

IDAP REPORT

Property:	72 Parramatta Road HOMEBUSH Lot: C DP: 183313 DA2021.109
Proposal:	Proposed change of use and fit-out of existing commercial unit within a commercial building (Heritage Item - I33) to a food and drink premises.
Applicant:	G Joung
Owner:	Yulee Hae Kang
Date of lodgement:	17 May 2021
Notification period:	26 May 2021 to 9 June 2021
Submissions received:	1 (One)
Assessment officer:	G I Choice
Estimated cost of works:	\$55,000.00
Zoning:	B4-Mixed Use - SLEP 2012
Heritage:	Yes
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

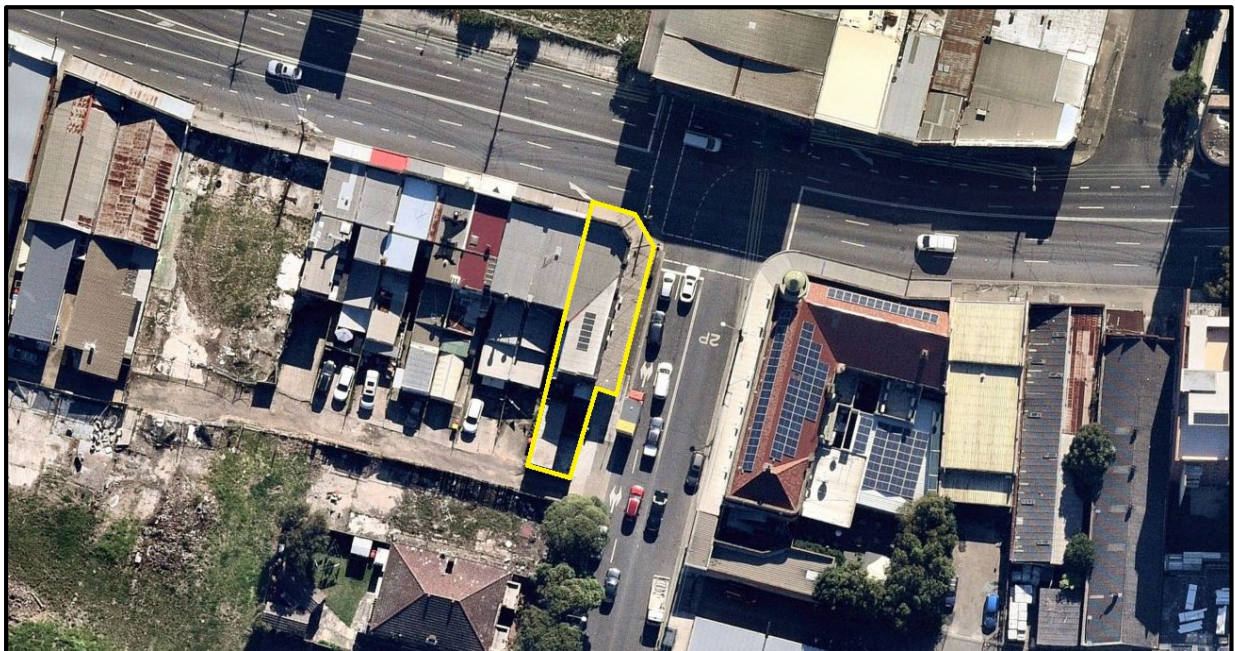


Figure 1: Subject site including ground floor awning (highlighted in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the proposed change of use and fit-out of existing commercial unit within a commercial building (Heritage Item - I33) to a food and drink premises..

Site and Locality

The site is identified as 72 Parramatta Road HOMEBUSH WEST and has a legal description of Lot: C DP: 183313. The subject site is located on the corner of Parramatta Road and Knight Street. Existing development on the site includes a two-storey building comprising a vacant shop and two-bedroom shop-top apartment. Development surrounding the subject site comprises a mix of commercial and low to medium density residential development.

Strathfield Local Environmental Plan

The site is zoned B4-Mixed Use 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 26 May 2021 to 9 June 2021, where one (1) submission was received raising the following concerns;

- Proximity of the mechanical ventilation stack to the adjoining shop top housing; and
- Noise generated by the restaurant premises during the night.

Issues

- Parking shortfall of one (1) space

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/109 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the proposed change of use and fit-out of existing commercial unit within a commercial building (Heritage Item - I33) to a food and drink premises. More specifically, the proposal includes,

Ground floor level:

- Internal restaurant and kitchen fit-out including seating for 19 patrons
- Upgrade of two (2) toilets for staff and customers
- Installation of above ground grease trap
- Removal of existing direct door access from front commercial space to apartment stairs

External works:

- Installation of under-awning signage
- Installation of mechanical ventilation stack.
- Trading name: Mil Dang
- Trading hours: Monday to Sunday – 10.00am AM to 9.00pm
- Staff number: Initially two 2 staff

