

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 13 October 2016

61 Middleton Road Cromer - Use of the premises as a general industry

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0470
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Responsible Officer:	Julie Edwards
Land to be developed (Address):	Lot 23 DP 28882, 61 Middleton Road CROMER NSW 2099
Proposed Development:	Use of the premises as a general industry
Zoning:	LEP - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Application Determination Panel
Land and Environment Court Action:	No
Owner:	Giovanni Valentino Rita Valentino
Applicant:	Lecio Background Coffee

Application lodged:	18/05/2016
Application Type:	Local
State Reporting Category:	Industrial
Notified:	13/09/2016 to 28/09/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	10
Recommendation:	Approval

Estimated Cost of Works:	\$ 15,000.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into

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account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B6 Merit Assessment of Side Boundary Setbacks

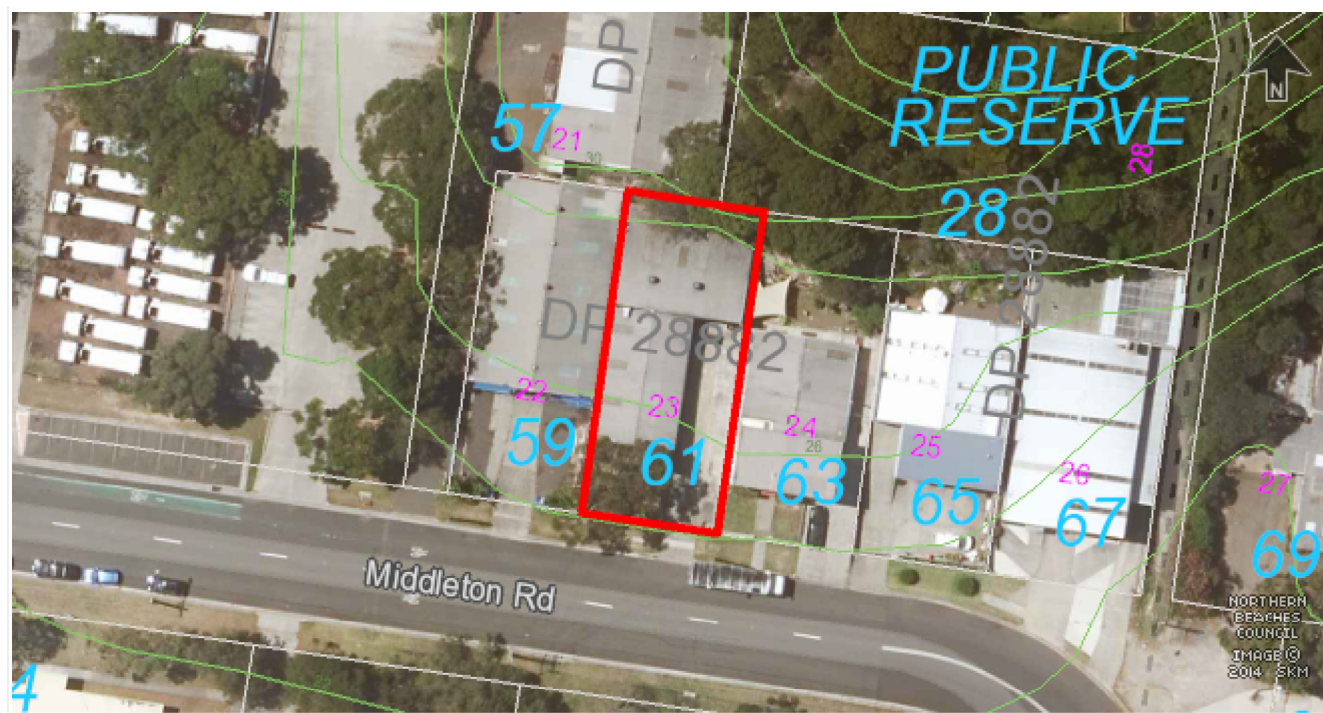
Warringah Development Control Plan - B10 Merit assessment of rear boundary setbacks

