



EXTRAORDINARY MEETING OF COUNCIL

To be held at 12:00pm on

Wednesday 23 March 2022

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Notice of Motion
- 4 Report of the Director Environmental Services
- 5 Closure

Members

Mayor
Councillor N Reilly
Deputy Mayor
Councillor I Draisma
Councillor M Brown
Councillor M Croxford
Councillor J Keast
Councillor S Larkins
Councillor K Renkema-Lang
Councillor K Rice
Councillor W Steel

18 March 2022

To the Chairman and Councillors:

NOTICE OF EXTRAORDINARY MEETING

You are respectfully requested to attend an **Extraordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Wednesday 23 March 2022** commencing at **12:00pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jane Stroud', written in a cursive style.

Jane Stroud

Chief Executive Officer

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**AGENDA FOR THE
EXTRAORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
WEDNESDAY 23 MARCH 2022**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

"I would like to acknowledge the traditional owners of the land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present."

3 NOTICE OF MOTION

3.1 10.2021.282.1 - 18 Belinda Street, Gerringong

The Councillors identified have submitted the following Notice of Motion of Rescission:-

MOTION

That Council rescind resolution 22/033OC - 12.10 10.2021.282.1 - 18 Belinda Street Gerringong.

Councillors: M Croxford, M Brown, N Reilly

Received 17 March 2022

Chief Executive Officer response

In accordance with the Council Code of Meeting Practice as defined on page 27 at 17.6, I confirm that the rescission motion is properly made.

4 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 4.1

Summary

This report provides an assessment of Development Application No 10.2021.282.1 for alterations and additions to the Gerringong Dairy Co-op for the adaptive reuse as two restaurants, takeaway food and drink premises, retail space; barbecue hut, new amenities, car parking, including staged development (four stages) and demolition of the former hardware supplies masonry brick buildings. This also includes the removal of two (2) trees.

The subject site is Lot 100 DP 1110583 - 18 Belinda Street, Gerringong and is known as the "former Gerringong Cooperative Dairy Sidings".

This report is submitted to Council because only the elected Council can determine applications with a construction value of more than \$2,000,000.00.

The proposal was notified to all adjoining and nearby property owners for 14 days from 17 November 2021 to 1 December 2021. A total of 12 submissions were received. Of these 12 submissions 3 submissions were in support raising points that the proposal will benefit local employment and tourism, and restore a heritage listed building that is falling into disrepair. Nine objections were also received raising issues summarised as parking and traffic, amenity impacts (privacy, noise and cooking exhaust), asbestos risk, permissibility, and maximum patron capacity. Issues raised in submissions are addressed in this report and the Section 4.15 Assessment Report (attached).

The proposal is assessed as compliant with the relevant provisions of Kiama Local Environmental Plan (LEP) 2011 and Kiama Development Control Plan (DCP) 2020, with design matters including adaptive reuse of a heritage building, parking and acoustic attenuation considered to be satisfactorily addressed by the proposal.

The proposal is recommended for approval with the design and use considered suitable for the heritage listed building and acceptable to the surrounds, subject to compliance with conditions of consent regarding operating hours and the use of the takeaway shop.

Financial implication

Fees, in accordance with the *Environmental Planning and Assessment Regulations 2000* and Council's adopted Fees and Charges have been paid.

Risk implication

A risk analysis has been undertaken and it is considered that approval of the Development Application as recommended, does not pose a significant risk to Council.

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Policy

The statutory instruments relevant to the development include the following:

- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Kiama Local Environmental Plan 2011
- Kiama Development Control Plan 2020
- Kiama Community Participation Plan 2019

Communication/Community engagement

Consultation has occurred in accordance with Section 8 of the Kiama Community Participation Plan 2019; namely by:

- Directly notifying adjoining property owners and the Precinct Committee/Community Association of the exhibition period;
- Making all information publicly available on Council's DA Tracker between 17 November to 1 December 2021, and

During the exhibition period Council received 12 submissions.

Attachments

- 1 10.2021.282.1 - Section 4.15 Assessment Report [↓](#)
- 2 10.2021.282.1 - Plans [↓](#)
- 3 10.2021.282.1 - Draft Conditions of Consent [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

1. Approve Development Application No 10.2021.282.1 at 18 Belinda Street, Gerringong subject to the conditions of consent as attached to this report and including a condition of consent that requires the installation by the applicant of a 1.8 metre high fence along the eastern boundary of the site.
2. Advise persons who made a submission to Development Application No 10.2021.282.1 of Council's decision.

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Background

At its meeting of the 15th March 2022 Council resolved (22/033OC) that:

1. *That Council defer Development Application No 10.2021.282.1 at 18 Belinda Street Gerringong to enable further consideration of amenity impacts on neighbours and the loss of resident's roadside parking that could occur nearby*

It is noted that a recission motion has been lodged for this resolution.

A number of comments are provided in relation to this motion, for the consideration of Councillors.

Assessment of Applications

Once an assessment of an application has been undertaken and a recommendation has been provided, it is inappropriate for further discussions to occur with applicants or with objectors, which may seek to modify an application. Modified plans or alternative options, or additional more onerous conditions should not be applied at this stage of the development process. This needs to occur through a modification or review process only.

The assessment undertaken and presented to Councillors for determination is only valid for the plans and information that has been provided by the applicant and assessed by qualified staff.

Last minute changes to plans or development design may result in requirements for re-assessment or for re-notification. Councillors may only add conditions of consent (if they wish to approve) which do not modify the development, as assessed by staff.

Changes at the end of the process during determination, also potentially open appeal rights for both objectors or applicants based on arguments relating to lack of process or non-compliance with the Act.

Roadside Parking

Council through development assessment and determination cannot seek to resolve a noncompliance with our controls or DCP on any site, other than the land which is the subject of the development application.

In this case the lack of onsite parking on an adjoining property on Belinda Street cannot be resolved or considered through the application for the adjoining land. It is also not the responsibility of another owner of land to resolve an issue of noncompliance for an adjoining landowner.

This is also not permissible within the Environmental Planning and Assessment Act. The development proposal that is before Council for determination provides the required number of car spaces for the development, as per our DCP. Council cannot under the Act impose any condition of consent or requirement that is more onerous on the development than what is contained within our DCP or LEP controls that apply to the land. This approach is illegal and cannot be applied or enforced.

Public roads must also be used in accordance with the Roads Act and are available to any member of the public who chooses to use the road for the purposes of parking.

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Public parking is not and cannot be made specific to any business or residential address.

Residential Premises

The surrounding land is zoned B7 Business Park. This has been in place for some time and allows for a variety of uses to occur on land in accordance with the requirements of the zone.

It is clear from the zoning applied and the extent of this zoning, that Council when implementing the LEP, intended for the use of this area and future use to be for employment lands.

Whilst this land may now contain residential dwellings, by applying this zone to each parcel of land it clearly indicates Council's intent for this land to be repurposed for a variety of uses and for the residential nature of this area, to change over time.

Fencing

It is noted that there appears to be an encroachment onto the Gerringong Co-op land from adjoining residents. It is also noted that the existing fencing provided along the eastern boundary of the site could be improved.

It has been proposed to the applicant that new fencing of 1.8 metre height is installed along the Gerringong Co-op's easterly boundary land to both resolve potential encroachments of adjoining neighbours and to assist in affording additional privacy and buffering to adjoining properties. This can occur at the cost of the applicant as part of the conditions of consent for the development. This is also legally enforceable under the Dividing Fences Act.