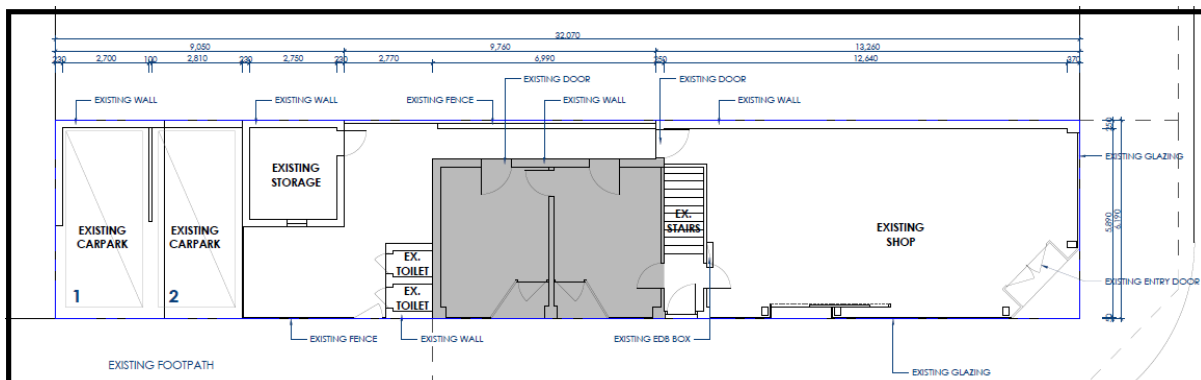


Figure 2: Existing ground floor plan

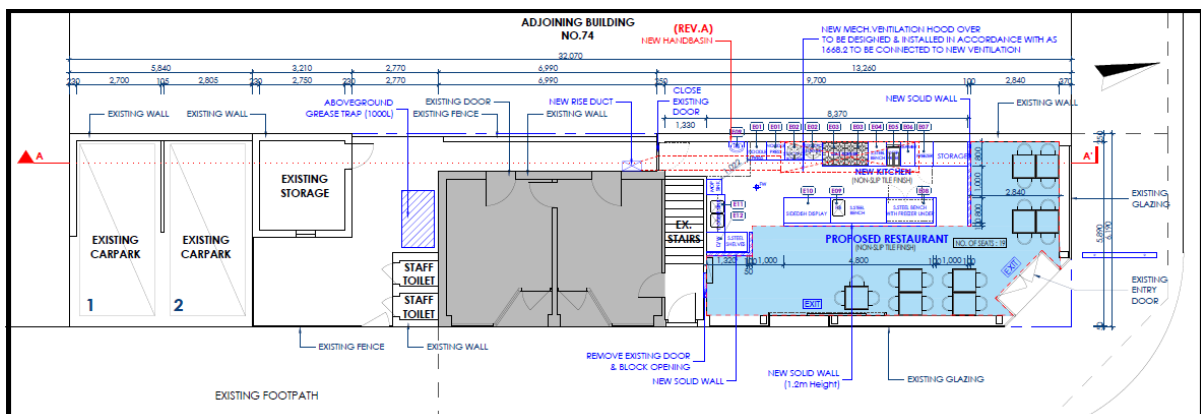


Figure 3: Proposed ground floor plan



Figure 4: Proposed east elevation

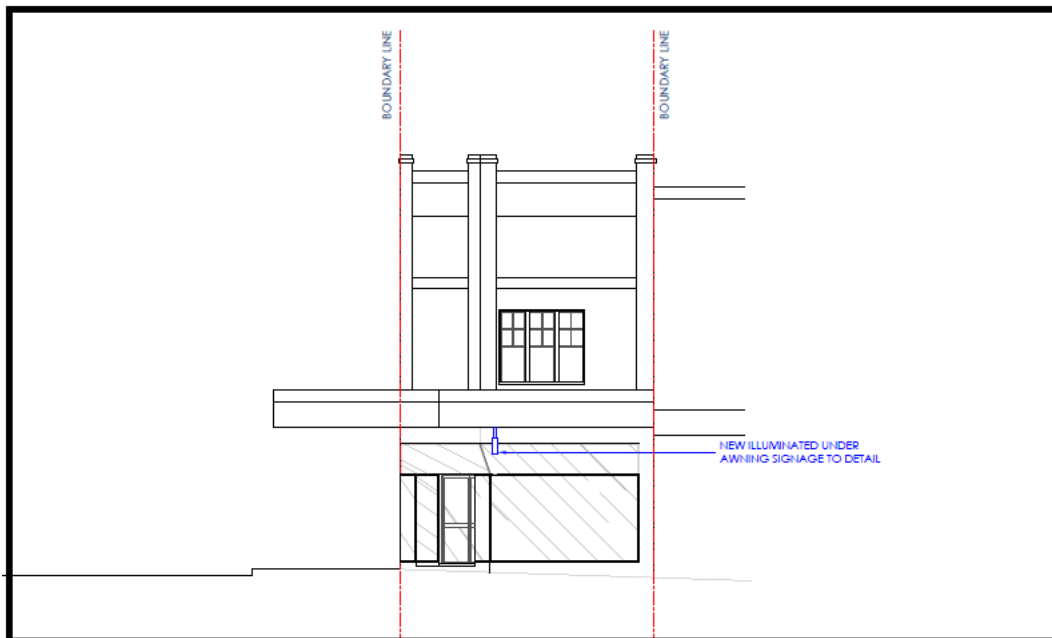


Figure 5: Proposed north elevation

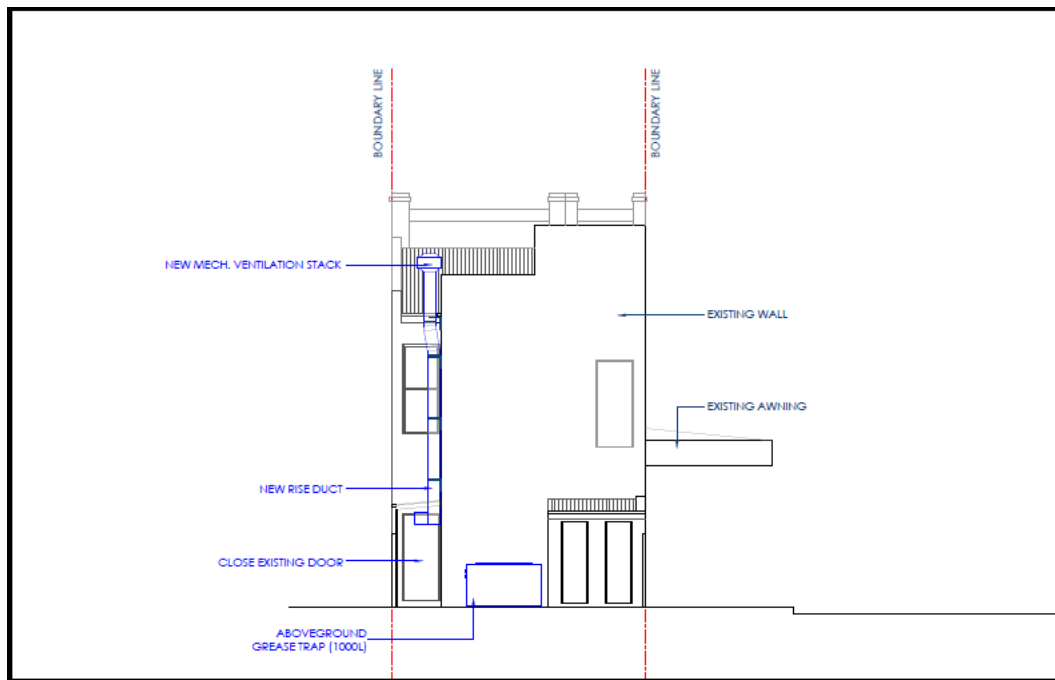


Figure 6: Proposed south elevation

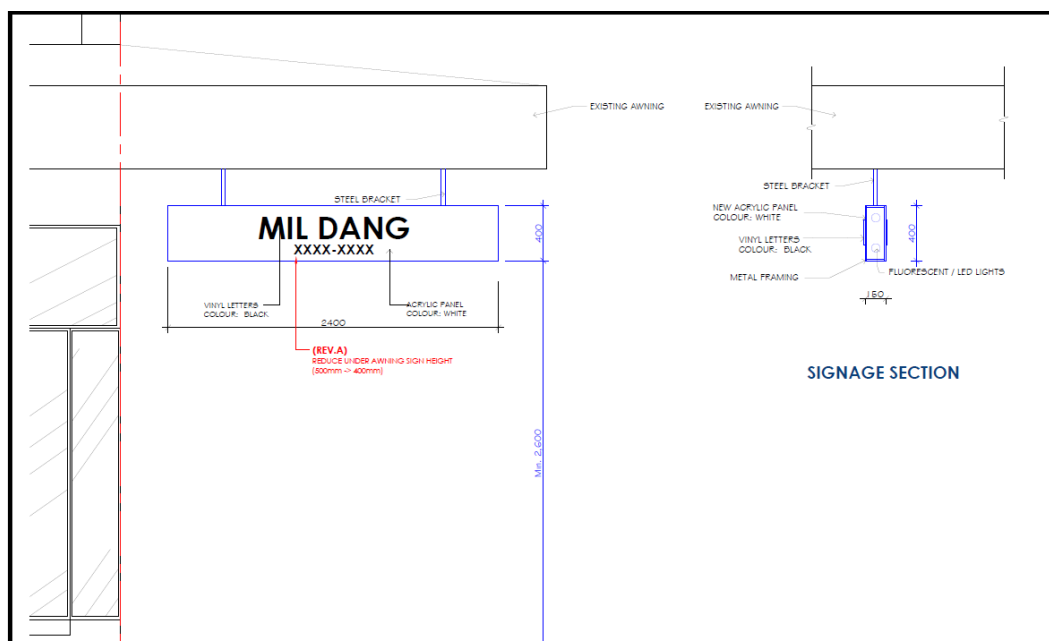


Figure 7: Proposed signage

The Site and Locality

The site is identified as 72 Parramatta Road HOMEBUSH WEST and has a legal description of Lot: C DP: 183313. The subject site is identified as item I33 of Schedule 5 of the SLEP 2012 which is described as part of a commercial building two-storey inter-war stripped classical style building (shops). The subject site is located on the southern side of Parramatta Road, on the corner of Parramatta Road and Knight Street between Powell Street to the east; Loftus Crescent to the south; and Subway Lane to the west. The site is a rectangular shape, with a northern frontage of 6.19m to Parramatta Road and secondary street frontage (east) of

32.070m to Knight Street. The site has a total site area of 198.5m². There is limited existing landscaping on the site.

