



NSLPP MEETING HELD ON 06/07/2022

Attachments:

1. Site Plan
2. Access Report

ADDRESS/WARD: 242 Miller Street, North Sydney NSW (C)

APPLICATION No: DA 116/22

PROPOSAL: Fit out and change of use of premises, signage, hours of operation, installation of roof-top solar panels out of sight from the street

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
1011	1	Existing Walls	Linklater Associates	05.05.2022
1011.1	L	Proposed change of use	Linklater Associates	07.06.2022
1011.2	A	Elevations	Linklater Associates	07.06.2022

OWNER: North Sydney Council

APPLICANT: Yuet Lam Ada Lo

AUTHOR: Report of Rachel Wu, Student Planner

DATE OF REPORT: 16 June 2022

DATE LODGED: 04 May 2022

DATE AMENDED: 08 June 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks approval for change of use and fit out of a retail premises, including hours of operation, signage and installation of solar panels on land at 242 Miller Street, North Sydney NSW.

The application is reported to the North Sydney Local Planning Panel for determination as a property owned by North Sydney Council. In accordance with the Minister's Directions the Panel is required to determine the application. Given the relatively minor nature of the application and the lack of submissions, it is considered appropriate for the matter to be assessed internally with the panel's determination lending appropriate independence and transparency.

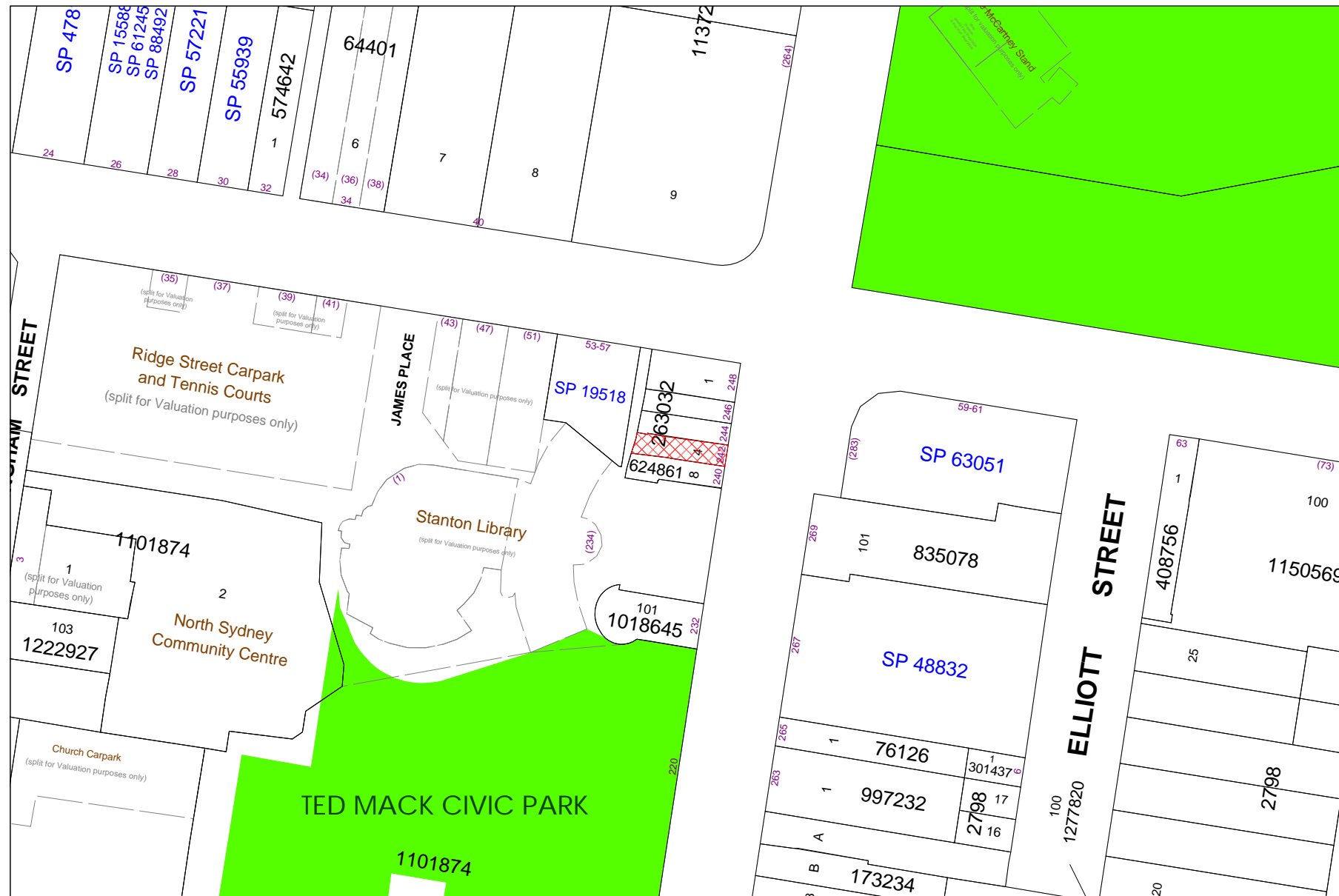
The subject property currently contains a two-storey, vacant commercial building with a frontage to Miller Street and is also accessible by a pedestrian rear laneway that links Ridge Street with the North Sydney Council Library. The site is part of a row of similar low-rise, mixed-use Victorian terraces (240-248 Miller Street) identified as heritage items with local significance known as 'Trewyn Terraces'. The terraces are a series of retail shopfronts with cast iron railings on first floor verandahs.

The proposed use and fitout include upgrades to existing pedestrian access and changes to internal areas to enable retail use. Council's Conservation Planner supports the proposal subject to conditions. Changes to access arrangements are considered to improve on existing conditions.

Notification of the proposal has not attracted any submissions. The assessment has considered the application against Council's planning requirements.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The applicant is seeking development consent for the following works:

Fit out and use of premises for 'Orchard Chocolates', hours of operation, signage, installation of roof-top solar panels out of sight from the street.

Hours of operation (Miller Street and rear takeaway shop)

8am – 10:30pm 7 days a week with staffing levels at 3-6 people maximum.

Ground Floor

Miller Street shopfront use is retail to sell confectionery and non-alcoholic drinks requiring only simple food preparation and reheating of food, no major cooking is required and minimal seating is provided within the shop interior.

- The entry will have a new ramp in accordance with AS 1428.1-2009 in the NCC
- Existing steps and handrail going up to the packaging room will be removed
- A new wall and hatch installed between the packaging room and room directly to its east
- Timber deck at the rear (west of site) that functions as a ramp with a couple steps down towards the door of the packaging room
- Installation of sliding door for the furthest room to the west
- Exhaust fans above the packaging room entry/exit to the rear

The proposed rear works are for a takeaway outlet for the main shop with support packaging functions in between the front and rear of the property. The takeaway outlet will be accessible via the rear lane only and the service is run by the same operator as the chocolate shop at the front.

First Floor

- Office and storage space to support the shop with entry by staff only
- Hours of operation stated as similar to ground floor shop

Roof

6kW installation comprising 10 solar roof panels with inverter and wall storage solar battery located alongside the existing electrical switchboard in the rear courtyard. The solar panels will be installed facing the rear elevation and on the ground floor and first floor rooves in the rear courtyard. They will not be visible from Miller Street frontage.

Stairs

- New handrails to be installed on both sides of the stairs from ground to first floor

Finishes

The fit out of the shop on **ground level retail space** consists of:

- Existing walls and ceilings painted in Dulux Solar Quarter (soft cream yellow colour) and stained timber panels wall covering
- Floor of the customer space using existing timber floorboards sealed with clear polyurethane
- Floor of the serving space using light natural stone coloured non-slip floor tiles over existing timber floorboards
- Floor of the packaging space using light natural stone coloured non-slip floor tiles over the existing concrete floor
- Floor of the serving and packaging spaces to be tiled to meet the requirements of the AS4674-2004 'Design, construction and fit out of food premises'
- Display cases will be glass-topped timber framed counters

The fit out for the **rear takeaway space** consists of:

- Existing walls painted in Dulux Solar Quarter (soft cream yellow colour)
- Existing concrete floor using light natural stone coloured non-slop floor tiles
- Floors will be tiled to meet the requirements of the AS4674-2004 'Design, construction and fit out of food premises'

The fit out of the first-floor office/storage space consist of:

- Existing cream-painted walls to remain
- Existing white-painted ceilings to remain
- Existing timber floorboards to remain

Signage

- Signage produced by a traditional sign writer stating 'Orchard Chocolates' to be inserted into existing under-awning display box



Figure 1: Proposed signage to inserted into existing under-awning display box where it says Estilo Hair Salon back in 2013

Old Soil room (rear)

- Recycling and garbage storage bins in the old soil room will be collected commercially on a regular two-day basis or as required. Currently the soil room can only fit one bin inside, with a second bin standing outside the soil room.



Figure 2 (left): View towards soil room, proposed solar battery unit inverter above switchboard (right)

Figure 3 (right): Existing soil room that can fit only one of two rubbish bins

Fire safety measures

- A portable fire extinguisher and fire blanket exist in the packaging area on ground floor and a portable fire extinguisher on the first floor.

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (LEP 2013)

- Zoning – B4 Mixed Use
- Item of Heritage – Yes, Trewyn Terraces 10907 (Local significance)
- In Vicinity of Item of Heritage – Yes (240, 244, 246, 248 of Miller Street: Trewyn Terraces; 269 Miller Street: The Independent Theatre)
- Conservation Area - No
- Foreshore Building Line - No

Environmental Planning & Assessment Act 1979 (as amended)

SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)
North Sydney Local Infrastructure Contributions Plan

DESCRIPTION OF LOCALITY

The subject site is formally described as Lot 4 in DP263032 and is commonly known as 242 Miller Street, North Sydney. The subject property currently contains a two-storey, vacant commercial building with a frontage to Miller Street and is also accessible by a pedestrian rear laneway that links Ridge Street with the North Sydney Council Library. The site is part of a row of similar low-rise, mixed-use Victorian terraces (240-248 Miller Street) identified as heritage items with local significance known as 'Trewyn Terraces'. The terraces are a series of retail shopfronts with cast iron railings on first floor verandahs.

The site comprises an area of 91.504m² and is a rectangular allotment with an east-west orientation. There is no provision for parking on site however this is not a significant issue as there are metered parking on Ridge Street and Council's Ridge Street Public Carpark, and the site is well served by public transport with a bus stop directly in front of the shop. The site is generally flat with a slight slope from the west to east.

The site has a close proximity to some residential dwellings on the east side of Miller Street, and on the west of the subject site on Cunningham Street behind the Stanton Library and NSC Community Centre. As the subject site is located within B4 Mixed Use zone, there is the possibility of some residents living in Mixed Use buildings in the vicinity.



