

IDAP REPORT

	39 The Boulevard STRATHFIELD
Property:	Lot 7 DP 24256
	DA2020/201
Proposal:	Proposed change of use and internal fit out to accommodate a neighbourhood shop (butcher, grocery, fruit and vegetable).
Applicant:	JK Lee
Owner:	Top Space Pty Ltd
Date of lodgement:	30 November 2020
Notification period:	18/12/2020- 25/01/2021
Submissions received:	Nil
Assessment officer:	E Black
Estimated cost of works:	\$74,800.00
Zoning:	B3-Commercial Core - SLEP 2012
Heritage:	Yes
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

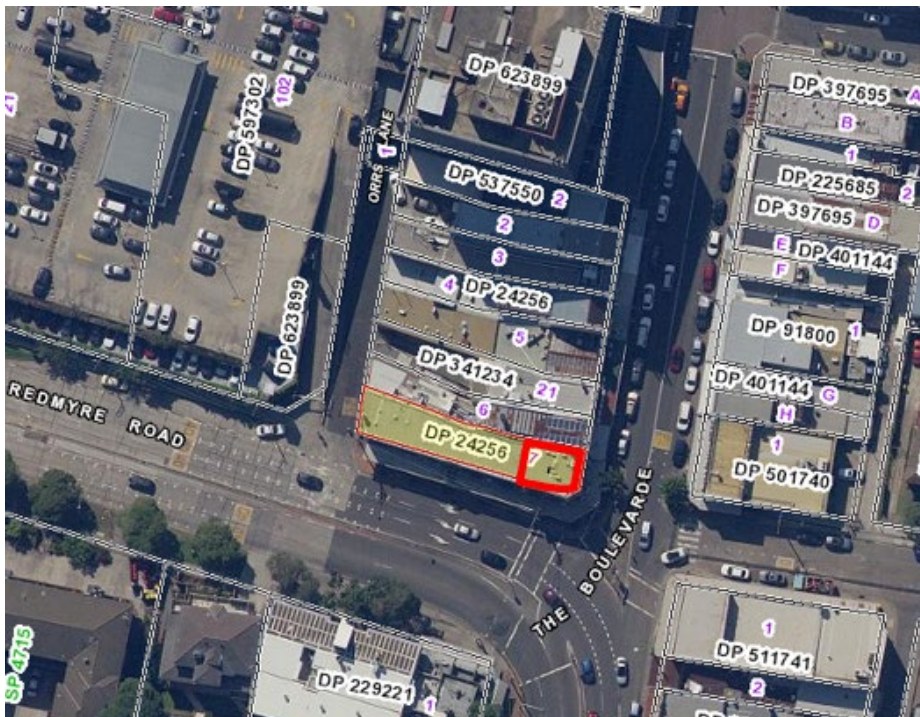


Figure 1: Aerial imagery of the subject site (outlined red) and immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the proposed change of use and internal fitout of Shop 1 at 39 The Boulevarde to accommodate a neighbourhood shop (butcher, grocery shop including sale of fruit and vegetable). This shop is located on the corner of Redmyre and The Boulevarde (ground floor level) within the heritage listed building. The site is listed twice under the Strathfield Local Environmental Plan 2012 Schedule 5 as a heritage item (I200 and I201). It is also within Conservation Heritage Area 15 – The Boulevarde Retail Conservation Area.

Site and Locality

The site is commonly known as Shop 1, 39 The Boulevarde Strathfield, and has a legal description of Lot: 7 DP: 24256. The land is irregular in shape and is located on the corner of The Boulevarde and Redmyre Road. It has a rear lane access from Orrs lane. The site has a width of 8m, a depth of 37m and an overall site area of 296m². The subject shop occupies a floor area of 147m² within this site. The property is divided into three premises. There is an approved restaurant above the shop (DA2019/124) and an Indian Grocers to the rear, facing Redmyre Road.

The locality surrounding the subject site contains a mixture of commercial premises such as restaurants and service shops located in two storey single fronted shops.

Strathfield Local Environmental Plan

The site is zoned B3-Commercial Core under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 18 December 2020 to 25 January 2021 where no submissions were received.

Issues

The following issues were identified:

- Car parking,
- Waste,
- Non-compliance with Australian/New Zealand standards for food premises
- Access for disability, and fire safety measures.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/201 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for a proposed 'change of use' and internal fit-out to a heritage item listed as I200 and I201 and is located within a Heritage Conservation Area (The Boulevard Retail Conservation Area) as per Schedule 5 of SLEP 2012. The proposal is for a change in use from a restaurant (known as Beauty and the Beast) to a neighbourhood shop (butcher and grocer including sale of fruit and vegetable). More specifically, the proposal includes the following changes.

External works

No change to the external façade.

Signage:

The existing approved under awning signage will be reused (see Image 4 and 6). The current sign will be replaced with the new acrylic cover containing new graphic letters only.

