

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0327
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 2 DP 1235072, 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Alterations & additions to existing shop and use as a cafe & bar
Zoning:	Warringah LEP2011 - Land zoned B1 Neighbourhood Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	G B Jones Pty Ltd
Applicant:	Norm Fletcher & Associates Pty Ltd
Application lodged:	02/03/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	15/03/2018 to 03/04/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 50,000.00

ASSESSMENT INTRODUCTION

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

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 2 DP 1235072 , 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Detailed Site Description:	<p>The property is known as Lot Part 2617 DP 752038 (Shop 16) within the Allambie Heights Shopping Centre Located at No.141 Allambie Road Allambie Heights. The overall site is occupied by single storey shopping complex that includes 25 retail/commercial premises with a site manager's office, associated store areas and shopping centre amenities block.</p> <p>The premise is currently vacant however has previously operated as a Fruitworld (Rondan Bros).</p> <p>The shopping centre is has a total gross floor space of 2568.4m² and has three (3) carpark areas accommodating a total of 94 allocated carparking spaces.</p>

Map:



SITE HISTORY

DA2017/0516 - Use of Premises as a Food and Drink Premises (Small Bar/Cafe) and internal works (Shop 8) determined 29 August 2017

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the use of the existing premises as a food and drink premises (Small Bar/Cafe) and internal works at Shop 16 which is currently vacant (formerly a fruit and vegetables shop).

The Small Bar/Cafe is proposed to operate from 7am to 10pm Monday to Saturday and from 9am to 10pm on Sundays.

The sale of alcohol will occur between 12 noon and 10pm any day of the week, will be consumed on the premises and only served in-conjunction with food sold on the premises.

Internal works are proposed to construct bathroom facilities, new cook top and bar/service area.

The plans have included the addition of a new aluminium framed doors and windows and painted blueboard cladding to the shop front to replace the existing roller door.

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 C.

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	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p>

Section 79C 'Matters for Consideration'	Comments
	<p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. Additional information was requested in relation to the Operational Plan of Management (Acoustics) and toilet facilities. Additional information was supplied by the applicant and suitable conditions will be included in the draft conditions for review.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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	<p>(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.</p> <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	No submissions were raised during the notification period or prior to determination.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

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

As a result of the public exhibition 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 - Fire and Disability upgrades	No objections to proposed Café /Bar. No special conditions.	
Environmental Health (Industrial)	Is the proposal for an industrial use?	YES
	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES
	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A
	General Comments Environmental Health have the following concerns regarding lack of obvious detail:	
	1.Toilets Adequacy of toilet accommodation. Although only one unisex toilet is proposed for 40 patrons it is noted by on site inspection that limited toilets are provided for the Shopping Centre and access via the rear door and carpark and garbage area without going through the food preparation area is possible. A clear footway, lighting and signage are capable of being provided subject to a condition - OLGR may have similar issues/objections. As the intensity of the Shopping Centre is increasing for "restaurant and café use" so is the need for toilet accommodation. Where nearly all shops are relying on these toilets for their own compliance (staff	

Internal Referral Body	Comments
	<p>and customers where a restaurant/café is proposed) then at some stage capacity may be exceeded.</p> <p>Therefore Council should require the following information to be requested from the applicant/owner:</p> <p>Details on the provision of adequate toilet facilities to comply with the <i>Sanitary Facilities</i> provisions of the National Construction Code. Where the Shopping Centre Shared Toilets are being taken into consideration in calculations then a breakdown of the allocation to all the shops on site being provided to show that the capacity of total toilet accommodation on site, as required by the National Construction Code, will not be exceeded by the proposed intensification of patronage. The owner may wish to use this an ongoing template for future applications.</p> <p>2.Noise</p> <p>The neighbourhood/area differs in intensity and character to that commonly associated with licensed premises and therefore it is prudent to consider the impacts of all likely noise sources.</p> <p>The Noise Impact Assessment does not account for cumulative noise generated by:</p> <ul style="list-style-type: none"> ○ (i) Staff present at the premises eg manager/employees (item 5, page 10). The assessment has only considered patrons. ○ (ii) People arriving and leaving the premises: on foot and using motor vehicles parked beside a residential premises. (Although a public car park most adjacent businesses close at night) ○ (iii) Mechanical ventilation required to be used for: <ul style="list-style-type: none"> ■ Air conditioning within the premises - the outcome of the Noise Impact Assessment report (item 5.3, page 13) is based on the assumption that all “windows and doors will be closed at all times”. However, it is noted that the eastern elevation plans include a concertina window/door plus a main entry door. ■ The commercial food premises eg the existing cool room and the proposed new cooking ventilation. The Noise Impact Assessment (item 5.5, page 14) advises that the noise assessment has been