Figure 4 (left): Front entry (Miller Street)

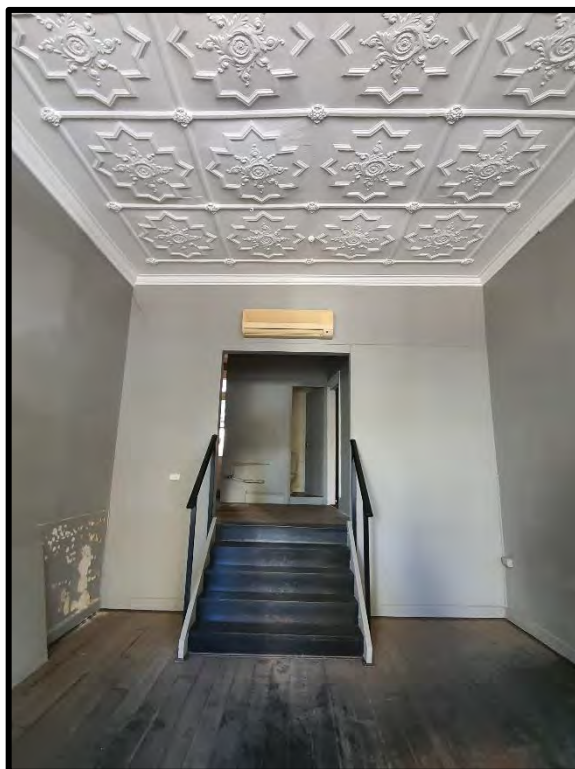


Figure 5 (right): Proposed shopfront area



Figure 6: Packaging space and WC, exit to rear yard on left



Figure 7 (left): View from Packaging space to front of shop
Figure 8 (right): Existing bench next to exit to rear yard

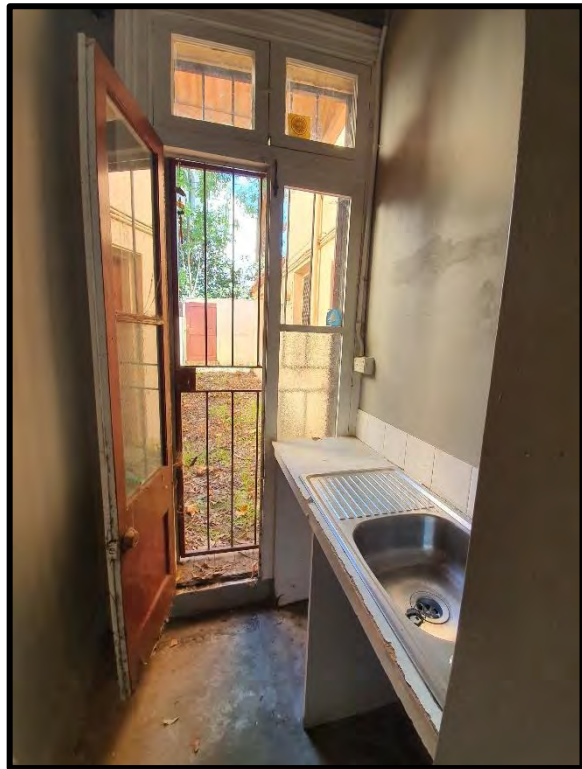




Figure 9: Existing shower room on ground floor towards the rear



Figure 10: Old soil room, left of food preparation room, proposed timber deck (right) in rear



Figure 11 (left): Door of food preparation room at rear has heritage character
Figure 12 (right): View from rear laneway towards site



Figure 13: First floor room furthest east with openings to verandah

RELEVANT HISTORY

Previous applications

Development Consent No. 69/22 was rejected on 8 March 2021 for insufficient information:

1. *Plans*
Full architectural plans are needed including all elevations and floor plans in accordance with Council requirements in section 3.3.1 in North Sydney Development Control Plan 2013 and Council's DA Lodgement Form. The following are required for assessment of the development application.
 - (a) *Existing plans- existing plans of the premises prior to the undertaking of the works.*
 - (b) *Proposed plans that show the proposed division in the tenancies clearly.*
 - (c) *Dimensions on the plans.*

2. *Plan of Management*
A plan of management must be submitted to Council that demonstrates how the proposed premises/use would be managed to maintain public safety, amenity, and security. The plan should indicate how any noise nuisance would be minimised to maintain amenity for surrounding residents.

3. *Revised Statement of Environmental Effects*
The Statement of Environmental Effects should demonstrate how the proposed development would accord with aims of Council's planning controls and demonstrate that they have been considered by proponents when lodging a development application. Please provide a revised SEE that considers the hours of operation set out in Part B section 7 (and table B 7.1).

Development Consent No. 319/20 was withdrawn on 02 February 2021 for the change of use to the ground floor shop to create an additional shop at the rear of the property. The application was withdrawn due to insufficient documentation in relation to heritage and accessibility reports.

Development Consent No. 222/05 granted approval on 09 June 2005 for expanding the area of the existing beauty salon to the first floor. The first floor was zoned Special Use and the proposed use as a commercial premise was prohibited. However, under the existing regulation at the time S.42 of the EP&A Regulation 2000, consent may be granted for the enlargement and/or expansion of an existing use. The site benefited from existing use rights through the established commercial use at ground level and therefore obtained consent.

Current application

Date	Action
04 May 2022	Lodged with Council
20 May 2022	The application was notified as per Council's Community Participation Plan. The notification period ended on 03 June 2022. No submissions were received during this period.

INTERNAL REFERRALS

Building

The development application seeks approval for the change of use and minor alterations and additions to an existing two storey heritage listed commercial terrace building for use as Ground Floor food retail business and first floor office use.

The current approved use is Ground Floor retail services (hairdresser) and First Floor office use.

The building is classified by the NCC BCA 2019 as a class 5 and 6 building of Type C construction.

Given the buildings classification the requirements of the BCA 2019, Volume 1 and the Disability (Access to Premises Standards – Buildings) 2010 regarding access to and throughout the affected part of the building is required to be considered.

The application is supported by an Access Report dated 29 November 2021 prepared by Sydney Access Consultants which concludes that the proposed development is not capable of full compliance with the BCA and AS1428.1 due to heritage constraints however Performance based Solutions should be able to be developed to address access features to improve equitable and dignified access for all users of the building. It is noted that ramp access is to be provided to enable disability access to the buildings entrance.

The application is also supported by a Fire Engineering DA Support Letter dated 22 October 2021 prepared by I – Fire Engineers. The letter concludes that the proposed development can comply with the NCC BCA with the use of Performance based and/or Fire Engineering Solutions.

Acceptance of any Performance based Solution is a matter for the consideration of the appropriately registered certifier during Construction Certificate assessment stage.

Given the works represent less than 50% of the buildings total volume, upgrade of the building is not required pursuant to Clause 64 of the Environmental Planning & Assessment Regulations 2021.

A detailed assessment of compliance with the Building Code of Australia 2019 will be undertaken by an appropriately accredited certifier at the Construction Certificate Stage of the proposed development. Additionally, a Fire Safety Schedule is to be prepared by the certifier and accompany the Construction Certificate.

Generally, the proposed building works can comply with the NCC BCA 2019, Volume 1.

Conditions F1 National Construction Code and C9 Provision of Accessible Paths of Travel are recommended and imposed for development consent.

ENVIRONMENTAL/ HEALTH

The application was referred to the Council's Environmental Health Officer who provided conditions for development consent.

HERITAGE

1. Heritage status and significance

242 Miller Street is a group with no.s 240-248 Miller Street known as Trewyn Terraces. These properties are all identified as items of environmental heritage in NLEP 2013 Schedule 5. The statement of significance for 246 Miller Street as per the NSW Heritage Inventory database states the following:

"One of a fine set of terraced shopfronts with upper floor residences from the late nineteenth century in an important location on Miller Street opposite the former tram terminus. The 'Trewyn terraces', Nos. 240-248, which are the surviving five of the original seven terraces, demonstrate the scale and character of the former streetscape of Miller Street in the 1880s, and have continuously provided community retailing services since the 1880s. The terrace is also associated with James Taylor, Mayor of the Borough of East St Leonards 1877-1878, who was the original owner and builder."

The site and the Trewyn Terraces group generally are situated in the vicinity of several heritage items,

2. Heritage Assessment and Recommendations

An assessment of the proposed change of use at 242 Miller Street from a hairdressing premises to a retail outlet with two distinct retail outlets to the front and rear of the premises and being for the sale of speciality chocolates/ice creams/ drinks etc to the Miller Street side of the retail outlet and a takeaway component to the rear, has been undertaken in relation to NSLEP 2013 Clause 5.10 Heritage Conservation and NSDCP 2013 Part B Section 13 Heritage & Conservation.

INTERNAL WORKS

The internal steps in the middle of the retail space to address the change in level and that currently provide access from the front of the shop to the rear are not original and can be removed to create a serving hatch, noting also that this work has the potential to be reversible.

No tiling over the existing timber floors is supported, especially in the shop area. Elsewhere, vinyl sheets or an alternative floor covering that is in keeping with the character of the historic building are preferred and is to be capable of being removed later or as required. The impact from the modification to the existing WC within the preparation area will be negligible. Where flooring has existing tiles, no objection is raised to replacing them with new tiles.

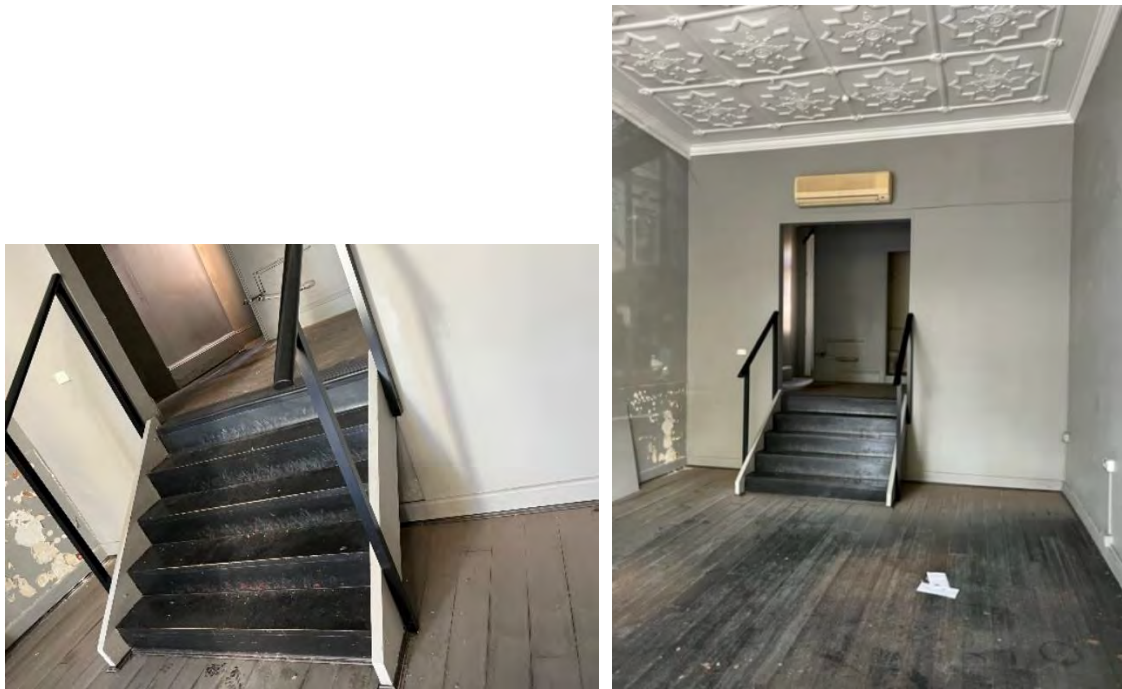


Figure 14: Interior ground floor stairs, flooring and ceiling



Figure 15: Threshold entry from Miller Street

FRONT ELEVATION

The modification/reconstruction of the entry threshold by removing the step-up ledge to improve accessibility, is supported. The finishes relating to the reconstruction of the entry threshold should match the existing or be of a similar finish suitable to the buildings architectural finish.

REAR AREA

The impact from the installation of a timber ramp at the rear is minimal, noting also that this work is reversible.



Figure 16: Replacement of Existing Period Door

Support for the replacement of the existing period door to the rear-most room is contingent upon it being demonstrated that the use of the room will be impeded by retaining it insitu. If the proposed use of this room is not hindered, the door is to remain in place.

All the solar panels are proposed to be in the rear roof planes of the primary and secondary roof forms of the building. As such, no objection is raised to their installation.

It is noted that the bench seat associated with the bus stop is proposed to be moved closer to the kerb line.