Internal works (fit-out)

- Change of use from a restaurant to a combined butchers, grocery shop (including green grocers - fruit & vegetable).
- New internal fit-out works including: new solid walls with tile finish, cool rooms, cold meat display counters, stainless steel bench tops with sink, grocery display shelves, fruit & vegetable display and upstanding freezers and fridges.
- The waste drain from the butcher shop will be connected to the existing grease trap.

Staff

Three full time employees.

Hours of Operation

Monday – Friday 10am-1am and Saturday, Sundays and Public Holidays 10am to 11:00pm to 8:30am-11pm 7 days a week.

Note: The approved first floor restaurant (DA2019/124) has approved longer opening hours which are Monday – Friday 10am-1am and Saturday, Sundays and Public Holidays 10am to 11:00pm to 8:30am-11pm 7 days a week. This is also a reduction of hours from the previous restaurant (2008) that occupied this site (7am-11pm seven days a week).

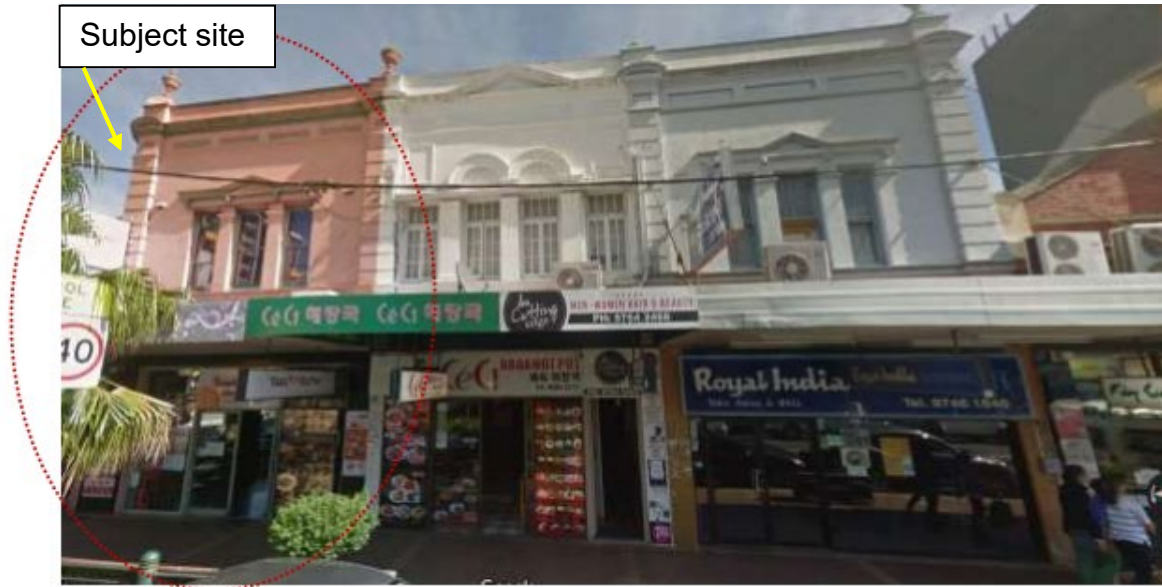


Image 1: Frontage of 39 The Boulevard (source: JKL Design – Heritage Impact Statement).

