

3.5 Shop 2, 55 Sorlie Road, Frenchs Forest - Internal Fit-Out and Occupation of a Shop for Use as a Restaurant and Associated Signage

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Cynthia Chan
Address / Property Description: Shop 2, 55 Sorlie Road, Frenchs Forest

Proposal: Internal fit-out and occupation of a shop for use as a restaurant and associated signage

Development Application No: DA2009/0869

Plans Reference: Drawing 1 of 1 prepared by North Shore Plan

Applicant: Jacob Hans Fredrik Wehtje

Owner: Hyecorp Property Fund No. 5 Pty Ltd

Application Lodged: 08/07/2009

Amended Plans: NO

Locality: C1 - Middle Harbour Suburbs

Category: Category 1 – Restaurant (situated in a Local Retail Centre)

Clause 20 Variations: NO

Draft WLEP 2009 B1 – Neighbourhood Centre (Permissible)

Land and Environment Court NO

Action:

Referred to WDAP: NO

Referred to ADP: YES - more than 2 unresolved objections

SUMMARY

Submissions: 4

Submission Issues: Restaurant use, operating hours, traffic and carparking, undesirable social behaviour, waste management, construction work and property values

Assessment Issues: Carparking provision, operating hours, signage and operational management plan

Recommendation: Approval - Subject to conditions

Attachments: Draft conditions of consent and Site Plans

LOCALITY PLAN (not to scale)



Subject Site: Shop 2, 55 Sorlie Road (Lot 1 DP 1135141), Frenchs Forest

Notified Residences: Under the provisions of the Warringah Development Control Plan this application has been notified to 57 adjoining property owners and occupiers.

SITE DESCRIPTION

The site is legally known as Lot 1 DP1135141, and commonly known as No.55 Sorlie Road. The site is bound by Sorlie Road to the north, Civic Drive to the south and Estelle Place to the east, and abuts commercial buildings to the west. It is occupied by a recently constructed mixed residential apartment and commercial building which is in the final stages of completion.

The site, together with the adjacent commercial buildings to the west, is identified a Local Retail Centre under WLEP 2000. The local retail centre is generally surrounded by residential dwellings, and there is a northwest - southeast running public reserve extending from the south-eastern corner of the intersection at Sorlie Road and Estelle Place to the east.

The proposal is relating to Shop 2 in the building which is located at the north-eastern corner of the building fronting Estelle Place. The public reserve and the residential dwellings opposite the premises across the road are at a lower contour and generally below street level.

RELEVANT BACKGROUND

DA2006/0693 – Consent was granted for the construction of a three (3) storey mixed use development consisting of 7 residential units, 4 shops and 52 carparking spaces on 10 April 2007. The DA was the subject of an IHAP meeting.

PROPOSAL IN DETAIL

This application seeks consent for the internal fit-out and occupation of an approved shop for use of a restaurant and associated signage in the following manner:

Restaurant Use

The restaurant will be a pizza establishment and cater for dining, take-away and deliveries. The use will accommodate 14 seats for customers and a sitting bench for 8 take-away customers.

Signs

Sign A

2.4 metres wide x 0.4 metre high, illuminated and comprises an under awning sign at the northern part of the shopfront fronting Estelle Place.

Sign B

0.4 metre wide x 2.4 metres high, illuminated and comprises a wall sign located at the southern part of the shopfront fronting the north-east and south-west traffic on Estelle Place.

AMENDMENTS TO THE PLAN

There are no amended plans for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) State Environmental Planning Policy No. 55 – Remediation of Land
- d) State Environmental Planning Policy No. 64 – Advertising and Signage
- e) Warringah Local Environment Plan 2000
- f) Draft Warringah Local Environment Plan 2009
- g) Warringah Development Control Plan

REFERRALS

	Referral Comment	Planning Comment
Council's Traffic Engineers	<i>I advise that there are no objections to the proposal on traffic grounds. The traffic generating properties could be expected to be different to a shop but would have a minimal impact on the operation of the adjacent intersections and road network. However the proposed restaurant could generate a higher parking demand than the approved retail shop use and the applicant is seeking a concession for parking. This will need to be assessed by Planning and Development Services. Onsite car parking allocated for the restaurant should be appropriately marked for this use.</i>	<p>It is noted that the proposal will have a minimal impact on the traffic access and safety.</p> <p>The carparking provision is addressed in Clause 74 in this report, in which the variation to the carparking standards is supported.</p> <p>The recommended allocation of carparking for the premises is not required in this case, in order to allow flexible cross subsidising carparking spaces between the various premises at the building.</p>
Council's Environment Health & Protection Team	Conditions are recommended.	The recommended conditions are included in the draft consent.