On balance, the proposed works associated with the change of use will not create any adverse heritage implications for the building, the terrace group of which it is a part, nor the heritage items in the nearby vicinity of the site. The proposal is supported on heritage grounds subject to conditions as recommended below.

A combination of non-standard and standard conditions are imposed for development consent.

Planning comment:

To address the concerns of Council's Conservation Planner, conditions are recommended to require the following changes:

- i. No consent is granted for tiling over any existing timber flooring. Where required for compliance with food preparation and wet areas, the flooring is to be of a suitable vinyl type flooring or an appropriate alternative product that is not permanently fixed by way of glue or other means. The selection of flooring materials must be in keeping with the character of the historic building and be capable of being removed later or as required;

- ii. No consent is granted, or may be assumed for any changes to the existing ceiling to the ground floor areas. The ceilings mouldings and cornices are to be protected at all times during fitout work;
- iii. No consent is granted for any works to the first floor rooms or stair balustrade.
- iv. The solar panels must only be installed in the rear roof plane of the building, must be installed to match the pitch of the roof and must not extend greater than 50mm above the existing roof plane.
- v. The original door to the rear-most room is to be retained in-situ or reused on site within the premises in consultation with Council's Conservation planner; In the event, the door cannot be retained in situ, it is to be removed and stored within the building for use at a later date.
- vi. A photographic survey of the premises should be undertaken as a physical record of the place prior to the commencement of the new fit-out.

Subject to compliance with the above conditions, the proposal is considered to be acceptable on heritage grounds.

SUBMISSIONS

On 19 May 2022, Council notified adjoining properties and the Stanton Precinct of the proposed development seeking comment between **20 May – 03 June 2022**. Council received nil submissions.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed under the following headings:

Environmental Planning and Assessment Act 1979 (as amended)

SEPP (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) 2021 requires Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site (where required). Clause 4.6 of the SEPP requires that Council must consider the following:

- (i) whether the land is contaminated; and
- (ii) if the land is contaminated, whether the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (iii) if the land requires remediation to be made suitable for the proposed development, will the land be remediated before the land is used for that purpose.

The premises has previously been used for purposes of retail sales, a hairdressers, residential purposes (first floor) and as such is unlikely to contain any contamination which would prevent the proposed use for retail purposes. The premises is however likely to have hazardous materials, potentially including Asbestos and lead paint which will need to be managed by appropriately qualified people during fitout works.

Subject to compliance with SafeWork NSW requirements and standard conditions of consent, Council may be satisfied that the land is suitable for the intended use.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works can be defined as *fit out and change of use of premises, signage, hours of operation, installation of roof-top solar panels out of sight from the street* and are permissible in the B4 Mixed Use zone with development consent.

2. Objectives of the zone

The objectives for a **B4 Mixed Use** are stated below:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed-use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The proposal is consistent with the objectives of the B4 Mixed Use zone.

3. Heritage Conservation

An assessment of the application has been undertaken in relation to the requirements of Clause 5.10 (Heritage conservation) of NSLEP 2013. Council's Conservation Planner has considered the proposal and has recommended that the application can be supported subject to conditions.

The development proposal satisfies the requirements of Clause 5.10 of the NSLEP 2013 and the relevant provisions of Section 13 of the NSDCP 2013 as they relate to development involving a Heritage Item.

4. Earthworks

The proposal involves some excavation so an assessment has been carried out below having regard to Clause 6.10 in NSLEP 2013. The amount of works is minor and generally located at the rear of the property and will not create an adverse effect on the adjoining properties.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessment under the following heading within NSDCP 2013:

Part B Section 2- Commercial & Mixed Use Development																														
		<i>complies</i>	<i>Comments</i>																											
2.2 Function																														
2.2.1 Diversity		Yes	The proposed work will provide employment on the premise and the retail shop on the frontage to Miller Street will activate the street and encourage pedestrian use, economic and social vitality.																											
O2 To ensure that streets are appropriately activated to encourage pedestrian use.																														
2.2.2 Maximise use of public transport		Yes	Parking is not proposed in the application, and this will maximise access to public transport, walking and cycling.																											
O1 To ensure that developments maximise access to public transport, walking and cycling.																														
2.3 Environmental Criteria																														
2.3.1 Clean Air		Yes	The proposed works do not involve major cooking and only minor preparation of food and reheating. The site also does not provide for carparking and encourage pedestrian activity, cycling and public transport that will not affect the air quality. Accordingly, the proposal satisfies this control.																											
O1 To ensure reasonable levels of acoustic amenity to nearby residents.																														
<table border="1"> <caption>TABLE B-2.3 – Noise Emission Limits</caption> <thead> <tr> <th colspan="3">Time Period</th> <th rowspan="2">Max 1 hour noise level (LAeq 1 Hour)</th> </tr> <tr> <th>Day</th> <th>Week</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Weekday</td> <td>Day</td> <td>7am-6pm</td> <td>60 dBA</td> </tr> <tr> <td>Evening</td> <td>6pm – 10pm</td> <td>50 dBA</td> </tr> <tr> <td>Night</td> <td>10pm – 7am</td> <td>45 dBA</td> </tr> <tr> <td rowspan="3">Weekend</td> <td>Day</td> <td>8am – 7pm</td> <td>60 dBA</td> </tr> <tr> <td>Evening</td> <td>7pm – 10pm</td> <td>50 dBA</td> </tr> <tr> <td>Night</td> <td>10pm – 8am</td> <td>45 dBA</td> </tr> </tbody> </table>		Time Period			Max 1 hour noise level (LAeq 1 Hour)	Day	Week	Time	Weekday	Day	7am-6pm	60 dBA	Evening	6pm – 10pm	50 dBA	Night	10pm – 7am	45 dBA	Weekend	Day	8am – 7pm	60 dBA	Evening	7pm – 10pm	50 dBA	Night	10pm – 8am	45 dBA	Yes	Conditions are imposed to ensure reasonable levels of acoustic amenity are achieved for residents in the vicinity of the subject site. In the vicinity of the subject site on Ridge Street, some restaurants and newsagency close by 9pm. A brief Plan of Management consisting of six dot points is provided that involve requesting patrons to keep conversations low after 8pm.
Time Period			Max 1 hour noise level (LAeq 1 Hour)																											
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	Night	10pm – 8am	45 dBA																											

Part B Section 2- Commercial & Mixed Use Development											
	<i>complies</i>	<i>Comments</i>									
<p>2.3.5 Artificial Illumination</p> <p>P4 Entrances must be well lit and do not produce shadows or adverse glare.</p> <p>P5 Staff entrances which are separated from the main building entrance must be well lit and opportunities for casual surveillance is maximised.</p>	Yes	<p>No illuminated signage is proposed externally to cause an adverse glare.</p> <p>The internal lighting should be sufficient for the entrance for patrons.</p>									
<p>2.3.6 Awnings</p>	Yes	<p>An existing awning on site provides adequate weather protection for people using streets and other public spaces. No external works are proposed.</p>									
<p>2.3.8 Views</p>	Yes	<p>The proposed works make no changes to the building externally and will protect the views from streets and other public spaces.</p>									
<p>2.3.11 Visual Privacy</p>	Yes	<p>The ground floor shop has a frontage to Miller Street which separates the row of commercial terraces on the west from the apartments to the east of Miller Street. The subject site at the rear of the property will not impact visual privacy of the residential flats on Cunningham Street due to the in-between location of the library and Council carpark. Accordingly, visual privacy is not impacted by the proposed works.</p>									
2.4 Quality Built Form											
<p>2.4.1 Context</p>	Yes	<p>The proposed works respond to the opportunity to utilize the rear entry as a takeaway outlet and promote accessibility and permeability between Ridge and Miller Streets to the Stanton Library in accordance with the Character Statement.</p>									
<p>2.4.3 Setbacks</p>	Yes	<p>The proposed works do not propose changes to the existing setback which is in accordance with the zero-metre setback in NSDCP 2013.</p>									
<p>2.4.5 Building Design</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="3" style="text-align: center;">TABLE-2.9: Minimum floor to ceiling height requirements</th> </tr> <tr> <th style="text-align: center;">Zone</th> <th style="text-align: center;">Ground Floor</th> <th style="text-align: center;">First Floor</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">B4 Mixed Use</td> <td style="text-align: center;">3.3m</td> <td style="text-align: center;">3.3m</td> </tr> </tbody> </table> <p>P8 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.</p>	TABLE-2.9: Minimum floor to ceiling height requirements			Zone	Ground Floor	First Floor	B4 Mixed Use	3.3m	3.3m	Yes	<p>A condition has been imposed to ensure accessibility within the site, in particularly the front tiled entry will be re-laid to be wheelchair accessible.</p> <p>No changes are proposed to change the floor to ceiling heights.</p>
TABLE-2.9: Minimum floor to ceiling height requirements											
Zone	Ground Floor	First Floor									
B4 Mixed Use	3.3m	3.3m									
<p>2.4.10 Streetscape</p> <p>O2 To promote the creation of lively and active street and laneway frontages.</p>	Yes	<p>The commercial use of the subject site will promote the creation of lively and active streetscape on Miller Street frontage and the rear lane by encouraging the economic and social activities.</p>									
<p>2.4.11 Entrances and exits</p>	Yes	<p>The main entry located at the Miller Street frontage is clearly visible from the street. Entrances and exits must be built in accordance with the NCC standards and approval conditions.</p>									

Part B Section 2- Commercial & Mixed Use Development			
		<i>complies</i>	<i>Comments</i>
2.4.12	Nighttime appearance	Yes	The site improves the visual interest of the street at night through existing large windows that enable internal illumination to spill onto the public footpath on Miller Street. No works are proposed to the glass façade frontage.
2.4.13	Public spaces and facilities	Yes	The proposed works are generally within the existing footprint of the site and the glass façade provides visual permeability for social engagement and economic activity that maintains the amenity of the existing area.
2.5 Quality Urban Environment			
2.5.1	Accessibility <i>P1 Buildings are to be designed in accordance with the provisions contained within Part B: Section 12 - Access of the DCP.</i>	Yes	Conditions for consent are imposed to ensure that the proposal complies with the National Construction Code and Disability (Access to Premises – Buildings) Standards 2010.
2.5.2	Safety and security <i>P4 Rear service areas and access lanes should either be well secured or easily visible.</i>	Yes	The approval is subject to the imposition of the condition F1 to develop in adherence with the NCC standards.
2.5.7	Vehicular access	Yes	No change to existing. Metered parking is available on Ridge Street and Ridge Street carpark. Small deliveries from the street are anticipated consistent with adjoining terrace shops.
2.5.8	Car parking	N/A	No provisions for car parking is available on site.
2.5.9	Garbage Storage	Satisfactory	The garbage bins will be stored in an old night soil room for bin storage at the rear of the property with convenient access to the rear lane exit. The bin storage area is not visible from the laneway and the rubbish will be collected by commercial contractors. A condition is imposed for development consent to provide adequate provision for the storage of waste and recyclable material generated by the premises.
TABLE B-2.10: Waste bin requirements			
Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
Retail Trading	Shops < 100m2	50L / 100m2 GFA / day	25L / 100m2 GFA / day
Food and Drink Premises	Take away food and drink premises	80L / 100m2 GFA / day	240L / 100m2 GFA / day
	Restaurants and cafes	10L / 1.5m2 GFA / day	120L / 100m2 GFA / day
2.6 Energy efficiency			
2.6.1	Energy efficiency <i>P11 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.</i>	Yes	Solar panels are proposed on site as a form of renewable energy to supplement energy needs especially if there is an electricity failure.

