



NSLPP MEETING HELD ON 01/03/2023

- Attachments:**
1. Site Plan
2. Architectural Plans

ADDRESS/WARD: 232A Miller Street North Sydney

APPLICATION No: 224/22

PROPOSAL: Use of the premises as a remedial massage clinic.

PLANS REF:

Plan No.	Rev	Description	Prepared by	Dated
1010.1	1	Ground Floor & Site Plan	Linklater Associates	8.6.2022
1010.2	1	First Floor Plan	Linklater Associates	8.6.2022
1010.3	1	Section 1 - 1	Linklater Associates	8.6.2022
1010.4	1	Site Plan	Linklater Associates	8.6.2022

OWNER: North Sydney Council

APPLICANT: Liselotte Kunz

AUTHOR: Julie Horder, Planning Ingenuity

DATE OF REPORT: 14 February 2023

DATE LODGED: 2 August 2022

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks approval for use of the subject premises as a remedial massage clinic and is reported to North Sydney Local Planning Panel for determination as the premises are owned by North Sydney Council.

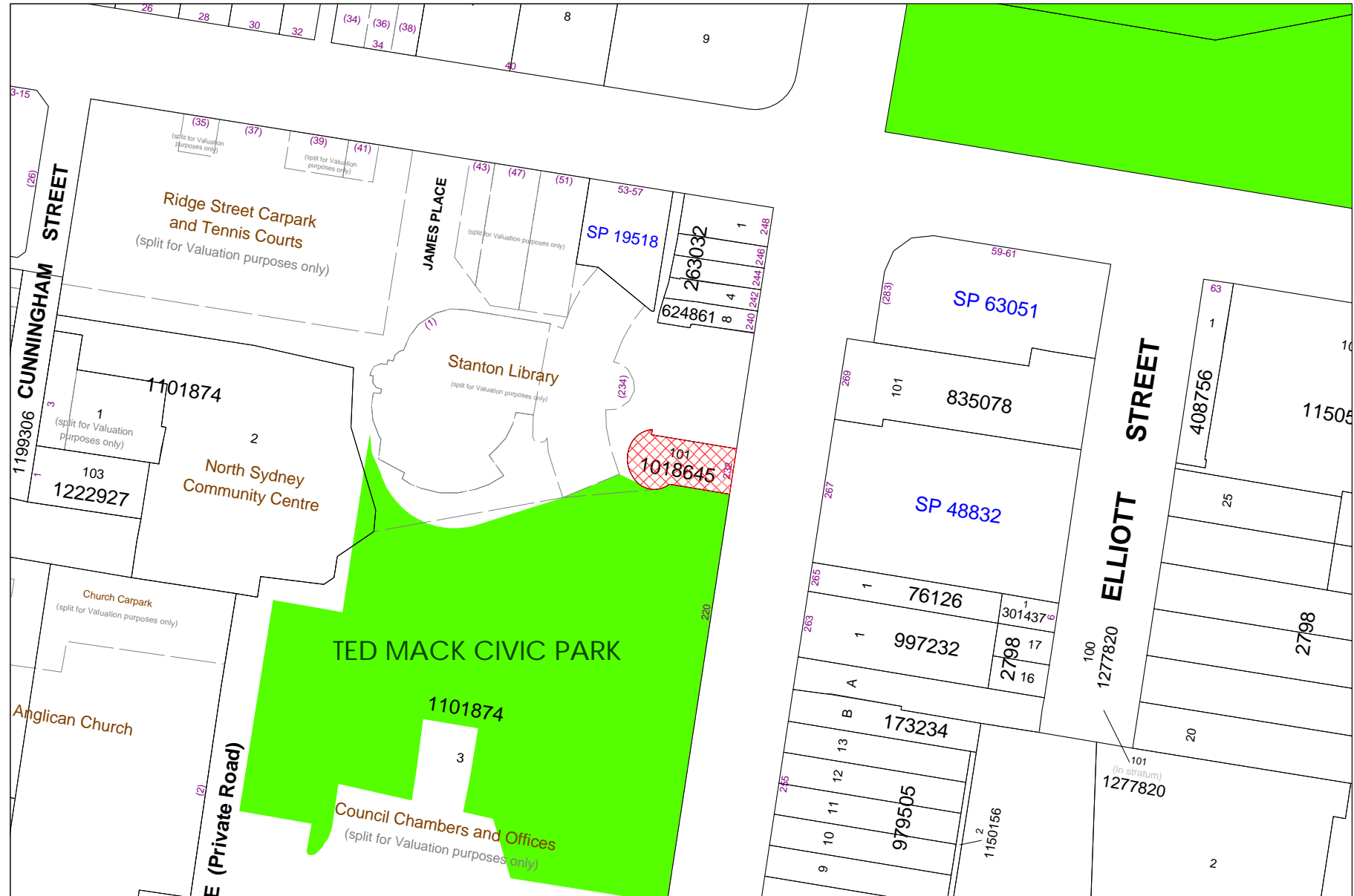
The application formalises the current use of the premises commenced under an agreement between Council and the tenant, the operator of the massage clinic. It is understood the use has continued for several years, without complaint.