Internal Referral Body	Comments		
	<p>carried out in the absence of considering impacts from new noise sources from any additional mechanical plant equipment and advises that an acoustic consultant should review any mechanical ventilation proposal. It is considered that the information is warranted at this DA assessment stage.</p> <p>The report is missing information eg the reference to "Note 3" within the report <i>Amenity Criteria for New Sources</i> (Table 4-1, page 9) is not shown.</p> <p>The report advises that the unattended noise monitoring was undertaken from 128 Allambie Road, Allambie, a much noisier location, and this is not the actual location of the nearest residential premises. This also relates to the Baseline Noise Survey Graphs shown in Appendix B of the report.</p> <p>Additional Considerations:</p> <p>If approval of the application is considered at any time in the future the following considerations are recommended.</p> <p>The Noise Impact Assessment has only considered noise from within the premises assuming that the windows and doors will be closed at all times. It is therefore recommended that:</p> <ol style="list-style-type: none"> 1. A self-closing device be installed and maintained at the main entry door to enable automatic closing. 2. The concertina window/door is to remain closed at all times post 7pm. 3. Patron access to any outdoor seating be limited to not occur after a reasonable time in the evening eg 6 or 7pm. 4. All operations of the business are to cease and the premises is to be vacated (including employees/managers/patrons) by 10pm on any day <table border="1" data-bbox="520 1944 1430 2024"> <tr> <td data-bbox="520 1944 1155 2024">Recommendation</td><td data-bbox="1155 1944 1430 2024">REFUSAL</td></tr> </table> <p>Comments completed by: Robina Bramich and Anthony Foy</p>	Recommendation	REFUSAL
Recommendation	REFUSAL		

Internal Referral Body	Comments	
	<p>Date:25.3.2018</p> <p>3.4.2018 ADDITIONAL INFORMATION has been submitted by the acoustic consultant in response to the above comments - refer to Trim document number 2018/208903. The issue of noise impacts from employees has now been considered, however the document does not satisfactorily address the remaining information itemized above that is required to be submitted regarding the acoustic assessment. Robina Bramich 3/4/2018</p> <p>However it is expected with appropriate conditions, that an approval from Environmental Health could be a consideration when other matters are resolved (avoiding for example an additional noise report from a more representative residence) .</p> <p>Clarification of other matters raised .eg Toilets, remain unaddressed to date.</p> <p>Approval subject to conditions was also raised as an option by the applicants representative but with unaddressed matters this is currently not possible.</p> <p>As a bar potentially with 40 drinking patrons + staff - effectively opposite a residential dwelling, with car parking spaces beside that dwelling ,and operating past the closing hours of some of the adjoining business to 10pm , the application requires greater scrutiny than a day time café to ensure potential nuisances are avoided, as has occurred in other areas and to justify an approval given.</p> <p>The application/plans and EIS should have been complete when submitted and contained the recommendations/limitations of the Acoustic Report.</p> <p>It is believed additional information is to be submitted by the applicant and then the "whole " application will be reviewed at that time.</p> <p>"Refusal" still stands pending any further information addressing issues raised.</p> <p>A review was completed by James Montgomery (Team Leader EHO) and suitable conditions have now been included to address both sanitary facilities and acoustics/amenity.</p>	
Environmental Health (Food Premises, Skin Pen.)	Was sufficient documentation provided appropriate for referral?	NO

Internal Referral Body	Comments	
	Are the reports undertaken by a suitably qualified consultant?	N/A
	Have you considered the following? <ul style="list-style-type: none"> • Review Statement of Environmental Effects, consider ongoing use: <ul style="list-style-type: none"> - Food Premises, use AS 4674 and Food Standards Code and BCA (re ventilation and toilets). Consider location of mechanical ventilation (AS 1668) and grease traps - Backpackers/Boarding House, use Public Health Act and Local Gov Regulations and BCA. - Mortuary, use Local Gov Regulations - Skin penetration acupuncture, tattoo, beauty salon, use Local Gov Regulations - Public pool, use Public Health Act - Childcare, use AS 4674 (kitchen) and BCA toilets • Consider waste disposal. All new food shops should have waste stored in rooms. • Consider impact of noise, hours of operation, outdoor seating, location of equipment, times of deliveries, noise management plans, acoustic reports etc. • Shop top housing must have separate waste storage for residential and commercial. EH&P don't look at residential waste areas or collection. 	YES
	General Comments Conditions recommended	
	Recommendation	APPROVAL - subject to conditions
	Comments completed by: James Montgomery Date: 7 May 2018	
NECC (Development Engineering)	Development engineer has no objection to the application. No engineering condition is required.	