	Referral Comment	Planning Comment
Council's Building Compliance Team	<p>Conditions are recommended.</p> <ul style="list-style-type: none"> <i>There are only 14 seats identified in the restaurant therefore a toilet is not required.</i> <i>Protection of openings is required where the exhaust flue penetrates however is covered under the prescribed conditions requiring compliance with the Building Code of Australia.</i> 	The recommended conditions are included in the draft consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The application was notified by letter dated 30/07/2009 to 5 properties. Four (4) submissions were received in response to the notification from the following:

Submission Received	Address
N Smith	7 Estelle Place, Frenchs Forest
R & R Khawam	5 Estelle Place, Frenchs Forest
E Neil	62 Sorlie Road, Frenchs Forest
P&A Mackenzie	66 Sorlie Road, Frenchs Forest

The submissions have raised the following issues and each is addressed below:

- The proposed restaurant is inappropriate for the following reasons:
 - There is no existing delivery service in the local retail centre.
 - The restaurant accommodates delivery, eat in and take away.
 - An additional restaurant to the existing 4 restaurants at the local retail centre is excessive.
 - An additional take away pizza shop is an unnecessary duplication of an existing one at the local retail centre.

Comment:

Pursuant to the provisions of WLEP 2000, a "restaurant" is identified a Category 1 development that is deemed to be consistent with the desired future character of the locality and the local retail centre. In this regard, a restaurant is permissible with consent. The WLEP 2000 makes no specific reference to the type of restaurant that is suitable in a particular locality, which is simply left up to market forces. Therefore, the concern is not considered to have determining weight.

- The proposed operating hours are inconsistent with the conditions of consent for the approved building and the existing 10pm closing times in the local retail centre, with the exception of *Ramon's* which fronts Sorlie Road. This would have an adverse impact on the amenity of the surrounding residents.

Comment:

The proposed operating hours are addressed in Clause 43 in this report. In summary, the proposed opening and closing times are appropriate in a local retail centre and in relation to the amenity of the surrounding residents in a mixed-use setting. It is consistent with the planning principles in Clause 43 of the WLEP 2000 and accordingly the concern is not considered to have determining weight.



3. The following concerns in relation to traffic and carparking are raised:

- There is an existing traffic danger as a result of the recently constructed building on the site. Many vehicles travelling south on Sorlie Road cross the double lines on the bend where the subject site is located.
- Speed restrictions along Sorlie Road are rarely observed. It is recommended that a roundabout be constructed at the junction of Sorlie Road and Pringle Ave to overcome the traffic issue.
- The construction work for the shop will represent additional traffic danger on the corner of Sorlie Road and Estelle Place.
- The proposed use of the premises for a restaurant will result in increased traffic and parking in the vicinity.
- All traffic exiting Estelle Place to Sorlie Rd will have their lights shining into the dwelling at No.62 Sorlie Road.
- Turning into the driveway at No.66 Sorlie Road can be hazardous, especially when cars are parked along both sides of the road obstructing a clear view of potential oncoming traffic.

Comment:

- The concern in relation to on the danger associated with the recently constructed building is related to the approval of the original development that has been referred to Council's Traffic Management Branch to follow up. The concern with the existing situation has been taken into consideration within the assessment of the current application by Council's Traffic Management Branch.
 - The construction work for the internal fit-out of an existing premise can be undertaken within the confines of the premises without adversely affecting surrounding properties and the street, whilst that for the signage is unlikely to have a substantial impact on residential amenity or traffic safety. Conditions are included to ensure that construction work will not affect safety on the road and adjoining footpath reserve.
 - Council's Traffic Engineer has reviewed the proposal and advised that the proposal will have minimal impact on the traffic access and safety. Accordingly, no roundabout is required as part of this proposal, hence the concern is not considered to have determining weight.
4. The proposed closing time and the nature of a pizza restaurant would invite the premises becoming a 'hang-out' destination and teenage patrons loitering. Tagging/graffiti have occurred on the premises during construction. This will have a negative impact on the security and amenity of surrounding residents.

Comment:

As discussed above, the proposed restaurant use and closing time is appropriate in the local retail centre context and is not beyond normal expectations in such a context.

This application includes an *Operational Management Plan* prepared for the proposal. Conditions are included in the draft consent so that the Plan is also to include space management strategies, addressing activity coordination, rapid repair of vandalism and graffiti, and the replacement of security lighting. The condition addresses the concerns.



5. The estimated waste disposal in the submitted Waste Management Plan is understated. The nature of a pizza restaurant will generate significant amount of litter on Sorlie Road.

Comment:

Council's Environmental Health and Protection Team has reviewed the proposal and raised no particular concerns in relation to waste issues.

Conditions are included in the draft consent so that the Operational Management Plan is to address site cleanliness and maintenance of the areas immediately around the subject premises. The condition addresses the concern.

6. The loading and unloading, management of the waste, and waste collection outside the provided hours in the consent for the building at the site have an adverse impact on the amenity of the surrounding residents.

Comment:

- The concerns regarding the management of the recently constructed building is a matter that has been referred to Council's Building Compliance Team to follow up. The concerns regarding the proposed restaurant occupation can be managed through the OMP and does not warrant refusal of this application.
 - The impact of noise is addressed in Clause 43 in this report. Conditions regulating hours for loading and unloading and waste removal included in the draft consent.
7. The pizza shop will affect the value of No.62 Sorlie Road and the other business in the local retail centre.