The application also mentions the need for minor fire safety upgrades, which will be considered as part of construction certificate application, in the event of the subject application being approved.

Notification of the proposal did not attract any submissions.

This assessment concludes the development application is satisfactory, having benign impacts on built and natural environments, 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 establishment of the use of the subject premises as a remedial massage clinic.

The existing use, for which consent is required, seeks to formalise the present and preceding tenancy situation on the site.

Specifically, the application's Statement of Environmental Effects details the history of the site and use of the existing premises as follows:

In 2004 the entire building was leased from North Sydney Council by who operated the ground floor café/restaurant space as Jago's. At that time, the first floor space was used as a remedial massage clinic by 2 practitioners as a sub-lease within the overall lease. When the overall lease was taken over in 2004 sub-letting the upstairs space to the 2 massage practitioners continued, who had been running their remedial massage clinic for some years prior to obtaining the overall lease. Records of this agreement are not able to be found.

It is important to note that any residential use of this first floor space ceased many years ago and the space has been operating commercially for at least the past 18 years (known) and further beyond (of unknown duration).

In 2008, these operators of the massage clinic left the premises and again sub-let the first floor space to persons who operated a similar remedial massage business in this space under the name of "North Shore Remedial Massage". They operated the clinic for a period of 3 years before selling the practice. The Applicant, Lilo Kunz, bought the business of North Shore Remedial Massage from 2011, taking over the sub-lease in the process. Lilo Kunz has been continuing the remedial massage business out of this space ever since up to the present day for the past 11 years. Lilo Kunz acted in good faith in using the space although not aware that a formal lease and consent from council would have been required. It is her intention to remedy this shortcoming and formalise leasing directly with North Sydney Council, separate from the lessee of the ground floor space.

The proposal is for consent to permit the current occupants to continue a remedial massage facility for their clients.

No physical works are proposed as part of the application. The five (5) existing rooms and services of the first floor level of the building are proposed to be retained.

The proposed hours of operation for the remedial massage facility are from 9am to 8pm daily, which is consistent with the existing operation on the site.

The facility is proposed to have four (4) masseurs, with a maximum of four (4) clients at any one time.

As noted by the building surveyor's assessment, certain fire safety-related works are required and are approvable under the Environmental Planning and Assessment Act and Regulation, when a construction certificate must be obtained to carry out these works. Conditions are recommended in anticipation of such a certificate being applied for and works subsequently being carried out.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – B4 Mixed Use
- Item of Heritage – Yes
- Conservation Area – No
- Height of Buildings – 10m
- Floor Space Ratio – 0.5:1
- Environmental Planning & Assessment Act 1979 - Local Development

POLICY CONTROLS

North Sydney DCP 2013

DESCRIPTION OF LOCALITY

The site is irregular in shape and is located on the western side of Miller Street, just south of the intersection of Ridge and Miller Streets. The site is located within a mixed use area, with the immediate locality characterised by 1 and 2 storey development of varying architectural styles, consisting of retail, commercial and educational premises, as well as shop top housing development. Located on the site is a two storey building with a café at the ground floor level and a single tenancy occupying the full street frontage at the first floor level, currently utilised by a remedial massage business. The proposal seeks to formalise the existing use of the remedial massage business.

The existing building is connected to electricity, telephone, water and sewerage services.

The site is situated next to Ted Mack Civic Park to the south and Stanton Library to the west, with the pedestrian access to the library off Miller Street directly adjoining the northern boundary of the site.

The site is not located within a heritage conservation area, however, is identified as heritage item, namely local heritage item No. I095 under the North Sydney LEP 2013.

The following photo shows the site and immediate surrounds.



Figure 1 – The subject site viewed from Miller Street

RELEVANT HISTORY

The Applicant has been operating the subject business and proposed use on the premises for approximately 11 years, having taken over the business from the previous practitioners who had operated for at least 7 years prior.

According to the Statement of Environmental Effects submitted with the application, the business both prior and current has been operating as a sub-tenant of the principal tenant, the operator of the café/restaurant on the ground floor level. Jago's, the former ground floor coffee shop closed and the lease for the ground floor space has been let to the current restaurant operators.

The Applicant now requires a separate lease and consent to formalise the current use of the first floor level.

Current Application

- 2 August 2022 – The subject application was submitted to Council.
- 19 August 2022 – 2 September 2022 – The application was notified to adjoining properties.

INTERNAL REFERRALS

BUILDING

On 26 August 2022 Council's building surveyor assessed the proposed development and commented:

The proposed development will result in a change of the buildings NCC BCA classification to be a class 6 building of Type B construction.

The Fire Safety Schedule accompanying the application contains information that building works installing additional fire safety measures is proposed to be installed under a Construction Certificate process.