Existing development on the site includes a two-storey building comprising a vacant shop at ground floor; and two-bedroom shop-top apartment with lounge room, dining room, kitchen and bathroom.

Development adjacent the site comprises the historic former Homebush Theatre (Heritage Item I31 - SLEP 2012) at 55-57 Parramatta Road to the north; and the Horse and Jockey Hotel (Heritage Item I32 - SLEP 2012) at 70 Parramatta Road to the east. Adjoining development to the west comprises the additional two-storey commercial shops as identified in identified as item I33 of the SLEP 2012. It is noted that several of these commercial premises are vacant. Development to the rear of the site comprises a vacant allotment at 7 Knight Street.

The locality surrounding the subject site contains a mixture of commercial and residential development with two-storey commercial shops along Parramatta Road and a small number of mid-20th century flat buildings to the rear in Knight Street.

Background

17 May 2021	DA 2021/109 was lodged for the change of use and fit-out of an existing commercial unit within a commercial building (Heritage Item - I33) to a food and drink premises.
9 June 2021	Neighbour notification period complete.
15 June 2021	Site inspection completed by the Assessment Officer.
28 June 2021	An additional information request letter was issued by Council to the Applicant which required <ul style="list-style-type: none">i) An amended Statement of Environmental Effects to address State Environmental Planning Policy No.64 – Advertising and Signage; andii) Amended plans including a reduction of the awning sign size, and additional details added for access etc.
2 July 2021	Amended plans and revised SEE were submitted by the Applicant.
10 August 2021	All internal referral responses to additional information received.

Referrals – Internal and External

Environmental Health and Compliance

The application was referred to Council's Environmental Health Officer, who provided the following comments:

'It is recommended that an additional single bowl hand wash basin is included in the architectural plans to meet the requirement for a designated hand wash station.'

The proposal is otherwise supported subject to standard conditions.

Heritage

The application was referred to Council's Specialist Heritage Planner, who provided the following comments:

'Two Heritage Impact assessments from Urban Health Access & Heritage Consultants (21371.H1.1 dated 3/3/2021 and UH21371.H2.72 dated 6/3/2021) have been provided as part of this Development Application. I have reviewed both the reports and architectural plans (and) concur with the information provided by these reports and the Conservation Management Plan contained within these reports. I therefore, do not object to this proposal on heritage grounds and support the application with conditions.'

Traffic Management

The application was referred to Council's Traffic Manager, who provided the following comments:

'The traffic generation associated with the site is anticipated to be minor based on the traffic generation rates from TfNSW (RTA) Guide to Generating Traffic Developments).'

Details of the traffic assessment are discussed in detail elsewhere in this report. The proposal is supported subject to standard conditions.

Waste

The application was referred to Council's Environmental Projects Officer – Waste, who provided the following comments:

'...amend Waste Management Plan and Architectural Plan to demonstrate in a more detailed manner where the waste is disposed and how it will be collected, as well as how ... residential waste... will not get mixed with commercial waste...'

The proposal is otherwise supported subject to standard conditions.

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 B4-Mixed Use and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Maximum building height 22m	The proposed development does not alter the existing height of the building	Yes
4.4A Floor Space Ratio Exceptions to floor space ratio (Parramatta Road Corridor)	Maximum FSR 2.25:1	Site = 177m ² GFA = 174.41m ² FSR $174.41 / 177 = 0.99:1$	Yes

Clause 5.10 - Heritage Conservation

The subject site is identified as part of ITEM I33 of Schedule 5 of the SELP 2012 - Commercial building - two storey inter-war stripped classical style building (shops) - and was subsequently referred to Council's Specialist Heritage Planner.

The subject site and adjoining shops to the west are significant as part of a trio of interwar development and includes the Horse and Jockey Hotel (I32) and the Former Homebush Theatre (I33). The subject building is distinguished by the high quality leadlight glazing and metal clad shopfronts that survive on the shop at 72 Parramatta Road, and the ground floor façade along Knight Street.

The survival of Inter-War shopfronts of this quality with the surrounding tilework is becoming increasingly rare. Two Heritage Impact assessments from Urban Health Access & Heritage Consultants (21371.H1.1 dated 3/3/2021 and UH21371.H2.72 dated 6/3/2021) have been provided as part of this Development Application. The reports include the same Conservation Management Plan for the subject site and recommendations for the repurposing of the rear lane to provide for a future restaurant hub (p 22, H1.1).

Council's Heritage Planner has reviewed both the reports and the amended architectural plans as well as the submitted Conservation Management Plan contained within these reports and raises no objections to the proposed development. Appropriate conditions have been added to the draft notice of determination including aesthetic improvements comprising gutters and down pipes to be upgraded from PVC natural finish zincalume DP's; and mechanical units on the awning to be relocated to roof top systems concealed behind parapet walls.