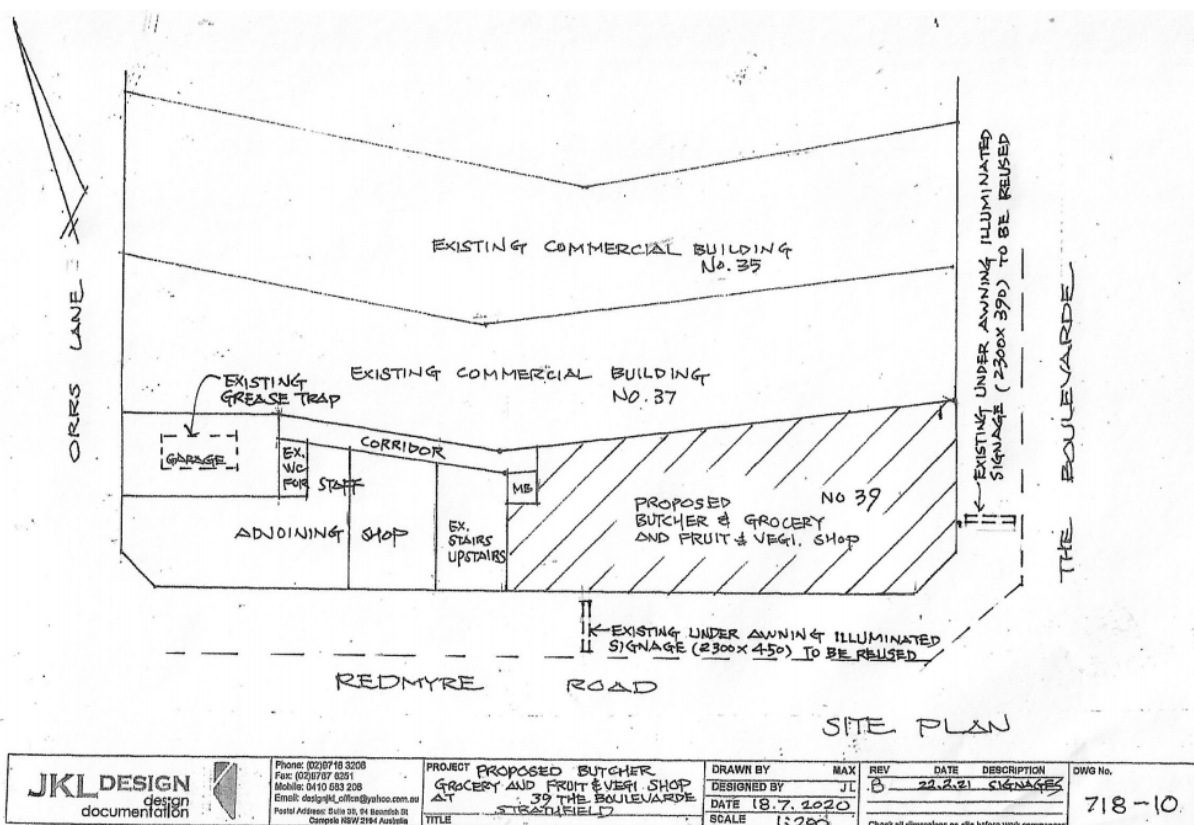


Image 2: Site Plan

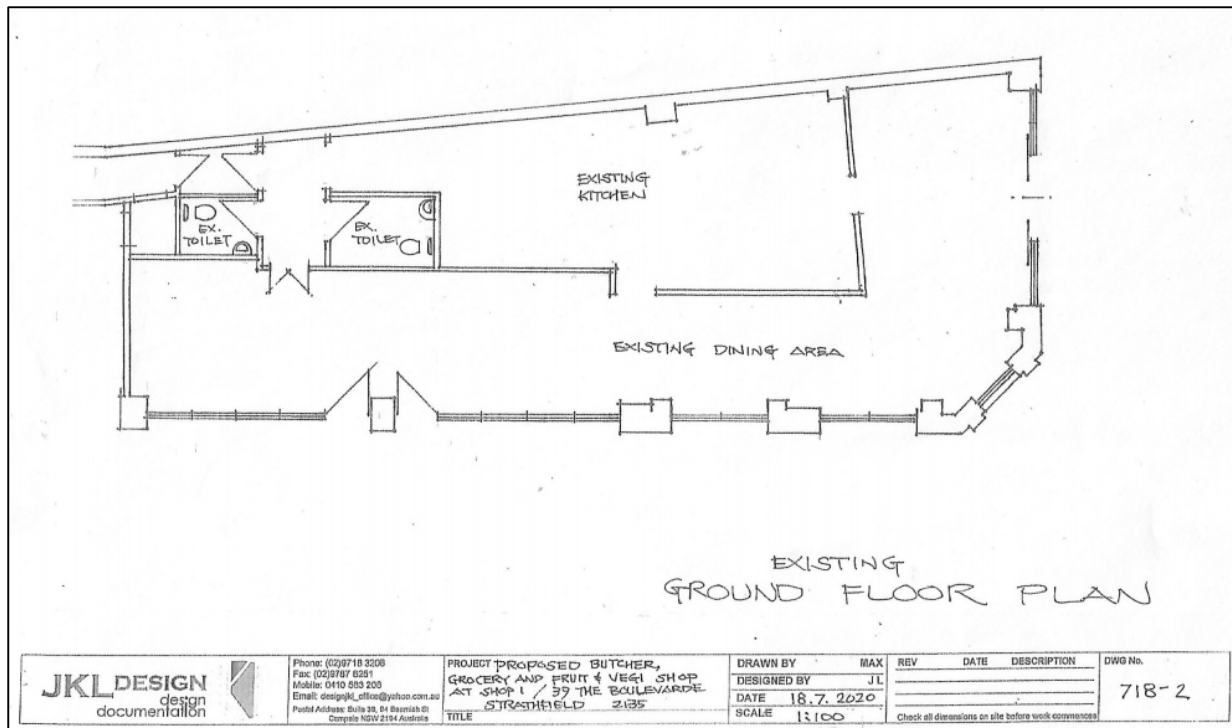


Image 3: Floor Plan Existing

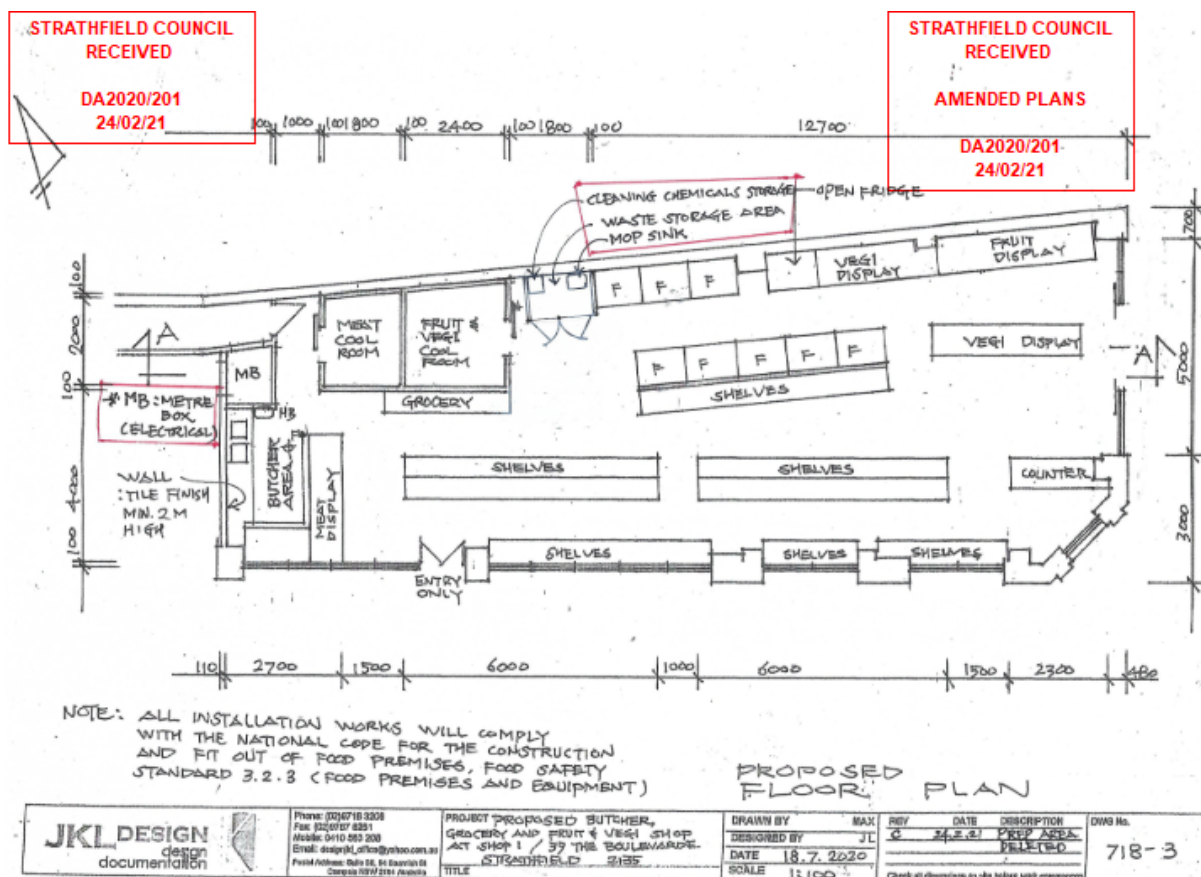


Image 4: Proposed Floor Plan

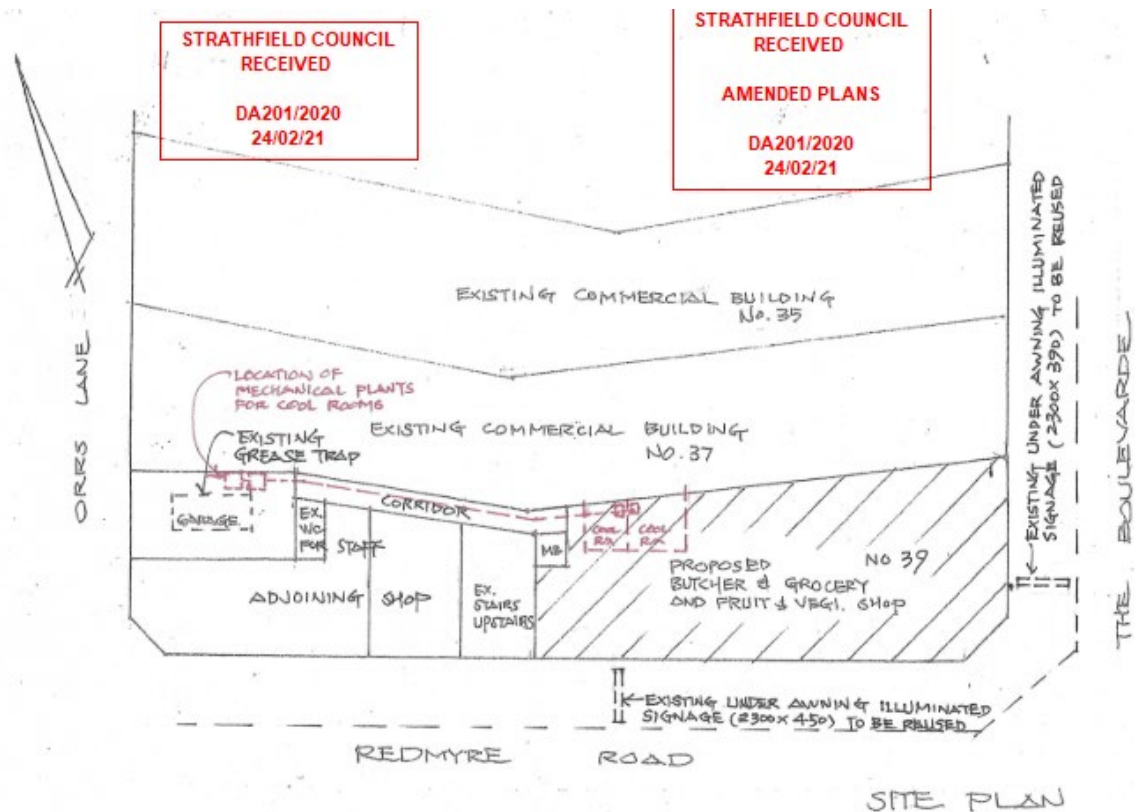


Image 5: Signages Plan (showing location of mechanical plants for Cool Room