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 23 DP 28882 , 61 Middleton Road CROMER NSW 2099
Detailed Site Description:	<p>The site is located on the northern side of Middleton Road, has an area of 556.641sqm and slopes down towards the south.</p> <p>Existing on the site is a single storey industrial building with a driveway running along the eastern boundary.</p> <p>The surrounding development consists of similar industrial buildings (including warehouses and factories) to the east, south and west and a public reserve and residential dwellings to the north and north-east.</p> <p>The Reserve to the north-east is classified as Public Recreation and owned by Council.</p>

Map:



SITE HISTORY

A search of Council's records has reveals the site has been the subject of the following applications:

B797/65

Factory approved on 20 July 1965.

B222/68

Factory approved on 29 December 1968.

DA2014/1322

This application was lodged for the use of the front portion of the site as a takeaway and drink premises (cafe) and alterations and additions.

The application was approved under delegation on 27 February 2015. However, the consent was not activated.

EPA2015/0271

The applicant was requested to demolish or remove 2 flue pipes installed on top of the roof.

Order issued 30 March 2016. The matter is still under investigation and waiting on the outcome of the current development application. An inspection carried out during the assessment of the current development application showed that the flues had been removed and will not impact on the assessment of the proposal.

It is noted that the land has been used for industrial purposes for an continuous period of time.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is seeking approval for a use of an industrial building for the purposes of roasting coffee.

The use will include the following:

- Internal fitout, involving:

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- Installation of a stack/flu located at the south-western boundary adjacent to the front carpark of another industrial unit at No. 59 Middleton Road; and
- 5kg coffee roaster and afterburner; and
- Storage of roasted coffee beans and distribution to external clients as an ancillary function.

The Statement of Environmental Effects notes that "*the proposal does not include the preparation or serving of coffee directly to the public nor does it involve any food preparation*".

Hours of operation:

- Monday to Saturday - 7:00am to 5:00pm (warehouse operations only)
- Monday to Friday - 8:00am to 4:00pm (coffee roasting)

Staffing:

One staff member will be employed on the premises at any one time.

LETTER TO THE APPLICANT

A letter was sent to the applicant on 23 June 2016 following a referral response from Council's Health and Protection and Environmental Investigations sections.

The letter stated:

"The following is a list highlighting areas of non-compliance and insufficient information in your application:

Internal Referrals

Below are specific comments made by the following sections of Council that have raised issues with your application:

Environmental Health and Protection

The application was referred to Council's Environmental Health and Protection unit who provided the following comments:

"No assessment has been carried out by a qualified person to assess the type of effluent generated by the coffee roasting. The air effluent generated by the coffee roasting may require mechanical ventilation and exhaust. The "type" of effluent generated by roasting coffee is best described as Type B:

Heated air with or without water or grease vapour produced by cooking or dishwasher equipment employed for the preparation of food for commercial or institutional purposes and having a total maximum input exceeding 8 kW for an electrical appliance, or total gas input 29 MJ/h for a gas appliance, or any deep fryer appliance, or more than one item of apparatus within a room and having a total maximum power input exceeding 0.5 kW/m² (1.8 MJ/m² for gas appliances) of floor area of the enclosure.

Further information is required to demonstrate compliance with AS1668.

Insufficient information has been provided regarding the kitchen/food preparation areas fit-out. Detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principal Certifying Authority. These plans are to be prepared by a suitably qualified person. The plans must detail adequate provision for storage

including separate storage of food, equipment, chemicals and personal belongings."

Environmental Investigations

The application was referred to Council's Environmental Investigation unit who provided the following comments:

"There are no details provided in the application to address how air pollution /odour is going to be managed, Environmental Investigations recommends that applicant provides detailed evidence of how air pollution and offensive odour as defined under the Protection of the Environment Operations Act 1997 is not going to be created."