Part B Section 2- Commercial & Mixed Use Development		
	<i>complies</i>	<i>Comments</i>
2.6.2 Passive solar design	Yes	Passive solar access is provided through windows and rear step back in the design of the existing terrace.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 7- Late Night Trading Hours		
7.2 Matters for Consideration		The proposed rear takeaway outlet does not contain patron seating, and the area inside the shopfront can only contain minimal patron seating. This lessens noise impact from patrons to nearby residences.
7.3 Trading Hours <ul style="list-style-type: none"> • B4 Mixed use – 7am – 11pm (mon-wed); 7am – Midnight (Thurs-Sat); 7am – 10pm (Sun) 	No (Merit)	<p>The proposed hours of operation is 8am-10:30pm for 7 days a week.</p> <p>Cafes and restaurants in the vicinity operate between 7am to 9pm, 7 days a week, with most closing by 4pm.</p> <p>The indoor area of the shop cannot provide for much seating and the rear outlet is a takeaway outlet that do not provide space for patrons to stay and linger. Therefore, no major noise impacts are expected that will affect the amenity of residential properties in the vicinity and the proposed trading hours will not have an adverse noise impact.</p>

Relevant Planning Area (North Sydney)– Part C of NSDCP 2013

The application has been assessed against the relevant controls in the Character Statements in Part C in NSDCP 2013 below:

Section 2 - North Sydney Planning Area
Section 2.2 – Civic Neighbourhood

The proposal is consistent with the area character statements under Part C in NSDCP 2013 subject to the imposition of conditions.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is not subject to payment of contributions towards the provision of local infrastructure.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	YES
2. Policy Controls	YES
3. Design in relation to existing building and natural environment	YES
4. Landscaping/Open Space Provision	YES
5. Traffic generation and Carparking provision	YES
6. Loading and Servicing facilities	YES
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8. Site Management Issues	YES
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Stanton Precinct between 20 May 2022 – 03 June 2022. No submissions were received during this period.

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal would be located in a **B4 Mixed Use** zone where *Commercial Premises* are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

CONCLUSION

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and general found to be satisfactory.

The application proposes a *fit out and change of use of premises, signage, hours of operation, installation of roof-top solar panels out of sight from the street* for a commercial premise that is a permissible form of development in B4 Mixed Use zone.

The proposed use and fitout includes upgrades to existing pedestrian access and changes to internal areas to enable retail use. Council's Conservation Planner supports the proposal subject to conditions. Changes to access arrangements are considered to improve on existing conditions.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific conditions for the reasons provided below.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION.

The application was notified to adjoining properties and the Stanton Precinct between 20 May 2022 – 03 June 2022. No submissions were received during this period.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 116/22 for the fit out and change of use of premises, signage, hours of operation, installation of roof-top solar panels out of sight from the street on land at 242 Miller Street, North Sydney subject to the following site specific and attached standard conditions:-

Design Changes – Heritage Conservation works

- A1 In order to conserve the heritage significance of the premises the following amendments must be incorporated into the plans:
- i. No consent is granted for tiling over any existing timber flooring. Where required for compliance with food preparation and wet areas, the flooring is to be of a suitable vinyl type flooring or an appropriate alternative product that is not permanently fixed by way of glue or other means. The selection of flooring materials must be in keeping with the character of the historic building and be capable of being removed later or as required;
 - ii. No consent is granted, or may be assumed for any changes to the existing ceiling to the ground floor areas. The ceilings mouldings and cornices are to be protected at all times during fitout work;
 - iii. No consent is granted for any works to the first floor rooms or stair balustrade.
 - iv. The solar panels must only be installed in the rear roof plane of the building, must be installed to match the pitch of the roof and must not extend greater than 50mm above the existing roof plane.
 - v. The original door to the rear-most room is to be retained in-situ or reused on site within the premises in consultation with Council's Conservation planner; In the event, the door cannot be retained in situ, it is to be removed and stored within the building for use at a later date.
 - vi. A photographic survey of the premises should be undertaken as a physical record of the place prior to the commencement of the new fit-out.

(Reason: To conserve the heritage significance of the site and to retain the character and an understanding of the heritage item)

Outdoor Seating

A2 Outdoor seating from the commercial use is not permitted under this development consent.

(Reason: To ensure adequate pedestrian space is provided for public safety and convenience)

Cleanliness and Maintenance of Food Preparation Areas

C6 To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of: -

- a) the Food Act 2003;
- b) the Food Regulation;
- c) the relevant Australian Standards;
- d) Council's Food Premises Code;
- e) Sydney Water Corporation - Trade Waste Section;
- f) the Protection of the Environment Operations Act and associated Regulations; and
- g) the Building Code of Australia.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Construction Certificate plans and documentation must incorporate details of the following: -

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Use of first floor

I1 Use of the first floor shall be limited to office purposes associated with the retail use of the premises. No approval is granted under this consent for any residential or other commercial use of the first floor. The first floor must not be used for any customer dining purposes.

(Reason: To clarify the use of the first floor)

No Trade from Rear

12 The rear areas of the premises, from the “packaging” room to the rear boundary line shall not be used for retail trade and may only be used for preparation, storage and access purposes.

(Reason: To ensure the primary trading area is accessible)

Building Use

13 The rear portion of the building must be used for storage and preparation purposes only.

(Reason: Amenity)

Public Bench

14 No approval is granted to relocate the existing bench located in front of the shop.

(Reason: To preserve the location of the public bench)

RACHEL WU
STUDENT PLANNER

DAVID HOY
TEAM LEADER (ASSESSMENTS)

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
242 MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 116/22

A. *Conditions that Identify Approved Plans*

Design Changes – Heritage Conservation works

- A1. In order to conserve the heritage significance of the premises the following amendments must be incorporated into the plans:
- i. No consent is granted for tiling over any existing timber flooring. Where required for compliance with food preparation and wet areas, the flooring is to be of a suitable vinyl type flooring or an appropriate alternative product that is not permanently fixed by way of glue or other means. The selection of flooring materials must be in keeping with the character of the historic building and be capable of being removed later or as required;
 - ii. No consent is granted, or may be assumed for any changes to the existing ceiling to the ground floor areas. The ceilings mouldings and cornices are to be protected at all times during fitout work;
 - iii. No consent is granted for any works to the first floor rooms or stair balustrade.
 - iv. The solar panels must only be installed in the rear roof plane of the building, must be installed to match the pitch of the roof and must not extend greater than 50mm above the existing roof plane.
 - v. The original door to the rear-most room is to be retained in-situ or reused on site within the premises in consultation with Council's Conservation planner; In the event, the door cannot be retained in situ, it is to be removed and stored within the building for use at a later date.
 - vi. A photographic survey of the premises should be undertaken as a physical record of the place prior to the commencement of the new fit-out.

(Reason: To conserve the heritage significance of the site and to retain the character and an understanding of the heritage item)

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DEVELOPMENT APPLICATION NO. 116/22**

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Outdoor Seating

- A2. Outdoor seating from the commercial use is not permitted under this development consent.

(Reason: To ensure adequate pedestrian space is provided for public safety and convenience)

Development in Accordance with Plans/Documentation

- A3. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Rev	Description	Prepared by	Dated
1011	1	Existing Walls	Linklater Associates	05.05.2022
1011.1	L	Proposed change of use	Linklater Associates	07.06.2022
1011.2	A	Elevations	Linklater Associates	07.06.2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A4. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

- A5. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)**Sediment Control**

- C1. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a) All details of drainage to protect and drain the site during the construction processes;
- b) All sediment control devices, barriers and the like;
- c) Sedimentation tanks, ponds or the like;
- d) Covering materials and methods; and
- e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment Control plan.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

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

Waste Management Plan

- C2. A Waste Management Plan is to be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;

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DEVELOPMENT APPLICATION NO. 116/22**

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- b) The design of the on-site waste storage and recycling area; and
- c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Colours, Finishes and Materials (Heritage Items)

- C3. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building and submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

External Colours and Finishes

- C4. The external colours and finishes shall match those as existing and/or be compatible with surrounding development. A schedule of external colours and finishes must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Work Zone

- C5. If a Work Zone is proposed, an application must be made to the North Sydney Local Traffic Committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

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Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Cleanliness and Maintenance of Food Preparation Areas

C6. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of: -

- a) the Food Act 2003;
- b) the Food Regulation;
- c) the relevant Australian Standards;
- d) Council's Food Premises Code;
- e) Sydney Water Corporation - Trade Waste Section;
- f) the Protection of the Environment Operations Act and associated Regulations; and
- g) the Building Code of Australia.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Construction Certificate plans and documentation must incorporate details of the following: -

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Garbage and Recycling Facilities

- C7. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Noise from Plant and Equipment

- C8. The use of all plant and equipment installed on the premises must not:
- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments of the EPA Noise Policy for Industry shall be applied.
 - (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship, and parks and such other affected receiver as may be notified by the Council in writing.

"boundary" includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Provision of Accessible Paths of Travel

- C9. Access from the pedestrian entry to the premises and access throughout the building be designed and constructed to provide access and facilities in accordance with the Building Code of Australia and Disability (Access to Premises – Buildings) – Standards 2010. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found in the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Security Deposit/Guarantee Schedule

- C10. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage Bond	\$1,000
TOTAL BONDS	\$1,000

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Under Awning Sign

- C11. Any under awning sign must be erected approximately horizontal to the ground and be at no point less than 2.6 m from the ground. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure adequate head clearance for pedestrian safety)

E. During Demolition and Building Work**Removal of Extra Fabric**

- E1. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Special Permits

- E2. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours' notice is required for any permit:

1) **On-street mobile plant**

E.g., cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours (Commercial Core and Mixed-Use Zones)

E3. Construction activities and works approved under this consent must be carried out only within the hours stipulated in the following table:

Standard Construction Hours		
Location	Day	Hours
B3 Commercial Core Zone B4 Mixed-Use Zone	Monday - Friday	7.00 am - 7.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

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

Out-of-Hours' Work Permits

- E4. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 96 of the Environmental Planning and Assessment Act 1979.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include;
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

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

Site Amenities and Facilities

- E5. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

- E6. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Community Information

- E7. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

Waste Disposal

- E8. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

- E9. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation**National Construction Code**

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

F2. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

F4. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

F5. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Commencement of Works

- F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two (2) days' notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/Demolition

- F7. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Site Sign

- F8. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

Maximum Capacity Site Sign

- F9. A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in this development consent, that are permitted in the building.

(Reason: Prescribed - Statutory)

G. Prior to the Issue of an Occupation Certificate**Access to Premises**

- G1. Prior to the issue of any Occupation Certificate, a certificate must be prepared an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and AS Disability (Access to Premises - buildings) Standards 2010 (Premises Standards) has been provided. This certificate must be submitted to, and approved by, the Certifying Authority prior to issue of the Occupation Certificate.

(Reason: Equitable access and facilities for people with a disability)

I. Ongoing/Operational Conditions**Use of first floor**

- I1. Use of the first floor shall be limited to office purposes associated with the retail use of the premises. No approval is granted under this consent for any residential or other commercial use of the first floor. The first floor must not be used for any customer dining purposes.

(Reason: To clarify the use of the first floor)

No Trade from Rear

- I2. The rear areas of the premises, from the "packaging" room to the rear boundary line shall not be used for retail trade and may only be used for preparation, storage and access purposes.

(Reason: To ensure the primary trading area is accessible)

Building Use

- I3. The rear portion of the building must be used for storage and preparation purposes only.

(Reason: Amenity)

**242 MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 116/22**Page 15 of 17

Public Bench

14. No approval is granted to relocate the existing bench located in front of the shop.

(Reason: To preserve the location of the public bench)

Hours of Operation

15. The hours of operation are restricted to:

Mon to Thurs: 8am to 10:30pm

Fri-Sat: 8am to 10:30pm

Sun: 8am to 10:30pm

Maximum number of staff: 6 people.