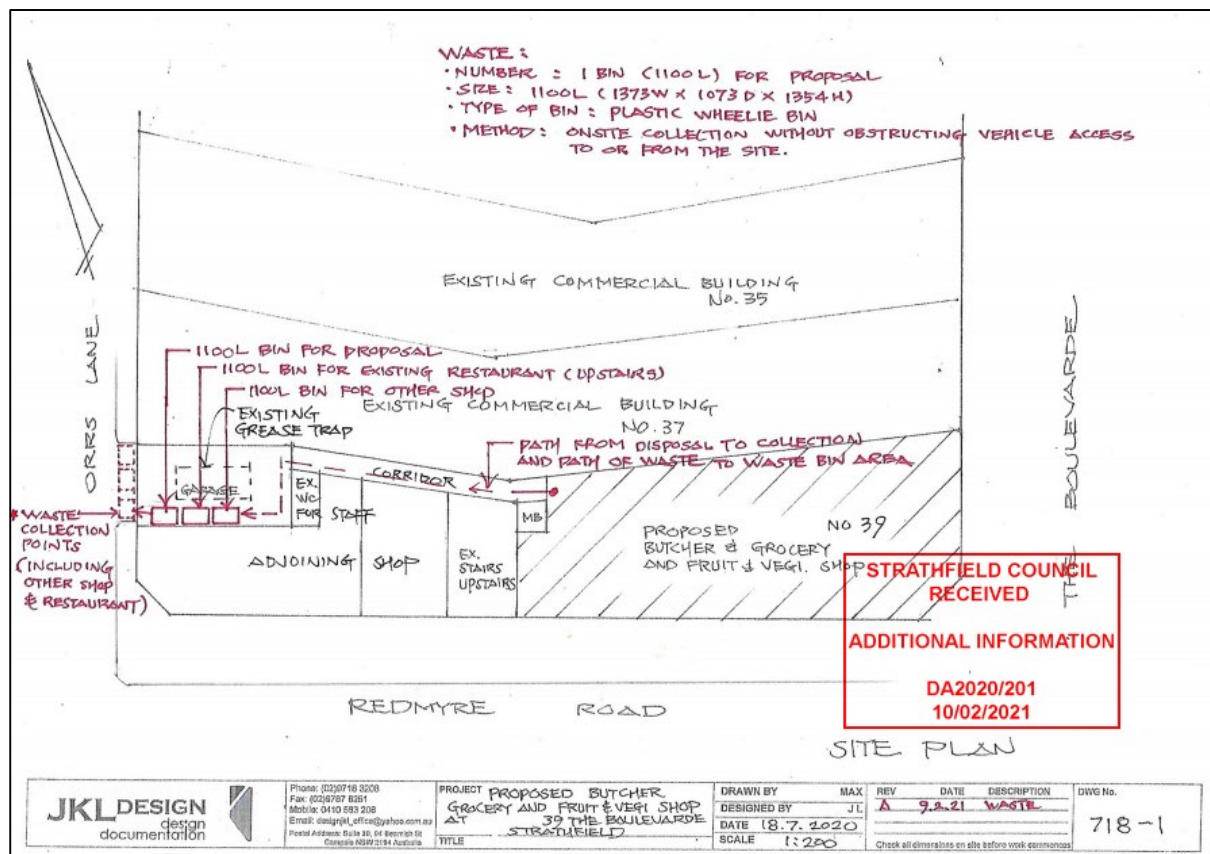


Image 5: Waste Management Plan



Image 6: Proposed Replacement Signage

The Site and Locality

The subject site is legally described as Lot: 7 DP: 24256 and commonly known as shop 1 - 39 The Boulevarde Strathfield. It is located on the west side of The Boulevarde on the corner of The Boulevarde and Redmyre Road (Between the Boulevarde and Orrs lane)

The block of land is irregular in shape and has a frontage of 8m to the east, rear boundary of 8m to the west side boundary length of 37m to the south, and side boundary length of 39 m to the north and an area of 296m². The shop floor space is 147m².