The proposed development satisfies the provisions of Clause 5.10 subject to conditions of consent.

Clause 5.21 - Flood planning

The site is not mapped as flood affected.

Part 6 – Additional Local Provisions

Clause 6.1 - Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 ASS land that is below 5 AHD.

Clause 6.2 – Earthworks

No earthworks are proposed as part of the development application. Works associated with the commercial alterations and additions are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. The proposed development is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas.

Clause 6.4 - Essential Services

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. Hence, 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.

Clause 6.6 – Erection or display of signage

The proposed signage is compatible with the desired amenity and visual character of the area. The awning signage shall provide effective business identification communication through the use of a high quality design and finish and is suitably located under the awning of the Parramatta Road façade. Accordingly, the proposed development satisfies the requirements of Clause 6.6 of the SLEP 2012.

State Environmental Planning Policy (Infrastructure) 2007

The site is adjacent to the Parramatta Road corridor and Clauses 98 to 104 of the SEPP (Infrastructure) 2007 must be considered.

The proposed development is for internal alterations and the addition of awning signage to an existing building, and will not result in an enlargement or extension of the existing premises, its relevant size or capacity. Works associated with the development are considered minor and – given the limited capacity of the site - the future operation of a food and drink premises does not pose a significant increase of traffic noise and vehicle emissions. The corner site provides practical and safe vehicular access from Knight Street and the efficient and ongoing operation of the Parramatta Road will not be adversely affected by the development as a result of the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using Parramatta Road to gain access to the land. The proposed development is considered to satisfy the provisions of the SEPP.

State Environmental Planning Policy No 64 – Advertising and Signage

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed more comprehensive advertising. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

1) This policy aims to:

a. To ensure that signage (including advertising):

- i. Is compatible with the desired amenity and visual character of an area, and*
- ii. Provides effective communication in suitable locations, and*
- iii. Is of high quality design and finish.*

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	<p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed awning signage is compatible with the commercial character of the locale.</p> <p>The proposal is generally consistent with thematic aspects of outdoor advertising in the area.</p>	<p>Yes</p> <p>Yes</p>
2	Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is a heritage item and the proposed signage is considered acceptable by Council's Heritage Officer.	Yes
3	Views and Vistas	<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed advertising signage will not impact any significant views or obstruct the viewing rights of other advertising in the immediate vicinity.</p> <p>No</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4	Streetscape, Setting or	Is the scale, proportion and form of the proposal	The proposed awning signage is of an	Yes

	Landscape	<p>appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>appropriate height, width and scale for the location within the public domain.</p> <p>The proposed signage will improve the visual interest of the existing awning.</p> <p>No advertising currently exists on the subject site.</p> <p>The proposal will provide visual uplift to the existing electricity substation.</p> <p>The proposal shall not protrude over existing development or vegetation as such.</p> <p>The proposal is unlikely to require additional vegetation management.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
5	Site and Building	<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p>	<p>The proposed awning signage has been designed to fit appropriately within the existing underlay of the Parramatta Road façade awning. The proposed sign is of a size comparable to existing awning signs of the adjoining shops and is appropriate in the immediate context.</p> <p>The location of the proposed awning signage will not detract from the</p>	<p>Yes</p> <p>Yes</p>

		Does the proposal show innovation and imagination in its relationship to the site or building, or both?	existing visual amenity value. The proposed signage as an ancillary use to a proposed food and drink premises and will not detract from the existing building.	Yes
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage has no such devices.	N/A
7	Illumination	<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>Illumination can be regulated through appropriate conditions of consent.</p> <p>Illumination and brightness can be regulated to ensure the safety for pedestrians and vehicles. The proposal does not pose any potential hazards to aircraft.</p> <p>The proposed location of the awning sign will result in adequate visual relief from existing accommodation in the immediate context</p> <p>Brightness can be adjusted if necessary by bulb replacement.</p> <p>A curfew is not considered necessary.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

8	Safety	Would the proposal reduce the safety for any public road?	The proposed signage is unlikely to reduce the safety of Parramatta Road and/or Knight Street.	Yes
		Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage is unlikely to reduce the safety of pedestrians or bicyclists.	Yes
		Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is unlikely to reduce the safety of pedestrians or bicyclists.	Yes

The proposed signage is considered to satisfy the provisions of SEPP 64.

(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 following DCP Parts (and where applicable to the proposed changes):

- SDCP No 20 – Parramatta Road Corridor Area
- Part H – Waste Management;
- Part J – Advertising
- Part P – Heritage
- Part Q – Urban Design Controls

No 20 – Parramatta Road Corridor Area (SCDCP 2005)

2.7 Heritage and Conservation

The proposed development will provide vitality to the area enhance the heritage façade of the subject building by activating a vacant premises without compromising on the heritage significance of the item or structure.

