

REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF 22 SEPTEMBER 2016

IHAP Report No	7	Development Application No	DA2016/0047
Site Address & Ward Locality	247 Princes Highway, Carlton Kogarah Bay Ward		
Proposal	Change of use – Restaurant and Community Facility		
Report Author/s	George Andonoski – Manager Planning and Development		
Zoning:	RE1 Public Recreation		
Date of Lodgement	22 March 2016		
Owner	Perry Properties		
Applicant	Gat & Associates		
Submissions	Nil		
Cost of Works	N/A		
Issues	Previously deferred by IHAP and potential Council conflict of interest		
Recommendation	That the IHAP consider the “Draft Conditions of Consent” as requested at previous meeting		

Site Plan



Executive Summary

1. A report was presented to the Georges River IHAP on 25 August 2016 regarding Development Application 47/2016 for the continued use of the existing premises at 247 Princes Highway, Carlton.
2. The report recommended that the application be refused.
3. At their deliberation, the IHAP resolved to defer the application and resolved the following;

“The Georges River Council IHAP as the delegate of the Georges River Council does not consider that there are any planning grounds for the refusal of the application and defers determination of Development Application No. 2016/47 for a Change of Use – restaurant and community facility at 247 Princes Highway, Carlton and requests Council staff to provide draft recommended conditions of consent for consideration at the next available IHAP meeting.”
4. The above was a unanimous decision of the panel.
5. In accordance with the above decision of the panel, a draft set of conditions of approval are attached below for the consideration of the panel.
6. A copy of the previous IHAP report has also been included as a separate attachment made available to the panel members.

DRAFT CONDITIONS OF CONSENT

SECTION A – General Conditions

The conditions that follow in this Section A of the Notice of Determination are general conditions which are imposed to ensure that the development is carried out in accordance with the development consent.

(1) Approved Plans of Consent

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural Plans prepared by Great North Design Services, Drawing Numbers 2015/47/DA-001, 003, 004, 007, 008, 009 and 010 dated 15.12.2015.

SECTION B – Prior to the Issue of a Construction Certificate Conditions

Nil

SECTION C – Prior to Commencement of Construction Conditions

Nil

SECTION D – Construction and Operational Conditions

(2) Health and Public Nuisance

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment.

There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

(3) Loading/Unloading Operations

Loading and unloading operations shall be confined within the property and within any defined loading areas indicated on the approved plans.

(4) Hours of Operation

The hours of operation shall be limited to the following:-

Monday to Sunday 10.00am to 9.00pm

(5) No Sign erected without DA Consent

No advertisement or sign shall be erected or displayed without development consent from Council, unless exempted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Kogarah Local Environmental Plan 2012. Any advertising matter relating to the previous use of the premises shall be removed.

(6) Avoid Annoyance from lighting

Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse affects on the amenity of the area.

(7) Designated Parking Area

The areas designated as parking areas, loading/unloading areas, and the access to such areas are not to be used at any time for the purposes of storage, or for other commercial uses, or leased to any person, company or organisation not directly associated with the subject site.

(8) Restaurant Capacity

The seating capacity of the restaurant is to be limited to a maximum of eighty five (85) persons.

SECTION E – Prior to Occupation or Subdivision Certificate Conditions

Nil

SECTION F – Prescribed Conditions

Compliance with the Building Code of Australia

(9) The development must be carried out in accordance with the provisions of the Building Code of Australia.

(10) Erection of Signs

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(11) Notification Requirements (Other)

In relation to non-residential work, prior to the commencement of construction the Principal Certifying Authority must be informed in writing of:-

- (i) the name and contractor licence number of the licensee who has contracted to do or intends to do the work;
- (ii) the name and permit number of the owner-builder who intends to do the work, with a copy of the permit submitted; and
- (iii) the date of their intention to commence the erection of the building.

Further, if a contract is entered into for the work to be done by a different licensee or arrangement for doing the work are otherwise changed, the Principal Certifying Authority is to be immediately informed in writing of sufficient particulars for it to update its records.

(12) Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(13) Council Notification of Construction

The erection of a building which is the subject of a Development Consent must not be commenced until:

- a) Detailed plans and specifications of the building have been endorsed with a construction certificate by Council or an accredited certifier.
- b) the person having the benefit of the development consent has:
 - appointed a Principal Certifying Authority (PCA), and
 - notified Council (if Council is not the PCA) *in writing* of the appointment, and
 - given at least 2 days notice to Council of their intention to commence the erection of the building. The notice may be in writing or by phone.

SECTION G – Demolition Conditions

Nil

END CONDITIONS

SECTION H – Advisory Notes

(i) Disability Discrimination Act

This authorisation does not imply that the proposal complies with *Disability Discrimination Act 1992*. The Proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 – Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under *The Disability Discrimination Act 1992*.