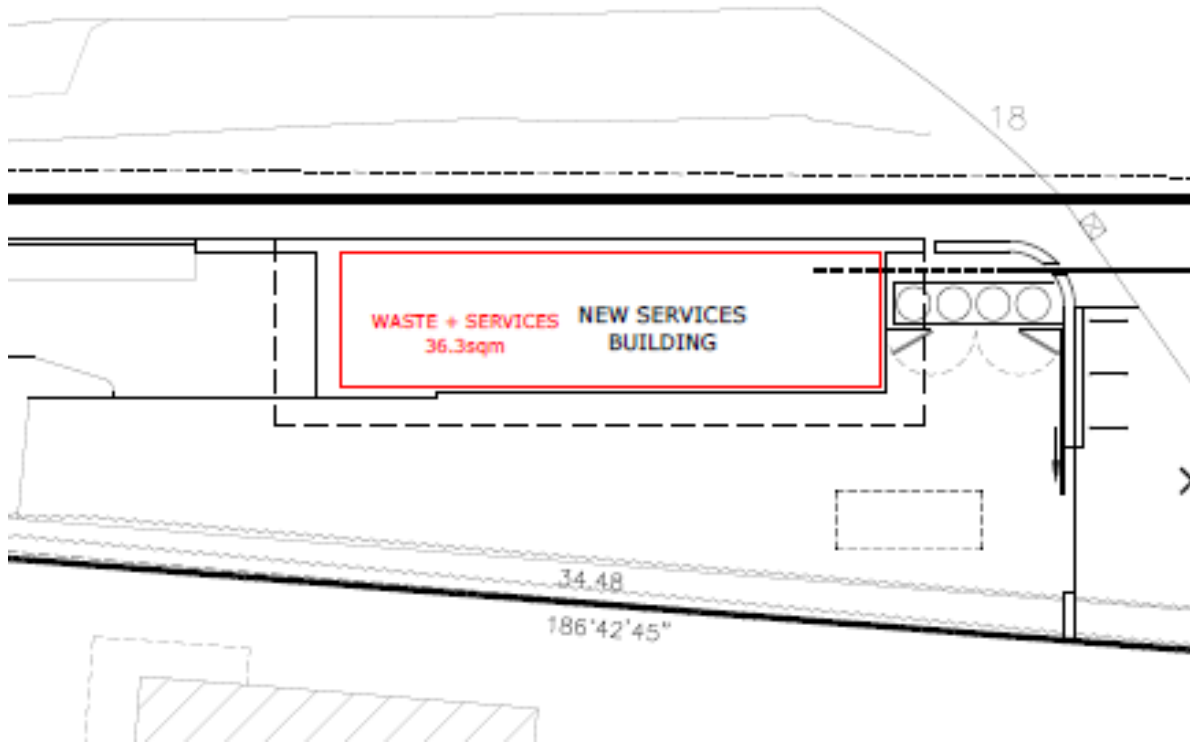
Bin Enclosure

The bins on site will be fully contained and enclosed within a building made of steel and timber. The following photos show the building structure. All bins are located inside this fully contained waste building. No additional screening or structures are

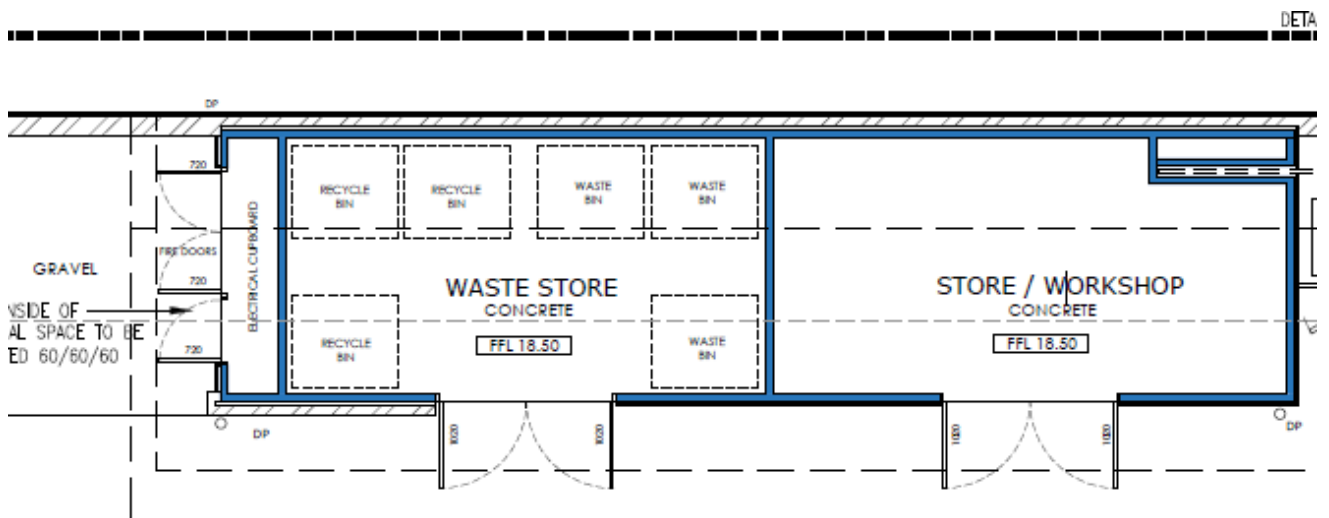
Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

required and this building is considered a higher quality than required within our controls.



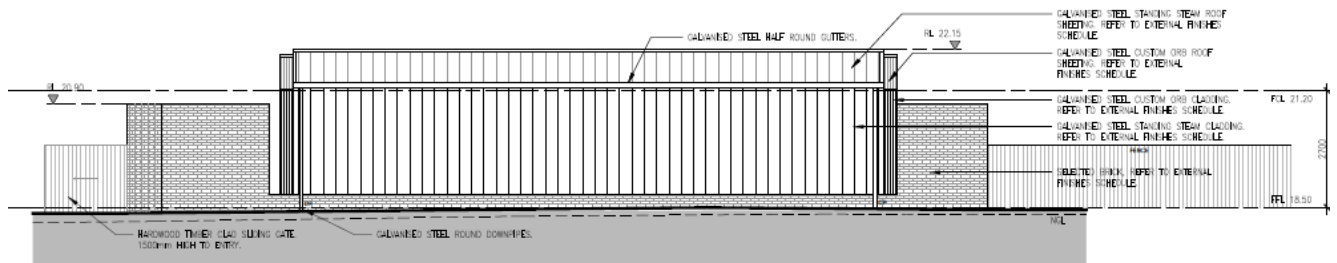
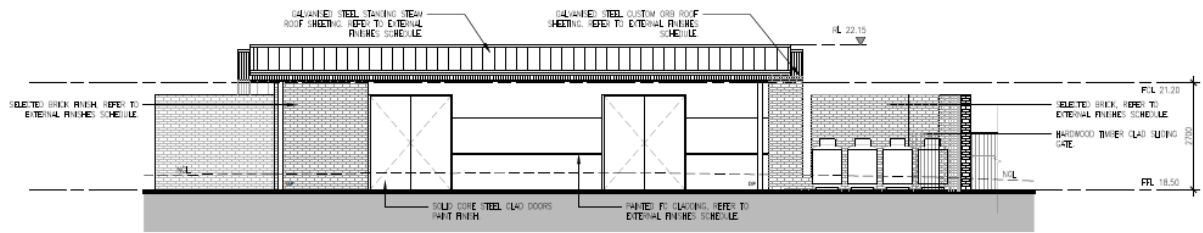
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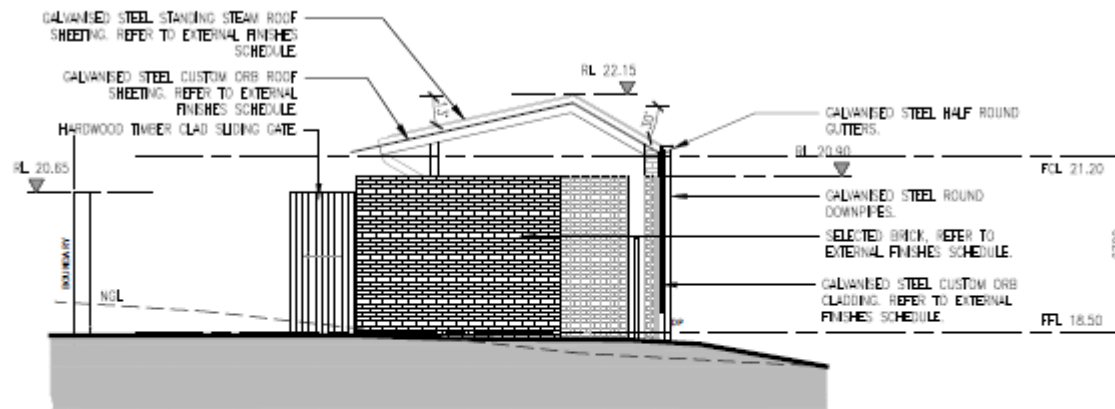
4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

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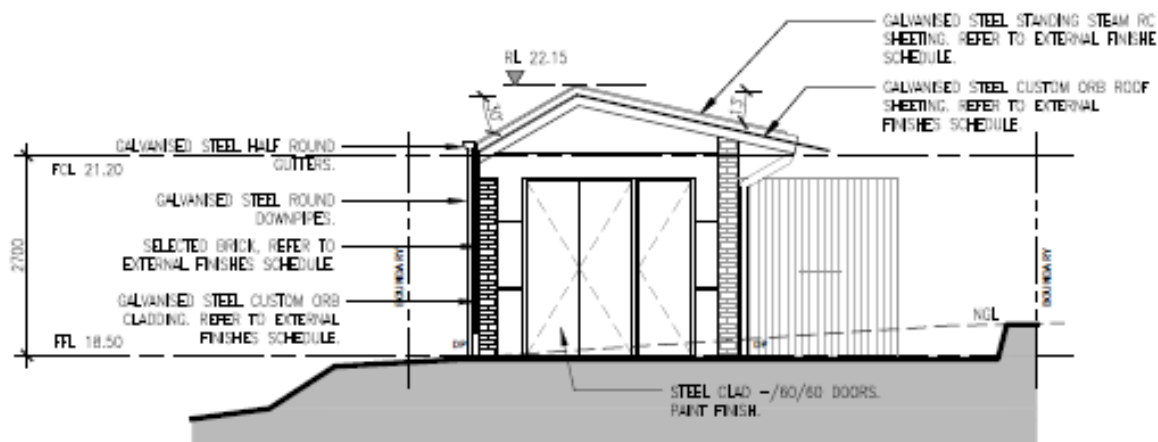
WEST ELEVATION - WASTE AND SERVICES BUILDING