Two Heritage Impact assessments from Urban Health Access & Heritage Consultants (21371.H1.1 dated 3/3/2021 and UH21371.H2.72 dated 6/3/2021) have been provided as part of this Development Application. It is considered the application has adequately addressed the heritage significance of the subject building and the effect the proposed works will have on the significance of the heritage item. The submitted Conservation Management Plan contained within these reports is supported by Council's Specialist Heritage Planner subject to conditions.

2.13 Vehicular Access and Car Parking

The proposal has been assessed against Part I of Strathfield Consolidated Development Control Plan 2005 – Provision of Off-Street Parking Facilities and a summary is provided in the table below:

Applicable DCP Controls	DCP Controls
SCDCP No 20 2.13.1 On-Site Parking (D) Mixed Use	1 space 2 bedroom unit Existing 2 bedroom apartment = 1 space
SCDCP Part I - 3.5.2 Restaurants	1 space per 40m ² GFA Proposed restaurant GFA 72.11m ² $72.11 / 40 = 1.8$ or 2 spaces
Total spaces required	3
Total spaces provided	2 – Does not comply

The proposed development provides two (2) spaces which results in a parking shortfall on one (1) parking space. The proposal has been assessed by Council's Traffic Manager who considers the traffic generation associated with the new restaurant to be minor based on the traffic generation rates from TfNSW (RTA) Guide to Generating Traffic Developments) as detailed below:

Evening peak hour rate	5 per 100 m ² GFA vehicle trips = 4 trips
Daily rate	60 per 100m ² GFA vehicle trips = 43 trips

The subject site is located within 400m walking distance to Homebush Railway Station and less than 200m to bus stops travelling in both directions along Parramatta Road. It is considered the parking shortfall is acceptable as there is suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.

Part H – Waste Management (SCDCP 2005)

The proposal was referred to Council's Environmental Project Officer (Waste) who supports the application subject to appropriate conditions of consent including an amended Waste

Management Plan and Architectural Plan to demonstrate appropriate separation of residential and commercial waste for the mixed use site.

Part J – Erection and Display of Advertising Signs and Structures (SCDCP 2005)

An assessment of the proposal against the objectives contained within Part J of SCDCP 2005 is included below:

2.6 Guidelines For The Erection And Display Of Advertisements Along Parramatta Road

Special Provisions	Complies
(i) <i>advertisements, in general, should be to identify the building and its function but not to advertise the products sold on the subject premises.</i>	Yes
(ii) <i>roof advertisements are not permissible.</i>	Yes
(iii) <i>in general, advertisements are restricted to the side of awnings and below awnings.</i>	Yes
(iv) <i>advertisements painted onto the facade of buildings are permissible provided they enhance the building's appearance and address Item 15 within Schedule 2.</i>	Yes
(v) <i>illuminated advertisements at night are permissible provided they comply with the guidelines set out elsewhere in the DCP.</i>	Yes

Officer Comment: The proposed signage will be installed beneath the existing awning, and is intended for the general purpose of business identification.

ITEM 2A - Awning signs (advertisements displayed under awnings)

Where an advertisement is displayed under an awning, the awning sign to which the advertisement is attached -

(a)	<i>shall not exceed 2.5m in length</i>	Yes
(b)	<i>shall not exceed - (i) 0.4m in width (where the sign is illuminated); or (ii) 0.08m in width (where the sign is unilluminated);</i>	Yes
(c)	<i>shall not exceed 0.5m depth;</i>	Yes
(d)	<i>shall be erected approximately horizontal to the ground and at no point less than 2.6m from the ground;</i>	Yes
(e)	<i>unless the Council otherwise approves, shall be erected at right angles to the building to which the awning is attached</i>	Yes

(f)	<i>shall be securely fixed to the awning by means of suitable metal supports not exceeding 0.05m in width or diameter</i>	Yes
(g)	<i>shall not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building</i>	Yes
(h)	<i>unless the Council otherwise approves, shall have its centre at least 3m from the centre of any other awning sign to which this item applies;</i>	Yes

Officer Comment: The proposed development comprises the installation of a single awning sign (2400mm x 400mm x 150mm) at a clearance of 2.6m from the ground. A condition of consent has been included to ensure that the illuminance of the advertisement complies with Australian Standards.

The subject site is located in a non-residential area with a low amenity value. The signage panels are of an appropriate height and scale. It is considered that the proposed signage will not detrimentally impact on the surrounding amenity or streetscape of the locale. The proposed signage panels are considered acceptable.

The proposed signage is compliant with the relevant controls of Part J of the SCDP 2005.

Part P – Heritage (SCDCP 2005)

2.6 Alterations and additions

The proposed development is has been assessed by Council's Specialist Heritage Planner as discussed elsewhere in this report. The proposed works – which are and largely internal - are consistent with the scale, form, proportion, details and materials of the heritage building, and are unlikely to adversely impact the significance of a heritage façade. The proposed development is compliant with the relevant controls of Part P of the SCDP 2005.

Part Q – Urban Design Controls

3.4 Acoustic amenity and air quality

The SCDP 2005 requires that new non-residential development is not to have any adverse amenity impacts on adjacent residential development in terms of noise, odour, hours of operation and/or service deliveries.