Comment:

Values of properties and economic viability of commercial premises as a result of the proposal is not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 and WLEP 2000. Accordingly, no further consideration of this concern is required.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	This application is consistent with the relevant environmental planning instrument. See "SEPP" and "WLEP 2000" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on Draft Warringah Local Environment Plan 2009 later in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	This application was notified in accordance with the Warringah Development Control Plan.
Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	Clause 93 and 94 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia and fire safety. Council's Building Compliance Team has reviewed the proposal and included conditions which address this provision.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The proposed internal fit-out and occupation of an approved shop premises with associated signage represents relatively minor physical work that, whilst in operation will not have an adverse impact on the natural environment.</p> <p>The proposed restaurant is consistent with the desired future character of the locality and the local retail centre. It will not have an unreasonable and unacceptable impact on the amenity of the surrounding residents who would reasonably expect a restaurant use in this location and setting having regard to the existing mixed commercial/residential local retail centre. The proposed signage will not have a substantial visual impact on the streetscape owing to the minor nature of the signs and conditions have been imposed in regards to their number and illumination intensity to address the amenity of the surrounding residents. Therefore, the proposal will not have an adverse impact on the built environment.</p> <p>The carparking generation of the proposal has been assessed as being satisfactory in terms of traffic impacts and environmental amenity.</p> <p>The proposed restaurant is consistent with the other uses in the local retail centre and will not have an adverse social impact in the locality.</p> <p>The proposed restaurant is a small scale operation and is unlikely to have a substantial economic impact in the locality.</p>
Section 79C (1) (c) – The suitability of the site for the development	<p>There are no site specific or other locational constraints which would prevent the site being suitable for the proposed development. The fact that the Local Retail Centre is surrounded by residential properties is normal for such a centre and those very properties sustain the businesses in the centre.</p>
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	<p>Four (4) submissions were received in response to the notification of this application that are addressed in "Notification & Submissions" this report. The issues raised do not warrant refusal of the application and conditions have been imposed, where applicable, to address the amenity concerns raised in the submissions.</p>
Section 79C (1) (e) – The public interest	<p>The wider public interest is served by the occupation of the site in accordance with the provisions of WLEP 2000. The local public interest is served by the potential impacts of the proposal being mitigated or managed in such a way that the amenity of surrounding properties is protected.</p> <p>The proposal is consistent with protecting the public interest.</p>

State Environmental Planning Policies

SEPP Infrastructure: Applicable?

☒ Yes ☐ No

This application does not require a referral to the electricity supply authority, as the proposal does not comprise the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- development involving or requiring the placement of power lines underground.

SEPP No.55: Applicable?

☒ Yes ☐ No

The site is occupied by a recently constructed mixed residential and commercial building which is in the final stages of completion. The approval for the mixed use building at the site has addressed this SEPP. In addition, the proposal is for internal fit out and occupation of an approved premises, and signage, involving no earthwork. Therefore, no further consideration of this SEPP is required.

SEPP No. 64– Advertising and Signage: Applicable?

☒ Yes ☐ No

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1) (a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The site is located within the C1 Middle Harbour Suburbs, and is identified a Local Retail Centre under WLEP 2000. The signage associated with a restaurant at a local retail centre is compatible with the character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The original approval for the mixed use building at the site did not provide for advertising signage. This application is the first for advertising signage on this building. There are various existing signs within the local retail centre with no particular theme.	YES
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?	<p>The proposed signs are opposite a Public Reserve in Estelle Place that is at a lower level than the subject premises.</p> <p>Consideration of this matter is given to the surrounding residential dwellings and as such the following conditions are included in the draft consent:</p> <ul style="list-style-type: none"> • Deletion of Sign B to maintain the residential character and amenity of the area. • Control of Illumination. <p>Subject to conditions, the proposal will not have a substantial impact on the amenity or visual quality of the public reserve and the residential areas.</p>	YES (subject to conditions)
3. Views and vistas Does the proposal obscure or compromise important views?	<p>The signs are below an awning and do not substantially exceed the building line. They will not obscure or compromise views, dominate the skyline or reduce the quality of vistas.</p> <p>The signs are within the shop front. In particular, Sign A is of such location and orientation that will allow sightlines to the future sign for the adjacent shop. Therefore, the proposal will respect the viewing rights of</p>	YES
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?		

Matters for Consideration	Comment	Complies
	other advertisers.	
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	As discussed, given with the surrounding residential character, a condition is included in the draft consent to delete Sign B to maintain the residential setting of the area. Sign A is not unreasonable in its size for its purpose at a local retail centre. Subject to the condition, the scale, proportion and form of the proposal is appropriate for the streetscape and setting.	YES (subject to condition)
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The under awning sign in a local retail centre is not uncommon in design and will not have a substantial impact on the streetscape or setting.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There are no existing advertising at the site/premises.	N/A
Does the proposal screen unsightliness?	The approval for the original building did not provide details of advertising signage. The proposed under awning signs will not screen unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The under awning signs will not protrude the building or structures at the site, or tree canopies in the area.	YES
5. Site and building 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? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Sign A is not uncommon in design in mixed use building. It is not excessive in size in relation to the 8 metres shop front. (The street frontage of the shop is approximately 15 metres long; the part of the shop front with windows addressing the street is approximately 8 metres long).	YES (subject to condition)
6. Associated devices and logos with advertisements and advertising structures 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?	No.	N/A
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	Signage is not unreasonable or unacceptable at local retail centres. Therefore, the proposed illumination is acceptable, subject to control of illumination intensity.	YES (subject to condition)
Can the intensity of the illumination be adjusted, if necessary?	Given with the surrounding residential dwelling, a condition is included in the draft consent with regards to the illumination intensity.	YES subject to condition
Is the illumination subject to a curfew?	Subject to the condition regarding illumination intensity, the illumination is appropriate and no curfew is required.	YES

Matters for Consideration	Comment	Complies
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Sign A in proximity to the intersection of Sorlie Road and Estelle Place is an under awning sign within a shopfront that will not reduce the safety for public road, pedestrians or bicyclist by obscuring sightlines from public areas.	YES

In summary, given the surrounding residential environment, a condition is included to delete Sign B to maintain the residential character and amenity of the area. Sign A is consistent with the objectives of the policy, being compatible with the desired amenity and visual character of the locality, providing effective communication and high quality design and finishes and is satisfactory in addressing the requirements of the SEPP.

STATUTORY CONTROLS

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Restaurant

Land Use Zone: B1 – Neighbourhood Centre

Permissible or Prohibited: Permissible

Principal Development Standards:

The built form controls are not relevant to an assessment of this application which is for occupation of an existing building.

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

Warringah Local Environmental Plan 2000

Desired Future Character (C1 Middle Harbour Suburbs)

The subject site is located in the C1 Middle Harbour Suburbs Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

The Middle Harbour Suburbs locality will remain characterised by detached-style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained for low-scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 210006 on Tralee Avenue and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way, will continue to be used only as recreation facilities.

The south-west section of the Killarney Heights High School grounds contains bushland and rock outcrops: this area may be developed for housing. Development in this section will recognise the bushland outlook, views and privacy enjoyed from residences adjoining the northern and western boundaries of the site and ensure development reasonably maintains these qualities. The retention of existing landscaping is encouraged, where practical.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed in clause 39.

Future development of the environmentally sensitive land shown cross-hatched on the map will be limited to one dwelling per allotment. Such dwelling will be constructed having regard to the constraints, potential instability, visual sensitivity and impact on the water quality of Middle Harbour.

The proposed development is identified as Category 1 development in this locality, being a “restaurant” in a local retail centre.

With regards to the Desired Future Character Statement, the proposal at a local retail centre is assessed against Clause 39. In this regard, the proposal is consistent with the principles listed in Clause 39 of WLEP 2000 and therefore is consistent with the Desired Future Character of the locality.

Built Form Controls for the C1 Middle Harbour Suburbs Locality

The built form controls are not relevant to an assessment of this application which is for occupation of an existing building.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	<p>The fit- out of the approved premises does not involve additional glazing.</p> <p>The proposed illuminated signs are not unreasonable considering the local retail setting. In this regard, Sign A is on the corner of Sorlie Road and Estelle Place. A condition is included with regards to the illumination intensity to protect the amenity of the surrounding residential dwellings. Subject to the condition relating to illumination intensity, no illumination curfew is required, only that the signs be extinguished at closing time.</p> <p>In summary, subject to conditions, the proposal will not result in additional overspill or glare from artificial illumination or sun reflection which would unreasonably diminish the amenity of the locality, and is satisfactory in addressing this Clause.</p>	YES Subject to conditions
CL39 Local retail centres	YES	<p>The site is in an identified a local retail centre on the WLEP 2000 maps.</p> <p>The proposal will maintain the street frontage to Sorlie Road as originally approved, with the only modifications being signage, will contribute to street activities and a village-like atmosphere, an environment for pedestrians and will not affect the established pattern of the centre or the existing streetscapes. It will maintain the approved building height and built forms at the site, and thereby the relationship with the adjoining residential land.</p> <p>In summary, the proposal is consistent with a local retail centre and is satisfactory in addressing this Clause.</p>	YES
CL40 Housing for Older People and People with Disabilities	NO	No Comment	N/A
CL41 Brothels	NO	No Comment	N/A
CL42 Construction Sites	YES	Construction works for the internal fit out and signage are minor and are unlikely to interfere with pedestrian and traffic movement on the road reserves. Standard conditions ensure the construction works will not have an unreasonable impact on the amenity of the surrounding residents by way of noise, parking and hours of construction in accordance with this Clause.	YES subject to condition
CL43 Noise	YES	<i>During construction</i>	YES subject to condition

General Principles	Applies	Comments	Complies
		<p>This Clause provides that all noise emissions are to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction works and these works must also comply with the provisions of the Protection of the Environment Operations Act 1997. Conditions address these requirements.</p> <p>Operation</p> <p>The proposal includes the following operating hours:</p> <ul style="list-style-type: none"> Sunday to Thursday: 11am to 9:30pm Friday and Saturday: 11am to 10:30pm <p>Considerations are given to the local retail centre context, where the surrounding residents would reasonably expect that such a commercial use would be located opposite their residences. Hence the operating times are appropriate in a mixed-use setting.</p> <p>The following conditions are also included in the draft consent to address this Clause:</p> <ul style="list-style-type: none"> All noise emissions are to be carried out in accordance with Environment Protection Authority guidelines for noise from combined operation of all mechanical plant and equipment must comply with the provisions of the Protection of the Environment Operations Act 1997. Waste collection and delivery vehicles not to operate between 9pm and 6am. <p>Subject to conditions, the proposal is unlikely to result in noise emission which would unreasonably diminish the amenity of the area, or noise intrusion which would be unreasonable to the occupants, and is satisfactory in addressing this Clause.</p>	
CL44 Pollutants	NO	No Comment	N/A
CL45 Hazardous Uses	NO	No Comment	N/A
CL46 Radiation Emission Levels	NO	No Comment	N/A
CL47 Flood Affected Land	NO	No Comment	N/A
CL48 Potentially Contaminated Land	NO	No Comment	N/A
CL49 Remediation of Contaminated Land	NO	No Comment	N/A
CL49a Acid Sulfate Soils	NO	No Comment	N/A
CL50 Safety & Security	YES	<p>The proposed restaurant will contribute to an active street frontage. The retention of existing bi-fold windows will provide outlook and casual surveillance to Sorlie Road and Estelle Place, whilst the proposed signage is at such location unlikely to interfere with views to the streets from the windows.</p> <p>Conditions are included in the draft consent so that the <i>Operational Management Plan</i> prepared for this application also includes management strategies for site cleanliness, rapid repair and/or removal of vandalism and graffiti, the replacement of security lighting, and maintenance of the areas immediately around the subject premises to ensure that the area is well maintained.</p> <p>In summary, subject to condition, the proposal will maintain the safety and security of the locality, and is satisfactory in addressing this Clause.</p>	YES subject to condition
CL51 Front Fences and Walls	NO	No Comment	N/A
CL52 Development Near Parks, Bushland Reserves	YES	There is a public reserve extending from the south-eastern corner of the intersection of Sorlie Road and Estelle Place	YES

General Principles	Applies	Comments	Complies						
& other public Open Spaces		generally opposite the premises. The proposed internal fit-out and signage is minor in relation to any potential impact on the reserve in terms of visual impact from the reserve, views and vistas to and from the public reserve. Therefore, the proposal will substantially maintain the landscape character, public use and enjoyment of the public reserve, and is satisfactory in addressing this Clause.							
CL53 Signs	YES	Considerations of this Clause are given to the following: <ul style="list-style-type: none">The proposal for two (2) under awning signs on the building is excessive in relation to the 8 metres shop frontage (it is noted that the street frontage of the shop is approximately 15 metres long, the part of the shop front with windows addressing the street is approximately 8 metres long). Therefore, a condition is included to delete Sign B. The condition will not have an adverse impact on the viability of the operation where Sign A will still allow a reasonable identification of the business at the premises.Given the surrounding residential environment, a condition is included in the draft consent with regards to the illumination intensity to protect the amenity of the surrounding residents.The sign does not substantially exceed the existing building line, and is compatible with the design, scale and architectural character of the mixed use building at the local retail centre, and will not endanger the public or diminish the amenity of nearby properties, in views and sunlight access.The proposal is the only signs for the premises, it will not dominate or obscure other signs or result in visual clutter.The signs comply with the maximum area (below awning) as per this Clause as follows:<table><tr><th>Location</th><th>Required</th><th>Proposed</th></tr><tr><td>Other business uses</td><td>1 m2 for every 2 m frontage of a building i.e. 4m2 for 8m frontage.</td><td>Sign A: 0.96m2</td></tr></table> In summary, the proposal is satisfactory in addressing this Clause.	Location	Required	Proposed	Other business uses	1 m2 for every 2 m frontage of a building i.e. 4m2 for 8m frontage.	Sign A: 0.96m2	YES subject to condition
Location	Required	Proposed							
Other business uses	1 m2 for every 2 m frontage of a building i.e. 4m2 for 8m frontage.	Sign A: 0.96m2							
CL54 Provision and Location of Utility Services	YES	An occupation certificate for the building in which the subject premises is located would ensure satisfactory provision of utility services.	YES						
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A						
CL56 Retaining Unique Environmental Features on Site	NO	No Comment	N/A						
CL57 Development on Sloping Land	NO	No Comment	N/A						
CL58 Protection of Existing Flora	NO	No Comment	N/A						
CL59 Koala Habitat Protection	NO	No Comment	N/A						
CL60 Watercourses & Aquatic Habitats	NO	No Comment	N/A						
CL61 Views	YES	The signage does not substantially exceed the existing building lines, and will not affect the existing sharing of views obtained from the surrounding properties.	YES						

General Principles	Applies	Comments	Complies
CL62 Access to sunlight	NO	No Comment	N/A
CL63 Landscaped Open Space	NO	No Comment	N/A
CL63A Rear Building Setback	NO	No Comment	N/A
CL64 Private open space	NO	No Comment	N/A
CL65 Privacy	YES	The proposed occupation of an approved shop premises will maintain the sightlines to the surrounding properties as approved.	YES
CL66 Building bulk	YES	The signage does not significantly affect the existing building bulk.	YES
CL67 Roofs	NO	No Comment	N/A
CL68 Conservation of Energy and Water	NO	No Comment	N/A
CL69 Accessibility – Public and Semi-Public Buildings	YES	This Clause provides that the siting, design and construction of premises available to the public are to ensure an accessible continuous path of travel, so that all people can enter and use the premises. Accessibility was assessed as part of the original development approval for the main building. An Occupation Certificate ensures satisfactory accessibility at the building. Conditions are included in the draft consent to ensure the fit-out complies with the relevant provisions.	YES subject to condition
CL70 Site facilities	NO	No Comment	N/A
CL71 Parking facilities (visual impact)	NO	No Comment	N/A
CL72 Traffic access & safety	YES	The restaurant will generate more traffic than the originally approved shop. However, traffic accessing the proposed restaurant will continue to use Sorlie Road and Estelle Place and use carparking provided for the premises which is situated within the basement carpark as originally approved. Council's Traffic Engineers have reviewed the proposal and advised that the proposal will have minimal impact on traffic access and safety in Sorlie Road and Estelle Place. Accordingly, the proposal is unlikely to result in unacceptable traffic hazards, traffic and pedestrian conflict and is satisfactory in addressing this Clause.	YES
CL73 On-site Loading and Unloading	YES	<p>There are no designated on-site loading and unloading facilities in the building. Considerations of this Clause are given to the following:</p> <ul style="list-style-type: none"> Reference is made to the "Assessment of Traffic and Parking Implications Report dated July 2006 submitted with DA2006/0693 for the mixed use building at the site. The report stated that small service vehicles i.e. vans will be able to use the available visitor spaces. The small scale restaurant is generally not associated with substantial demand for loading and unloading facilities that is not unlike that for a shop which the premises was originally approved for. Loading for the restaurant is likely to take place at the less busy times of the day when visitor spaces are more readily available. <p>Therefore, the proposed loading and unloading facilities are satisfactory.</p>	YES
CL74 Provision of Carparking	YES	The proposed restaurant will have access to the 40 spaces	YES

General Principles	Applies	Comments	Complies
		<p>within the building which also serves 3 other shops.</p> <p>The carparking requirement for a “restaurant” is greater than that of a “shop” which is what the subject premises were originally approved for (see Schedule 17), resulting in a shortfall of 5 carparking spaces. Hence, the carparking provision for the proposed restaurant may displace carparking intended for the other 3 shops. However, the overall carparking provision is not unacceptable considering the following:</p> <ul style="list-style-type: none"> Visitors to the area may undertake multi-purpose trips, such that the overall carparking space at the local retail centre would cross subsidise between premises. The restaurant accommodating 14 seats is small in operation. The pizza restaurant nature of the use and the heavy reliance on take-away trade implies higher turn over in carparking and the use will have a significant proportion of home delivery customers. <p>It is noted that the carparking requirement contained in Schedule 17 does not refer to delivery vehicles. The <i>Operational Management Plan</i> prepared for the proposal indicates that 2 delivery vehicles (max) would be required that could be accommodated generally at the kerbside in Estelle Place opposite the shop fronts. The on-street parking is not unreasonable in this case, considering:</p> <ul style="list-style-type: none"> The on-street carparking generally available at the surrounding residential land uses. The frequent movement of the delivery vehicles and thereby higher turn over in carparking during the busy times of the day. <p>Therefore, the proposed variation to the carparking is supported.</p>	
CL75 Design of Carparking Areas	NO	No Comment	N/A
CL76 Management of Stormwater	NO	No Comment	N/A
CL77 Landfill	NO	No Comment	N/A
CL78 Erosion & Sedimentation	NO	No Comment	N/A
CL79 Heritage Control	NO	No Comment	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No Comment	N/A
CL81 Notice to Heritage Council	NO	No Comment	N/A
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	N/A
CL83 Development of Known or Potential Archaeological Sites	NO	No Comment	N/A

SCHEDULES

Schedule 4 Prohibited signs Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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Schedule 8 Site analysis Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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Schedule 17

Proposed	Required	Proposed
Drive in take away food outlets with on-site seating	12 spaces per 100m2 GFA or greater of 1 space per 2 seats	10.2 spaces for 85m2 GFA or 7 space for 14 seats
Originally approved		
Shop	6.1 spaces per 100m2 GLFA	5.185 spaces for 85m2 GFA

Accordingly, the proposal will result in a shortfall of 5 spaces (5.185 spaces minus 10.2 spaces). The shortfall is satisfactory as discussed in Clause 74 in this report.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

Warringah Section 94A Development Contribution Plan 2006 is not applicable to this proposal, as the original consent for the construction of the building in which the subject premises is located has already been subject to development contributions in accordance with the Warringah Section 94 Development Contribution Plan 2001.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy No.64- Advertising and Signs, Warringah Local Environmental Plan 2000, Draft Warringah Local Environment Plan 2009 and the relevant codes and policies of Council.

The proposed restaurant is in a local retail centre and is consistent with the Desired Future Character of the locality. The internal fit-out and associated signage will not significantly affect the character, design and external appearance of the recently completed mixed-use "shop-top housing" development.

The proposal is consistent with the surrounding land use in the local retail centre and the approved use at the site. Conditions are recommended to delete a wall sign to maintain the surrounding residential setting and to regulate illumination intensity of the under awning sign to maintain the surrounding residential amenity and to require the implementation of the submitted Operational Management Plan addressing space management to address the relationship of the premises to the surrounding residential properties. This will ensure that the proposal will not have an unreasonable impact on the amenity of the surrounding residents in the local retail centre context.

The variation to the carparking requirement is assessed as being satisfactory considering the small scale and mode of operation of the restaurant and the availability of parking generally within the building and kerbside in the adjoining streets. The proposal is unlikely to have an adverse impact on the traffic access and safety in the locality.