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	

External Referral Body	Comments
	assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The proposal was referred to NSW Police. No response has been received within the 21 day statutory period nor to date 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 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 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 commercial land use.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

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

Warringah Local Environmental Plan 2011

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

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 5 Miscellaneous provisions	Yes
5.8 Conversion of fire alarms	Yes
Part 6 Additional Local Provisions	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	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
Part E The Natural Environment	Yes	Yes
E10 Landslip Risk	Yes	Yes
Part F Zones and Sensitive Areas	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The proposal seeks to use a tenancy within the existing Allambie Heights Local centre as a small bar/cafe. The local centre is made up of a number of individual tenancies within a large shopping centre style building.

In accordance with Appendix 1 Car parking requirements of WDCP 2011, the proposed use is required to provide:

'Whichever is the greater of:

15 spaces per 100 m² GFA, or

1 space per 3 seats.

The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development.' The existing centre has a total of three (3) carpark areas accommodating a total of 94 spaces, comprising 59 spaces within Grigor Place, 24 located adjacent to Allambie Road and 24 spaces adjoining the loading facilities located at the rear of the centre. The 94 spaces serve all of the individual tenancies within the shopping centre and have done for a significant period of time, including Shop 16 which has most recently been used as a fruit and vegetables shop.

In this regard, the existing provision of car parking is considered to satisfactorily serve the centre and the proposed development.

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.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0327 for Alterations & additions to existing shop and use as a cafe & bar on land at Lot 2 DP 1235072, 141 Allambie Road, ALLAMBIE HEIGHTS, 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
1/1696 17 HD	February 2018	High Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Impact Assessment	26 February 2018	Rodney Stevens Acoustics
Operational Management Plan	June 2018	GB Jones Investments Pty Ltd

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

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

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

2. **Occupancy**

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 a **restaurant or cafe** or **small bar**.

A **restaurant or cafe** or **small bar** is defined as:

“restaurant or cafe means a building or place the principal purpose of which is 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.

OR

small bar means a small bar within the meaning of the Liquor Act 2007.”

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

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. (DACPLB03)

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

3. **Plans of Kitchen Design, construction and fit out**

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

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

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

4. Kitchen Design, construction and fit out of food premises

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

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

5. Plans of Mechanical ventilation

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

6. The Noise Impact Assessment

The Noise Impact Assessment has only considered noise from within the premises assuming that the windows and doors will be closed at all times.

Additional requirements:

1. A self-closing device be installed and maintained at the main entry door to enable automatic closing.
2. The concertina window/door is to remain closed at all times after 7pm.
3. Patron access to any outdoor seating is not occur after 7pm.
4. All operations of the business are to cease and the premises is to be vacated by patrons by 10pm on any day. Employees are to vacate the premises by 10.30pm. (DACHPGOG2) (DACHPCPC6)

7. 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**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

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

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

9. Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

10. **Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

11. **Mechanical ventilation**

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

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

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

12. **Notification of Food Premises**

Business being "notified" to Council before trading commences

Reason: To comply with Food Standards Code (DACHPGOG1)

13. **The Noise Impact Assessment**

The Noise Impact Assessment has only considered noise from within the premises assuming that the windows and doors will be closed at all times.

Therefore:

1. A self-closing device be installed and maintained at the main entry door to enable automatic closing.
2. The concertina window/door is to remain closed at all times post 7pm.
3. Patron access to any outdoor seating be limited to not occur after 7pm.
4. All operations of the business are to cease and the premises is to be vacated (including employees/managers/patrons) by 10pm on any day

Reason: To maintain acoustic amenity (DACHPGOG2)

14. **Management Plan**

An update Management Plan must be prepared and submitted with Council that adequately addresses the following issues:

