

Bramford Property Pty Ltd
22 Clarendon Street
VAUCLUSE NSW 2030

D63/17
(SMC1) (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **63/17** and registered in Council's records as Application No. **63/17/2** relating to the land described as **88 Alfred Street, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 24 May 2017, has been determined in the following manner:-

(A) To **modify** the description of the approved development so as to read as follows:

“fitout & use of ground floor tenancy (Retail Tenancy 2) as a boutique supermarket and food & drink premises operating from 7am to 10pm 7 days and signage”

(B) To **modify** the following conditions so as to read as follows:

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.	Issue	Date	Title	Drawn by	Received
001	D	26/9/17	Elevation	Bramford Property	10/11/17
002	E	26/9/17	Perspective	Bramford Property	10/11/17
-	J	26/9/17	Indicative Supermarket Layout	Catylis Properties	10/11/17

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

Licensed Premises

A4. The licensed area is in relation to the café and outdoor seating area as indicated on the approved plan(s).

(Reason: To clarify consent)

Supermarket and Food Premises

A5. Sanitary facilities accessed via the supermarket/grocer shall be made available to patrons of the café at all times during hours of operation.

(Reason: To clarify consent; ensure adequate on-site facilities and amenities)

Location of Plant

C8. All plant and equipment (including but not limited to any cool room and mechanical ventilation) is to be located within the tenancy and/or in the basement of the building and/or other approved plant area so as not to be visible from the public domain. 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: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

On-Site Loading Dock

I4. Vehicle deliveries and loading and unloading operations for vehicles up to 6.1 metres long and 3.0 metres high must occur within the site. The on-site loading dock approved under DA608/04 (as amended), must be maintained at all times for use in connection with the development.

(Reason: To ensure that deliveries occur within the site and do not adversely affect traffic or pedestrian amenity)

Loading within Site

I5. All loading and unloading operations, other than for vehicles exceeding 6.1 metres long and 3.0 metres high, must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

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

Visibility to Store Interior

- I18. (a) In order to maintain visibility to the shop interior, the shopfront windows along Alfred Street and the easternmost window bay on Cliff Street must not be obscured by:
- (i) blinds, curtains or the like;
 - (ii) advertising posters, painted signs, decals or displays that are fixed internally or externally to the shopfront on Alfred Street;
 - (iii) video screens, LED displays or the like;
 - (iv) shop fittings, refrigeration equipment and the like which exceed 1500mm above finished floor level.
- (b) No shelving, shop fittings, refrigeration equipment and the like are to be placed directly in front of or behind the windows on the Alfred Street (eastern) elevation.
- (c) Any proposed shelving, shop fittings, refrigeration equipment and the like and any goods displayed must not exceed the height of the translucent/semi-transparent shopfront treatments as specified in sub-clause (d) below.
- (d) The windows on the Cliff Street (southern) elevation shall be treated with translucent/semi-transparent in white/grey tone to the following specifications and applied prior to issue of an Occupation Certificate:
- (v) To the full height of the 3 westernmost shopfront window bay on Cliff Street; and
 - (vi) To a maximum of 1500mm from the bottom of the shopfront glazing for the easternmost window on Cliff Street.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfronts being obscured in a way that is contrary to this condition.
- (Reason: Visual permeability for surveillance, safety & security and streetscape amenity)

The conditions attached to the original consent for Development Application No. 63/17 by endorsed date of 24 May 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Susanna Cheng**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 81A(2) (a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 96 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)