Upon expiry of the permitted hours:

- (a) all restaurant service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained, and hours of operation are consistent with those in surrounding locality)

Trade Waste

16. Trade wastewater must 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)

Noise and Vibration Impact

17. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Patron Behaviour

18. The proprietors/management of the premises must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises. The proprietors/management must ensure that:

**242 MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 116/22**

Page 16 of 17

- (a) A sign is placed in clearly visible position adjacent to the entry/exit of the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (b) The [management/licensee] must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) The [management/licensee] must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.
- (d) If so directed by Council, the [management/licensee] is to employ private security staff to ensure that this condition is complied with.

(Reason: To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality)

Commercial Waste and Recycling Storage

19. Commercial waste and recycling material/storage bins must be stored in a separate area external to the building. The bin storage area is to be kept clean at all times.

(Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed)

Waste Collection

110. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

111. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00 pm and 6.00 am on any day.

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

Shop Premises Registration

112. The shop premises must be registered with Council prior to commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

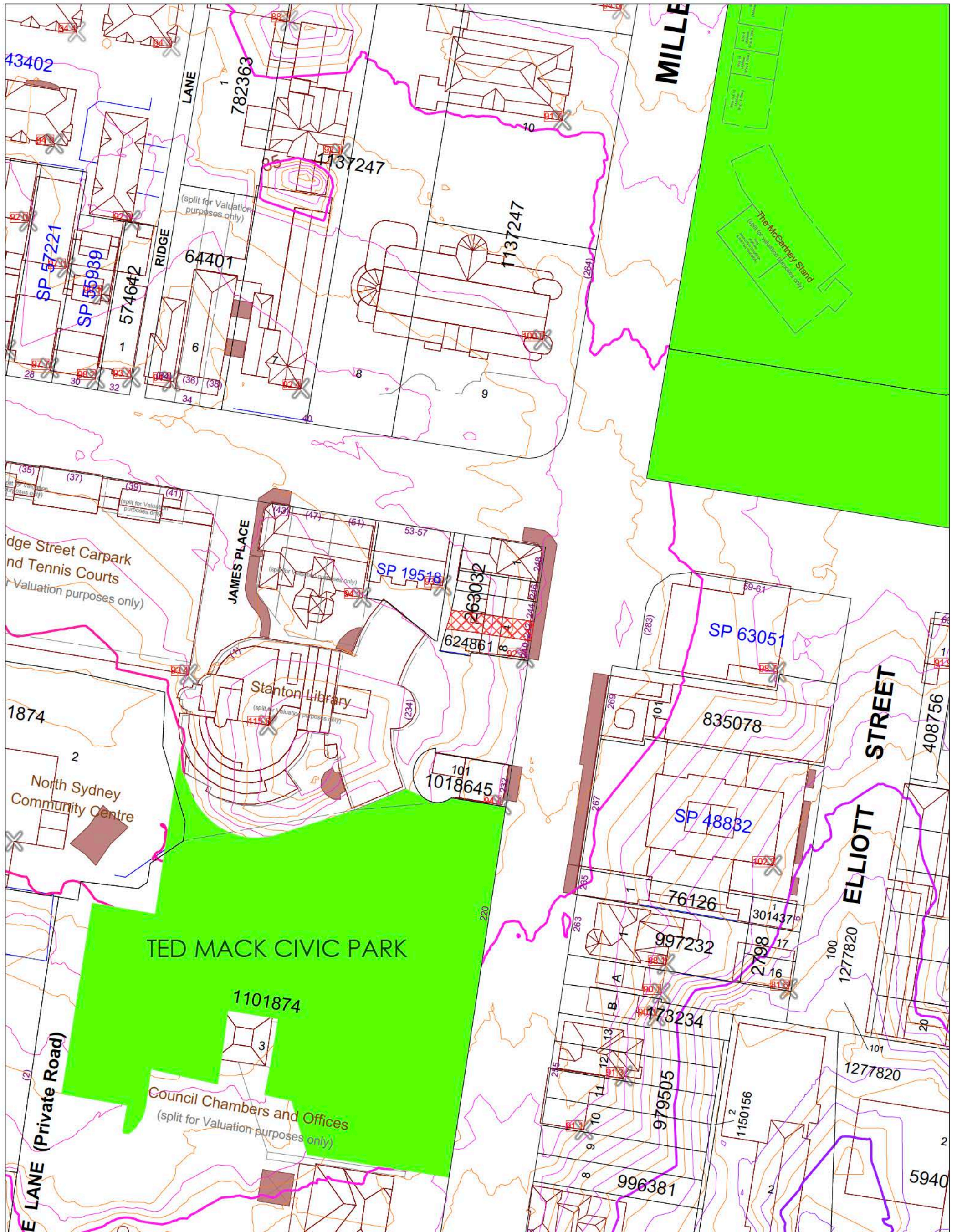
**242 MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 116/22**

Page 17 of 17

Note:

a) Council registration forms can be found at <http://www.northsydney.nsw.gov.au>.

(Reason: To ensure compliance with environmental health legislation)



North Sydney Council

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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

NOTE

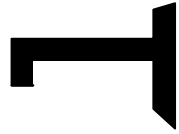
No 242 IS ONE OF A ROW OF ATTACHED BUILDINGS known as "TREWYN TERRACES" which is heritage item I0907 on North Sydney Council Register

No 242 occupies the total site Main walls brick rendered except framed walls to ground floor toilet.

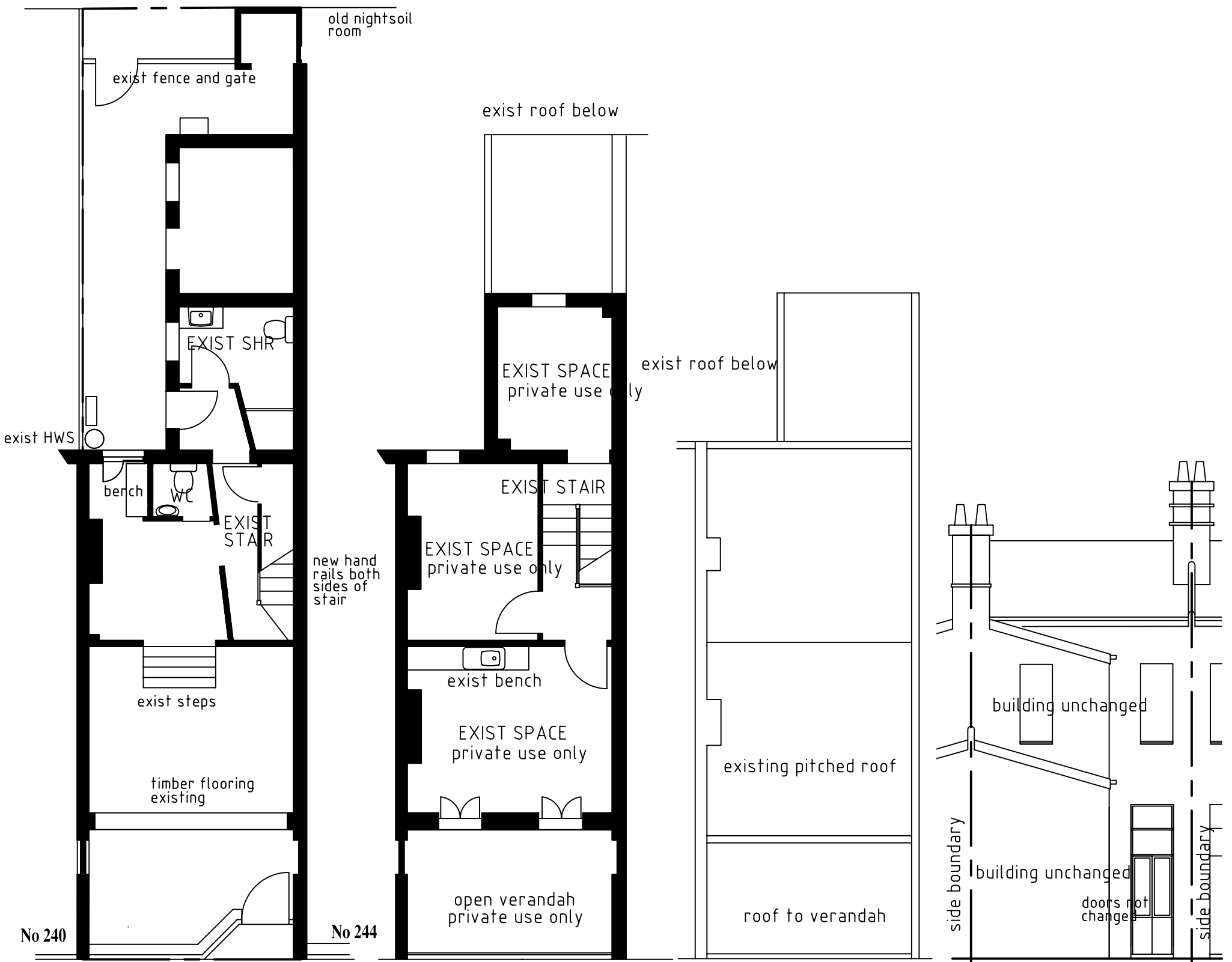
NOTE

WALLS OF THE EXISTING BUILDING ARE NOT MODIFIED BY THIS CHANGE OF USE

EXISTING WALLS shown thus



WALKWAY



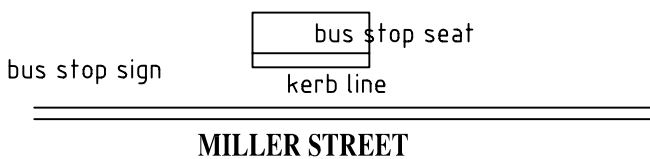
first floor plan

roof plan

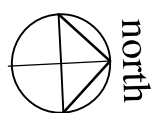
rear elevation

Miller Street elevation not changed

THIS BUILDING IS OWNED BY NORTH SYDNEY COUNCIL who are well-familiar with its characteristics and detail



site plan & ground floor plan



EXISTING WALLS
242 Miller Street North Sydney
for Orchard Chocolates Pty Ltd

LINKLATER ASSOCIATES Pty Ltd building design consultants
160 Chandos Street, Crows nest 2065
phone 0414.466.442
email: alanlinklater@hotmail.com

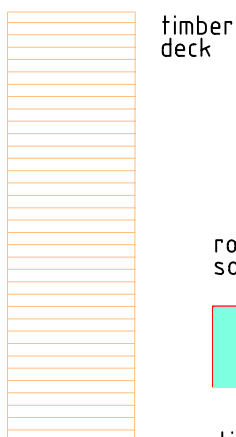
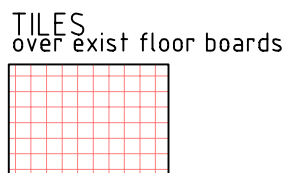
ABN 60 003 778 738

lot4 in DP263032 area 91.504sqm

drawing: **1011. EXISTING**

NOTE
final location of equipment and fittings to future detail

FLOOR FINISH KEY



NOTE

No 242 IS ONE OF A ROW OF ATTACHED BUILDINGS known as "TREWYN TERRACES" which is heritage item I0907 on North Sydney Council Register

No 242 occupies the total site Main walls brick rendered except framed walls to ground floor toilet.