- a. Hours of use of out door area

- b. Acceptable behaviour of patrons in out door areas
- c. Management of improper behaviour of patrons in out door areas
- d. Control of Noise and Smoke emissions from in out door areas
- e. Regular review of the Management Plan and Amendment if required
- f. Contact details, name and phone number, of person to be contacted in case of complaint. Such person and number to be available at all times the premises is open.
- g. Staff present at the premises eg manager/employees (item 5, page 10). The assessment has only considered patrons.
- h. People arriving and leaving the premises: on foot and using motor vehicles parked beside a residential premises. (Although a public car park most adjacent businesses close at night)
- i. Mechanical ventilation required to be used for: Air conditioning within the premises - the outcome of the Noise Impact Assessment report (item 5.3, page 13) is based on the assumption that all "windows and doors will be closed at all times". However, it is noted that the eastern elevation plans include a concertina window/door plus a main entry door.
- J. The commercial food premises eg the existing cool room and the proposed new cooking ventilation.

Management Plan to be enforced by the management at all times and a current copy to be submitted to Council and available to the public upon request from the operator.

Reason: To protect local amenity (DACHPGOG5)

15. **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.
(DACHPGOG5)

16. **Hours of Operation**

The hours of operation are to be restricted to:


- o 7am to 10.00pm, Monday to Saturday.
- o 9.00am to 9.00pm Sunday.
- o The use of any outdoor seating areas must cease from 8pm on-wards any day of the week.

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)

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

Signed




Phil Lane, Principal Planner

The application is determined under the delegated authority of:




Steven Findlay, Manager Development Assessments

ATTACHMENT A











Notification Plan	Title	Date
 2018/156768	Plan - Notification	05/03/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/175177	Notification Map	15/03/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/157493	Plans - Master Set	20/02/2018
 2018/157466	Report - Annual Fire Safety Statement	26/02/2018
 2018/157482	Report - Noise	26/02/2018
 2018/156761	Company Statement	26/02/2018
 2018/156759	Owners Consent	26/02/2018
 2018/156769	Report - Statement of Environmental Effects	26/02/2018
 2018/156763	Plans - Survey	26/02/2018
 2018/156762	Letter - Cover	27/02/2018
 DA2018/0327	141 Allambie Road ALLAMBIE HEIGHTS NSW 2100 - Development Application - Change of Use	02/03/2018
 2018/148724	DA Acknowledgement Letter - Norm Fletcher & Associates Pty Ltd	02/03/2018
 2018/156757	Development Application Form	05/03/2018
 2018/156758	Applicant Details	05/03/2018
 2018/156768	Plan - Notification	05/03/2018
 2018/177658	Environmental Health (Food Premises, Skin Pen.) - Assessment Referral - DA2018/0327 - 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100	14/03/2018
 2018/180078	Environmental Health (Industrial) - Assessment Referral - DA2018/0327 - 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100	14/03/2018
 2018/175499	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0327 - 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100-PH	14/03/2018
 2018/175166	ARP Notification Map	15/03/2018
 2018/175169	DA Acknowledgement Letter (not integrated) - Norm Fletcher & Associates Pty Ltd	15/03/2018
 2018/175177	Notification Map	15/03/2018
 2018/175214	Notification Letter - 20	15/03/2018
 2018/176773	Building Assessment Referral Response	15/03/2018
 2018/200234	Environmental Health Referral Response - industrial use	26/03/2018
 2018/200280	Environmental Health Referral Response - commercial use	26/03/2018
 2018/207093	Engineering Referral Response	28/03/2018
 2018/208903	Acoustic issues - 141 Allambie Road Allambie Heights	28/03/2018

	2018/208811	Acoustic issues - 141 Allambie Road Allambie Heights	29/03/2018
	2018/212706	Environmental Health (Industrial) - Assessment Referral - DA2018/0327 - 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100	03/04/2018
	2018/216142	Environmental Health Referral Response - industrial use 4.4.2018	04/04/2018
	2018/257097	141 Allambie Road Allambie - DA2018/0327 - change of use from fruit shop to cafe/bar - sanitary facilities	24/04/2018
	2018/257128	Amended DA and dates references - DA2018/0327 141 Allambie Road Allambie Heights - Change of use - sanitary facilities	24/04/2018
	2018/276504	Environmental Health (Industrial) - Assessment Referral - DA2018/0327 - 141 Allambie Road ALLAMBIE HEIGHTS NSW 2100	02/05/2018
	2018/299642	141 Allambie Rd Allambie Heights - Local retail centre	17/05/2018
	2018/355299	141 Allambie Road DA 2018/0327	11/06/2018
	2018/366984	Operational Management Plan 16-141 Allambie Rd	18/06/2018
	2018/367108	Amended Plan	18/06/2018