The site is occupied by a vacant shop which had been a restaurant. Vehicular access is provided to the site via Orrs lane.

The current streetscape is characterised by two storey single fronted two storey commercial premises.

The surrounding area is characterised by commercial premises including Strathfield Mall.



Image 7: The Boulevarde looking towards the Subject Site (Near Maps)



Image 8: Showing the Secondary frontage along Redmyre Road (Google maps)



Image 9: Interior of shop (Site Visit – 8th Feb)



Image 10: Interior of shop ceiling (Site Visit – 8th Feb)



Image 11: rear loading/unloading access to the shop (Site Visit – 8th Feb)



Image 12: interior access from the loading dock (Site Visit – 8th Feb)



Image 13: Showing the shops secondary frontage and the existing signage to be reused

Background

This commercial premises has had a long history. It was originally built in 1912 as a Victorian style shop with a wraparound awning. It has operated as a chemist, florist and as a confectionary store. Its once intact interiors were modernised in 2008 when the site became a restaurant/cafe (DA2008/125). The internal walls were also approved to be removed to

consolidate three tenancy into one (see image 14 and 15 below) and two under awning signs to each street front were also approved (see image 16).

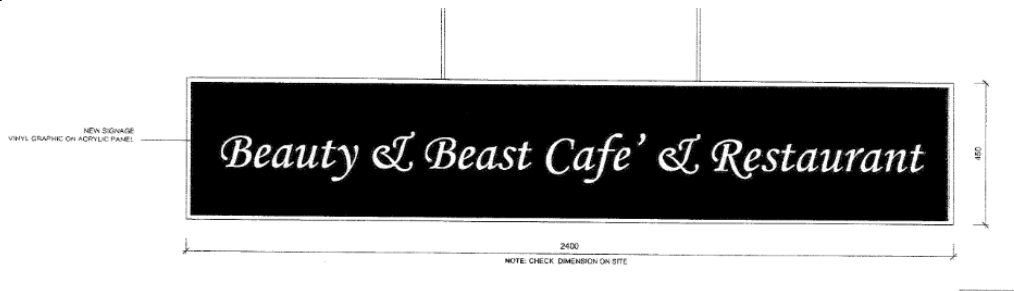
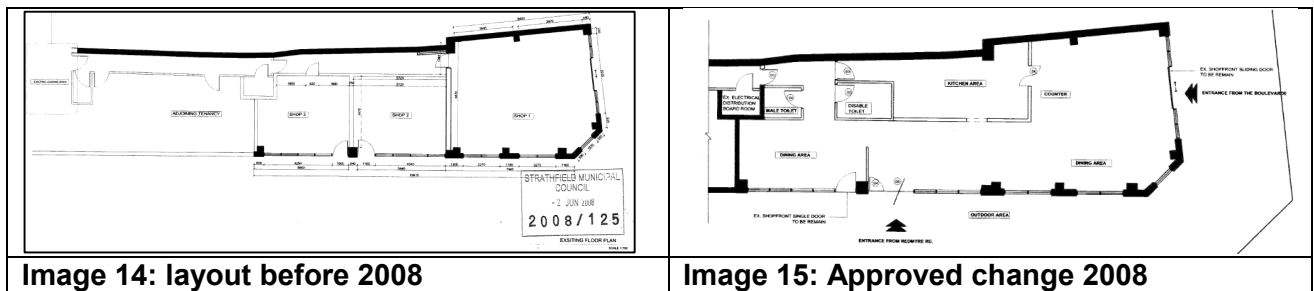


Image 16: DA2008/125 Approved signs

The following outlines the background of this proposal:

30 November 2020	The Development was submitted to Council
18 December 2020- 25 January 2021	The subject application was notified for a period of (14) working days and no submissions were received.
8 Feb 2021	A site visit was conducted by the assessing officer
10 Feb 2021	Further Information request (a waste contract, a waste site plan and a simple Traffic Assessment Report).
11 Feb 2021	Additional information provided.
22 Feb 2021 24 Feb 2021	Identification Signage received. Amended plans provided

Referrals – Internal and External

The application was referred internally for comments on building, waste, traffic and heritage. The comments are as follows:

- **Building**

The senior building surveyor offered no objection subject to the following standard conditions:

- 8.52 Fire Safety Measures (CC8052)
- 8.57 Access for Persons with a Disability (CC8057)
- 11.34 Slip Resistance (OC1134)
- 14.1 Requirement for a Construction Certificate (OR1401)
- 14.9 Occupation Certificate (OR1409)
- 16.2 Long Service Levy (AD1602)

- **Heritage**

The subject site is listed as a heritage item and is located within a heritage conservation area. The site is listed twice under Schedule 5 of the SLEP 2012. It's listed as part of a group of shops that make up a building and as a corner shop. It appears its listing as "Keary's Corner" – Victorian Shop (I201) was due to its previously intact interiors (see below).