Warringah Local Environment Plan 2011 (WLEP 2011)

The use of the site as a Coffee Roasters is considered a General Industry under the Permissible Land Uses of the WLEP 2011.

The proposed use is permissible; however, the Statement of Environmental Effects provided with the application will need to be updated to reflect this.

Advice to Applicant

You are strongly encouraged to withdraw this application and resubmit an application that addresses all of the issues listed above. Council will not accept any additional information or amendments to this current application.

If you choose to withdraw this application within seven days of the date of this letter (23 June 2016), Council may refund a portion of the development application fees.

If you have not contacted Council by 30 June 2016, Council will assume that you are not withdrawing this application and no fees will be refunded and we will assess this application in its current form."

Notwithstanding the due date, the applicant submitted additional information to Council on 15 July 2016. This information was referred back to Council's Health and Protection and Environmental Investigations sections respectively.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.

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Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 10 submission/s from:

Name:	Address:
Mrs Meredith Ann Salotto	24 Gilmore Avenue COLLAROY PLATEAU NSW 2097
Mrs Cherrie Denner	16 Gilmore Avenue COLLAROY PLATEAU NSW 2097
Mr Joseph Gerard Campo	22 Gilmore Avenue COLLAROY PLATEAU NSW 2097
Michael Pasquale Petracca	20 Gilmore Avenue COLLAROY PLATEAU NSW 2097
Georgia Daniell Crawford	15 Gilmore Ave COLLAROY PLATEAU NSW 2097
Mrs Claire Elizabeth Higgins	14 Gilmore Ave COLLAROY PLATEAU NSW 2097
Mr Jozsef Farkas	101 Campbell Parade MANLY VALE NSW 2093
Mr Richard John Griffin	11 Gilmore Avenue COLLAROY PLATEAU NSW 2097
Mr Paolo Salotto	24 Gilmore Avenue COLLAROY PLATEAU NSW 2097
David Henry Lewis	21 Bassett Street MONA VALE NSW 2103

The following issues were raised in the submissions and each have been addressed below:

- **Health Impacts, Odours & Roasting Hours; and**
- **Use.**

The matters raised within the submissions are addressed as follows:

- **Health Impacts, Odours & Roasting Hours**

The submissions raised concern that the proposal could result in potential air pollution such as dust and fumes and may result in adverse health impacts on the residents of the adjoining properties.

In particular, one submission from the owner of No. 59 Middleton Road has raised concern regarding the impact of the flues on the recently approved caretakers residence which was approved on 17 June 2015 under CDC2015/0293 and which is currently under construction.

Comment:

Council has received, from time-to-time, several complaints regarding the smell associated with coffee roasting, however it has been found that such complaints have been infrequent.

With respect to the impact of the flues on the neighbouring caretakers residence, a review of the plan for that development reveals that the caretakers residence is located within the eastern part of the upper floor of No. 59 Middleton Road. The eastern side wall is a concrete tilt-up wall with no openings. Instead, the caretakers residence opens out towards the street and consists of a balcony and combined living/dining a kitchen off the balcony. The balcony is positioned perpendicular to the side boundary with the subject site although concealed by the aforementioned concrete tilt-up wall.

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The flues required for the development are proposed to be located approximately 0.5m from the side boundary adjacent to the side wall of the balcony to the caretakers residence and the concern raised is that the fumes/odours produced by the flues will have an adverse impact upon the amenity of the caretakers residence.

The proposed use as a coffee roasters is considered a General Industry under the WLEP 2011 and is a permissible use. As the proposed use is permissible in the zone and will provide appropriate measures (i.e annual certification) to ensure that the proposal will not unreasonably impact on the adjoining properties, it would be considered unreasonable to restrict the use of the site.

The 'Coffee Roasting Environmental Impact' Report dated 14 July 2016 (as prepared by Coffee Roasters Australia) has provided mitigation measures to address smoke and odour (and, by implication, impact upon health).