Scale 1:100 @ A2

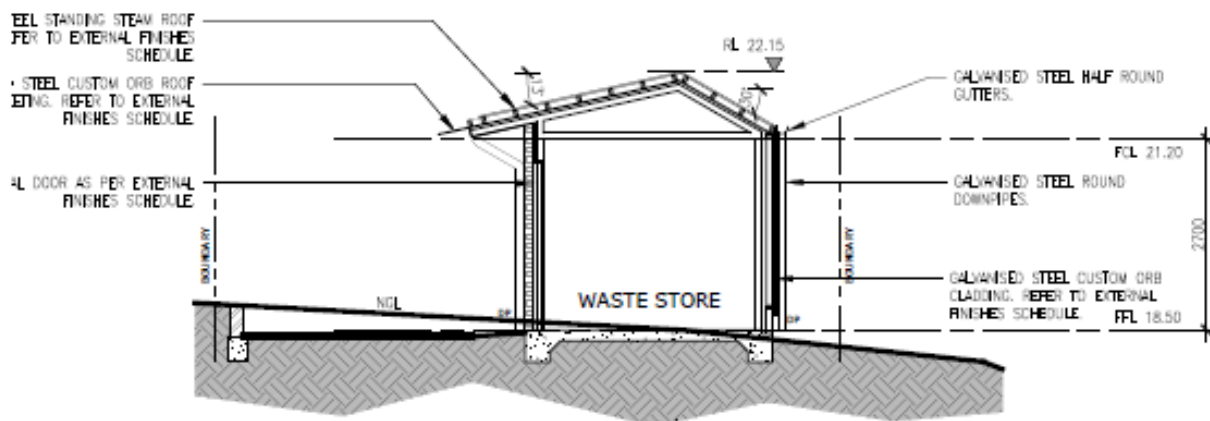


NORTH ELEVATION - WASTE AND SERVICES BUILDING

Scale 1:100 @ A2



SOUTH ELEVATION - WASTE AND SERVICES BUILDING
 Scale 1:100 @ A2



SECTION A - WASTE AND SERVICES BUILDING
 Scale 1:100 @ A2

Site Zoning

The site is zoned B7 Business Park pursuant to Kiama LEP 2011. The objectives of the B7 zone are:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

There are a number of permissible uses with consent within a B7 zone. These are

Agricultural produce industries; Building identification signs; Business identification signs; Centre-based child care facilities; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Rural supplies; Self-storage units; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

It is noted that a Function Centre is prohibited in this zone, however as the site has a listed heritage item on the land clause 5.10 Heritage Conservation of the Kiama Local Environmental Plan applies.

This clause seeks to allow for additional permitted uses on the land that would otherwise be prohibited. The intent of this clause is to conserve the environmental heritage of the LGA and support the preservation of heritage items through adaptive reuse

This clause allows for:

(10) Conservation incentives:

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The Site

The property is described as Lot 100 DP 1110583 - 18 Belinda Street, Gerringong, and is known as the "former Gerringong Cooperative Dairy Sidings".

The site has an area of 4,385m² and an irregular battle-axe shape which widens to the north, with a southern frontage to Belinda Street and access via the Gerringong Railway Station car park from its western side boundary as shown in Figure 1. The site is generally flat with a slight fall to the west. The site is in close proximity to The

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Princes Highway, as such noise associated with both the railway and highway are apparent at the site.

The site currently contains two Class 8 buildings formerly used as a dairy operation, which was replaced by a hardware store. The site is currently vacant of tenants, being dormant in use. The site is also identified as a heritage item of local significance in the LEP, which describes the significant element as the “Gerringong Dairy Co-op”, being the main building fronting the western boundary of the site.

The site is predominantly cleared of vegetation apart from landscaping along its boundaries and lawns.

Neighbouring development comprises of residential dwellings to the east and southeast and a mix of businesses including a vet surgeon, a homewares shop and Cronin’s Gerringong Hotel. Neighbouring to the west is a public carpark for Gerringong Railway Station and neighbouring to the north is vacant railway corridor land.

The site is serviced by water, sewer, electricity and telecommunications.

Physical access to the site is provided via an Easement for Access of variable width registered over part of the western neighbouring driveway for the Railway Station carpark owned by Transport NSW (Lot 2 DP 829039).

The Development

Development Application No 10.2021.282.1 seeks development consent for alterations and additions to the Gerringong Dairy Co-op for the adaptive reuse as two restaurants, takeaway food and drink premises, retail space, barbecue hut, new amenities and car parking. This includes the demolition and removal of two (2) trees. Details of the development are summarised as follows:

- i. Demolition of the brick shed and amenities to the north western corner.
- ii. Restaurant 1 (within existing building) – 161m² indoor dining areas plus attached decks with up to 100 seated guests, sun deck, service kitchen, cool rooms & amenities, loading dock and keg room.
- iii. Restaurant 2 (within existing building) – approximately 300m² of indoor dining space and 45m² kitchen area with up to 80 seated guests (as shown on plans) or 250 guests (for functions), including dry prep area, cool room and drink station.
- iv. Main kitchen (existing building, between the two restaurants) – 187.3m² - commercial kitchen (main preparation area for all venues), cool rooms and cleaner’s store.
- v. Live music (background) – in both restaurants, subject to noise levels specified in the Acoustic Assessment.
- vi. Retail space (existing building) - showroom and office – 108m². The specific use is yet to be determined. It is anticipated to be a retail use associated with food or hospitality, alternatively a small start up with creative arts and/or providores.

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

- vii. Office and staff amenities (existing building) – 46m² – adjoining main kitchen.
- viii. Garden precinct (new structure) - garden precinct building with smokehouse, pizza and seafood bar (50m²), outdoor dining with approximately 140 seats, amenities and play area.
- ix. Barbecue hut (new structure) – 65m². This facility is ancillary to restaurant 2, with cooking area, cool room and a covered outdoor area.
- x. Amenities (new structure) – amenities and cleaner’s store room.
- xi. Take-away food and drink premises (new structure) – 31m² cooking/preparation area, cool room, outdoor covered serving area and 52m² outdoor dining.
- xii. Services building (new structure) – 36m² waste bin storage and maintenance shed.
- xiii. Parking – provision of 30 spaces to the eastern rear of the site including one accessible parking space, with access via the easement for access over the western neighbouring driveway to the Railway Station car park.
- xiv. Opening hours - takeaway 6am to 3pm, outdoor precinct 12noon to 10pm, restaurant 1 from 5pm to 10pm, restaurant 2 from 6pm to 10pm and barbeque hut 3pm to 10pm.

Compliance Summary:

The following table demonstrates the proposed development’s compliance with the relevant controls of Kiama LEP 2011 and Kiama DCP 2020.

COMMERCIAL		
	Control	Development
<i>Kiama LEP 2011 Requirement</i>		
Height	11m - Clause 4.3 Kiama LEP	Yes – 9.36m max – existing retained (eastern elevation)
FSR	0.9:1 maximum (3,946m ² Gross Floor Area [GFA] maximum) - Clause 4.4 of Kiama LEP	Yes- 1,013m ² /0.23:1
<i>Kiama DCP 2020 Requirement</i>		
Solar access	Kiama DCP Chapter 3.2 – optimise solar access	Yes – outdoor dining oriented for solar access
Privacy	Kiama DCP Chapter 3.2.6 – maintain privacy, control visual bulk and solar access	Yes – no direct overlooking, ample separation to neighbouring housing, and no overshadowing

COMMERCIAL		
	Control	Development
Views/Outlook	Kiama DCP Chapter 3.2.10 – preserve view sharing and outlook from surrounds	Yes – no coastal views affected, outlook from neighbouring housing sited above and below the centre are largely preserved
Topography	Kiama DCP Chapter 3.2.14 – buildings should follow site topography to avoid excess bulk and scale	Yes – scale follows slope of site to south
Earthworks & retaining walls	Kiama DCP Chapter 3.3.1 – cut and fill maximum 900mm	Yes – maximum 0.4m fill to rear eastern side garden area.
Parking spaces	Kiama DCP Chapter 3.6.8 – refers to Roads and Maritime Service (RMS) Guidelines: 1 space/35m ² GFA restaurant. 24 spaces based on 850m ² of <i>gross leasable floor area</i> (internal floor area for staff + customers). + merit assessment for takeaway food & barbecue hut (6 spaces)	Yes - 30 parking spaces including 1 accessible space
Parking design	Kiama DCP Chapter 3.6.22 – Chapter 3.6.30 Minimise pedestrian conflict Forward entry and egress 1 accessible parking space	Yes – refer to Access Report Pedestrian paths provided Forward entry and egress 1 accessible space
Manoeuvring space	Kiama DCP Chapter 3.6.35 – designed to accommodate largest likely vehicle	Yes – Refer to Waste Truck Path Plan - access allows for Medium Rigid Vehicle (11m waste truck).
Bicycle parking	Kiama DCP Chapter 3.6.45 – comply with 'Cycling Aspects of Austroads Guide' (2011) – 25 spaces	Yes – condition of consent
Accessible paths	Kiama DCP Chapter 3.6.53 - Pedestrian access max 15%	Yes – max grade < 15% (compliant with AS1428.1 Design for Access & Mobility)

