

Original signed by Robyn Pearson on 27/11/2019

Date determined: 25/11/2019

Date operates: 27/11/2019

Date lapses: 27/11/2024

Sips N Strokes Pty Ltd
22 Woodbine Street
NORTH BALGOWLAH NSW 2093

D339/19
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Approval**

Development Application Number: 339/19

Land to which this applies: 451 Miller Street, Cammeray
Lot No.: 3, DP: 224811

Applicant: Sips N Strokes Pty Ltd

Proposal: Change of use for the ground floor tenancy to provide an art studio with art classes, 10am - 8pm daily.

Determination of Development Application: Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

Date of Determination: 25 November 2019

Reason for approval: The change of use from a bakery to art classes for 10-20 people, is not considered to be an excessive intensification of the use of the site, with the existing parking provision on site alleviated by the access to Council's car park at the rear of the building and the access to public transport along Miller Street.

Consent to operate from: 27 November 2019

Consent will lapse on: 27 November 2024

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite by 27 November 2024.

How community views were taken into account:

The subject application was notified to adjoining properties and the Bay Precinct Committee (Bridgeview and The Plateau Precinct Committees being inactive) between 8 November 2019 and 22 November 2019. There were no submissions.

Review of determination and right of appeal:

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Plans endorsed by the consent authority – please refer to condition A1.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act* 1989.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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A. *Conditions that Identify Approved Plans*

Terms of the Consent

- A1. Approval is granted for the use of the premises as an art studio with art classes on the ground floor of the business premises within the building at the subject site.

No approval is given or implied in this consent for building works and/or other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

I. *On-Going / Operational Conditions*

Hours of Operation

- I1. The hours of operation are restricted to:

10am – 8pm (Monday to Friday)

10am – 8pm (Saturday)

10am – 8pm (Sunday)

Upon expiry of the permitted hours:

- (a) all art classes 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)

Noise Impact

- I2. The on-going use of the premises approved under this consent must not cause a noise nuisance to maintain the amenity of adjoining properties.

(Reason: To maintain the amenity of surrounding land uses)

Waste Collection

- I3. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on the following day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

- I4. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on the following day.

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

Maximum Capacity – Premises

15. The maximum number of students allowed by this consent is 20 persons.

A notice must be displayed at all times in the front window of the premises (or any other clearly visible place) identifying the maximum capacity described above:

(Reason: Protection of residential amenity, provision of public information, and to assist in assessing ongoing compliance)