In summary, the Report states that the included afterburner is the most effective way known to deal with the emissions (being smoke and odour) from coffee roasting. Emissions produced by the coffee roaster may impact the surrounding residence if appropriate measures are not undertaken and regular maintenance is not upheld.

The Report was referred to Council's Environmental Investigation section for consideration have imposed a condition which requires that the installation of the coffee roaster and afterburner shall be certified by an appropriate person (as detailed in the above-mentioned report dated 14 July 2016 signed by Mark Beattie Managing Director Coffee Roasters Australia Pty Ltd) prior to the issuing of the Construction Certificate. The coffee roaster and afterburner is to then be certified annually to ensure that it continues to operate in accordance with the report provided and the *Protection of the Environment Operations Act 1997* with regards to air pollution and odour.

Furthermore, Councils Environmental Investigations section recommends reducing the hours of coffee roasting to 8:00am - 4:00pm Monday - Friday to minimise impact to residential amenity after hours.

This issue does not warrant the refusal of the application.

- **Use**

A submission raised concern that the proposal was not a 'light industry' as detailed in the Statement of Environmental Effects (SEE).

Comment:

The SEE submitted with the development application classifies the proposal as a 'light industry'. However, without the recommended mitigation measures discussed above, the use would otherwise have the potential to interfere with the amenity of the neighbourhood by reason of smell, fumes and smoke and is therefore defined as General Industry.

This issue does not warrant the refusal of the application.

The application was re-notified to correct the description of the application from "Use of the premises as a light industry" to "Use of the premises as a general industry". The application was re-notified from 14 September to 29 September 2016. The re-notification received two submissions. One submission raised issues that have been previously addressed in the report. The other submission raised concern which have also been addressed previously, however, the concern related to these issues are as a result of the premises operating. A search of Councils records has shown that an order was issued in March 2016 regarding two flues which were erected without approval. There was no mention of odour

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or smoke as a result of the premises operating. A site inspection conducted during the assessment of the proposal has shown that the flues have been removed and there is no evidence that the premises is operating. All issues relating to odour and smoke have been addressed above.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application was referred to Council's Building Assessment section for consideration. The following comments have been provided:</p> <p><i>"No objections to the proposed development - subject to one additional condition:</i></p> <ul style="list-style-type: none"> • <i>The coffee roaster and associated stacks are to be installed in accordance with the manufactures specifications."</i> <p>The additional condition is included in the Recommendation of this report.</p>
Environmental Investigations (Industrial)	<p>The application was referred to Council's Environmental Investigations section for consideration. The following comments have been provided:</p> <p><u>Referral Response No. 1</u></p> <p><i>"Environmental Investigations recommend refusal as there is no details provided in the application to address how air pollution /odour is going to be managed."</i></p> <p>Additional information was submitted on 15 July 2016 and referred back to Council's Environmental Investigations section for further consideration. The following comments have been provided:</p> <p><u>Referral Response No. 2</u></p> <p><i>"The application has been assessed by Environmental Investigations and no objections are raised subject to the following comments and conditions.</i></p> <p><i>As there are residential properties surrounding the business the emissions produced by the after burn may impact the residence if appropriate measures are not undertaken and regular maintenance is upheld.</i></p> <p><i>Environmental Investigations recommends reducing the hours of coffee roasting to Monday - Friday 8.00am -4.00pm.</i></p> <p><i>Furthermore the installation of the coffee roaster shall be certified by an appropriate person as detailed in the report dated 14 July 2016, signed by Mark Beattie Managing Director coffee Roasters Australia Pty Ltd,</i></p>