A search of Council's records revealed that there is no recent Fire Safety Schedule for the premises and as such the premises has been referred to Council's Fire Safety Officer for review.

The requirements of the Disability (Access to Premises – Buildings Standards) 2010 are required to be considered. The Statement of Environmental Effects accompanying the application identifies that access for persons with a disability does not comply with the access requirements nor it is proposed to be addressed as part of this application given the heritage status of the building and that the proposed remedial massage business offers "an at home service" to cater for clients with a disability that would like to use the services provided by the business.

Your attention is drawn to Clause 4.3 of the Disability (Access to Premises – Buildings Standards) 2010 which states:

4.3 Lessees

- (1) If the lessee of a new part of a building submits an application for approval for the building work, the following people do not have to ensure that the affected part of the building complies with these Standards:
 - (a) the building certifier;*
 - (b) the building developer;*
 - (c) the building manager.**
- (2) Subsection (1) does not apply if a building with a new part is leased to only 1 person.*

For the purposes of Clause 4.3, Council is considered to be the certifier.

Should Council not be able to or not wish to adopt the use of Clause 4.3 then it is recommended that an Access Report be provided to enable further comment as major building works may be required if an upgrade condition is imposed regarding accessibility to the first-floor.

Given the minor scale of the proposed building works, upgrade of the building pursuant to Clause 64 of the Environmental Planning & Assessment Regulations 2021 is not required.

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 works are able to comply with the NCC BCA 2019, Volume 1.

Given the above, the following Standard Conditions are recommended:

Standard Condition "F1".

National Construction Code

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

(Reason: Prescribed - Statutory)

Planner's comment:

The subject development application includes minor fire safety measures, proposed as follows:

- Emergency lighting,
- Exit signs,
- Installation of portable fire extinguishers, and
- Smoke detectors

Accordingly, a construction certificate must be applied for including a fire safety schedule detailing the above works (and other work if required) and a certifier appointed, per recommended conditions, to ensure relevant fire safety provisions are complied with.

HERITAGE

On 28 September 2022 the Conservation Planner assessed the proposed development in terms of Clause 5.10 (Heritage Conservation) of NSLEP 2013 and Section 13 (Heritage and Conservation) of NSDCP 2013 and commented:

The subject property is a heritage item (I 0905) and comprises a pair of early twentieth century shops that originally had a residence above. The shops have been co-joined. No objection is raised with regard to heritage to the proposed use as the buildings have had a commercial use for 18 years and there will be no change to the existing fabric. Clause 5.10 of NSLEP 0213 and Part B Section 13 of NSDCP 0213 are considered to be satisfied. Please apply standard condition A4 No Demolition of Extra Fabric.

ENVIRONMENTAL HEALTH

On 28 October 2022 the Environmental Health Officer assessed the proposed development and recommended the following conditions:

Noise from Plant and Equipment

The use of all plant and equipment installed on the premises must not:

- 1. 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 in Section 4 of the EPA Industrial Noise Policy shall be applied.*
- 2. 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 Noise Policy for Industry published by the NSW Environment Protection Authority.

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

Noise and Vibration Impact

The on-going 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)

Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

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

Use of Premises

Use of the premise must not intensify without further approval from Council.

(Reason: To ensure the use of the premises remains consistent with the consent)

EXTERNAL REFERRALS

No external referrals were necessary.

SUBMISSIONS

The owners of surrounding properties were notified of the proposed development for a 14-day period, between **19 August 2022** and the **2 September 2022**, in accordance with the North Sydney Community Engagement Protocol 2019. No submissions were received during the notification period.

CONSIDERATION

Relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed below.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1.2 Aims of Plan

The development application has been assessed against the aims of the North Sydney Local Environmental Plan 2013 and is considered to be satisfactory with respect to the relevant aims of the Plan.

2.3 Permissibility and Zone Objectives

The site is in the B4 Mixed Use Zone under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Commercial premises are permissible with the consent of Council, and as such the proposed use is permissible in the zone.

The objectives for the B4 Mixed Use Zone 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 for use of the existing tenancy as a remedial massage clinic which has been operating on the site for 18 years. The proposal will formalise the existing use of the first floor tenancy, whilst retaining the café use at the ground floor of the building, and as such will continue to provide a mixture of compatible land uses on the site, and within a highly accessible location. The proposal will maintain existing commercial space which has been historically located on the upper level of the subject building. The proposal will not reduce the amount of residential floor space within the locality. The proposed development satisfies the relevant objectives for mixed use developments.

4. Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under NSLEP 2013 as follows:

Compliance Table –

North Sydney Local Environmental Plan 2013			
Site Area – Approximately 225m²	Proposed	Control	Complies
Clause 4.3 – Height of building	No change	10m	Yes
Clause 4.4A – Non-residential floor space ratios	No change	0.5:1	Yes

As shown in the table the proposal complies with applicable development standards.

5.10 Heritage Conservation

The subject site is not located within a heritage conservation area, however, is identified as a heritage item. The subject building is identified as local heritage item No. I0195.

The proposed application relates to use of the premises only and does not involve any physical works to the heritage item. The proposal will retain the fabric of the existing building and will only formalise the use of the first floor.

Council's Heritage Officer has considered the proposal against the relevant provisions of Clause 5.10 NSLEP 2013 and Section 13 NSDCP 2013 and has raised no objections to the proposed change of use.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessed under the DCP as set out in the following table.

Part B Section 2 – Commercial & Mixed Use Development		
	Complies	Comments
2.3 Environmental Criteria		
2.3.2 Noise	Yes	The proposal will not alter the existing hours of operation on the site, and given the nature of the use, is not considered to result in excessive noise that will have adverse impacts on the locality.
2.3.5 Artificial Illumination	Yes	The proposed use will operate between the hours of 9am and 8pm daily, and as such will comply with the 11pm illumination curfew.
2.3.7 Solar Access	Yes	The proposal will not alter the existing built form, and as such will not alter the existing solar access arrangements on the site and adjoining sites.
2.3.8 Views	Yes	The proposal will not alter the existing built form, and as such does not obstruct any public or private views and will not have any impact on existing view corridors.
2.3.9 Acoustic Privacy	Yes	The proposal will not alter the existing hours of operation on the site, and given the nature of the use, is not considered to result in excessive noise that will have adverse impacts on the locality.
2.3.11 Visual Privacy	Yes	The proposal will not have any visual privacy impacts. Windows and openings to consulting rooms are limited, and there are no sensitive uses located near the site.
2.5 Quality Urban Environment		
2.5.1 Accessibility	Yes	<p>The existing first floor level tenancy is accessed via an external timber stair, and as such is not accessible. The building is an item of local heritage and as such has not been altered to provide accessibility.</p> <p>The remedial massage practice addresses the lack of accessibility by providing at-home services, servicing those clients who are unable to access the physical premises. Accordingly, the proposal does meet the objectives of the Disability Discrimination Act to provide services with total dignity within the privacy of the home.</p>
2.5.1 Safety and Security	Yes	<p>Given the nature of the use and its operation for the past 18 years, the use is not considered to have any issues in regard to safety or security.</p> <p>The existing first floor tenancy contains windows to Miller Street and to the north to the public library pedestrian access, which enable passive surveillance of the street and public domain.</p>
2.5.4 Vehicle Access and Parking	Yes	<p>There is no parking existing or proposed on the site.</p> <p>The site is not accessible by vehicle and is not able to be accessed by vehicle.</p> <p>The site is within a highly accessible area and there is sufficient on-street and public parking within the locality to service the proposed use.</p>
2.5.9 Garbage Storage	Yes	Given the nature of the use, there will be sufficient room within the tenancy for daily garbage storage. As per the existing waste management agreement between the Applicant and the ground floor tenant (café/restaurant), daily waste from the remedial massage clinic will be disposed café's large bin on the ground floor (which is out of public view).
2.6 Efficient Use of Resources		
2.6.6 Waste Management & Minimisation	Yes	A waste management agreement exists between the Applicant and the ground floor tenant. As mentioned above, daily waste from the remedial massage clinic can be disposed in the large bin of the ground floor tenancy which is collected on a commercial basis. This agreement is considered suitable for the site and proposed (ongoing) waste management is conditioned, as recommended.

COMPLIANCE TABLE		
<i>Heritage and Conservation</i>	<i>Complies</i>	<i>Comments</i>
B13.5 Heritage Items		
13.5.1 Protecting heritage significance	Yes	The proposed change of use does not involve any physical works to the existing building. The heritage significance of the building will not be altered by the proposed use, which has been operating on the site for 18 years.
13.5.2 Form, massing and scale	Yes	No internal or external works are proposed to the existing building and as such the form, massing and scale of the heritage item will remain unaltered.
13.5.4 Roofs	Yes	The proposal will not alter the existing roof form of the building.
13.5.5 Interior layouts	Yes	The proposal will retain the existing internal layout of the building and will continue to utilise the existing rooms at the first floor level for remedial massage.
13.5.6 Upgrading for fire safety, BCA and other matters	Yes	<p>According to the fire safety schedule submitted with the application, emergency lighting and exit signs will be added to the building to meet applicable Australian Standards.</p> <p>Per the advice of Council's building surveyor, these matters must be addressed when a Construction Certificate is sought, in accordance with the Act and Regulation.</p> <p>The proposed fire safety upgrades are minor in extent and will not alter the heritage significance of the building.</p>
B13.11 Guidelines for Non-Residential Building Types		
<p>13.11.1 Commercial and office buildings</p> <p>P1 Major changes to the scale and form of commercial buildings should not occur where the additional floor space would have a detrimental impact on the heritage significance of the existing building or surrounding area.</p> <p>P2 Additional storeys or roof additions which require the removal of significant roof forms should not occur.</p> <p>P3 Where a roof addition is proposed the new work is to be recessive in colour and distinguishable as new.</p> <p>P4 Alterations and additions are to complement the form of the existing building and be setback from the predominant building envelope (including front and rear building lines) to allow the form of the existing building to remain distinguishable.</p> <p>P5 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals.</p> <p>P6 Retain original, internal and external significant fabric, building elements and features.</p> <p>P7 Original significant elements are not to be removed from a façade.</p> <p>P8 Retain original or significant window and opening patterns. New openings are to reflect this pattern and not introduce new patterns of window or door openings.</p> <p>P9 External awnings, hoods and other overhanging devices that will detract from the building form are not to be attached to the façade.</p> <p>P10 Face brick and sandstone are not to be rendered, painted or coated.</p>		<p>The proposed use does not involve any physical works to the existing building. Significant fabric, building elements and features will be retained and the heritage significance of the building will not be altered.</p> <p>The required building upgrades in relation to fire safety are considered appropriate and do not have any adverse impacts in relation to heritage.</p>

COMPLIANCE TABLE		
<i>Heritage and Conservation</i>	<i>Complies</i>	<i>Comments</i>
<p>P11 Original wall finishes and claddings that are integral to the original design of the building are not to be removed or over-clad.</p> <p>P12 New colour schemes are to be appropriate to the period and style of the building and character of the area. Corporate colours should not be used.</p> <p>P13 Retain original hard and soft landscaping, finishes and sculptures.</p> <p>P14 Original open forecourts and landscaped areas that contribute to the setting of the building are not to be enclosed or covered over.</p> <p>P15 Reinstating original hard and soft landscaping, finishes and sculptures is encouraged.</p> <p>P16 Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with s.13.5.6 to Part B of this DCP.</p>		

North Sydney Planning Area– Part C of NSDCP 2013

The application has been assessed against the relevant controls in DCP 2013 as indicated in the earlier compliance table. The application has also been assessed against the relevant controls in the Character Statements in Part C in NSDCP 2013, Section 3.4 – North Sydney Planning Area (Civic Neighbourhood) below:

Significant Elements

The character area statement identifies mixed commercial and residential development as a significant land use within the locality. The proposed use is not for mixed commercial and residential development as identified in the character statement, however, is for a commercial premises, which has been operating for 18 years on the site. The proposal will not alter the built form on the site and as such will have no impact on existing views, icons, or the streetscape.

Desired Future Character

The area character statement identifies a variety of specialty uses as the desired future character of the locality, with limited residential development. The proposal contributes to the provision of a variety of uses on the site and in the locality. The proposal will not alter the existing active street frontage at the ground floor level. The proposal will not alter the existing pedestrian connections between Miller Street and the Stanton Library and will not impact the adjoining open space to the south.

Desired Built Form

The application only relates to the use of the premises, with no physical works that will affect the form, scale or massing of the existing building. The proposal will not alter the streetscape appearance of the site.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

Council's Local Infrastructure Contributions Plan 2020 excludes development with a cost of \$100,000 or less. Therefore, no contribution is payable.

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	N/A
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	N/A
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. All relevant S4.15 (1) considerations of Environmental Planning and Assessment Act 1979	Yes

SUBMITTERS CONCERNS

No submissions were received.

PUBLIC INTEREST

The proposal is in the public interest as generally demonstrated by this report.

SUITABILITY OF THE SITE

The site is located in a B4 Mixed Use Zone where commercial premises are a permissible form of development. The proposed use has also been operating on the site for 18 years, in a manner consistent with zone objectives. There have been no issues raised by the community concerning the proposal or the past use of the site. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described herein.

CONCLUSION + REASONS

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and is generally satisfactory.

The proposal is unlikely to cause adverse material impacts to adjoining properties or significantly detract from the significance of the heritage item, and is supported by Council's conservation planner. The proposed use does not alter the form of the existing building and remains consistent with the character of development within the locality. Only minor fire safety related works are required, which will be carried out upon issue of a construction certificate, per the recommended conditions.

The proposed development maintains a low to medium density form and scale commensurate with the surrounding area. Having regard to the provisions of Section 4.15 (1) of the *Environmental Planning & Assessment Act 1979*, the proposed development will not have any unreasonable amenity or environmental impacts. The application is considered satisfactory and is recommended for approval.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The owners of surrounding properties were notified of the proposed development application, inviting comments between 19 August 2022 and 2 September 2022, in accordance with the North Sydney Community Engagement Protocol 2019. No submissions were received during the notification 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. 224/22 for use of the premises as a remedial massage clinic to on land at 232A Miller Street, North Sydney, subject to the attached standard conditions.

