Air Quality and Odour Assessment titled 'Little Italy Coffee Roasters, Belrose'	25.1020.FR1V1	Northstar Air Quality Pty Ltd	26 February 2025
BCA Compliance Assessment titled 'Unit 1, 1 Minna Cl, Belrose'	P240101	BCA Vision Pty Ltd	28 February 2025
Operational Plan of Management titled 'Artisan Food and Drink Industry 1/1 Minna Close, Belrose NSW 2085'	-	Four Towns Planning	-
Operational Noise Emission Assessment titled 'Proposed Coffee Processing Facility 1/1 Minna Close, Belrose, NSW'	Revision 1	Acoustic Dynamics	28 May 2025
Waste Management Plan titled 'Lot 1 SP 60821'	-	-	-

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of an artisan food and drink industry. The Warringah Local Environmental Plan 2011 defines this land use as

follows:

- ***artisan food and drink industry*** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—
 - (a) a retail area for the sale of the products,
 - (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
 - (c) facilities for holding tastings, tours or workshops.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

3. 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 Certifier 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 Certifier 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 Certifier 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.

4. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.

- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

5. **No Consent for Business Identification Signage**

No consent is granted for business identification signage at the premises.

Note: This condition does not prevent the applicant from erecting business identification signage pursuant to State Environmental Planning (Exempt and Complying Development Codes) 2008.

Reason: The applicant has not sought consent for business identification signage.

6. **Staging of Development**

The development is to be carried out in two (2) stages comprising the following:

(a) Stage 1 Construction:

- One coffee roasting facility and production area on the lower ground floor.
- Storage and racking on the lower ground floor.
- A coffee tasting and workshop area on the lower ground floor.
- Internal works and the provision of a cafe on the upper ground floor.
- Penetrations of the roof for mechanical ventilation and exhausts for the Stage 1 works.

(b) Stage 2 Construction

- One coffee roasting facility and production area on the lower ground floor (as clouded in red as 'STAGE 2' on the approved floor plans referenced in Condition 1).
- Penetrations of the roof for mechanical ventilation and exhausts for the Stage 2 works.

The applicant may obtain separate Construction Certificates and Occupation Certificates for the different stages of development.

Reason: To allow the orderly development of land.

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$2,079.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$207,900.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

8. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation.

10. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The external finishes of the mechanical roof exhausts and plant to comprise of dark and earthy tones that are consistent with the existing building.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

11. Plans of Kitchen Design, Construction and Fit Out

Prior to any Construction 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 Principle Certifier. 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 premises complies with the design construction and fit-out requirements.

12. **Preparation of Mechanical Ventilation Plans**

Before the issue of a Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.

The detailed plans must be in accordance with the following and submitted to the Certifier for approval:

1. Australian Standard 1668: - The use of ventilation and airconditioning in buildings; and
2. ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - cause a nuisance to persons within or nearby to the premises, or
 - cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997

Reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a Construction Certificate.

Note: If the mechanical exhaust ventilation system exceeds the maximum height of the ventilation system approved under this consent, then the applicant must submit a modification application to Council for assessment.

13. **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 Certifier prior to the issue of the Construction Certificate.

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

DURING BUILDING WORK

14. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

15. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

16. **Clearing for Asset Protection Zones**

Clearing of vegetation during works for Asset Protection Zone (APZ) establishment must only occur within the surveyed and marked APZ boundaries. No clearing is to be undertaken outside of the APZ boundaries.

Written certification of compliance is to be submitted to the Principal Certifier.

Reason: To protect native vegetation and wildlife.

17. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) At completion of the mechanical exhausts and roof plant to ensure that the heights are consistent with those nominated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

18. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

19. Certification of Acoustic Measures

A suitably qualified acoustic consultant must provide written certification to confirm that the acoustic design measures outlined within Section 6 of the Operational Noise Emission Assessment referenced in Condition 1 of this consent have been incorporated into the as-built development.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To protect the amenity of the local area.

20. Notice of Food Business

Before the issue of an Occupation Certificate, Council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason: To enable council to ensure compliance with the consent when the business is operating.

21. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

22. Waste Disposal Verification Statement

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

23. Kitchen Design, Construction and Fit Out of Food Premises Certification

Prior to the issuing of any Occupation Certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

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

24. Mechanical Ventilation Certification

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate 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 and to prevent amenity impacts.

25. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

26. Certification of Bushfire Requirements

A suitably qualified bushfire consultant is to provide written certification confirming that the recommendations within Section 3 of the Bushfire Report referenced in Condition 1 of this consent have been incorporated into the as-built development.

Documented evidence is to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure compliance with Planning for Bushfire Protection 2019.

27. **Waste and Recycling Facilities Certificate of Compliance**

The proposal shall be constructed in accordance with the Northern Beaches Waste Management Guidelines.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure waste and recycling facilities are provided.

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

28. **Acoustic Requirements - On-going**

The on-going operational noise mitigation measures outlined within Section 6 of the Operational Noise Emission Assessment referenced in Condition 1 of this consent must be complied with at all times in perpetuity of the development.

Reason: To protect the amenity of the local area.

29. **Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

30. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

31. **Deliveries**

All deliveries to and from the site must occur between 6.00am to 4.00pm Monday to Friday.

Reason: To ensure that deliveries occur in accordance with the specified times within the approved Plan of Management.

32. **Compliance with Plan of Management**

The requirements of the Operational Plan of Management referenced in Condition 1 of this consent must be complied with at all times.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

33. **Compliance with Acoustic Report**

The recommendations outlined within Section 6 of the Operational Noise Emission Assessment (prepared by Acoustic Dynamics, dated 3 April 2025) referenced in Condition 1 of this consent

must be complied with at all times during operation.

Reason: To mitigate noise impacts.

34. Compliance with Air Quality and Odour Assessment

During ongoing use of the premises, the premises must be operated in accordance with the Air Quality and Odour Assessment approved under this consent.

Reason: To protect the amenity of the local area.

35. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 6.00am to 10.00pm
- Saturday – 7.00am to 5:00pm
- Sunday and Public Holidays – 7.00am 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.

36. Commercial Waste Collection

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.

37. Maximum Number of Staff

The facility shall operate with a maximum of five (5) staff at any one time.

Reason: To ensure compliance with the operational components of the development.

38. Waste Collection

Waste collection Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Records must be kept of all waste disposal from the site. Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the Waste Management Plan.

Reason: To ensure compliance with Protection of the Environment Operations Act 1997.

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

Signed



Thomas Burns, Principal Planner

The application is determined on 11/06/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments