

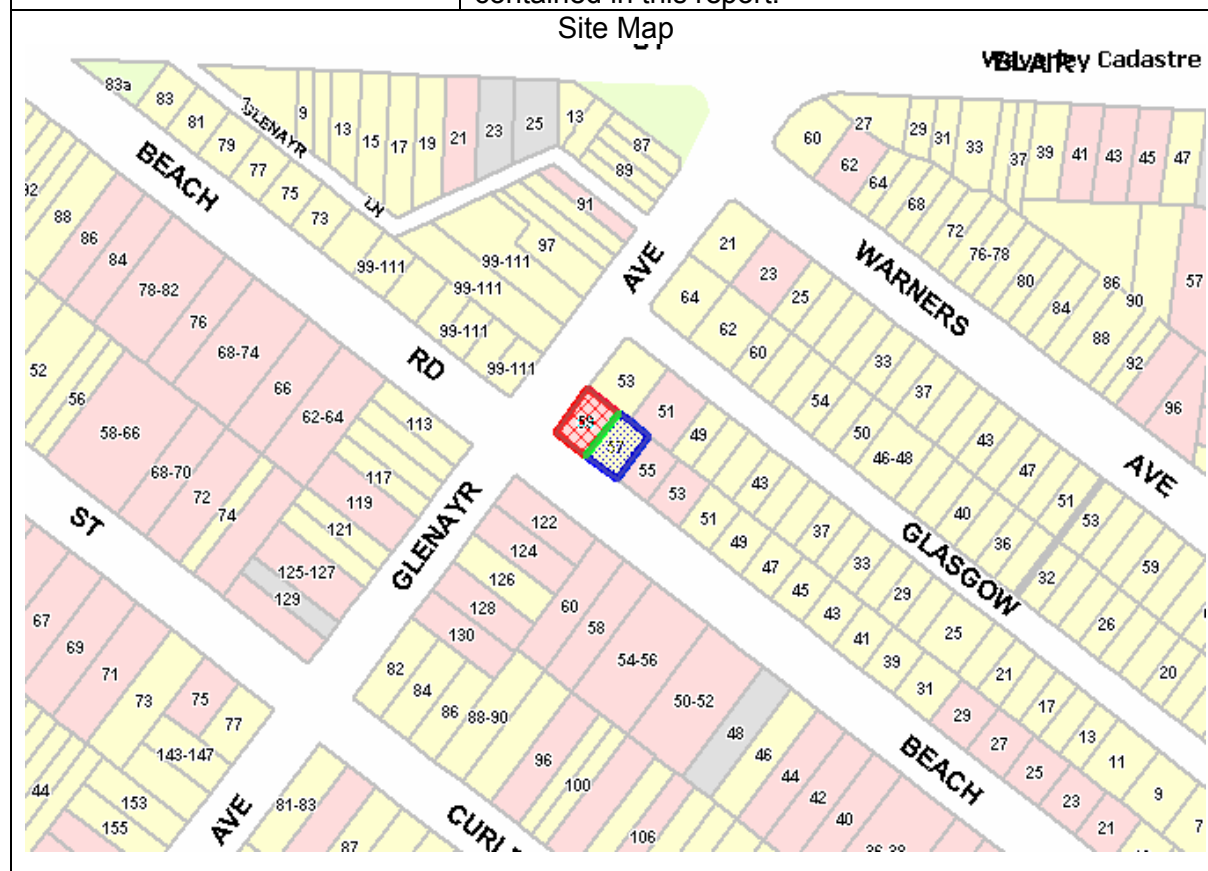
Shop 3/57-59 Beach Road, Bondi Beach – Change of use to restaurant (DA 464/2009)

Report dated 13 November 2009 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in this report.

Referred to DCC on the request of Cn Wakefield and seconded by Cn Kanak for neighbour amenity concerns.

Development Assessment Report Of Change of Use	
Development Application No.	DA-464/2009
Address	Shop 3 57-59 Beach Road, Bondi Beach
Lodgement Date	2 September 2009
Proposal	New restaurant to shop 1 of new mixed-use development
Zoning and relevant controls	Waverley Local Environmental Plan 1996 <ul style="list-style-type: none"> • 3(c) Neighbourhood Business Waverley Development Control Plan 2006
Owner	Proprietors of Strata Plan 11170
Applicant	Gemma Lin
Submissions	Three (3)
Issues	Nil
Recommendation	APPROVAL in accordance with the conditions contained in this report.



1. PREAMBLE

1.1 The Site and its Locality

The site is located on the eastern side of Glenayr Avenue. The premises is within a newly constructed mixed-use building located at the corner of Glenayr Avenue and Beach Road, Bondi Beach.

The subject site is located on the ground floor of the mixed use building and has a single frontage to Glenayr Avenue. The subject tenancy is currently under construction.

The site is surrounded by a number of mixed use buildings containing a variety of commercial and retail uses. Located directly opposite the site to the west is the Beach Road Hotel. While located to the south along Beach Road and Glenayr Avenue are a mixture of residential uses.

The site is not listed as an item of heritage significance nor is the located within a Heritage Conservation Area.

1.2 Background

The subject building (see DA 17/2003) was approved by the NSW Land and Environment Court on 6/12/07.

1.3 Proposal Description

The proposal is for a new restaurant and associated fit-out to shop 3 of 57-59 Beach Road, Bondi Beach.

The hours of operation sought are 7.00am to 10.00pm Monday to Wednesday and Sunday, and 7.00am to 11.00pm Thursday, Friday and Saturday. The proposed restaurant will employ nine (9) staff including the principal and contain internal seating for thirty three (33) patrons.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Section 79C of the Environmental Planning and Assessment Act 1979.

2.1 Section 79C(1)(a) Planning Instruments

2.1.1 Waverley Local Environmental Plan 1996

LEP 1996 – Compliance Check	
Control	Compliance
Clause 3 – Specific Aims	Yes
Clause 10 – Zone 3(c) Objectives	Yes
Clauses 21-26 - Environmental Considerations	Yes
Aesthetic appearance from the Beach, arterial road, open space	N/A
Heritage Provisions	N/A

The application has been assessed having regard to the relevant provisions of the LEP and is considered acceptable.

2.1.1 Waverley Development Control Plan 2006

Part E1 - Retail and Commercial Premises

The proposal is considered to comply with Council's retail objectives contained within Part E1 of the DCP as it is considered unlikely to adversely impact on the surrounding environment; provides for a compatible retail use within a mixed use area, which are unlikely to result in unacceptable impacts on adjoining residential premises; promotes and enhances the commercial amenity and economic viability of the locality; and activate the street frontage of a vacant shop.

Part E1, 2.4 relates to hours of operation and states that the subject site is a Type B Premises located within a 3(c) Neighbourhood Business zone which details the hours of operation as follow:

2.4.2 Type B Premises

2. Business Zones (Mixed, Neighbourhood, Secondary and Low Intensity)

*Subject to all other aspects of the development being satisfactory, Type B premises in 3(a3) (Business Secondary zone), 3(a4) (Business Special (Low Intensity) zone), 3(a5) (Business Special (Services) zone) zones under JLEP 1991 and Business 3(b) **Business Mixed and 3(c) Business Neighbourhood** zones under and WLEP 1996 shall be permitted to trade as follows:*

(a) General maximum hours: 7.00am – 10.00pm 7 days a week; or

(b) 1 year trial hours:

(i) 7.00am to 12.00 midnight 7 days a week. Extended late night trading may be considered on a trial basis; or

*(ii) **Where residential uses are in close proximity; 7.00am to 11.00pm Thursday, Friday and Saturday only.***

As detailed above where residential uses are in close proximity, hours of operation from 7:00am to 11.00pm Thursday, Friday and Saturday are permitted on a one (1) year trial basis only. The proposed trial period hours of operation comply with Councils DCP requirements and are therefore supported in this instance.

Part E2 - Advertising and Signage

The proposed new restaurant and internal fit-out has not included any signage associated with the use. The provision of any signage is to be submitted to Council for assessment prior to installation.

Part F5 – Local Village Centres

The subject site is located in the Local Village Centre: Glenayr Avenue Neighbourhood which details a number of desired future character objectives and planning controls found with Sections 11.2 and 11.3 of Part F5 of Councils DCP. The proposed new licensed restaurant and associated fit-out is considered to generally comply with the desired future character objectives with the exception of objective (h) which is detailed as follows:

11.2 Desired Future Character Objectives

(h) To limit and manage the proliferation of cafes and restaurants, including areas of outdoor dining, in order that these uses do not dominate the character of the overall centre, or the discrete sections within the centre, or undermine the current and future role and function of local shops that provide the day to day needs of the local resident community.

The above detailed objective is designed to mitigate the proliferation of cafes and restaurants within local village centres, this objective is further detailed in the planning controls for the Glenayr Avenue Neighbourhood Centre, which is detailed as follows:

11.3 Planning Controls

(a) Cafes and restaurants, including fast-food take-away restaurants must not constitute more than 20% (being the combined total of the two) of shop-fronts or activities along the frontage of any part of the street between the corners of two other streets.

Despite the objective (h) and planning control (a) of the Glenayr Avenue Neighbourhood Centre, SEPP (Exempt and Complying Development Codes) 2008 permits a change to a refreshment room provided the use is permissible within the subject zone.

As previously indicated refreshment rooms (restaurants) are permissible within the 3(c) Neighbourhood Business zone, thus permitting the use without Council approval.

2.1.2 Other Matters

Streetscape

The proposal is considered unlikely to adversely impact on the existing building or streetscape.

Privacy and Noise Impacts

The proposed new licensed restaurant and internal fit-out has been considered with regards to privacy and noise impacts and is considered acceptable.

3 REFERRALS

3.1 Internal

Health

The amended application was referred to Council's Health officer for comments and no objection was received. Standard conditions were provided.

Environmental Services

The amended application was referred to Council's Environmental officer for comments and no objection was received, provided standard conditions of consent are imposed.

Section 79C(1)(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 proposal has an acceptable impact upon the natural and built environment, and no social impacts are expected.

Section 79C(1)(c) - The suitability of the site for the development.

The site is suitable for this development and considered acceptable with regard to Section 79C(1)(c) of the Act.

4. PUBLIC SUBMISSION

The current application was notified for two periods of 14 days in accordance with *Waverley Development Control Plan 2006, Part C3 – Advertised and Notified Development* and three (3) submissions were received (including a submission from the Beach Road Hotel).

The issues raised in the submissions were:-

- Object to other licensed premises.
- Anti-social behaviour.
- Adverse impact on residential character of neighbourhood.
- Request licensed security guards for premises.
- Additional demand for kerbside parking.

Comment -

The issues raised in the submission generally relate to the bar aspect of this restaurant and a general concerns about associated anti-social behaviour. The premises is a purpose-built commercial tenancy located within a Neighbourhood Business zone. The hours of operation proposed are within those envisaged within Council's Hours Policy and at this stage it is not considered reasonable to require security guards to control this use.

Section 79C(1)(e) - The public interest.

The proposal is considered in the public interest.

5. DEVELOPMENT AND BUILDING UNIT REVIEW

The proposed restaurant / bar is permissible in its zoning and located within a recently completed purpose-built ground floor commercial tenancy. This tenancy addresses Glenayr Avenue and is located adjacent to the corner of Beach Road. The hours of operation proposed are acceptable and a trial period is proposed in accordance with Council's DCP.

The submission concern the intrusion of licensed uses into the residential amenity of the area, however the area is not exclusively residential and this site is zoned and purpose-built for commercial usage. In this instance it is an unreasonable expectation that this premises should not be used for commercial premises.

The application is recommended for approval subject to conditions of consent.

6. RECOMMENDATION

That Development Application No. 464/2009 at 57-59 Beach Road, Bondi Beach for a new use from a hairdresser to a licensed café be **APPROVED** by Council, subject to the following conditions:-

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Plans "Proposed Restaurant Layout" prepared by Danny McPherson dated 15 August 2009 and plans nos. 01, 02, 06, 07, 09 and 10 all issue D prepared by Urban Link Pty Ltd dated 14 March 2009, all received by Council on 31 August 2009; and
- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2006.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Plans are to be amended to show all fixtures, fittings and equipment in the food preparation and bar area. This includes the canopy hood over the stove (to comply with the appropriate Australian Standards), mechanical ventilation ductwork including location of the motor, refrigeration units including the location of compressors (if located on common areas including pathways or attached to appliances), sinks and or automatic equipment that is used to sanitise equipment and utensils, all food and wine storage areas, display cabinets, food preparation benches, freezers, areas allocated for storage of personal effects, storage of cleaning and washing equipment, and storage of items of cutlery , scullery and crockery, and other cooking appliances such as mixers toasters, food warmers, salamanders, coffee and ice machines, and ovens where applicable.
- (b) Plans are to be amended to show the location of floor wastes in the food preparation and bar area and the location of any proposed grease trap and waste oil drums if also applicable.
- (c) The proposed new mechanical ventilation located in the common area next to the cleaners room is not supported and is to be deleted.
- (d) Plans are to be amended indicating all duct and ventilation work associated to cooking, refrigeration and other ventilation requirements, connecting to the existing mechanical ducting located on the ground floor.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. WASTE MANAGEMENT

The proposal shall be amended as follows:

- (a) The applicant will need 2 x 240L garbage bins to be emptied daily to accommodate the estimated waste generation rates. The applicant will also need 2 x 240 MGB for other recyclables and 2 x 240L MGB for paper/cardboard to be emptied weekly. The figures for recyclables may increase depending on what sorts of containers etc are being used by the shop and this could mean they require more bins, particularly if there are large amounts of cardboard.
- (b) The plans need to show adequate drainage and bin washing facilities in the waste and recycling area and an authorised sewerage connection.
- (c) The plans need to show/describe the ventilation of waste and recycling storage area.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

4. TRADING HOURS AND ONE YEAR TRIAL FOR EXTENDED HOURS

The hours of operation of the restaurant are restricted to between 7.00 am and 10:00pm 7 days a week.

Irrespective of the above, the premises may trade until 11.00 pm on Thursday, Friday and Saturday nights for a one (1) year trial period. The trial period starts from the date of

approval and ceases on the anniversary of that date. A further development application or Section 96 application may be lodged before the expiration date for Council's consideration for the continuation of the use.

Council's consideration of this further application will take into account the:

- (a) compliance of the premises in terms of security and its general management;
- (b) number and nature of substantiated complaints regarding the operation of the premises;
- (c) compliance with conditions of consent; and
- (d) any other matters considered relevant to the environmental evaluation of the premises.

5. LIMIT ON SEATING NUMBERS

Seating accommodation is to be limited to a maximum of thirty three (33) diners. In this regard, the use of the premises is to be subject to the issue of a refreshment room license under the Regulations by Council.

6. STAFF

The restaurant use is to contain a maximum of nine (9) staff on the premises at anyone time, including principles.

7. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

8. PATRON BEHAVIOUR

The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

9. AMUSEMENT MACHINES & THE LIKE

The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council.

10. ENTERTAINMENT NOISE EMISSIONS

No sound reproduction device nor any forms of entertainment operated within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises.

11. OUTDOOR SEATING

This approval relates strictly to the installation of seats within the confines of the shop premises with no seats to be placed external of the building. Any proposal to utilise an area external of the building for dining will be subject to a separate development application to Council and if approved will require a lease agreement to be entered into with Council.

12. NO SPRUIKERS

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council.

13. NO USE OF NON-RECYCLABLE PACKAGING WITH FOOD SERVICE

The premises shall not provide prepared food to its customers in any non-recyclable or non-bio-degradable polystyrene foam food packaging nor shall any restaurant/take-away food outlet purchase, obtain or keep any polystyrene foam food packaging for such purposes.

14. EMISSIONS

No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

15. ENTERTAINMENT NOISE EMISSIONS

No sound reproduction device nor any forms of entertainment operated within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises.

16. ODOUR COMPLAINTS

In the event of Council receiving odour complaints that can not be solved by improving maintenance practices the owner shall, at their own cost, solicit the help of an odour specialist to upgrade their mechanical exhaust and odour control systems until the odour emissions are mitigated. Details of all kitchen exhaust system upgrades must be provided to Council for approval before being installed.

17. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of unacceptable vibration to any place of different occupancy.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with the Department of Environment and Climate Changes's (DECC) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
- (c) A sound pressure level at any affected premises that exceeds the DECC recommended planning levels outlined in the DECC Environmental Noise Control Manual; or
- (d) A sound pressure level at any affected premises that exceeds the DECC recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises.
- (e) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

18. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is to be implemented for the mechanical exhaust ventilation system that includes the cleaning of the entire system from the hood to the top of the flue at the discharge point at six (6) monthly intervals.

19. RECYCLING OF WASTE PAPER

The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.

20. NO FLASHING SIGNS

The use of flashing lights, flashing illuminated signs and the like is prohibited.

21. LOCATION OF SIGNS

No advertising signs or notices are to be affixed to the windows of the premises.

22. NO SIGNS OR GOODS ON PUBLIC AREA

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

23. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the ' *Waverley Council Development Contributions Plan 2006*' in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".
- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Customer Service Centre, 55 Spring Street, Bondi Junction.

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.

- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

24. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$1,000 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

25. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

26. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, including demolition, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

27. TOILET FACILITIES - NUMBERS

The minimum number of sanitary facilities shall be provided to the premises in accordance with the following customer occupation:

Total no. of customers	Male	Male	Male	Female	Female
	Urinal	WC Pans	WHB	WC Pans	WHB
Up to 20	Nil	Nil	Nil	Nil	Nil
21 to 50	One	One	One	One	One
51 to 100	One	One	One	Two	One

101-200	Two	One	Two	Three	Two
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Legend: WC = Water closet; WHB = Wash hand basin

Notes:

1. A WC may replace a urinal.
2. Total number of customers are made up of 50% each of male and female patrons.

28. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the Australian Standards AS 1668 parts 1 and 2, 2002. A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

29. KITCHEN EXHAUST SYSTEM - COOKING APPLIANCES

A kitchen exhaust system is to be installed if the cooking appliances to be exhausted have a total maximum power input exceeding 8kW for electrical, or a total gas input of 29MJ/h for a gas appliance. The system is to be designed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 and 2.

30. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is to be implemented for the mechanical exhaust ventilation system that includes the cleaning of the entire system from the hood to the top of the flue at the discharge point at six (6) monthly intervals.

31. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist Part 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2006 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP (Part 1 and 2) at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction.

32. BIN STORAGE AND COLLECTION

The reviewed waste management plan shows a proposed bins room for storing the MGBs. There are no dimensions on the plans for the bin room, but it would need to accommodate the three bins (each bin is 1060mm H x 730mm D x 585mm W) required plus have space for additional bins in case these are needed in future for further waste or recycling being generated.

The reviewed plan states that putrescible waste will be collected daily and that recycling will be collected 2-3 times per week. These collections will need to be monitored and adjusted accordingly if the needs of the business change.

33. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this

regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

34. TRADE WASTE

The applicant is to confer with Sydney Water and enter into, where applicable, a 'Trade Service Agreement' with the Authority pursuant to the Trade Waste Policy. Details of the Authority's requirements are to be submitted to and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate. Trade wastewater is defined as "trade waste and any liquid, and any substance contained in it, which may be produced at the premises".

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

35. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

36. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

37. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

38. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

39. LOCATION OF BUILDING OPERATIONS

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

40. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

41. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

42. CONSTRUCTION NOISE - PERIODS OF 4 WEEKS OR UNDER

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed at any sensitive noise receiver.

43. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

44. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

45. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

46. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

MANDATORY Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls), if required.

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

47. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

48. MECHANICAL VENTILATION

- (a) The premises are to be ventilated in accordance with the requirements of the Building relevant Australian Standards.
- (b) The mechanical ventilation system shall comply with the Building Code of Australia and Australian Standard AS 1668.2.2002 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so.

The certification shall include:

- (i) inspection, testing and commissioning details;
- (ii) date of inspection, testing and commissioning details;
- (iii) the name and address of the individual who carried out the test; and
- (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

49. FOOD PREMISES

The following requirements apply to premises that commercially provide food:

- (a) The premises must comply with the Food Act, 2003 and the Food Standards Code there under;
- (b) The applicant must arrange for an inspection by Council's Environmental Health Surveyor prior to Occupation;
- (c) The premises are to be registered with Council prior to the issue of the Occupation Certificate; and
- (d) The premises are to conform to the Council's Policy regarding the construction and alteration of premises, the manufacture and installation of fixtures, fittings and equipment for food premises.

50. WASTE STORAGE

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

51. FINAL OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

52. STREET NUMBER

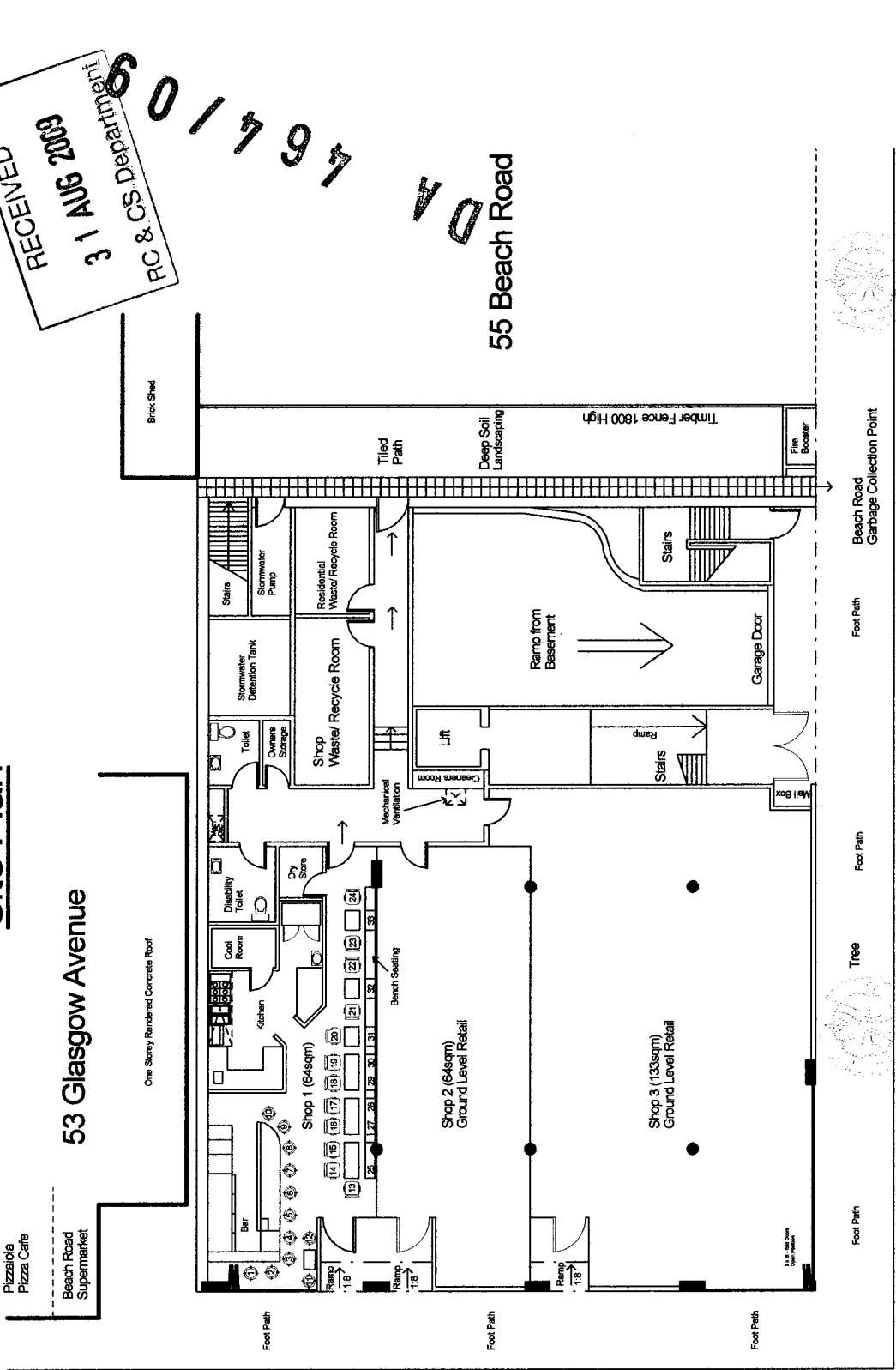
The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

ADVISORY CONDITION

It should be noted that the common sanitary facilities are for the use of all commercial premises and other uses within Shops 2 and 3 (if cafes/ restaurants) may require the provision of additional sanitary facilities (toilets) in order to satisfy the minimum Building Code of Australia requirements or alternative lower intensity commercial uses may be more appropriate in the remaining shops.

Site Plan

RECEIVED
31 AUG 2009
PC & CS Department
601797



Plan Notes

1. Proposed Restaurant
2. SWRMP Checklist 1

Drawn: Denny McPherson

Date: 15 August 2009

Address: Shop 1 - 57 to 59 Beach Road
Bondi Beach

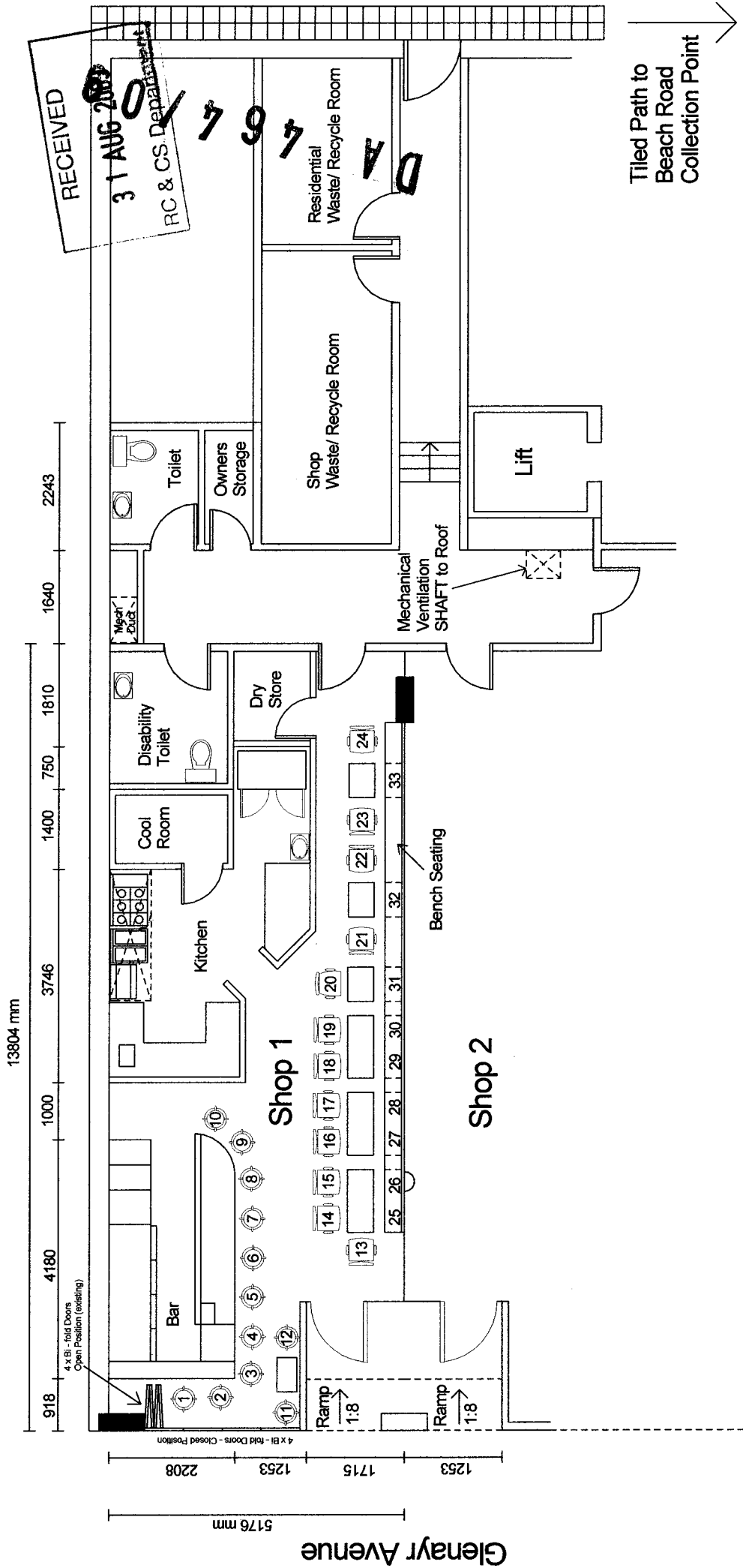
Scale: 1:200

Revision: 1

Proposed Restaurant
Layout

Mama-San Restaurant





RECEIVED
 31 AUG 2009
 RC & CS Department

Tiled Path to
 Beach Road
 Collection Point

Beach Road

Scale: 1:100



Note

- 1. Proposed Work in Blue
- 2. Existing Building in Black

Drawn: Denny McPherson

Date: 19 August 2009

Address: Shop 1 - 57 to 59 Beach Road
 Bondi Beach

Scale: 1:100

Revision: 1

Proposed Restaurant
 Layout

Mama-San Restaurant

94

Glenayr Avenue