The proposed hours of operation for the food and drink premises are 10.00am to 9.00pm: Monday to Sunday. Consideration is given to similar development in the immediate context which includes the Horse and Jockey Hotel (pub) which trades 10.00am to 2.00am: Monday to Saturday; and 10.00am to 12.00am: Sunday. On balance, the proposed operating hours are considered acceptable.

The proposed development satisfies the objectives of the development control and is supported in this regard.

4.8 Development within Mixed Use Zones

The SCDCP 2005 requires any new mixed use development must improve the appearance of the built environment in the vicinity of the land, particularly in terms of the relationship of buildings to each other and from the perspective of motorists, pedestrians, employees and users of the Public Domain generally.

The proposed development will provide uplift to an existing building that is currently unoccupied on the ground floor and create an appropriate land use that will attract pedestrian traffic along Parramatta Road in a B4 Mixed Use zone. In this regard, the proposed change of use to a food and drink premises will result in a positive impact to the locale.

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

Not applicable.

(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 dwellings being constructed in the locality. Issues relating to heritage conservation, parking and acoustic amenity have been adequately addressed elsewhere in this report.

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. One (1) submissions were received raising the following concerns:

1. Location of Mechanical Ventilation Stack

The submission raised concern over the proximity of the mechanical ventilation stack to the adjoining shop top housing and suggested relocation of the mechanical ventilation stack to Knight Street.

Officer comment: The proposal was referred to Council's Environmental Health Officer who has raised no objection to the location of the mechanical ventilation stack. With consideration given to the visual impacts of a building of heritage significance and general impacts to the immediate streetscape, a relocation of the stack to Knight Street is unacceptable. An appropriate condition is imposed requiring a minimum height of the stack cap to be at a minimum clearance above existing windows of adjoining properties. It is considered the height of the existing parapets of the subject building is sufficient to provide visual relief of the ventilation stack from both Parramatta Road and Knight Street frontages. This issues has been addressed.

2. Acoustic Protection Measures

The submission raised concern over increased noise generated by the restaurant premises during the night.

Officer comment: The proposal was referred to Council's Environmental Health Officer who has raised no objection to excessive noise generated by the general operation of the premises. The proposed food and drink premises will operate primarily as a take-away/delivery operation with seating for 15 patrons only. Additional comments are provided as follows:

It is stated in the SEE that no significant noise will be produced beyond the boundary of the site...it must be considered that the site is affected by noise from the nearby rail corridor (Metro South Rail Corridor) located adjacent to Loftus Crescent Homebush and by noise from major roads including Parramatta Road (84 metres from the proposed site) and the M4 motorway (156 metres from the proposed site).

Appropriate conditions are imposed to ensure acoustic compliance for the general operation of the premises. This issue has been addressed.

(e) the public interest.

The proposed development is of a scale and character that does not conflict with the public interest.

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).

The estimated cost of works for the proposed mezzanine is \$22,000.00 and does not trigger contributions fees.

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. 109/2021 should be approved subject to conditions.



Signed:

**G I Choice
Planner**

Date: 23 August 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 to this development;

Report and recommendations have been peer reviewed and concurred with.



Signed:

**Miguel Rivera
Senior Planner**

Date: 24 August 2021

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- 1) 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.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) 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	21104 - 1	05/03/2021	A	Space Plus + Design
Floor Plan (Existing)	21104 - 2	05/03/2021	A	Space Plus + Design
Floor Plan (Proposed)	21104 - 3	02/07/2021	A	Space Plus + Design
Floor Plan (Proposed 1 st Level)	21104 - 4	02/07/2021	A	Space Plus + Design
Roof Plan	21104 - 5	02/07/2021	A	Space Plus + Design
Elevation (East)	21104 - 6	02/07/2021	A	Space Plus + Design
Elevation (North)	21104 - 7	02/07/2021	A	Space Plus + Design
Elevation (South)	21104 - 8	02/07/2021	A	Space Plus + Design
Section	21104 - 9	02/07/2021	A	Space Plus + Design
Signage Detail	21104 - 10	02/07/2021	A	Space Plus + Design
Description	Reference No.	Date	Revision	Prepared by
Heritage Impact Assessment	UH21371.H 1.72PARRA	24/12/2020		Urban Health Consultants Pty Ltd
Revised Heritage Impact Assessment	UH21371.H 1.72PARRA	06/05/2021	A	Urban Health Consultants Pty Ltd

2. Signage

A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under *State Environmental*

Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

3. 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.

4. Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

5. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

6. Road Noise

The site is affected by noise from the Parramatta Road. An Acoustic Report prepared by a suitably qualified acoustic consultant shall be submitted demonstrating that the development has been designed with measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

The measures of acoustic attenuation shall be reflected on the Construction Certificate plans.

7. Railway Noise

The site is affected by noise from the Metro South Rail Corridor. An Acoustic Report prepared by a suitably qualified acoustic consultant shall be submitted demonstrating that the development has been designed to meet the internal noise and vibration levels specified in NSW Department of Planning 'Development Near Rail Corridors and Busy Roads – Interim Guidelines' and Clause 87 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

8. Trade Waste Agreements

A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

9. Sydney Water – Tap in TM

The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

10. 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).