On balance, the proposal is satisfactory in addressing the relevant General Principles of Development Control and Schedules under WLEP 2000. Accordingly, the proposal is recommended for approval.



RECOMMENDATION (APPROVAL)

- A. That Development Application No: DA2009/0869 for the internal fit-out and occupation of an existing shop for use as a restaurant and associated signage at Shop 2, 55 Sorlie Road (Lot 1 DP 1135141), Frenchs Forest be approved subject to the attached conditions.
- B. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing Name and No.	Dated	Prepared By
Site Plan, Floor Plan and Signage Details - Drawing No.1 of 1 Revision A	June'09	North Shore Plan Services

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

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

2. Prescribed Conditions

All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

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

- (c) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (d) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (e) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

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

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

4. Signage to be Deleted

Sign B as shown on the plans at the southern end of the shopfront is to be deleted. Amended plans demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the residential amenity and character of the area.

5. Compliance with Standards

The development (where applicable) is to be carried out in accordance with relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Standards applied:

- (a) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (b) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (d) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

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

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

6. Design, Construction and Fitout

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 – 2004 – 'Design, Construction and fit-out of food premises'. Such details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the Australian Food Standards Code.

7. Garbage and Recycling facilities

An appropriate area shall be provided at the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The garbage storage area shall be covered and all internal walls be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above, are to be provided to the Principal Certifying Authority (PCA) prior to issue of a Construction Certificate.

Reason: *To prevent pollution of the environment and to protect the amenity of the area.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

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

9. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.
(DACPLF07)

10. Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- A. The Building Code of Australia.
- B. Australian Standards 1668.1 and 1668.2 - 2002
- C. *The Public Health Act, 1991* and associated Regulations.

- D. *Food Act 2003* and associated Regulations.
- E. WorkCover Authority.
- F. Australian Standards 3666.
- G. *Protection of the Environment Operations Act 1997*

Reason: To ensure that the surrounding health and amenity is maintained.

11. Notification

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Notification may be done online at www.foodnotify.nsw.gov.au.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

Reason: To ensure compliance with the Australian Food Standards Code.

12. Location of Hand Washing Facilities

Hand washing facilities shall be located and installed so that they are: not obstructed; are at bench height either permanently fixed to the wall, to a supporting frame (freestanding hand basins) or set in a bench top; easily accessible; and no further than 5m from any place where food handlers are handling open food. Hand basins shall be provided with a sufficient supply of liquid soap and single-use towels or other means of effectively cleaning and drying hands and arms, which prevents the transfer of pathogenic microorganisms to the hands or arms.

Reason: To ensure compliance with the Australian Standard AS 4674 – 2004 – ‘Design, construction and fit-out of food premises’ and to ensure personal hygiene is able to be maintained.

13. Council Environmental Health Officer Certification of Food Premises

Prior to release of the Occupation Certificate the construction and fit out of the food premises is to be inspected and provided with a Compliance Certificate by Warringah Council’s Environmental Health Officer. To arrange a mutual inspection time please contact Council’s Environmental Health Officer on 9942 2111 during business hours.

Reason: To ensure compliance with the Food Safety Standard 3.2.3 and AS4674.

14. Noise Impact of Plant

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1997.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Council / Accredited Certifier demonstrating compliance with this condition prior to the occupation of the completed works.

Reason: To ensure that noise generated from the development does not result in offensive noise to any other party.

15. Operational Management Plan

An Operational Management Plan (OMP) is to be submitted for the restaurant. The OMP is intended to address the protection of residential amenity within the vicinity of the premises. The Plan submitted with the development application is to be formalised and amended to address the following:

- a) The operational conditions of the development consent,
- b) Practical measures to protect the amenity of residential properties in the immediate vicinity, in particular addressing the potential for after-hours disturbance by patrons arriving and departing,
- c) Cleanliness of the areas immediately adjoining the premises, including the removal of litter,
- d) The rapid repair of vandalism and removal of graffiti,
- e) The repair and replacement of security lighting, and
- f) Maintenance of the areas immediately around the subject premises to ensure that the area is well maintained.

The OMP is to be submitted to Council for approval prior to the issue of an Occupation Certificate. The plan is to provide for annual review (12 monthly) and updating to reflect any changes to management practices to ensure the effective and orderly conduct of the business.

Reason: To ensure the appropriate operation and management of the approved use.

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

16. Customers Sign

A sign, legible from the street, shall be permanently displayed to indicate that customer parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to customers.(DACPLG04)

17. Hours of Operation

The hours of operation are to be restricted to the following (inclusive):

- Sunday to Thursday: between 11am and 9:30pm
- Friday and Saturday: between 11am and 10:30pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained (DACPLG08)

18. Footpath Seating Permit Required

This approval relates strictly to the provision of seating within the confines of the shop. Footpath seating is not to be provided unless an Outdoor Eating Area License is obtained from Warringah Council.

Reason: To ensure compliance with Council's Policy for the Provision of Outdoor Seating on Footpaths. (DACPLG09)

19. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 12.00 pm and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

20. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

21. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

22. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 9pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

23. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9pm and 6am on any day.