**JULIE HORDER, PLANNING INGENUITY
CONSULTANT PLANNER**

**JIM DAVIES
EXECUTIVE PLANNER**

**STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES**

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
232A MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 224/22

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. 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
1010.1	1	Ground Floor & Site Plan	Linklater Associates	8.6.2022
1010.2	1	First Floor Plan	Linklater Associates	8.6.2022
1010.3	1	Section 1 - 1	Linklater Associates	8.6.2022
1010.4	1	Site Plan	Linklater Associates	8.6.2022

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

Plans on Site

- A2. 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

- A3. 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)**Waste Management Plan**

- C1. 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;
 - 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)

Noise from Plant and Equipment

- C2. 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 in Section 4 of the EPA Industrial Noise Policy 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, commercial premises 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)

D. Prior to the Commencement of any Works (and continuing where indicated)**Commencement of Works' Notice**

- D1. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

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

E. During Demolition and Building Work**Health and Safety**

- E1. 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)

Waste Disposal

- E2. 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)

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)

G. *Prior to the Issue of an Occupation Certificate***Damage to Adjoining Properties**

- G1. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Utility Services

- G2. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

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

I. Ongoing/Operational Conditions**Noise and Vibration Impact**

11. 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)

Waste Collection

12. 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

13. 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)

Use of Premises

14. Use of the premise must not intensify without further approval from Council.

(Reason: To ensure the ongoing use of the site remains consistent with what is approved)



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.

Miller Street

note

the ground floor of these premises are NOT connected to nor AFFECTED by the first floor use and are shown for clarity of the property delineation and site boundary

exist awning above



footpath

boundary

dining area 1

dining area 2

restaurant not part of this proposal

bar

dining area 3

PUBLIC TOILETS

STANTON LIBRARY PARK

boundary

boundary

boundary

kitchen

ladies

bin location



men

store

stair up to first floor

large exist tree

existing curved wall

walkway

steps up

GROUND FLOOR & SITE PLAN
all as existing (not part of this proposal)

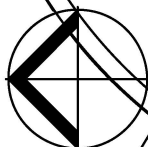
storage area

store

accessible wc

cool room

north



EXISTING REMEDIAL MASSAGE CLINIC
232a Miller Street North Sydney

Linklater Associates Pty Ltd building design consultants
160 Chandos Street Crows nest 2065 phone 04.14.466.442

abn 60 003 778 738

SCALE: 1:100

DATE 8.6.2022

DRAWING 1010.1

boundary

boundary

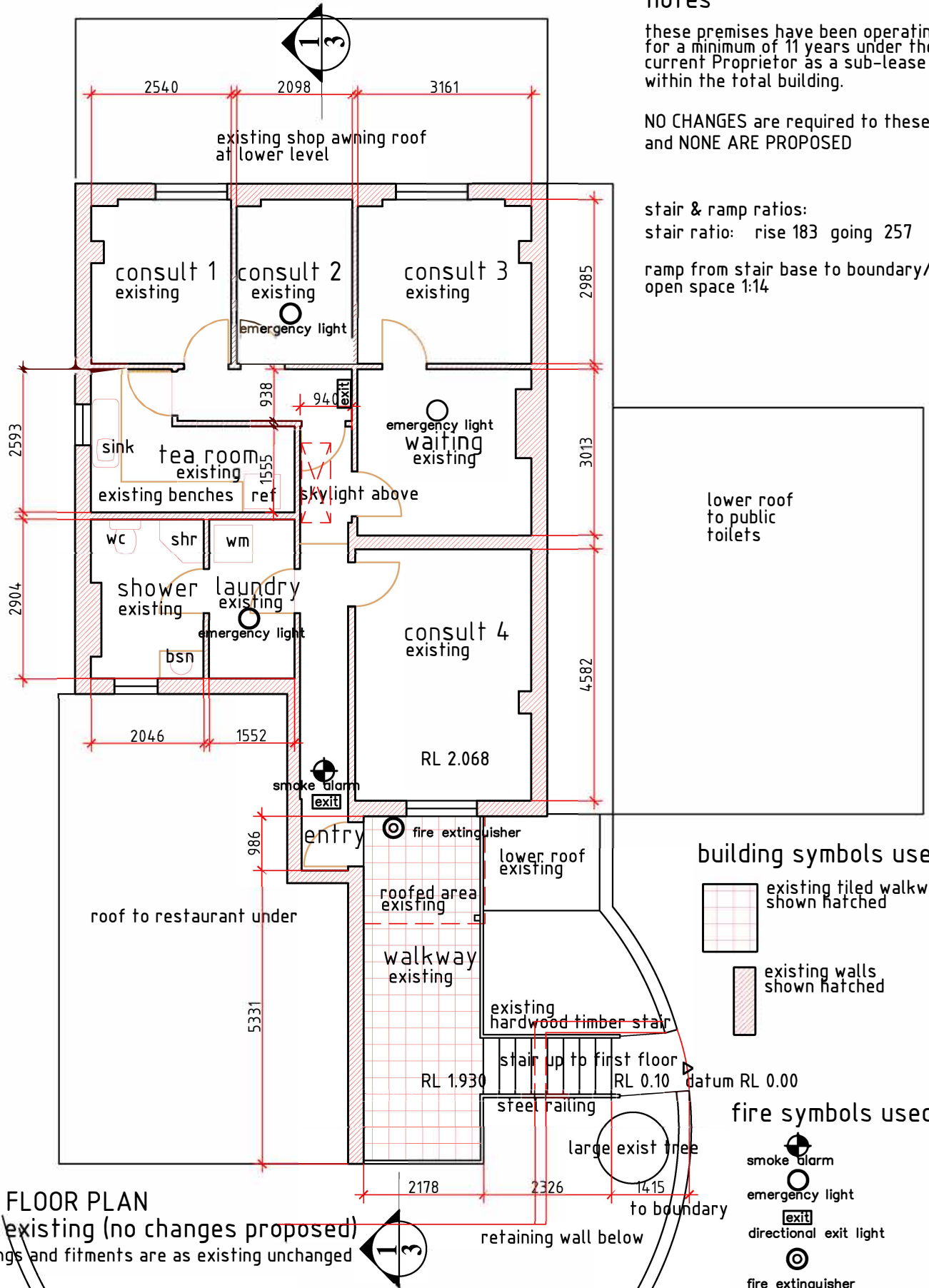
notes

these premises have been operating for a minimum of 11 years under the current Proprietor as a sub-lease within the total building.

NO CHANGES are required to these and NONE ARE PROPOSED

stair & ramp ratios:
stair ratio: rise 183 going 257

ramp from stair base to boundary/
open space 1:14



building symbols used

existing tiled walkway shown hatched

existing walls shown hatched

fire symbols used

smoke alarm

emergency light

directional exit light

fire extinguisher

FIRST FLOOR PLAN
all as existing (no changes proposed)
all fittings and fitments are as existing unchanged

EXISTING REMEDIAL MASSAGE CLINIC
232a Miller Street North Sydney

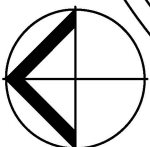
Linklater Associates Pty Ltd building design consultants abn 60 003 778 738
160 Chandos Street Crows nest 2065 phone 0414.466.442

SCALE: 1:100

DATE 8.6.2022

DRAWING 1010.2

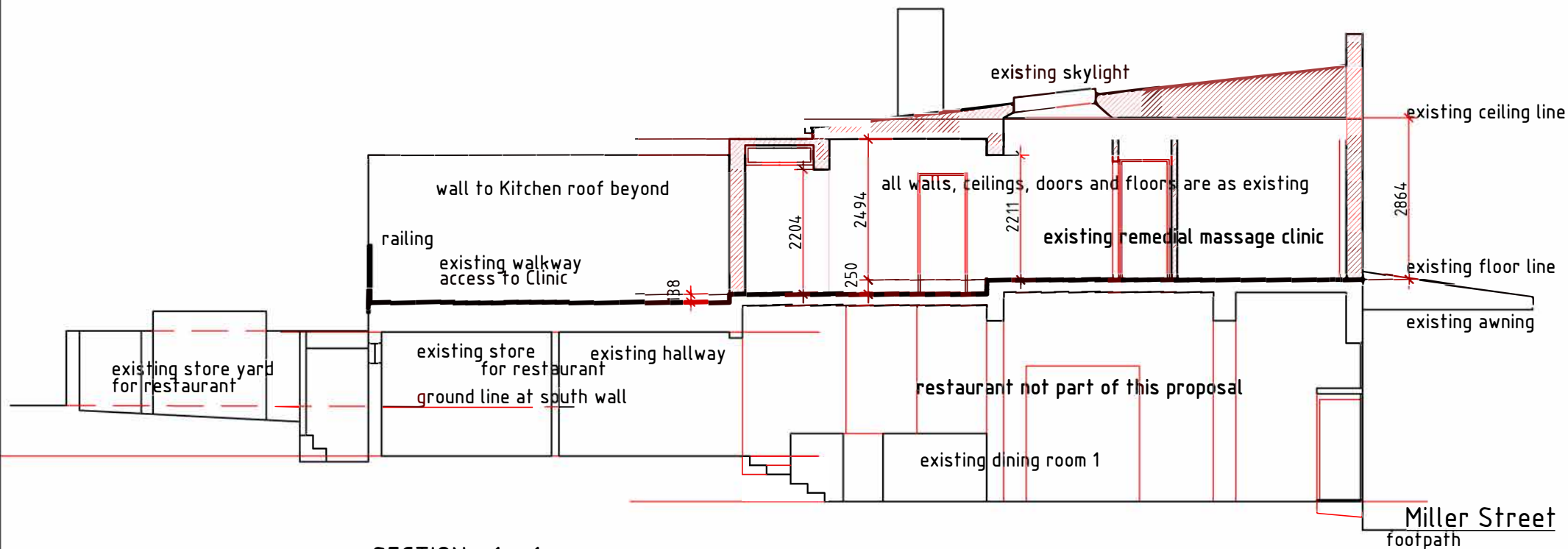
north



notes

these premises have been operating for a minimum of 11 years under the current Proprietor as a sub-lease within the total building.