Strathfield	Two storey shops	35–39 The Boulevard	Lot 21, DP 341234; Local Lot 6, DP 24256	I200
Strathfield	"Keary's Corner"—Victorian shop	39 The Boulevard	Lot 7, DP 24256	Local I201

Previous modifications to the shop however, have removed all of its original features. As the application does not intend to change the exterior of the shop and the interior has already been altered, it is unlikely this development will impact further on the heritage significance of the shop. However, during interior works if original features are discovered a condition has been imposed to protect these.

Building Works To Comply With BCA – Heritage Buildings Or Buildings Within Conservation Area (CC8021)

Waste:

The application was referred to council's Environmental Projects Officer – Waste, who offered no objection to the proposal on provision of the additional waste information being included within the approved documents and subject to the following condition.

Food Premises (CC8081) (d)

Traffic:

The application was referred to council's Traffic Officer, who offered no objection to the proposal subject to the following condition:

- 6.2 Section 138 Roads Act 1993 and Section 68 Local Government Act 1993 (SA6002)

Environmental Health:

The application was referred to council's Environmental Projects Officer – Health, who offered no objection subject to conditions and a revised fit-out plan. The Plan amendments have been satisfactory provided. Conditions include:

Food Premises (CC8081) (a,b,e)**External Referral:**

This application was referred externally to Burwood Council. No objections was received.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development**Clause 2.1 – Land Use Zones**

The subject site is zoned B3-Commercial Core and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

The proposed development does not alter the current building or Floor Space, as such, the provisions of this Part are not applicable to the subject development.

Part 5 – Miscellaneous Provisions**Heritage Conservation**

The proposal (has been identified as a Heritage Item I- under Schedule 5 of SLEP or is within a Heritage Conservation Area 15) and a Heritage Impact Statement has been submitted with the application.

The application was referred to Council's Heritage Officer who has advised that the proposed works are satisfactory subject to a condition, which have been included in the conditions of consent.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any excavation, as such, the provisions of this Clause are not applicable to the subject development.

Flood Planning

The subject site is identified as being affected by the 1 in 100 year flood event. Notwithstanding, as the proposal involves internal fit out works no special flood planning considerations were required. Therefore, the proposal is not inconsistent with the objectives of this clause.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

Erection or display of signage

Clause 6.6 of the SLEP 2012 requires Council to be satisfied that the signage: a) is compatible with the desired amenity and visual character of the area, and b) provides effective communication in suitable locations, and c) is of a high quality design and finish. The proposed development seeks to replace the graphic elements of the two existing approved signage with a business identification sign. This is appropriate for the site as it is a simple and provides suitable information for the business.

The current signage on site is not illuminated between the hours 11am and 7am (seven days a week). To be consistent, a condition of the hours of illumination is imposed.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

As the development is an existing development, there is no requirement for the application to be assessed in accordance with the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Vehicle Access and Parking			
On-site parking shops - generally (Clause 3.4.1) Strathfield Town Centre Strathfield Town DCP (shop to restaurant) Driveway setback – side: No. of Parking Spaces:	6.2 spaces per 100m No new parking required	0 Restaurant to shop	Non Compliance See traffic engineer comments

Loading/unloading zone and traffic generation

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The traffic engineer has made comments in regards to traffic generation and loading/unloading of deliveries.

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

DCP 13 - Strathfield Town Centre (SCDCP 2005)

The proposed development satisfies the relevant objectives and controls of the Number 13 Strathfield town centre (SCDCP 2005). It maintains the buildings remaining heritage attributes and supports the existing retail core of the Centre. It also provides for street front retail and allows for disabled access. It is considered that this proposal adequately addresses the Strathfield Town Centre DCP and is considered satisfactory.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

PART P – Heritage (SCDCP 2005)

The proposed development satisfies the relevant objectives and controls of the Part P- Heritage (SCDCP 2005) in relation to development of a Heritage Item and The Boulevarde Retail Conservation Area (C15). The objective of the Conservation area is to encourage reinstatement of original windows. This development however is only a fit-out and a change of use. It is not updating or changing any external features. It does not propose to alter any of the remaining fabric of the shop.

(iv) *Any matters prescribed by the regulations, that apply to the land to which the development application relates,*

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) *the suitability of the site for the development,*

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

(d) *any submissions made in accordance with this Act or the regulations,*

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining

property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(e) *the public interest.*

The proposed development is of a use which will not conflict with the public interest. There is likely to be an improvement in general services as the grocery/butchers shop will cater for a more specialised service than the current retail options available.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD CONTRIBUTIONS PLAN

Section 7.11/7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030/Indirect Development Contributions Plan.