NOTE

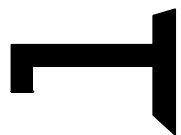
WALLS OF THE EXISTING BUILDING ARE NOT MODIFIED BY THIS CHANGE OF USE (except the door relocation shown) & ARE AS SHOWN ON PLANS

SMART SINK

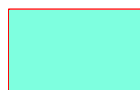


comprising double wash bowls with end hand-washing basin

EXISTING WALLS shown thus



roof mounted solar panel



timber cabinetry



metal cabinetry



door opening closed off to SHR and wall infill panel to form hatch



new door cut into existing wall of existing WC

Entry ramp to street to be ramped down to street heritage front door to be maintained "hold open" during business hours providing direct access & meeting AS1428.1-2009 intent. Opening 1010 o/a frames giving nett opening of 950

solar panels on rear roof

solar panels on rear roof

solar panels on rear roof

solar panels on rear roof

solar panels

building unchanged

solar panels

building unchanged

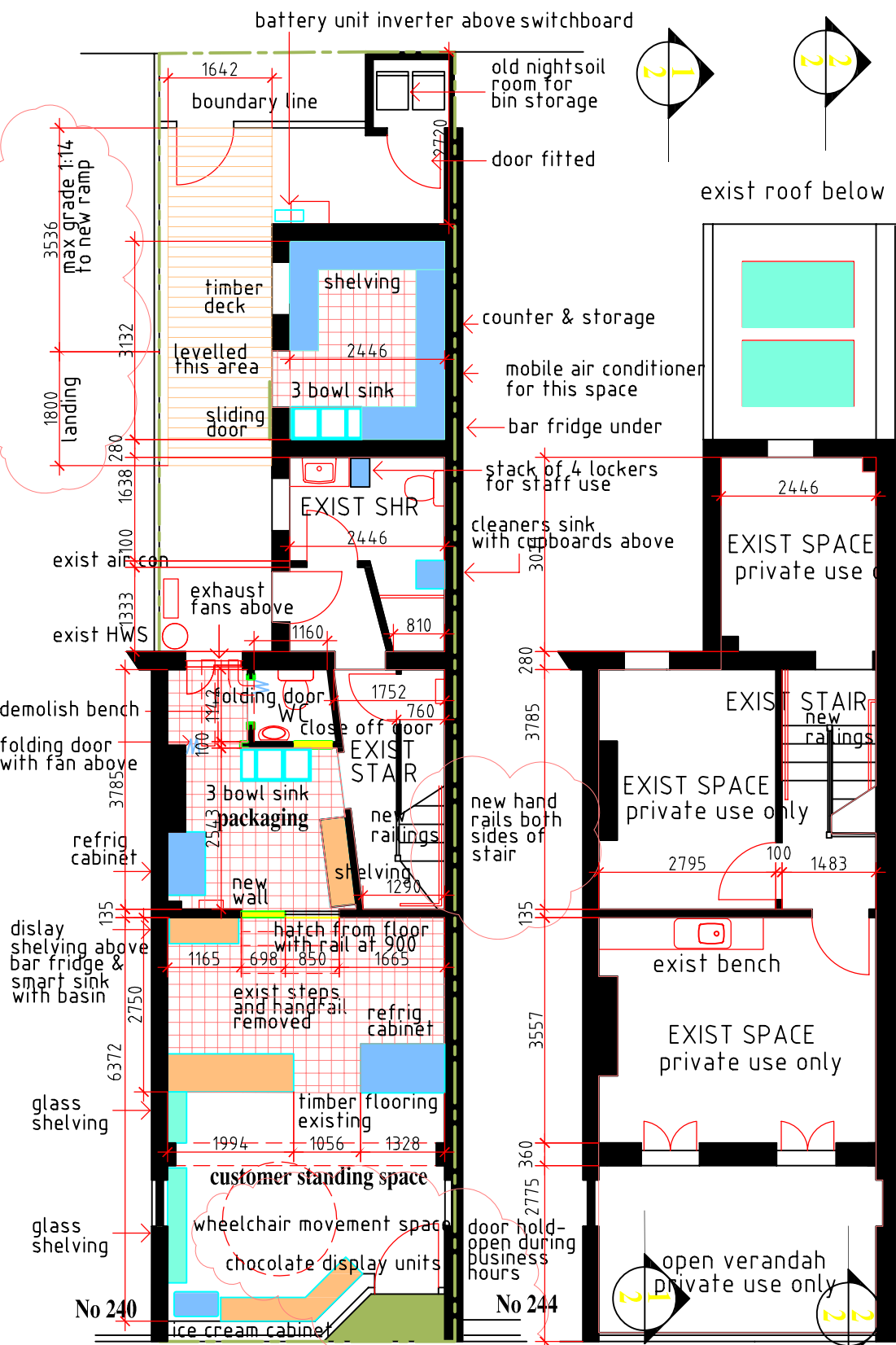
doors not changed

rear elevation

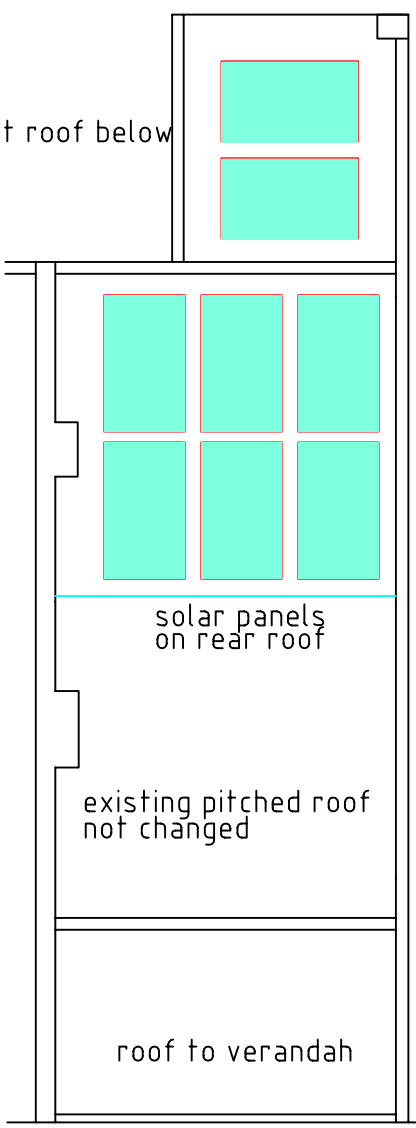
Miller Street elevation not changed

NOTE

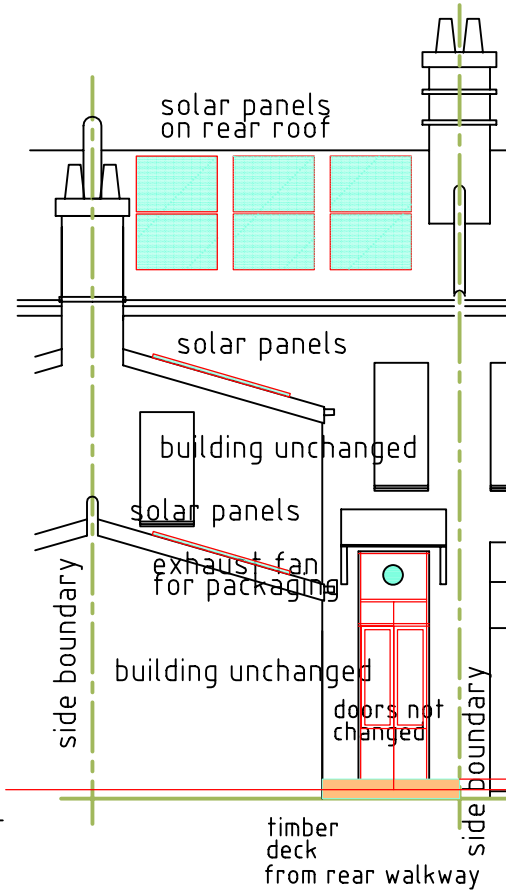
THIS DRAWING DIFFERS FROM DRAWING 1011.rev J ONLY BY THE ADDITION OF NOTES TO DESCRIBE ACCESS REQUIREMENTS



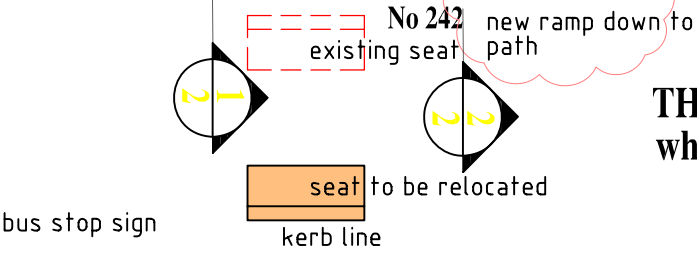
first floor plan



roof plan



rear elevation



MILLER STREET

site plan & ground floor plan

THIS BUILDING IS OWNED BY NORTH SYDNEY COUNCIL who are well-familiar with its characteristics and detail

**proposed CHANGE of USE
242 Miller Street North Sydney
for Orchard Chocolates Pty Ltd**

LINKLATER ASSOCIATES Pty Ltd building design consultants

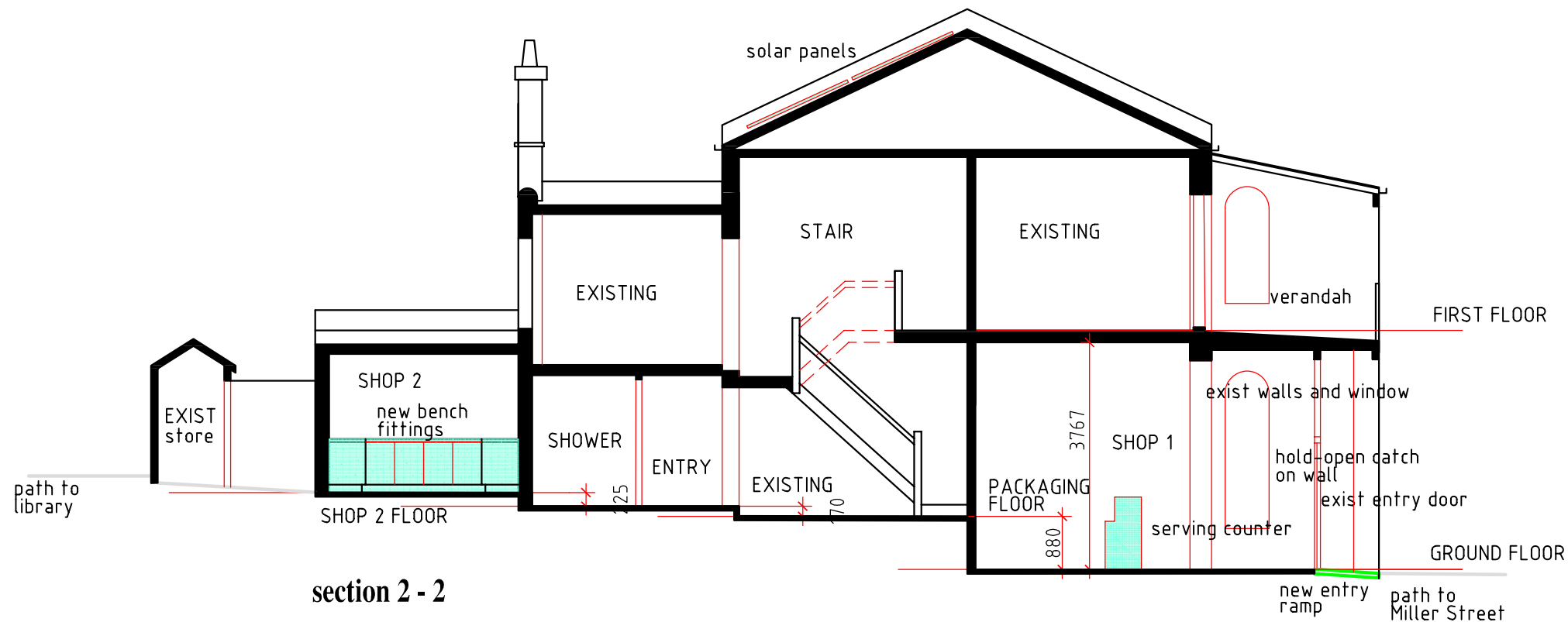
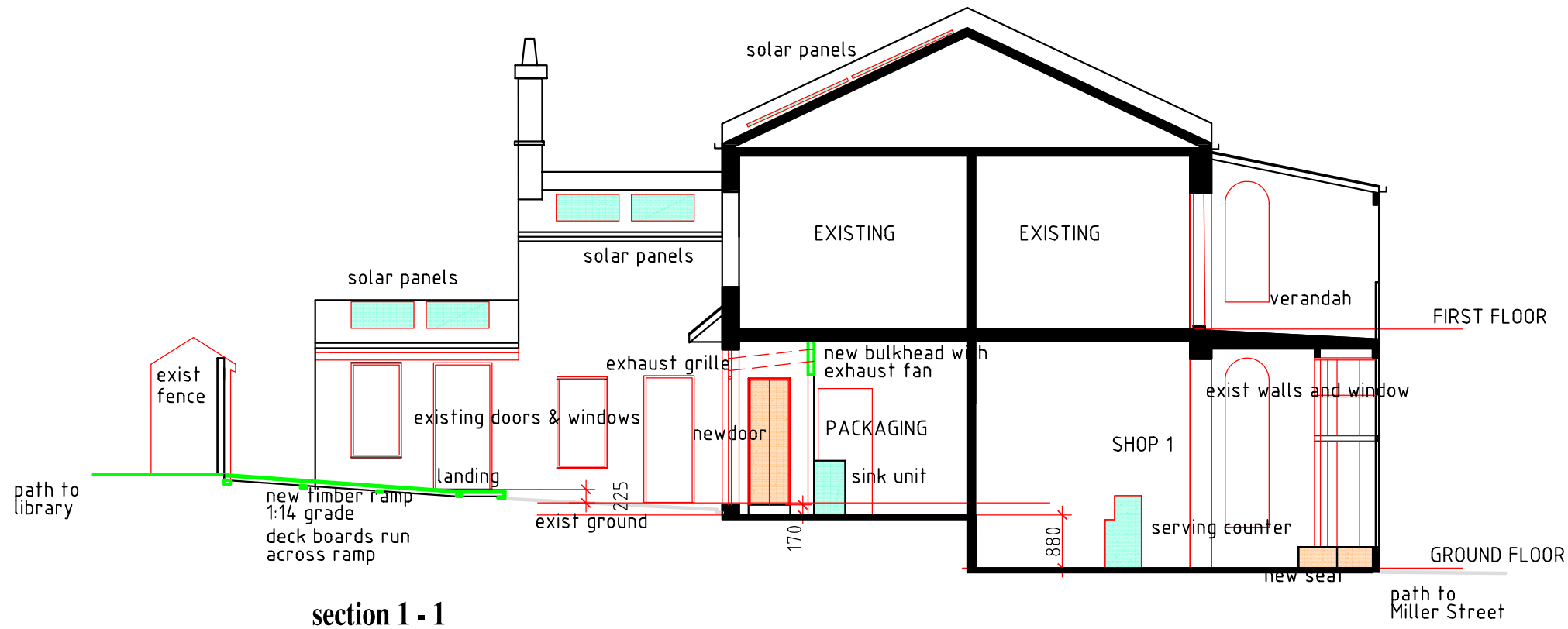
ABN 60 003 778 738