NO CHANGES are required to these premises and NONE ARE PROPOSED



SECTION 1 - 1

note

there is NO connection between ground and first floor occupancies

EXISTING REMEDIAL MASSAGE CLINIC
232a Miller Street North Sydney

Linklater Associates Pty Ltd building design consultants
160 Chandos Street Crows nest 2065 phone 0414.466.442

abn 60 003 778 738

SCALE: 1:100

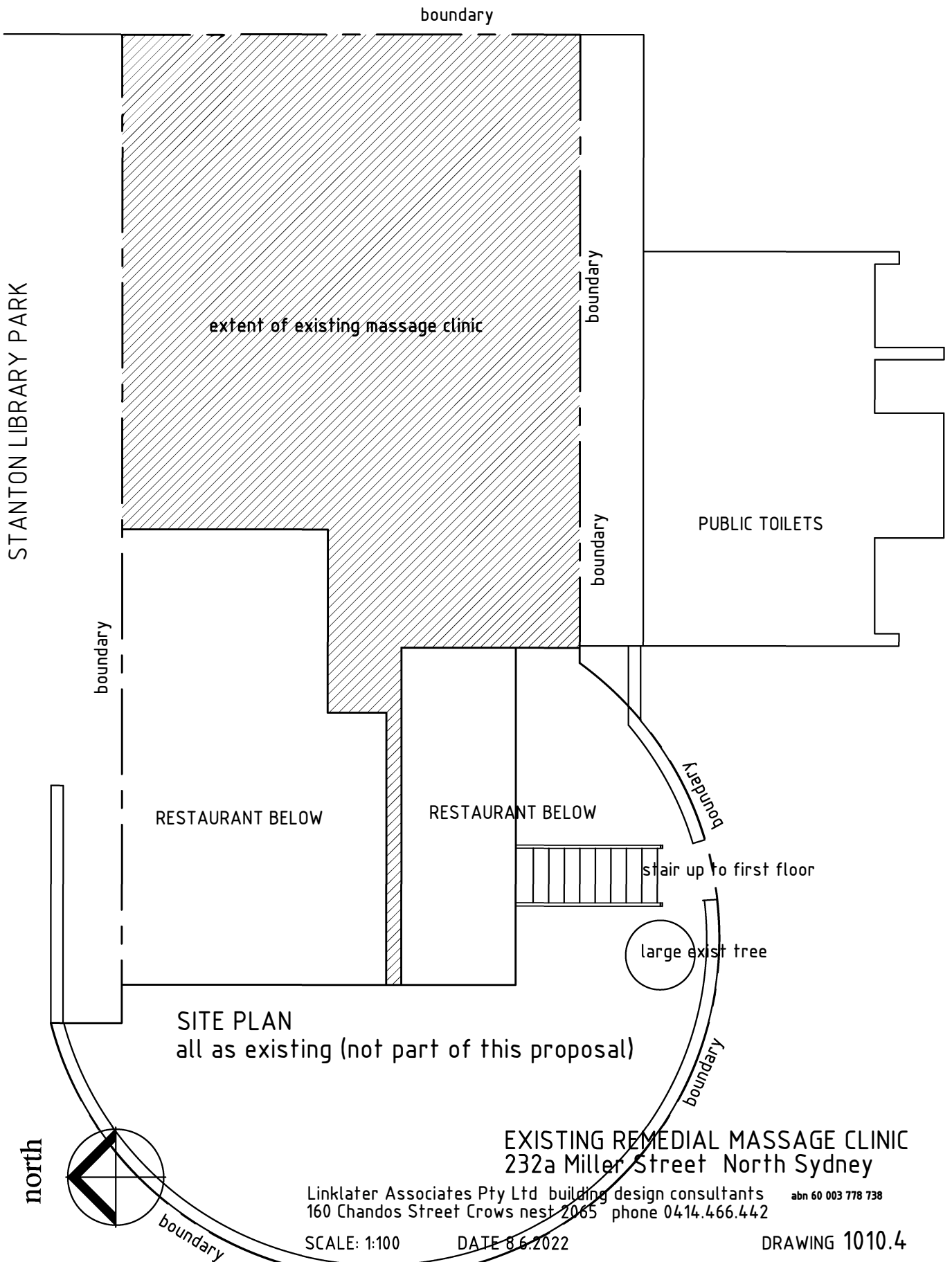
DATE 8.6.2022

DRAWING 1010.3

Miller Street

note

the ground floor of these premises are NOT connected to nor AFFECTED by the first floor use and are shown for clarity of the property delineation and site boundary



EXISTING REMEDIAL MASSAGE CLINIC
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DATE 8.6.2022

DRAWING 1010.4