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 192.00
Security Damage Deposit	\$ 2700.00
Administration Fee for Damage Deposit	\$ 130.00

DEVELOPMENT CONTRIBUTIONS
See separate Condition under "Prior to the Issue of Occupation Certificate"

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.

Indexation

The contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

11. 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: \$130.00
- (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.

12. Site Management Plan

Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

13. 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.

14. Heritage Conservation Works

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Advisor for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage in the Conservation Management Plan within the 'Heritage Impact Assessment for 72 Parramatta Road' by Urban Health and Heritage Consultant (21371.H2.72 dated 6/3/2021). This includes but is not limited to the following:
 - i. External Tiles (Colour match tiles and restore corner ceramics). No painting of tiles is allowed;
 - ii. Vents (Clear vent and match or repair the tiles);
 - iii. Wall treatment;
 - iv. Awning;
 - v. Windows (Restore original stain glass copper window sash);
 - vi. Doors;
 - vii. Floors (location of original floors and tiled floors);
 - viii. Internal ceiling treatment;
 - ix. Down Pipes; and
 - x. Party Wall.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the [Australian ICOMOS Burra Charter 1999](#). Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Advisor prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

15. Reinstatement of Front Verandahs, Porches Or Sunrooms

The southern second floor verandah must be reinstated to its original form and style. Details of the proposed reinstatement must be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

16. 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.

17. Access for Persons with a Disability

Access and sanitary facilities for persons with disabilities must be provided to the premises 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.

18. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

19. 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:

- i. [Food Act 2003](#) (as amended)
- ii. [Food Regulation 2015](#) (as amended)
- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)
- v. 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) Odour Control – Exhaust System

Details of the construction and fit out of the exhaust ventilation system must be submitted for approval with the construction certificate.

Plans and specifications must demonstrate compliance with the [Protection of the Environment Operations Act 1997](#) (as amended) whereby the exhaust system in the food premises is fitted with pollution control equipment capable of removing odour and smoke from cooking fumes.

A suitably qualified person shall certify that this condition is satisfied prior to the issue of the Occupation Certificate. The development shall at all times comply with these odour control measures.

(c) Waste Facility

Details 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.
- vi. Able to provide adequate separation of commercial waste and domestic waste associated with the first floor residential dwelling.

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) Above Ground Grease Trap Bunding

The above ground grease trap must be located in a bunded area. The 'size of the area' is to be bunded to contain a minimum of 110% of the volume of the above ground grease trap tank.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All pipework from the enclosed tanks and/or pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund shall be placed in such a position that leaks or spillages are contained within the bund. The bunded area shall be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters. Details of the above ground grease trap and bunding details must be included with the Construction Certificate application for approval.

20. Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

21. Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the following number of bins for the development;

- (a) Domestic Waste – 1 x 240 or 660L litre mobile bin.
- (b) Domestic Recycling – 1 x 240 or 660L litre mobile bin.

At a minimum rate of 1.1m² per 240L bin, 2.03m² per 660L bin, 2.7m² per 1100L bin and located in an area to suitably facilitate servicing on waste collection day.

The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a rate of 4m² per 10 units and should be located adjacent to waste and recycling storage rooms.

22. Onsite Waste Collection

Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, boarding houses, mixed use and commercial developments must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

23. Separate Waste Areas for Mixed-Use Development

Waste storage and collection arrangements should be designed to minimise the risk of contamination between waste streams from different tenancies and occupations. An example of this is the residential component having a separate waste storage area from the commercial component in a mixed-use development and that cross access to these areas is prevented.

WMP should also provide written evidence of valid contracts for the regular commercial collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

24. Commercial and Industrial Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for all specific end use businesses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be

enclosed in the waste bins with lids completely closed at all times.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

25. Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

26. 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.

27. Food Premises – Inspection & Registration

Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
- (b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- (c) The Food Premises must notify and register its business details with Strathfield Council as required under section 100 of the [Food Act 2003](#).

28. Acoustic Compliance – General Operation of Premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

29. Hours of Operation

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

10.00am to 9.00pm - Monday to Sunday

30. Maximum Patron Capacity

The maximum patron seating capacity within the restaurant premises shall be limited to 19 persons at any time.

31. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

32. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

33. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

34. Amenity of the Neighbourhood

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, dust, waste water, waste products, grit, oil or other harmful products.

35. Food Premises – Adequate Waste Receptacles (Restaurants, takeaway/cafe)

Appropriate waste and recycling containers must be provided for waste generation rates of 0.3 to 0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals. All waste and recycling containers shall be stored in the approved waste storage area that is large enough to store the required number of bins and must be adequately serviced by waste collection vehicles.

36. 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)*.

37. 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).

38. Food Premises – Storage of Waste – Used Cooking Oil

Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.

39. 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.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

40. Requirement for a Construction Certificate

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

41. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

42. Notification of Critical Stage Inspections

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

43. Notice of Commencement

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

44. Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

45. 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

46. Clause 98A – Erection of Signs

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.

47. Clause 98D – Erection of sign for maximum number of persons

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

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. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.