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Internal Referral Body	Comments
	<p><i>prior to the issuing of the Construction Certificate.</i></p> <p><i>Also the coffee roaster shall be certified annually by an appropriate person to ensure that it is operating in accordance with the report provided and the Protection of the Environment Operations Act 1997 with regards to Air Pollution."</i></p> <p>The recommended conditions are included in the Recommendation of this report.</p>
<p>Health and Protection (Food Premises, Skin Pen.)</p>	<p>The application was referred to Council's Health and Protection section for consideration. The following comments have been provided</p> <p><u>Referral Response No.1</u></p> <p><i>"No assessment has been carried out by a qualified person to assess the type of effluent generated by the coffee roasting. The air effluent generated by the coffee roasting may require mechanical ventilation and exhaust. The "type" of effluent generated by roasting coffee is best described as Type B:</i></p> <p><i>Heated air with or without water or grease vapor produced by cooking or dishwasher equipment employed for the preparation of food for commercial or institutional purposes and having a total maximum input exceeding 8 kW for an electrical appliance, or total gas input 29 MJ/h for a gas appliance, or any deep fryer appliance, or more than one item of apparatus within a room and having a total maximum power input exceeding 0.5 kW/m² (1.8 MJ/m² for gas appliances) of floor area of the enclosure.</i></p> <p><i>Further information is required to demonstrate compliance with AS1668.</i></p> <ul style="list-style-type: none"> • <i>Insufficient information has been provided regarding the kitchen/food preparation area's fit-out.</i> • <i>Detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principal Certifying Authority. These plans are to be prepared by a suitably qualified person. The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings."</i> <p>Additional information was submitted on 15 July 2016 and referred back to Council's Health and Protection section for further consideration. The following comments have been provided:</p> <p><u>Referral Response No. 2</u></p>

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Internal Referral Body	Comments
	<p><i>"New information provided still does not specify how the proposed mechanical ventilation system will meet AS1668:2012.</i></p> <p><i>Certification will need to be provided prior to Occupation Certificate to ensure the mechanical ventilation complies with AS1668.2:2012.</i></p> <p><i>All food preparation areas, food storage areas, wet areas and packaging areas must comply with AS4674:2004.</i></p> <p><i>Recommendation: Approval, subject to conditions."</i></p> <p>The recommended conditions are included in the Recommendation of this report.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 19 - Bushland in Urban Areas

The provisions of the SEPP require that a person shall not disturb bushland zoned or reserved for public open space purposes without the consent authority considering the aims and objectives of the SEPP.

In this regard, consideration is given as follows:

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,
- (c) to protect rare and endangered flora and fauna species,
- (d) to protect habitats for native flora and fauna,
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,
- (f) to protect bushland as a natural stabiliser of the soil surface,
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,
- (h) to protect significant geological features,
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,
- (j) to protect archaeological relics,
- (k) to protect the recreational potential of bushland,
- (l) to protect the educational potential of bushland,
- (m) to maintain bushland in locations which are readily accessible to the community, and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.”

Comment:

The site abuts a pocket Public Reserve to the north-east which is classified as Public Recreation and which is included in the Generic Bushland Reserves Plan of Management (POM).

The development is for an industrial activity which is wholly contained within the existing industrial unit which is, in turn, located within the IN1 General Industrial zone. In this regard, the development does not offend the management intentions and action plans of the POM and is considered to be consistent with the General and Specific Aims of the SEPP.

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated.

Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses.

The site was previously approved as a take away food and drink premises under DA2014/1322 however, this consent was not activated.

The development includes internal works only, does not involve any excavation works and does not have any impact upon the existing concrete slab floor. In this respect, the development is unlikely to have any impact upon any contaminated land.

Notwithstanding, a condition is imposed which requires Council to be notified if any new evidence of contamination is found during works and the operation of the use.

In this regard it is considered that the site poses no risk of contamination to the use and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	Complies
4.3 Height of Buildings	11m	6.2m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B5 Side Boundary Setbacks	Merit Assessment	East: No change	N/A	No change
		West: 0.6m (flue only)	N/A	Yes
B7 Front Boundary Setbacks	4.5m	7.5m (flue only)	N/A	Yes
B9 Rear Boundary Setbacks	Merit Assessment	28.6m (flue only)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - IN1	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B6 Merit Assessment of Side Boundary Setbacks

Description of inconsistency

The external flue/stack is located 0.6m from the western boundary.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide ample opportunities for deep soil landscape areas.*

Comment:

The proposed flue/stack is located within the existing building footprint and will maintain the existing deep soil landscape areas on the site.

- *To ensure that development does not become visually dominant.*

Comment:

The proposed flue/stack is the only external works proposed on the site and is required to provide mechanical ventilation to the coffee roaster. The flue/stack is a minor addition to the outside of the

building and will not result in development that is visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The proposed flue/stack is the only external works proposed on the site and is required to provide mechanical ventilation to the coffee roaster. The flue/stack is a minor addition to the outside of the building and will ensure that the scale and bulk of the development is minimised.

- *To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.*

Comment:

The proposed flue/stack is located within the existing building footprint and if maintained in accordance with the recommended conditions from Councils Environmental Investigations and Health and Protection sections will ensure a reasonable level of amenity between buildings.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The location and height of the flue/stack at the front of the building will not unreasonably impact on the sharing of views to and from public and private properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B10 Merit assessment of rear boundary setbacks

Description of inconsistency

The proposed flue/stack is located 28.6m.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The flue/stack is located within the existing building footprint and will maintain the existing deep soil landscape areas on the site.

- *To Create a sense of openness in rear yards.*

Comment:

The flue/stack is within the existing building footprint and will not impact on the sense of openness at the rear of the site.

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- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The proposal will maintain the amenity of the adjacent land as it is to be constructed and maintained in accordance with the mitigation measures of the 'Coffee Roasting Environmental Impact' Report and the conditions recommended by Council's Environmental Investigation section, which requires that the installation of the coffee roaster and afterburner to be certified by an appropriate person prior to the issuing of the Construction Certificate. The coffee roaster and afterburner are to be certified annually to ensure that it continues to operate in accordance with the report provided and the *Protection of the Environment Operations Act 1997* with regards to air pollution and odour.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The proposed flue/stack is located within the existing building footprint and will maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements on the site.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The proposed use of the site is for an Industry use and will not impact on the privacy of nearby dwellings.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance

C3 Parking Facilities

Description of non-compliance

The development will provide four on-site car parking spaces which are located entirely within the building.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Industry (GFA* 75.3m ²)	1.3 spaces per 100m ² GFA	1.3 (2) car parking space	4 spaces	+2.7 (+2)
Total		1.3 (2) spaces	4 spaces	+2.7 (+2)

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***Note:** The WLEP 2011 Dictionary defines gross floor area (GFA) as:

"the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

The existing site provides four car parking spaces and the development proposes an additional space within the subject building. The proposal provides compliant and sufficient car parking for the proposed use of the site."

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The proposed development will be utilising existing car parking on the site and there will be no change to location or design of the existing car parking on the site.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The proposed development will be utilising existing car parking on the site and there will be no change to location or design of the existing car parking on the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2016/0470 for Use of the premises as a general industry on land at Lot 23 DP 28882, 61 Middleton Road, CROMER, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

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a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA01-04 - SITE PLAN	18.12.2015	Sammy Fedele Architectural Drafting Services
DA02-04 - FLOOR PLAN	18.12.2015	Sammy Fedele Architectural Drafting Services
DA03-04 - ELEVATION	18.12.2015	Sammy Fedele Architectural Drafting Services

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Letter to Council - "Background Coffee Roasters "Coffee Roasting Environmental Impact""	14th July 2016	Coffee Roasters Australia Pty Ltd

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

e) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan - Demolition, construction & use of premises	May 2016	Nolan Planning Consultants

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Occupancy**

Nothing in this consent shall authorise the use of premises as detailed on the approved plans for any land use of the site beyond the definition of a General Industry and Warehouse or Distribution Centre.