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

COMMERCIAL		
	Control	Development
Crime Prevention	Kiama DCP Chapter 3.7.5 – Design incorporates principles of Crime Prevention Through Environmental Design	Yes – proposal provides surveillance opportunities between railway carpark and entry to site
Streetscape	Kiama DCP Chapter 12.7 - Streetscape improvements <ul style="list-style-type: none"> - create a more continuous streetscape - create interest in facades - clear entrance point - materials consistent with character of Kiama town centre. 	Yes – restoration works to existing heritage building will enhance its appearance and design interest

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The main assessment issues for the proposed development are addressed in the following table:

Issue	Comment
Parking	The proposed 30 spaces including 1 accessible space is assessed as compliant with the parking provisions stated in Kiama DCP 2020 – Chapter 3.6.8. Refer to Assessment Summary Table in this report.
Noise	<p>The Acoustic Assessment assesses potential noise impacts to the residential surrounds to the east and south. Modelling for the southern neighbour (22 Belinda Street) may also be considered for the vet surgery and residential premises at 20 Belinda Street.</p> <p>The Assessment advises that compliant noise levels will be achieved to all neighbouring properties subject to the Recommended Noise Controls as stated in Chapter 6 of the Assessment being implemented.</p> <p>Acoustic barriers are recommended as a requirement of the Acoustic Assessment, comprising:</p> <ul style="list-style-type: none"> - A 3.3m tall barrier along the eastern rear of the outdoor dining area, to screen noise from patrons. - A 1.8m high acoustic barrier along the eastern boundary of the site, to screen noise from the carpark. <p>Noise limits and closing times for the external doors to the two restaurants as recommended in the Acoustic Assessment are considered to satisfactorily address noise mitigation and are included as conditions of consent.</p>

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Issue	Comment
	<p>Noting that the site and surrounds are located in the B7 Business Park zone, it is accepted that operational noise levels may be greater than in a residential zone. Noise is apparent from the highway and railway operations.</p> <p>Noise from waste removal trucks will be limited to one or two times per week by a private contractor with the car park enabling the waste truck to enter and depart the site in a forward direction to reduce reversing beeper noise.</p> <p>Compliance with conditions of consent will be required as part of the development and the restaurant/takeaway operations.</p> <p>To limit operational noise impacts after 10pm, the following condition of consent is recommended:</p> <p style="text-align: center;"><i>Removal of empty bottles and cans shall not occur after 10pm and before 7am.</i></p> <p>To limit early morning noise from the takeaway operation to neighbouring residential properties, the following condition of consent is recommended:</p> <p style="text-align: center;"><i>The takeaway is to open for service to customers no earlier than 7am.</i></p>
Takeaway cooking	<p>The location of the takeaway shop close to the southern boundary of the site has the potential for exhaust fumes to be noticeable to neighbouring residents to the south. On this basis, the following condition of consent is recommended whereby takeaway food will need to be cooked instead in the main restaurant kitchen and not cooked within the takeaway, as follows:</p> <p style="text-align: center;"><i>Takeaway food - The takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises.</i></p>
Maximum patron capacity	<p>Based on the Acoustic Report advising up to 350 persons in both restaurants and the plans showing approximately 140 seats for the outdoor dining area, this suggests a proposed capacity of up to 490 persons.</p> <p>This theoretical maximum of 490 persons however is only when Restaurant 2 hosts a function of up to 250 persons, and Restaurant 1 plus the outdoor dining are both 100% occupied.</p> <p>A 'usual' maximum is calculated at 320 persons, which is unlikely to be experienced due to the proposed staggered opening hours and seating plan:</p> <ul style="list-style-type: none"> • Restaurant 1 - 5pm – 10pm (100 café seats inc. deck). • Restaurant 2 – 6pm – 10pm (80 seats indoors shown).

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Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Issue	Comment
	<ul style="list-style-type: none"> • Outdoor dining – 12pm – 10pm (140 seats shown). <p>Further, the maximum of 320 patrons is unlikely to be experienced noting:</p> <ul style="list-style-type: none"> • the limitation on alcohol service to an ‘on–premises Restaurant class liquor license’ which will limit patrons to drinking in association with dining (generally a maximum period of 2 hours), thereafter leaving the premises. • the likelihood that during peak trading of 6pm – 8pm, the two restaurants plus the outdoor will not be 100% booked except during peak holiday seasons of Christmas and Easter holidays. • the likelihood that during winter the outdoor seating will be less occupied, particularly after the lunch period and into the evenings. • Restaurant two’s stated maximum capacity of 250 would only be achieved for functions.

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These issues are detailed in the Section 4.15 Assessment Report as attached to this report.

Options

1. Adopt the recommendation thereby granting approval to the application, subject to conditions.
2. Refuse the application and list reasons for refusal.

Sustainability Assessment

Environment

A complete assessment of potential environmental impacts is provided in the Section 4.15 Assessment Report as attached to this report.

Social

A complete assessment of potential social impacts is provided in the Section 4.15 Assessment Report as attached to this report.

Economic – Broader Economic Implications

The proposed development is not expected to result in any significant broader economic implications.

Economic - Delivery Program/Operational Plan Implications

There are no implications for Council’s Delivery Program/adopted Operational Plan.

Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Consultation

The development was notified in accordance with the requirements of Council's Community Participation 2019 Plan for a period of fourteen days.

At the conclusion of the notification period, a total of 12 submissions were received.

Engagement Summary

Submissions	Number	Key Issues
Submissions - For	3	<p>Support for adaptive reuse - Proposal will serve to revitalise a building that is part of Gerringong's history.</p> <p>Employment & tourism - Proposal will generate local jobs and welcome locals and visitors to the area.</p> <p>Restoration - positive alterations and additions are needed to the premises before it deteriorates any further than present and before it is vandalised beyond saving.</p>
Submissions - Against	9	<ol style="list-style-type: none"> 1. Noise impacts 2. Privacy 3. health concerns – asbestos removal 4. business justification 5. Parking availability 6. use for functions 7. permissibility in zone 8. cooking exhaust fumes 9. maximum patron capacity
Submissions - Neutral	0	
Precinct/Community Group Submissions	0	

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Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Community Comments/Concerns

Topic	Key comments	Staff Response
1	Noise	<p>Noting that the site and surrounds are located in the B7 Business Park zone, it is accepted that operation noise levels may be greater than in a residential zone.</p> <p>The Acoustic Assessment advises that compliant noise levels will be achieved to all neighbouring properties subject to the recommended noise controls being implemented.</p> <p>Noise from the carpark will be screened by a 1.8m high acoustic barrier, being a requirement of the Acoustic Assessment.</p> <p>Noise limits and closing times for the external doors to the two restaurants as recommended in the Acoustic Assessment are considered to satisfactorily address noise mitigation and are included as conditions of consent.</p> <p>Noise from waste removal trucks will be limited to one to two times per week by a private contractor, with the carpark enabling the waste truck to enter and depart the site in a forward direction to reduce reversing beeper noise.</p> <p>Compliance with conditions of consent will be required as part of the development and the restaurant/takeaway operations. To limit operational noise impacts after 10pm, the following condition of consent is recommended:</p> <p style="text-align: center;"><i>The removal of empty bottles and cans shall not occur after 10pm and before 7am.</i></p> <p>To limit early morning noise from the takeaway operation to neighbouring residential properties, the following condition of consent is recommended:</p> <p style="text-align: center;"><i>The takeaway is to open for service to customers no earlier than 7am Monday – Saturday, and 8am Sundays.</i></p>
2	Privacy	<p>No direct overlooking into neighbouring residential properties will result, noting that the development is at ground level and will be screened by two acoustic barriers at 3.3m and 1.8m height respectively, and landscaping along the boundary.</p>
3	Asbestos removal	<p>Conditions of consent are recommended dealing with demolition works. In addition to this, construction workers are legally required to comply with the NSW <i>Work Health</i></p>

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4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Topic	Key comments	Staff Response
		<i>and Safety Regulation 2017</i> which covers asbestos handling and removal.
4	Business justification	Competing with other restaurants and hospitality venues is not grounds for which the proposal may be refused. The proposal will service both locals and visitors from other areas plus tourists, complementing other restaurants and food shops in Gerringong.
5	Local resident parking	The proposal is assessed as providing compliant parking for the two restaurants, takeaway shop and barbeque. Whilst street parking may be limited in availability in close proximity to the station, this is common for any residential streets surrounding railway stations. Local housing benefits from on-site parking and is not reliant on street parking, with availability of street parking spaces is likely to increase in the evenings. Local residents will still have access to street parking on the public road.
6	Functions	The two restaurants will primarily operate to serve the public rather than as function centres. Any group bookings or events that book the restaurant will require compliance with the restaurant patron capacity and hours, along with the <i>On-premises</i> license, that requires food service to be the primary purpose. The premises will be required to obtain this license separate to this Development Application, with the license approval dependant on Development Application approval.
7	Takeaway permissibility and impacts	The takeaway is defined under Kiama LEP as a <i>take away food and drink premises</i> which is permitted with consent in the B7 Business Park zone. The takeaway building is considerably smaller than the storage building it will replace at the south-eastern corner of the site. Subject to no cooking food taking place within this shop, it is considered acceptable.
8	Cooking fumes & waste odour	<p>The proposal includes mechanical exhaust ventilation to minimise cooking fumes to the surrounds, with a condition of consent that certification be provided confirming compliance with AS 1668.1 and 1668.2 - 2012 for mechanical ventilation, prior to commencing business operations.</p> <p>The location of the takeaway shop close to the southern boundary of the site however is of concern, with the potential for exhaust fumes to be noticeable to</p>

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Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Topic	Key comments	Staff Response
		<p>neighbouring residents to the south. On this basis, a condition of consent is recommended whereby takeaway food will need to be cooked instead in either restaurant and not cooked within the takeaway:</p> <p><i>Takeaway food - The takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises.</i></p> <p>Waste odours at the collection point will be contained within the services building to minimise spread of odours. The following condition of consent is recommended stating:</p> <p><i>Waste collection – all food waste collected is to be sealed before placement in the waste and services room. Reason – to minimise odour spread to neighbouring properties and risk of attracting pests / vermin.</i></p>
9	Maximum capacity	<p>Based on the Acoustic Report advising up to 350 persons in both restaurants and the plans showing approximately 140 seats for the outdoor dining area, this suggests a proposed capacity of up to 490 persons.</p> <p>This theoretical maximum of 490 persons however may only occur when Restaurant 2 hosts a function of up to 250 persons, and Restaurant 1 plus the outdoor dining are both 100% occupied.</p> <p>A 'standard' maximum is calculated at 320 persons, which is unlikely to be experienced due to:</p> <ul style="list-style-type: none"> • the staggered opening hours and seating plan • the limitation on alcohol service to an 'on-premises Restaurant class liquor license' will limit patrons to drinking in association with dining – generally being 2 hours maximum, thereafter leaving the premises. • the likelihood that during peak trading of 6pm to 8pm, the two restaurants will not be 100% occupied except during peak holiday seasons of Christmas and Easter holidays. • the likelihood that during winter the outdoor seating will be less occupied, particularly post lunch period and into the evenings.

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Report of the Director Environmental Services

4.1 10.2021.282.1 - 18 Belinda Street, Gerringong (cont)

Implementation Date/Priority

In the event that Council adopts the recommendation, a formal notice of determination will be issued for the Development Application. A formal notice of determination is valid for five years and the applicant can act on the development consent at any time within that period, subject to meeting any relevant conditions of the consent.

Conclusion

A comprehensive assessment of the application has been undertaken in accordance with all statutory requirements and it is recommended that the application be approved subject to a number of site specific conditions as stated in this report, plus standard conditions as attached to this report.

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SECTION 4.15 ASSESSMENT

BUSINESS PARK ZONE: RESTAURANT & TAKEAWAY

APPLICATION NUMBER:	10.2021.282.1
APPLICANT:	Gerringong SCD Pty Ltd
OWNER:	Gerringong SCD Pty Ltd
PROPERTY DESCRIPTION:	LOT: 100 DP: 1110583 – 18 Belinda Street, Gerringong
SITE ZONING:	B7 – Business Park
DEVELOPMENT DESCRIPTION:	Alterations and additions to commercial development, change of use, restaurant or cafe, take-away food and drink premises, retail premises - alterations and additions to the Gerringong Dairy Co-op for the adaptive reuse as: two restaurants, takeaway food and drink premises, retail space, barbecue hut, new amenities and car parking. Including staged development (four stages) and demolition of the former hardware supplies masonry brick buildings and also the removal of two (2) trees.
DATE:	1 March 2022

Development Site

The property is described as Lot 100 DP 1110583 - 18 Belinda Street, Gerringong, and is known as the "former Gerringong Cooperative Dairy Sidings".

The site has an area of 4,385m² and an irregular battle-axe shape which widens to the north, with a southern frontage to Belinda Street and access via the Gerringong Railway Station carpark from its western side boundary as shown in Figure 1. The site is generally flat with a slight fall to the west.

The site is zoned B2 Local Centre pursuant to Kiama LEP 2011. The site currently contains two Class 8 buildings formerly used as a dairy operation, which was replaced by a hardware store. The site is currently vacant of any tenancy, dormant in use. The site is also identified as a heritage item of local significance in the LEP, which describes the significant element as the "Gerringong Dairy Coop", being the main building fronting the western boundary of the site.

The site is predominantly cleared of vegetation apart from landscaping along its boundaries and lawns.

The site is serviced by water, sewer, electricity, and telecommunications. No significant vegetation exists on the site.

Physical access to the site is provided via an Easement for Access of variable width registered over part of the western neighbouring driveway for the Railway Station carpark owned by Transport NSW (Lot 2 DP 829039).

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Figure 1 - Locality Plan (NSW SixMaps)

Description of the Proposed Development

Development consent is sought for part demolition, alteration and additions, and adaptive reuse of the existing buildings and change of use, including two restaurants, a takeaway food and drink premises, barbecue hut, retail space, new amenities and car parking, detailed as follows:

Proposed Works and Uses

- (a) Demolition of the brick shed and amenities to the north western corner.
- (b) Restaurant 1 (existing building) – 161m² indoor dining areas plus attached decks with up to 100 seated guests, sun deck, service kitchen, cool rooms and amenities, loading dock and keg room.
- (c) Restaurant 2 (existing structure) – approx. 300m² indoor dining space with up to 80 seated guests (as shown on plans) or 250 guests (for functions), dry prep area, cool room, drink station.
- (d) Kitchen (existing building) - commercial kitchen (main preparation area for all venues), cool rooms, cleaners store.
- (e) Live music (background) – in both restaurants, subject to noise levels specified in the Acoustic Assessment.
- (f) Retail space (existing building) - showroom and office. The specific use is yet to be determined. It is anticipated to be a retail use associated with food or hospitality, alternatively a small start up with creative arts and/or providers.

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- (g) Office and staff amenities (existing building)
- (h) Garden precinct (new structure) - outdoor dining with approximately 140 seats, pizza and seafood bar, smokehouse, amenities and play area
- (i) Barbecue Hut (new structure) - this facility is ancillary to Restaurant 2, with cooking area, cool room, and a covered outdoor area.
- (j) Amenities (new structure) – amenities and cleaners store room.
- (k) Take-away food & drink premises (new structure) – 31m² cooking/prep area, cool room, outdoor covered serving area and 52m² outdoor dining
- (l) Services Building (new structure) -- Waste Bin storage & maintenance shed
- (m) Parking – provision of 30 spaces to eastern rear of site including one accessible parking space, with access via the Easement for Access over the western neighbouring driveway to the railway station carpark.

The proposal is shown in Figure 2 with artists imagery in Figures 3 – 5.



Figure 2 – Site Plan

Proposed Staging

The development is to be carried out over four (4) stages as shown on the Architectural Staging Plan, which is described as follows and shown in Figure 3:

Stage 1 – restaurant No 2 within existing northern building, new barbecue hut and amenities to northern side, carpark and services/waste building to the southern side.

Stage 2 – new takeaway building to the southern side of the carpark.

Stage 3 – restaurant No 1 within the existing southern building;

Stage 4 – new garden precinct to the eastern rear of restaurants including sheltered seating area, playground with amenities and acoustic wall (as recommended in Acoustic Report) to 3.3m height above floor level of restaurant to eastern side, and 2.7m above floor level of restaurant to northern boundary.

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Figure 3 – Staging plan

Proposed Operating Hours

The development will operate from 6am for staff and takeaway food customers, with the two restaurants opening from 5pm to 10pm, and outdoor dining areas until 10pm. Full operating hours as stated in the State of Environmental Effects (SEE) are stated below in Figure 4.

Existing Room	Proposed Use	Hours of Operation
Shed 1	Restaurant 2, outdoor dining areas, service kitchen, cool rooms, amenities,	6.00pm - 10.00pm
Milk Room 1	Retail space	9.00am - 5.00pm
Office 1	Office	N/A
Milk Room 2	Commercial kitchen	6.00am – 12.00pm
Equipment Room	Cleaner’s storeroom	N/A
Store Room 1	Service Kitchen	5.00pm - 10.00pm
Loading Dock	Freezer room & cool rooms	N/A
Cool Room	Cool room	N/A
Loading Store	Staff amenities	N/A
Office 2 & Kitchen	Staff room & office	N/A
Store Room 2	Part of Restaurant 1 (dining & amenities)	5.00pm-10.00pm
Store Room 3 & 4	Restaurant 1	5.00pm-10.00pm
Existing Railway Deck	Railway deck	5.00pm-10.00pm
East Ramp	Dining deck	5.00pm-10.00pm
Loading Dock Platform	Garden precinct	12.00pm-10.00pm
North Lawn	Barbeque hut, outdoor area, amenities, outdoor area	3.00pm-10.00pm
Hardware Supplies	New takeaway food premises	6.00am - 3.00pm

Figure 4 – Schedule of proposed operating/opening hours (SEE)

Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant.

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Assessment Summary

LEP/DCP control	Requirement	Compliance
Neighbour Notification	Section 24 – Chapter 2 of Kiama DCP	satisfied
Height	11m - Clause 4.3 of Kiama LEP	Yes – 9.36m max – existing retained (eastern elevation)
FSR	0.9:1 maximum (3,946m ² GFA max) - Clause 4.4 of Kiama LEP	Yes @ 1,013m ² /0.23:1
Solar access	Ch.3.2 – optimise solar access	Yes – outdoor dining oriented for solar access
Privacy	Ch.3.2.6 – maintain privacy, control visual bulk and solar access	Yes – no direct overlooking, ample separation to neighbouring housing, and no overshadowing
Views/Outlook	Chapter 3.2.10 – preserve view sharing and outlook from surrounds	Yes – no coastal views affected, outlook from neighbouring housing sited above and below the centre are largely preserved
Topography	Chapter 3.2.14 – buildings should follow site topography to avoid excess bulk & scale	Yes – scale follows slope of site to south
Earthworks & retaining walls	Chapter 3.3.1 – cut & fill maximum 900mm	Yes – maximum 0.4m fill to rear eastern side garden area.
Parking spaces	Chapter 3.6.8 – refers to (Roads and Maritime Services (RMS) Guide: 1 space/35m ² Gross Floor Area (GFA) restaurant 24 spaces based on 850m ² of <i>gross leasable floor area</i> (internal floor area for staff + customers) + merit assessment for takeaway food and barbecue hut (6 spaces)	Yes - 30 parking spaces including 1 accessible space
Parking design	Chapter 3.6.22 – Chapter 3.6.30 Minimise pedestrian conflict Forward entry and egress 1 accessible parking space	Yes – refer to Access Report Pedestrian paths provided Forward entry & egress 1 accessible space

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Manoeuvring space	Chapter 3.6.35 – designed to accommodate largest likely vehicle	Yes – Refer to Waste Truck Path Plan - access allows for Medium Rigid Vehicle (11m waste truck).
Bicycle parking	Chapter 3.6.45 – comply with ‘Cycling Aspects of Austroads Guide’ (2011) – 25 spaces	Yes – condition of consent
Accessible paths	Chapter 3.6.53 - Pedestrian access max 15%	Yes – max grade < 15% (compliant with AS1428.1 Design for Access & Mobility)
Crime Prevention	Chapter .3.7.5 – Design incorporates principles of Crime Prevention Through Environmental Design	Yes – proposal provides surveillance opportunities between railway carpark and entry to site
Streetscape	Ch.12.7 - Streetscape improvements - create a more continuous streetscape - create interest in facades - clear entrance point - materials consistent with character of the Kiama town centre.	Yes – restoration works to existing heritage building will enhance its appearance and design interest

Relevant Environmental Planning Instruments

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. A Detailed Stage 2 Environmental Site Assessment (ESA) for the site included soil sampling and testing has found that the site has low levels of contamination from a former underground storage tank which has been remediated.

It concludes that the site does not present any significant risk of harm and is suitable for ongoing commercial or industrial land use subject to implementation of the Environmental Management Plan (EMP) provided with the ESA. On this basis the proposal is suitable for the site, thus satisfying the relevant provisions of SEPP No 55.

A condition of consent is recommended that the EMP’s recommended control measures be implemented as part of the proposed construction works and ongoing operations on the site.

State Environmental Planning Policy (Infrastructure) 2007

Division 15 Railways of the SEPP requires consideration for development within or adjacent to railway land. Clause 85 sets out controls as follows:

“This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

- (a) is likely to have an adverse effect on rail safety, or*

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- (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) *involves the use of a crane in air space above any rail corridor.*
- (d) *is located within 5m of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

Comment – The proposal will not affect rail safety, noting the rail corridor is secured by fencing. The Co-op building is located a minimum of 32m from the railway line with new galvanised ventilation cowls and roofing not raising any safety concerns.

Any use of a crane for work on the existing roof will be clear of the rail corridor given the height of the roof is 11.36m and the separation to the railway line.

Kiama Local Environmental Plan 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned B7 Business Park pursuant to Kiama LEP 2011, which permits *Restaurants or cafes, Takeaway Food Premises, and Office Premises* with consent in the zone. The proposed development is consistent with the relevant provisions of Kiama LEP 2011 and is permissible as a change of use and alterations and additions to the existing building.

The objectives of the zone are set out and addressed as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area*

Comment – The proposal provides employment opportunities for hospitality workers along with supporting office staff. The takeaway food and drink premises will cater for local workers including trades workers living and/or working locally.

The proposed shop/gallery is a non-conforming use, however is permitted pursuant to *Clause 5.10(10) Conservation incentives* of the Kiama LEP. This is on the basis that the shop forms part of the Co-op adaptive re-use and serves as an ancillary use, complementary to the dominant use as two restaurants and a takeaway.

Clause 2.7 – Demolition

Clause 2.7 confirms that demolition requires development consent under the LEP. Demolition forms part of the proposed alterations and additions, including the existing storage building along the eastern boundary plus existing retaining walls and concrete stand areas, with standard conditions of consent to apply to demolition works.

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The height of building map identifies that a maximum building height of 11m applies to the site. The proposal retains the existing maximum height of 8.5m (to the roof ridge) which is compliant with the height standard.

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Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The Floor Space Ratio (FSR) map of Kiama LEP 2011 identifies a maximum FSR of 0.9:1 for the site. The proposal results in a gross floor area of 1,013m² with a FSR of 0.23:1, well below the maximum limit, therefore complying with the FSR standard.

Clause 5.10 – Heritage conservation

Clause 5.10 requires consideration of potential heritage impacts noting the site (known as “Gerringong Dairy Co-op”) is listed as an item local significance under Schedule 5 of Kiama LEP 2011. The element of significance is identified as the former Co-op building, which is proposed for restoration and change of use to two restaurants and a shop/gallery.

The rear storage shed does not form part of the site’s heritage significance, with its demolition not having any adverse heritage impact. The addition of new buildings on the site including the takeaway, garden precinct building, barbeque hut, new amenities, and outdoor seating will complement the existing Co-op building whilst not being intrusive or dominant. As such they are to be located at the eastern rear of the site, out of view from the principle western side façade of the Co-op building thereby ensuring its visual interpretation remains unchanged from its entry.

The Statement of Heritage Impact prepared by Heritage 21 finds that the proposal is a suitable adaptive reuse of the Co-op building, with improvements to its existing condition ensuring it is conserved. Furthermore, its use will increase public engagement with the site, increasing appreciation of its history.

With regard to the proposed shop/gallery between the two restaurants, as noted, this is made permissible under *Clause 5.10(10) Conservation incentives* of the LEP. This is on the basis that the shop forms part of the Co-op adaptive re-use and serves as an ancillary use, complementary to the dominant use as two restaurants and a takeaway. Further, it is considered not to cause any adverse effects on the amenity of the surrounds, noting it is a discrete use compared with the restaurants and takeaway which will be the dominant use noting their larger size and patron capacity.

Clause 6.1 – Acid sulphate soils

The Acid Sulfate Soils map confirms the site is not affected by acid sulphate soils (ASS) and is more than 500m to the closest ASS affected land. Consequently, the proposal poses no risks to exposing ASS affected soils.

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The proposed demolition of the rear shed and concrete stand areas will result in minor disturbance to the ground. Given the site has an extensive history as a former dairy co-op with associated surface disturbance, the proposed site works are considered of minimal impact given that no excavation works are proposed. Conditions of consent are recommended for construction including site works to protect the amenity of neighbouring properties.

Clause 6.12 – Essential services

Clause 6.12 lists essential services for development that Council must be satisfied are available. The site benefits from all essential services including water, sewer and electricity.

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Any Draft Environmental Planning Instruments

No draft EPIs are identified of relevance to the proposal.

Kiama Development Control Plan 2020

The proposed development is consistent with the objectives Kiama DCP 2020. As noted in the compliance table in this report, the proposal complies with all relevant provisions of the DCP.

Any Planning Agreement

Nil.

Any Matters Prescribed by the RegulationsAustralian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601 - 1991: *The Demolition of Structures*.

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed DevelopmentBiodiversity

The application does not propose clearing of native vegetation, and therefore the Environmental Planning and Assessment Act 1979 Part 1 Section 1.7 does not apply to the development.

Streetscape

The design of the proposal is considered acceptable to the streetscape, noting the Co-op building is being restored as part of the proposal.

Noise

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

The Acoustic Assessment makes recommendations for noise controls for both restaurants and the rear outdoor area, including noise limits for music, and provision of a 3.3m high sound barrier screen along the western edge of the carpark, plus a 1.8m sound barrier along the eastern edge of the carpark. Recommendations are also made for closing external doors during the evenings (8pm – Restaurants 1 & 2), and noise limits for amplified music.

Given the site and surrounds are located in the B7 Business Park zone, some level of audible noise at the property boundary is considered acceptable during the evenings until 10pm. Accordingly, the combination of recommended acoustic measures with noise limits and sound barriers are considered to suitably mitigate noise that may be audible to neighbouring properties.

Council's Environmental Health Officer has advised of conditions of consent that endorse the recommendations of the Acoustic Assessment, including

An electronic noise limiting device may be installed in the restaurant and the device must be calibrated and set to a level that ensures that the external L10 Noise limits are not exceeded.

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Once all plant and equipment are installed another acoustic report is to be conducted by a suitably qualified and/or experienced acoustical engineer (e.g. a member of the Australian Acoustical Society) to assess the impact of the plant and equipment. The report is to include recommendations that mitigate and attenuate any noise issues identified. These subsequent recommendations must be addressed.

The noise shall be no more than 5dB above background during the allowed hours of 7am and 10pm weekdays and 8am and 10pm weekends and public holidays. During the restricted hours (between 10pm and 7am weekdays and 10pm and 8am weekends and public holidays) noise is not to be audible in a habitable room of a residential premises.

Odours and fumes

Waste odours – These will be contained within the services building at the south-western corner, with waste to be removed once to twice a week as stated in the servicing advice from Suez Shoalhaven. A condition of consent is recommended stating:

Waste collection – all food waste collected is to be sealed before placement in the waste and services room. Reason – to minimise odour spread to neighbouring properties and risk of attracting pests/vermin.

Cooking fumes - The proposal includes mechanical exhaust ventilation to minimise cooking fumes to the surrounds, with a condition of consent that certification be provided confirming compliance with AS 1668.1 and 1668.2 - 2012 for mechanical ventilation, prior to commencing business operations.

The location of the takeaway however close to the southern boundary of the site however is of concern, with the potential for exhaust fumes to be noticeable to neighbouring residents to the south. On this basis, a condition of consent is recommended whereby takeaway food will need to be cooked in either restaurant:

Takeaway food - The takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises.

Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

Overshadowing

Shadow diagrams demonstrate that the proposed alterations and additions result in no overshadowing to adjacent housing to the east and south.

Vehicular Access, Parking and Manoeuvring

Legal access to the site is provided via a Right of Carriageway over the western neighbouring land Lot 2 DP 829039.

Parking is assessed as compliant with the proposal requiring 30 parking spaces, including 24 spaces for the two restaurants and 6 spaces for the takeaway premises and barbeque hut.

Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and AS2890.6-2009 as advised in the Traffic Engineers Assessment.

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Stormwater Management

The proposal will discharge runoff into the existing stormwater system for the site, noting that the increase in site coverage is minimal. Council's Engineer has commented that the proposal raises no stormwater concerns.

Fauna Impacts

It is unlikely that the proposal will affect any fauna or its habitat noting the site is mostly cleared.

Impact on Soil Resources

Construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent are recommended in relation to soil and water management controls to be implemented during construction.

Impact on Water Resources

The proposal is unlikely to increase demand on mains water noting its previous use as a Dairy Co-op and as a hardware store. Landscaping will require maintenance, which is to be applied as a condition of consent.

Social and Economic Impact

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns raised in submissions warrant refusal of the application.

The Suitability of the Site for the Development

The proposal fits within the locality and the site attributes are considered to be conducive to development.

Other issues to consider include:

Traffic and Access

Council's Engineers have raised no concerns with the proposal in relation to traffic and access matters. Concerns of legal access are now resolved with the Title Search evidencing the Easement for access over the neighbouring railway access being registered on the title of the site.

Contamination from previous land uses

A Detailed Stage 2 Environmental Site Assessment (ESA) for the site included soil sampling and testing has found that the site has low levels of contamination from a former underground storage tank which has been remediated.

It concludes that the site does not present any significant risk of harm and is suitable for ongoing commercial or industrial land use subject to implementation of the Environmental Management Plan (EMP) provided with the ESA.

Effect on public domain

The proposal will have no adverse effects on the public domain, with no adverse streetscape impacts given the existing heritage listed building will be restored as part of the proposal.

Utility needs and supply

The proposal is serviced by all essential services. Conditions of consent will be imposed.

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Safety, security & crime prevention

The proposal has been considered against Crime Prevention Through Environmental Design (CPTED) principles and is considered to be acceptable.

Operational waste

The proposal includes advice from Suez waste contractors which considers waste storage and collection generated through ongoing operation of the two restaurants and takeaway food premises. The suggested one to two collection days is considered an acceptable outcome based on having 4 x 660L general waste bins and 4 x 660L commingle recycling, plus organic waste from greens.

Operational noise and vibration

No significant concern is raised. Operational noise will be generated from air-conditioning units external to the buildings along with delivery trucks. Conditions of consent are recommended regarding operational hours and noise level limits for air conditioning and other plant equipment.

Risks to people & property from natural & technological hazards

No known risks.

Building Code of Australia (BCA) compliance

Council’s Building Officer has reviewed the proposal and raises no concerns in relation to BCA compliance.

Construction impacts

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period between 17 November to 1 December 2021, twelve (12) submissions were received including three in support and nine raising issues. Issues raised in the submissions are addressed as follows.

	Objection	Assessment Officer’s Comment
Item 1	Noise	<p>The Acoustic Assessment assesses potential noise impacts to the residential surrounds to the east and south. Modelling for the southern neighbour (22 Belinda Street) may also be considered for the vet surgery and residential premises at 20 Belinda Street. The assessment advises that compliant noise levels will be achieved to all neighbouring properties subject to the recommended noise controls being implemented.</p> <p>Acoustic barriers are recommended as a requirement of the Acoustic Assessment, comprising:</p> <ul style="list-style-type: none"> - A 3.3m tall barrier along the eastern rear of the

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	Objection	Assessment Officer's Comment
		<p>outdoor dining area, to screen noise from patrons.</p> <ul style="list-style-type: none"> - A 1.8m high acoustic barrier along the eastern boundary of the site, to screen noise from the carpark. <p>Noise limits and closing times for the external doors to the two restaurants as recommended in the Acoustic Assessment are considered to satisfactorily address noise mitigation and are included as conditions of consent.</p> <p>Noting that the site and surrounds are located in the B7 Business Park zone, it is accepted that operation noise levels may be greater than in a residential zone.</p> <p>Noise from waste removal trucks will be limited to one to two times per week by a private contractor, with the carpark enabling the waste truck to enter and depart the site in a forward direction to reduce reversing beeper noise.</p> <p>Compliance with conditions of consent will be required as part of the development and the restaurant/takeaway operations.</p> <p>To limit operational noise impacts after 10pm, a condition of consent is recommended that:</p> <p><i>Removal of empty bottles and cans shall not occur after 10pm and before 7am.</i></p> <p>To limit early morning noise from the Takeaway operation, a condition of consent is recommended that:</p> <p><i>The takeaway is to open for service to customers no earlier than 7am Monday – Saturday and 8am Sundays.</i></p>
Item 2	Privacy	No direct overlooking into neighbouring residential properties will result, noting that the development is at ground level and will be screened by two acoustic barriers at 3.3m and 1.8m height respectively, and landscaping along the boundary.
Item 3	Asbestos removal	Conditions of consent are recommended dealing with demolition works. In addition to this, construction workers are legally required to comply with the <i>NSW Work Health and Safety Regulation 2017</i> which covers asbestos handling and removal.
Item 4	Business justification	Competing with other restaurants and hospitality venues is not grounds for which the proposal may be refused. The proposal will service both locals and visitors from other areas plus tourists, complementing other restaurants and food shops in Gerringong.