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2020.201 should be approved.

Signed:



E Black
Specialist Planner Heritage

Date: 22 Feb 2021

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable.

Report and recommendations have been peer reviewed and concurred with.

Signed: **PS**
Patrick Santos
Planner

Date: 22 Feb 2021

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	718-1	18.7.20		JKL Design
Existing Ground Floor Plan	718-2	18.7.20		JKL Design
Prep Area Deleted	718-3	24.2.20	C	JKL Design
Waste Management Plan	718-1	9.2.21	A	JKL Design
Amended	718-10	24.2.21	C	JKL Design
Signage s	718-11	22.2.21		JKL Design
Waste Management Plan	Proposed Grocery Shop with Fruit and Vegetable shop and butcher shop at 39 The Boulevard Strathfield			John Lee/JKL Design
Statement of Environmental Effects	Proposed Butcher, Grocery and Fruit and Vege shop and fit out works to existing Restaurant at Ground Floor	22 July 2020		JKL Design

	Front shop 39 The Boulevard Strathfield NSW 2135			
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SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

4. Access for Persons with a Disability

Access for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

5. Building Works To Comply With BCA – Heritage Buildings Or Buildings Within Conservation Area

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

6. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 261.80
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Change of Use	\$ 350

Security Damage Deposit	\$ 2700
Administration Fee for Damage Deposit	\$ 127

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Timing of Payment

The contribution must be paid and receipted by Council

- prior to the consent being acted upon.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

7. Food Premises

The following information shall be provided and shown on the Construction Certificate Plans.

(a) Plans and Specifications

Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- [Food Act 2003](#) (as amended)
- [Food Regulation 2015](#) (as amended)
- Food Standards Code as published by Food Standards Australia
- New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)
- Sydney Water – trade Waste Section.

Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

(b) Retail Meat Premises

Details of the construction and fit out of the retail meat premises must be submitted to Council's Environmental Health Officers. Such details must demonstrate compliance with the:

- NSW Standard for Construction & Hygienic Operation of Retail Meat Premises (as amended)
- [Food Regulation 20105](#) (as amended)

- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS 4674:2004 Design, construction and fit-out of food premises (as amended)
- v. Sydney Water Corporation – Trade Waste Section

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of a Construction Certificate.

(c) Waste Facility

Details of the construction and fit out of the waste facility of the food premises, as well as a Waste Management Plan must be submitted to Council's Waste Services Team for approval. Such details must demonstrate compliance with the [Food Act 2003](#) (as amended), [Food Regulation 20105](#) (as amended); the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 *Design, construction and fit out of food premises (as amended.)* and must be:

- i. provided with a hose tap connected to the water supply;
- ii. paved with impervious floor materials;
- iii. coved at the intersection of the floor and the walls;
- iv. graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- v. adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the [Protection of the Environment Operations Act 1997](#);
- vi. Must be large enough to accommodate the bins required.

Council's Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

(d) Litter Control

Ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Litter management plan must be included in Waste Management Plan when applicable, indicating all steps being taken to prevent, reduce and collect any litter produced by the site as well as measures to conduct litter collection within a 50m radius from premises entrance or exit.

8. Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$ 2700.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

9. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

OPERATIONAL CONDITIONS (ON-GOING)

10. Food Premises – Maintenance of Food Premises

The food premises must be maintained in accordance with the [Food Act 2003](#) (as amended), [Food Regulation 2015](#) (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.

11. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

12. Hours of Operation

The approved hours of operation shall be restricted to the following:

8:30am to 11:00pm, 7 days a week

13. Food Premises – Restricted Use (premises that are not cooking)

There shall be no cooking (where heat is applied to food) permitted in the premises unless a separate development application has been approved by Council for this purpose.

14. Food Premises – Garbage Odour

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](#) (as amended).

15. Signage - Approved Hours For Illumination

Signage approved for illumination under this consent must **not** be illuminated between the hours of 11 :00pm and 7:00am seven (7) days per week.

16. Staff Restriction Generally

A maximum number of (3) staff are permitted to work on the premises at any one time. Any increase to this number requires a section 4. 55 modification application be submitted to Council for approval.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

17. Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

18. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

PRESCRIBED CONDITIONS

19. Clause 98A – Erection of Signs (PC1503)

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

ADVISORY NOTES

1. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

2. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

5. Food Premises

Information on Australian Standards can be obtained from www.standards.com.au
Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at foodstandards.gov.au or the NSW Food Authority on 1300 552 406, email: contact@foodauthority.nsw.gov.au or by visiting the website www.foodauthority.nsw.gov.au

Notification of Food Business under Section 100 of the [Food Act 2003](#) requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.