A **General Industry** is defined as:

"A building or place (other than a heavy industry or light industry) that is used to carry out an industrial

activity."

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

3. No Approval for Land Use

No approval is granted under this Development Consent for the preparation or serving of coffee directly to the public nor for any food preparation.

A separate Development Application must be submitted to Council for approval prior to the use of the premises.

Reason: To ensure compliance with WLEP. (DACPLB04)

4. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

5. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) 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:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) 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
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such 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.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- A. the name of the owner-builder, and
- B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that 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:

- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

6. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

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The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

7. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

9. **Coffee Roaster Installation Condition**

The coffee roaster and associated stacks are to be installed in accordance with the manufactures specifications

Reason: to ensure the correct installation procedure is followed (DACBCEDW1)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

10. **Sydney Water Approval**

Prior to occupation certificate (Interim or Final), submit to the Principal Certifying Authority written evidence from Sydney Water regarding evidence of a trade waste agreement.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: Statutory requirement of Sydney Water (DACHPF05)

11. **Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

12. **Construction and fit out of food premises certification**

The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 '*Design, construction and fit out of food premises*'.

Prior to any Occupation Certificate being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the development complies with the design requirements. (DACHPFPOC3)

13. **Mechanical Ventilation certification**

Any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under Australian Standard AS1668.2, including any deep frying equipment, must be provided with mechanical ventilation in accordance with Australian Standard AS1668.2.

Reason: To effectively remove fumes, smoke, steam and vapours from the food

premises. (DACHPFPOC4)

14. **Registration of the food business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupational Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority. (DACHPFPOC6)

15. **Installation and Operation**

Details are to be provided to the principle certifying authority prior to the issue of an Occupation Certificate demonstrating that the installation and operation of the coffee roaster and afterburner is in accordance with the manufacturers instructions and specifications and certified by an appropriately qualified person to ensure correct operation and maintenance.

Reason: To ensure the impact upon surrounding properties is minimised. (DACHPCPCC6)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

16. **Coffee Roasting Hours of Operation**

The hours of operation of coffee roasting shall be restricted to between 8.00am and 4.00pm Mondays to Fridays only.

Reason: To ensure that the operation does not interfere with reasonable amenity expectations of residential properties and the community. (DACHPGOG5)

17. **Operation and maintenance certification**

The coffee roaster and afterburner shall be certified annually by an appropriately qualified person to ensure correct operation and maintenance.

Certification certificates will be held for 5 years and be made available to Council upon request.

Reason: To ensure that the operation does not interfere with reasonable amenity expectations of neighbouring occupancies, residents and the community (DACHPGOG6)

18. **Provision of car parking**

The car parking spaces provided on the property, shall be made accessible and maintained at all times.

Car-parking on the property provided shall be used solely in conjunction with the uses contained within the development. Each car parking space shall be line marked.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

19. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Saturday - 7:00am to 5:00pm (inclusive) (warehouse operations only)

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- Monday to Friday - 8:00am to 4:00pm (inclusive) (coffee roasting)

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

20. **Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

21. **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 protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

22. **Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9pm and 8am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. (DACPLG24)


23. **Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)

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ATTACHMENT A

Notification Plan	Title	Date
 2016/159536	Plan - Notification	06/05/2016

ATTACHMENT B

Notification Document	Title	Date
 2016/176378	Notification Map	06/06/2016
 2016/242733	Notification Map	20/07/2016
 2016/306056	notification map	13/09/2016