160 Chandos Street, Crows nest 2065
phone 0414.466.442
email: alanlinklater@hotmail.com

scale: 1:100 date: 7.6.2022

lot4 in DP263032 area 91.504sqm

drawing: **1011.1** REV L



ELEVATIONS
242 Miller Street North Sydney
for Orchard Chocolates Pty Ltd

LINKLATER ASSOCIATES Pty Ltd building design consultants ABN 60 003 778 738
 160 Chandos Street, Crows nest 2065
 phone 0414.466.442



SYDNEY ACCESS CONSULTANTS
ABN 56 187 175 988

Tel: (02) 9586 3111

PROPOSED ALTERATIONS AND ADDITIONS
TO EXISTING TERRACE SHOP

Access Audit Report

242 Miller Street
North Sydney NSW
29 November 2021

A handwritten signature in black ink, appearing to be 'Gary Finn', written over a horizontal line.

APPROVED

By Gary Finn at 5:49 pm, Nov 29, 2021

PURPOSE OF A DISABILITY ACCESS AUDIT

- Identify the barriers to access for people with a disability to buildings and associated amenities.
- Assess compliance with current legislative requirements including the Disability (Access to Premises) Standard 2010 and Australian Standards on Access and Mobility.
- Provide a report that includes advice and recommendations to address issues that do not meet the mandatory access requirements as well as issues that may not meet the intent of the Disability Discrimination Act 1992.
- To provide information / advice that could be incorporated as part of current Disability Access and Inclusion Plans.
- Provide risk management approach that assesses and addresses all documented barriers to access for people with a range of disabilities.
- Assist local authority and organisations to meet their responsibilities under the DDA and ensure that the needs of people with disabilities are being met with regard to access to buildings and services.

Disclaimer

While care has been taken by Sydney Access Consultants in preparing this Access Report, Sydney Access Consultants does not accept responsibility or liability for the result of specific action taken on the basis of this information nor for any errors or omissions. Legal issues in the area of anti-discrimination law are in the process of change. In addition, constant change is occurring in relation to Australian Standards and Building Codes. Due reference should be given to these. All actions taken by a public authority, organisation or individual in reliance on an Access Audit remain the responsibility of that public authority, organisation or individual. This report is copyright© and must not be reproduced or forwarded to any organisation other than the client for which it was prepared.

How are access issues prioritised?

Priorities are based upon the need for action to occur, to ensure minimum access requirements are met to allow access to buildings and facilities by members of the public, building and facility occupants and visitors.

Although access priorities may differ for each person with disability or access challenge e.g. a person using a wheelchair may have different access priorities than that of a person with vision impairment, hearing impairment or other disability, the following priorities are suggested as a generic guide to priorities for access, given our understanding of the nature and use of the premises.

- **High priority**- works required so that a person with a disability or carer can park and safely exit a car, enter and exit a building a facility and if necessary utilise a toilet and shower facility.
- **Medium priority**- works required so that a person with a disability or carer can access and use public areas in a building.
- **Lower priority**- works required to assist a person to utilise more ancillary facilities and utilities in a building or facility.

A wide range of physical issues impact on the provision of access for people with disabilities, responsive design, incorporating a continuous accessible path of travel, needs to be equitable and therefore inclusive of the needs of all the community. Access should cater for both pedestrians and users of wheelchairs and other mobility aids. In addition consideration must be given to the needs of users who may require assistance from other people as well as assistance animals.

Disability Discrimination Act (1992)

All organisations have a responsibility, under the federally legislated Disability Discrimination Act (1992) to provide equitable access to goods and services and to premises used by the public. Premises are broadly defined and would include all areas within a building.

The DDA provides uniform protection against unfair and unfavourable treatment for people with a disability in Australia. It also makes it unlawful to discriminate against a person who is an associate, such as a carer, friends or family members. The Act supports the principle that people with a disability have the same fundamental rights as the rest of the community and this includes the opportunity to be employed, purchase goods and services, gain access to premises used by the public and the like. Equitable and dignified access must be provided and a complaint can be made under the DDA if appropriate access is not provided.

Compliance with the Premises standard and referenced Australian standards addresses the mandatory requirements for the provision of access for people with a disability. Meeting the intent of the DDA and therefore protecting your organisation against a complaint may require consideration of provision of access to the following areas that fall out of the mandatory requirements of the Premises Standard, for example:

- Landscaped environment
- Play areas
- Ticketing, gateways and entrance processes
- Counters
- Staff recreation areas
- Change areas
- Drinking fountains
- Seating
- Operation of controls
- Wayfinding and associated signage

DEFINITIONS

Sydney Access Consultants are available to Site review of new and existing buildings for compliance with the applicable standards for disability access. This inspection service typically includes the issue of a certificate for tender to the Principal Certifying

Authority to obtain an Occupancy Certificate on completion.

However, most of our services are provided earlier, to reduce the risk of non-compliances with the Disability Standards during construction. With respect to drawings, our Clients typically need to know what changes are required, if any, to reach the next milestone in the procurement process. Because the depth of information provided by extracting all of the relevant elements of the standards does not result in fewer errors during construction, our reports deliver advice in direct proportion to the level of information provided to us for review. That is, we think it is unhelpful for instance, to provide detailed information on tap selections and handle heights, at a stage when the design team has to resolve much broader planning issues of inadequate circulation space. Clients are therefore encouraged to issue for our review, their drawings and selections progressively, so that the salient points necessary for a successful outcome are not lost in communication.

For conveniently identifying access challenges inherent in the documents, the following report engages descriptive terms to alert the design architect to issues which Sydney Access Consultants assert, are critical to the successful completion of a building to which the Disability (Access to Premises) Standards 2010 applies.

“COMPLIES”

Where site inspection reveals that a building complies with Disability Standards required, I will use this term, and make an explanatory comment where appropriate.

“WILL NOT COMPLY”

Where my review reveals a building design that will likely result in a building that does not comply with the Disability Standards, I will use this term to alert the design/construction team of the Standard required, reasoning the non-compliance inherent in the design, and recommend where appropriate, a design approach to rectify the documents, or built element.

We consider that any element advised “*Will Not Comply*” requires the Architect’s immediate attention.

This report in final form, results from a process of review with the Applicant, eliminating elements marked “*Will Not Comply*”.

“CAPABLE OF COMPLIANCE”

Where my review of the construction drawings, or the building under construction, will likely result in a building that complies with a relevant Standard, I will use this term to alert the design/construction team of the Standard required to be met, and, where appropriate, alert the building team of access elements that have the potential to be overlooked because they are not adequately documented.

"Minor design non-compliance"

Where my review of DA Application drawings reveals a building design that will likely result in a building that complies with the Disability Standards, I will use this term to alert the design/construction team of the Standard required, and recommend where appropriate, a design approach to rectify the design at Construction Certificate stage.

"EXEMPT"

Where a space/area of a building may be considered exempt by reference to the Australian Human Rights Commission Guidelines to the Disability Access to Premises Standards 2010, I will use this term to remove doubt during construction of the building and where appropriate, state the reasons for exemption.

ACCESS AUDIT REPORT

Sydney Access Consultants was required by Ms. Ada Lo (proprietor) to undertake an Access Audit of the Proposed Development at 242 Miller Street North Sydney NSW.

We have reviewed the DA plans (attached) and subsequently held discussions to improve accessibility in the proposed development.

The Key objectives are to consider the Access requirements of the project by reference to the Disability Discrimination Act 1992 and the Disability (Access to Premises-Buildings) Standards 2010. The Disability Standards require compliance with the Access Code now also incorporated into the NCC.

The development has been identified as alterations and additions to an existing heritage listed Class 6 commercial building. The access upgrades reviewed, therefore, are to the requirement of D3.1 of the BCA which requires access to be provided to all areas used by the occupants. Thus, a continuous accessible path of travel from the Principal Pedestrian Entrance at the property boundary, being the Entry door of the building and an accessible path of travel to the retail area of the shop are proposed. An existing stair will be required to be upgraded via provision of handrails on both sides. The first floor is under 200m² thus lift and ramp access is not required.

As per the NCC clause A3.3, where parts have different purposes — if not more than 10% of the floor area of a storey, being the minor use, is used for a purpose which is a different classification, the classification applying to the major use may apply to the whole storey. This report is based on the assumption that the minor use areas do not exceed 10% allowance and considered all areas as class 6.

In limited circumstances an accessway within a premises, may not require an accessible path of travel where providing access would be “inappropriate” because of the nature of the area or the tasks undertaken in that area. Another exemption exists where the area would impose a potential health or safety risk for people with a disability. These spaces typically include cleaner’s stores, commercial kitchens, cool rooms, waste containment areas, electrical switch rooms, loading docks plant and equipment rooms and similar areas.