Reason: To ensure the acoustic amenity of surrounding properties.

24. Access to Toilets

Access to the toilets must not be through food handling or food storage areas.

Reason: *To protect food intended for sale from contamination.*

25. Operational Management Plan

The use must always be operated and managed in accordance with the Operational Management Plan approved by Council.

Reason: To ensure the appropriate operation and management of the approved use.

26. Patron Numbers

The restaurant is to provide 14 seats maximum at any one time.

Reason: To ensure adequate carparking provision.

27. Liquid Trade Waste

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment.

28. Noise Generation

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy.

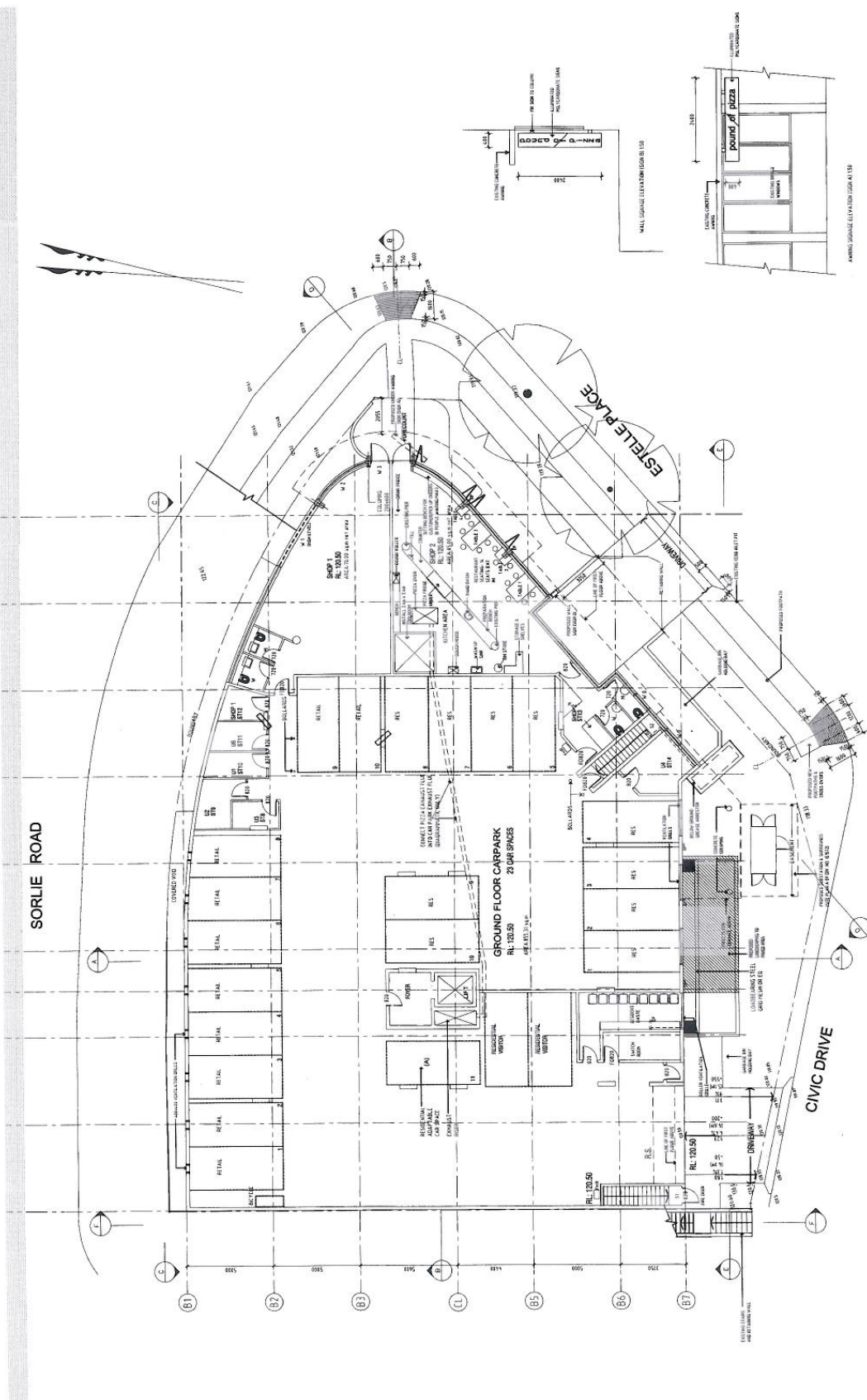
Reason: Health & amenity.

29. Roller Door Access to Customer Carparking

The roller door to the basement carpark area is to be kept in the open position during trading hours of the restaurant.

Reasons: To ensure customer carparking available and accessible.





PROJECT: PROPOSED SHOP FITOUT AND USAGE AS TAKEAWAY & RESTAURANT		DATE: 1 OCT 1	1990
SITE: 65 SORLIE ROAD, FRENCHS FOREST		DATE: JUNE 03	1911/0071 A
LOT: 501		DATE: 11 DEC	1990
DRAWN: J. WEHTJE		DATE: 11 DEC	1990
FOR BOD OF RECORDS ONLY		THIS DOCUMENT IS NOT TO BE USED FOR ANY OTHER PURPOSE	

north shore plan service p/l