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ATTACHMENT C

Reference Number	Document	Date
 2016/159532	Plan - Survey	06/01/2016
 2016/159536	Plan - Notification	06/05/2016
 2016/159543	Plans - Internal	06/05/2016
 2016/159537	Report - Statement of Env Effects	16/05/2016
 2016/159540	Report - Waste Management Plan	16/05/2016
 2016/159544	Plans - External	16/05/2016
 2016/159542	Plans - Master Set	16/05/2016
 DA2016/0470	61 Middleton Road CROMER NSW 2099 - Development Application - Change of Use	18/05/2016
 2016/157115	DA Acknowledgement Letter - Lecio Background Coffee	18/05/2016
 2016/159529	Development Application Form	20/05/2016
 2016/159531	Applicant Details	20/05/2016
 2016/173322	Environmental Investigations (Industrial) - Assessment Referral - DA2016/0470 - 61 Middleton Road CROMER NSW 2099	31/05/2016
 2016/170867	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2016/0470 - 61 Middleton Road CROMER - TO	31/05/2016
 2016/171317	Referral to AUSGRID - SEPP - Infrastructure 2007	01/06/2016
 2016/173236	Building Assessment Referral Response	03/06/2016
 2016/176375	Notification Letter - DA	06/06/2016
 2016/176378	Notification Map	06/06/2016
 2016/180730	Health and Protection (Food Premises) - Assessment Referral - DA2016/0470 - 61 Middleton Road CROMER - EB	09/06/2016
 2016/181028	Environmental Investigations Referral Response - industrial use	09/06/2016
 2016/193862	Online Submission- Salotto	20/06/2016
 2016/193865	Online Submission - Denner	20/06/2016
 2016/195617	Submission - Campo	20/06/2016
 2016/195212	Online Submission - Campo	20/06/2016
 2016/195215	Online Submission - Petracca	20/06/2016
 2016/196106	FW: DA2016/0470 - 61 Middleton Rd, Cromer	21/06/2016
 2016/196310	Online Submission - Crawford	21/06/2016
 2016/197304	Online Submission - Higgins	22/06/2016
 2016/197551	Online Submission - Farkas	22/06/2016
 2016/198024	Online Submission - Griffin	22/06/2016
2016/198038	Online Submission - Salotto	22/06/2016

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	2016/197974	Environmental Health and Protection Referral Response - commercial use	23/06/2016
	2016/198903	Request for Withdrawal of Development Application - Lecio Background Coffee	23/06/2016
	2016/236130	Additional Information - Nolan Planning	15/07/2016
	2016/236241	Response Email - Additional Information - Nolan Planning	18/07/2016
	2016/236232	Additional Information - Coffee Roasting Environmental Impact Statement	18/07/2016
	2016/236239	Additional Information - Roaster and Afterburner	18/07/2016
	2016/242031	Environmental Investigations (Industrial) - Assessment Referral - DA2016/0470 - 61 Middleton Road CROMER NSW 2099	19/07/2016
	2016/242315	Health and Protection (Food Premises, Skin Pen.) - Assessment Referral - DA2016/0470 - 61 Middleton Road CROMER - EB	19/07/2016
	2016/242723	Delete - Re-Notification Letters - 13	20/07/2016
	2016/242733	Notification Map	20/07/2016
	2016/243002	Re-Notification Letter -16	20/07/2016
	2016/243196	Environmental Health and Protection Referral Response - commercial use	20/07/2016
	2016/255946	Online Submission - Campo	01/08/2016
	2016/273310	Working Plans	17/08/2016
	2016/282007	Environmental Investigations Referral Response - industrial use	26/08/2016
	2016/289153	DAO Checklist Development Panel Reports - Lecio Background Coffee	01/09/2016
	2016/289157	Obsolete - Assessment Report	01/09/2016
	2016/289159	ADP Plans	01/09/2016
	2016/289161	ADP Coffee Roasting Environmental Impact Statement	01/09/2016
	2016/289226	Obsolete - Assessment Report	02/09/2016
	2016/289239	ADP Assessment Report	02/09/2016
	2016/305628	re-notified Notification Letter - DA	12/09/2016
	2016/306056	notification map	13/09/2016
	2016/320369	Online Submission - Lewis	26/09/2016
	2016/323570	Online Submission - Campo	27/09/2016

PANEL PLANS

No plans titled 'ADP Panel Plans' found in TRIM.