The Access Audit therefore identifies the key access issues impacting on the use of building for a wide range of people. This includes people such as older adults, people with mobility disabilities, people using mobility aids such as crutches, frames, strollers, pushers, wheeled luggage, wheelchairs as well as people with vision and hearing impairment.

The Access Audit incorporated all of the affected building elements and associated facilities and annotates which areas are considered by the author as exempt from the access provisions of AS 1428.1.

Snapshot of Key Access Issues

Items identified as critically required to provide accessibility have been scheduled by way of a bullet-point checklist detailed below. The DA plans are deemed to be capable of compliance with AS1428.1-2009 with the exception of doorway circulation space at the entrance, which requires a performance solution in the form of a hold-open device locking the door in the open position during operational hours. Detail dimensions will need to be provided on the plans where necessary to demonstrate compliance before the issuance of CC.

Detailed drawings were not provided for review, thus the built product will be subject to certifier's review for compliance.

Conclusion

The proposed development is not capable of full compliance with the Access requirements of BCA, AS 1428.1 due to its heritage significance. Refer to heritage report. It is anticipated that performance based solutions will be formulated to address the access features required.

There are a number of barriers associated with the building subject to review prior to the issuance of CC certificate, however after reviewing the drawings, I have good reason to anticipate that these can be effectively addressed to improve equitable, dignified access for all users.

Approved by:



Gary Finn

(Cert iv Access Consulting)
Architect Principal #5774 (NSW)

Sydney Access Consultants

<http://www.sydneyaccessconsultants.com.au>

Shop 7/438 Forest Road, Hurstville NSW 2220

Phone (02) 95863111 Mobile 0414 414101 info@SydneyAccessConsultants.com.au

President Architects Association NSW (Incorporated);

Accredited Member of the Association of Consultants in Access, Australia

APPROVED

By Gary Finn at 5:50 pm, Nov 29, 2021



Access Review Report - 29 Nov 2021

Prepared by Gary Finn

29 Nov 2021

APPROVED
By Gary Finn at 5:50 pm, Nov 29, 2021

Description

14 tasks in this report.

Contents

- #1 Accessibility Note 2
- #2 Accessibility Note 3
- #3 Accessibility Note 4
- #4 Accessibility Note 5
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- #7 Accessibility Note 8
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- #9 Accessibility Note 10
- #10 Accessibility Note 11
- #11 Accessibility Note 12
- #12 Accessibility Note 13
- #13 Accessibility Note 14
- #14 Accessibility Note 15

R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#1 Accessibility Note****Status**

Open

Sheet

1011.1

Location

Principal Pedestrian Entry

Description

Does not comply.
Insufficient latch side opening - performance solution required for a hold-open device during operation hours.

Provide a threshold ramp between doorway and footpath. Ensure tiles and pavers do not have a vertical height difference exceeding 3mm when interfacing the footpath.

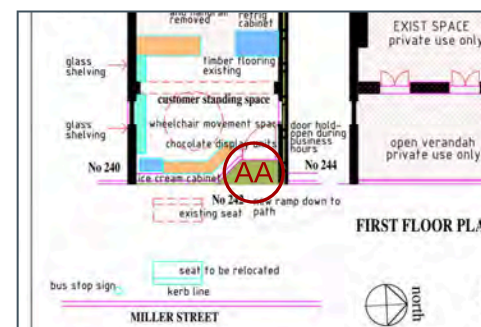
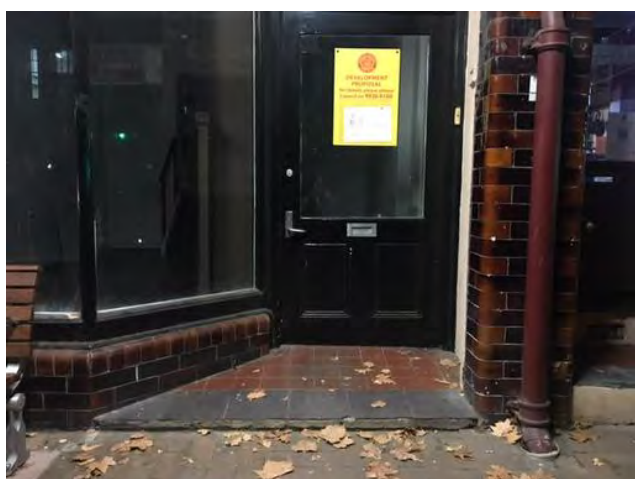
**Photos**

image2

Gary Finn

6 Apr 2021 10:28 pm

R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#2 Accessibility Note****Status**

Open

Sheet

1011.1

Location

Customer circulation space

Description

CAPABLE OF
COMPLIANCE with
AS1428.1.

Provide min 1550 dia clear
space for wheelchair
turnaround.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#3 Accessibility Note****Status**

Open

Sheet

1011.1

Location

Servery area

Description

This part of commercial kitchen staff area not required to be accessible.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#4 Accessibility Note****Status**

Open

Sheet

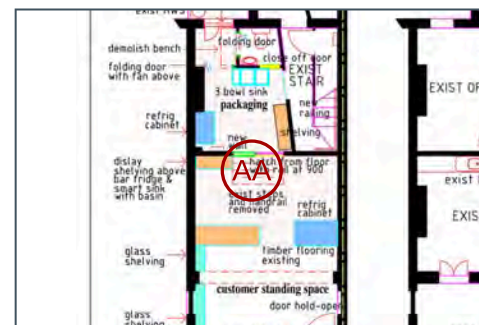
1011.1

Location

Existing stairs

Description

Not required to be accessible as this is part of a commercial kitchen staff only area. Existing stairs to be demolished. Doorway to be filled in. A hatch being 900mm from floor is proposed, details were not provided for review. Ensure a fall barrier is installed.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#5 Accessibility Note****Status**

Open

Sheet

1011.1

Location

Packaging area

Description

Part of commercial kitchen staff area not required to be accessible.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales



#6 Accessibility Note

Status

Open

Sheet

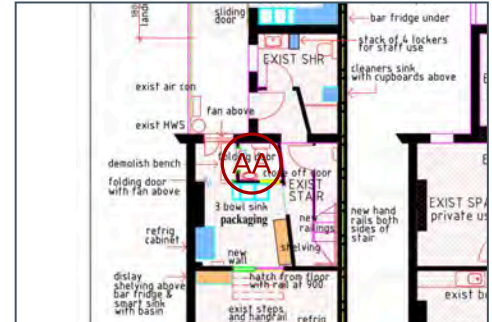
1011.1

Location

Staff toilet

Description

Not required to be accessible.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales



#7 Accessibility Note

Status

Open

Sheet

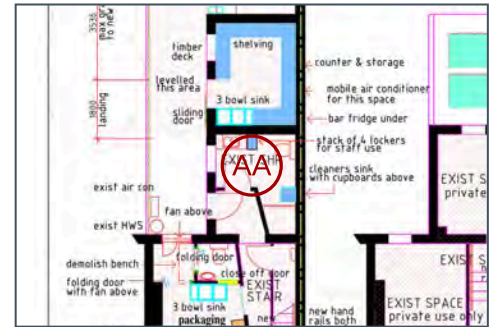
1011.1

Location

Existing shower

Description

Required to be upgraded if this is used by patrons.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#8 Accessibility Note****Status**

Open

Sheet

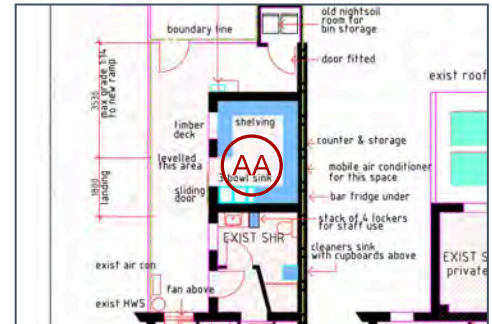
1011.1

Location

Packaging area

Description

part of commercial kitchen
staff area not required to be
accessible.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales



#9 Accessibility Note

Status

Open

Sheet

1011.1

Location

Existing staircase

Description

Existing staircase - no new upgrade work proposed.

- 1) Provide new handrails capable of compliance with Cl 11 and 12 of AS1428.1.
- 2) Provide TGSI's to top and bottom of the stairs
- 3) Provide nosing strips
- 4) Staircase width is less than 1m between handrails. Refer to fire engineer's advice.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#10 Accessibility Note****Status**

Open

Sheet

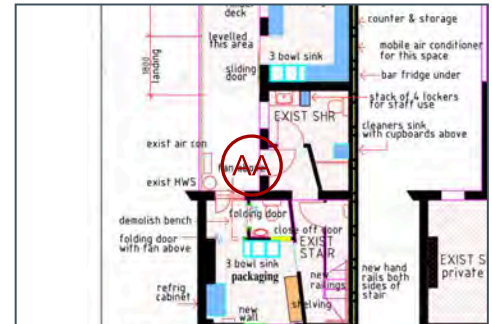
1011.1

Location

Rear door access to first floor office

Description

CAPABLE OF COMPLIANCE. Provide level entry, min 850mm clear width.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#11 Accessibility Note****Status**

Open

Sheet

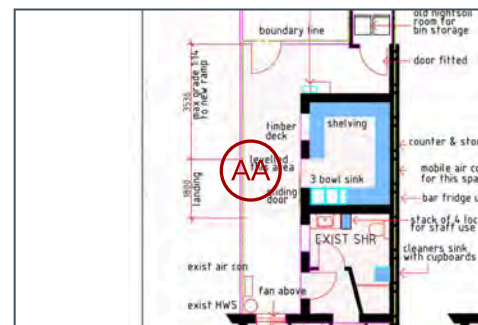
1011.1

Location

Exterior paved corridor

Description

CAPABLE OF COMPLIANCE. Install timber deck level with doorways, up to the rear entry. Ensure gaps are less than 3mm.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#12 Accessibility Note****Status**

Open

Sheet

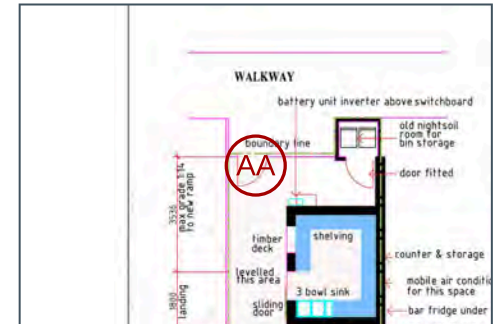
1011.1

Location

Rear Entry

Description

CAPABLE OF COMPLIANCE with doorway circulation space, provide 850mm clear width and 540mm min latch side clearance.



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#13 Accessibility Note****Status**

Open

Sheet

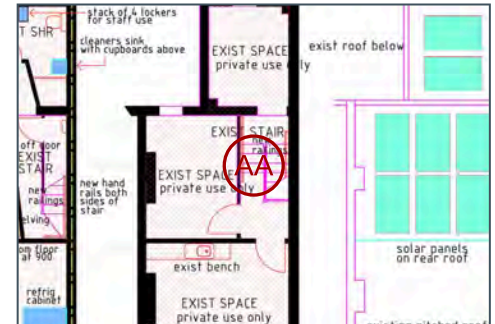
1011.1

Location

Existing stair landing

Description

Lift access not required for upper floor under 200m2.
Provide min 1000mm high railing (fall barrier at landing).



R2021_034 Access report for 242 Miller Str...

242 Miller Street, North Sydney, New South Wales

**#14 Accessibility Note****Status**

Open

Sheet

1011.1

Location

Doorway circulation spaces

Description

Existing doorways to existing rooms. No new upgrade works are proposed. If the change of use changes the classification of the building, Council has a right to impose a condition of consent requiring upgrades to comply with access requirements.