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	Objection	Assessment Officer's Comment
Item 5	Local resident parking	The proposal is assessed as providing compliant parking for the two restaurants, takeaway shop and barbeque. Whilst street parking may be limited in availability in close proximity to the station, this is common for any residential streets surrounding railway stations. Local housing benefits from on-site parking and is not reliant on street parking, with availability of street parking spaces is likely to increase in the evenings.
Item 6	Functions	The two restaurants will primarily operate to serve the public rather than as function centres. Any group bookings or events that book the restaurant will require compliance with the restaurant patron capacity and hours, along with the <i>On-premises</i> license, that requires food service to be the primary purpose. The premises will be required to obtain this license separate to this Development Application, with the license approval dependant on Development Application approval.
Item 7	Takeaway permissibility and impacts	The takeaway is defined under the Kiama LEP as a <i>take away food and drink premises</i> which is permitted with consent in the B7 Business Park zone. The takeaway building is considerably smaller than the storage building it will replace at the south-eastern corner of the site. Subject to no cooking food taking place within this shop, it is considered acceptable.

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Attachment 1

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	Objection	Assessment Officer's Comment
Item 8	Cooking fumes & waste odour	<p>The proposal includes mechanical exhaust ventilation to minimise cooking fumes to the surrounds, with a condition of consent that certification be provided confirming compliance with AS 1668.1 and 1668.2 - 2012 for mechanical ventilation, prior to commencing business operations.</p> <p>The location of the takeaway shop close to the southern boundary of the site however is of concern, with the potential for exhaust fumes to be noticeable to neighbouring residents to the south. On this basis, a condition of consent is recommended whereby takeaway food will need to be cooked instead in either restaurant and not cooked within the takeaway:</p> <p><i>Takeaway food - The takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises.</i></p> <p>Waste odours at the collection point will be contained within the services building to minimise spread of odours. A condition of consent is recommended stating:</p> <p><i>Waste collection – all food waste collected is to be sealed before placement in the waste and services room. Reason – to minimise odour spread to neighbouring properties and risk of attracting pests/vermin.</i></p>

Item 4.1

Attachment 1

10.2021.282.1

	Objection	Assessment Officer's Comment
Item 9	Maximum capacity	<p>Based on the Acoustic Report advising up to 350 persons in both restaurants and the plans showing approximately 140 seats for the outdoor dining area, this suggests a proposed capacity of up to 490 persons.</p> <p>A total crowd of 490 persons at any one time is unlikely due to:</p> <ul style="list-style-type: none"> - the proposed staggered opening hours and seating plan. - Restaurant 1 - 5pm – 10pm (@ 100 café seats inc. deck) - Restaurant 2 – 6pm – 10pm (@ 80 seats indoors shown) - Outdoor dining – 12pm – 10pm (@ 140 seats shown) - the limitation on alcohol service to an 'on-premises Restaurant class liquor license' will limit patrons to drinking in association with dining, thereafter leaving the premises - the likelihood that during peak trading of 6pm – 8pm, the two restaurants will not be 100% booked - the likelihood that during winter the outdoor seating will be less occupied, particularly in the evenings. - Restaurant 2's stated maximum capacity of 250 would only be achieved for functions

External ReferralsKiama Precinct Committee

Nil comments received.

Internal Referrals

The application was referred to the following Council Officers for their consideration:

Building Assessment Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

Subdivision & Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

Landscape Design Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

Environmental Health Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

10.2021.282.1

Heritage Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plan, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2012 Chapters. The proposed development is consistent with the objectives of the B7 Business Park zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application, noting the site and surrounding housing is located in the B7 Business Park zone which has the key objective of facilitating businesses, industry and local employment opportunities.

Conditions of consent are recommended that address concerns of noise and cooking fumes, in particular that the takeaway be limited to serving pre-prepared meals with no cooking permitted within the takeaway.

The proposed development is considered to be reasonable and approval is recommended subject to conditions of consent.

RECOMMENDATION

That Development Application No 10.2020.280.1 be approved under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions.

The following specific matters require conditioning:

- a) The proposed development is to be carried in accordance with the recommendations of the Environmental Site Assessment (Stage 2) by Earth 2 Water Pty Ltd dated 1 February 2010. *Reason – to ensure works do not adversely impact on ground stability for the site and surrounds.*
- b) The proposed development is to be carried in accordance with the 'Recommended Noise Controls' stated in the Acoustic Assessment prepared by Harwood Acoustics, dated 9 November 2021.
- c) Waste removal - removal of empty bottles and cans shall not occur after 10:00pm and before 7:00am. *Reason – to protect the amenity of neighbouring residents during hours of rest / sleep.*
- d) Waste collection – all food waste collected is to be sealed before placement in the waste and services room. *Reason – to minimise odour spread to neighbouring properties and risk of attracting pests/vermin.*

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- e) Takeaway food - The takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises. *Reason – to minimise cooking fumes in close proximity to the property boundary that may affect the amenity of neighbouring residents.*
- f) Takeaway operating hours - The takeaway is to open for service to customers no earlier than 7:00am Monday – Saturday, and 8:00am Sunday. *Reason - To limit early morning noise from the takeaway operation to neighbouring residential properties.*
- g) Details of landscaping maintenance measures including irrigation and periodic trimming are to be provided to Council prior to issue of the Occupation Certificate. *Reason – ensure upkeep of landscaping which benefits the site and neighbouring properties.*

Item 4.1

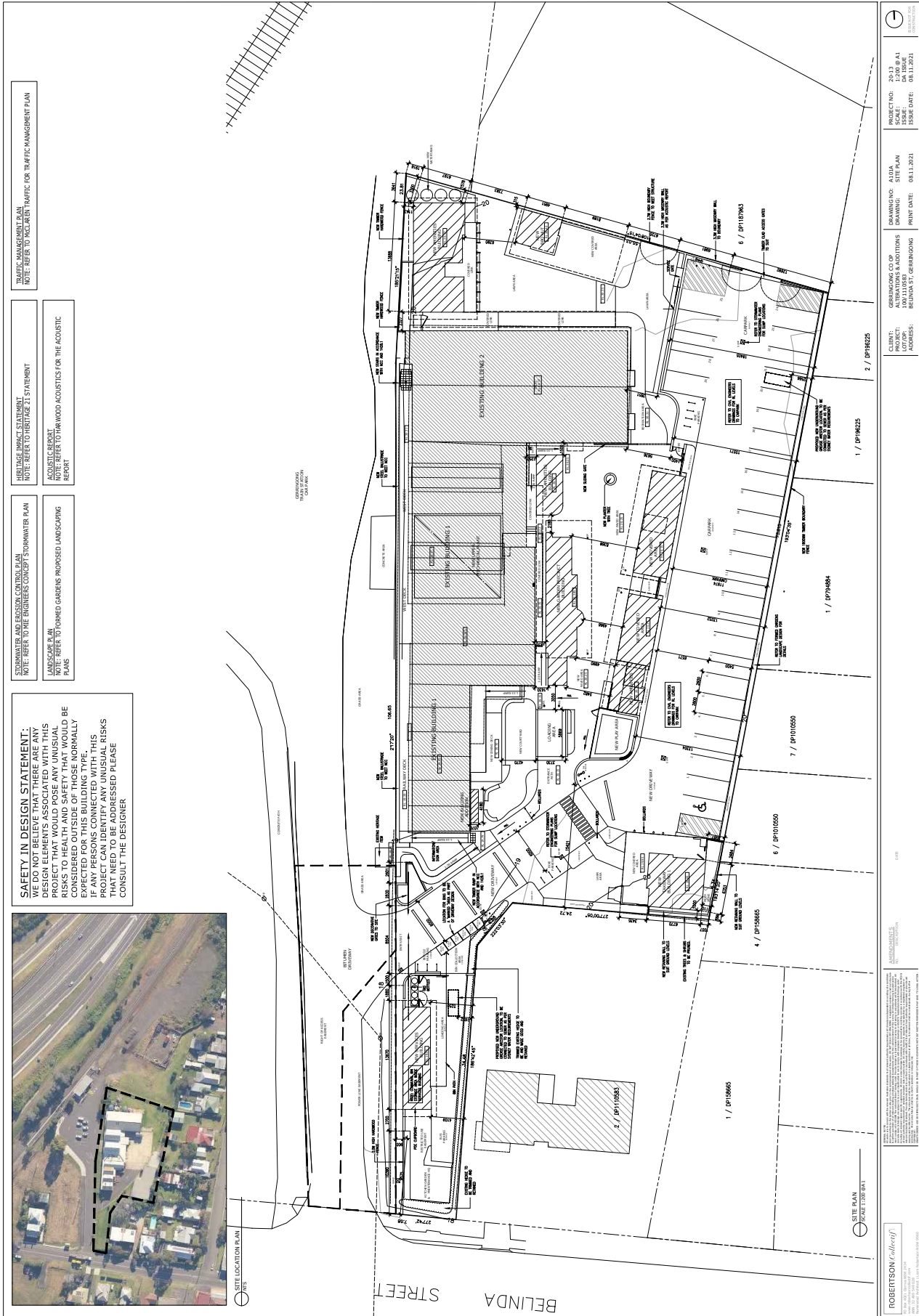
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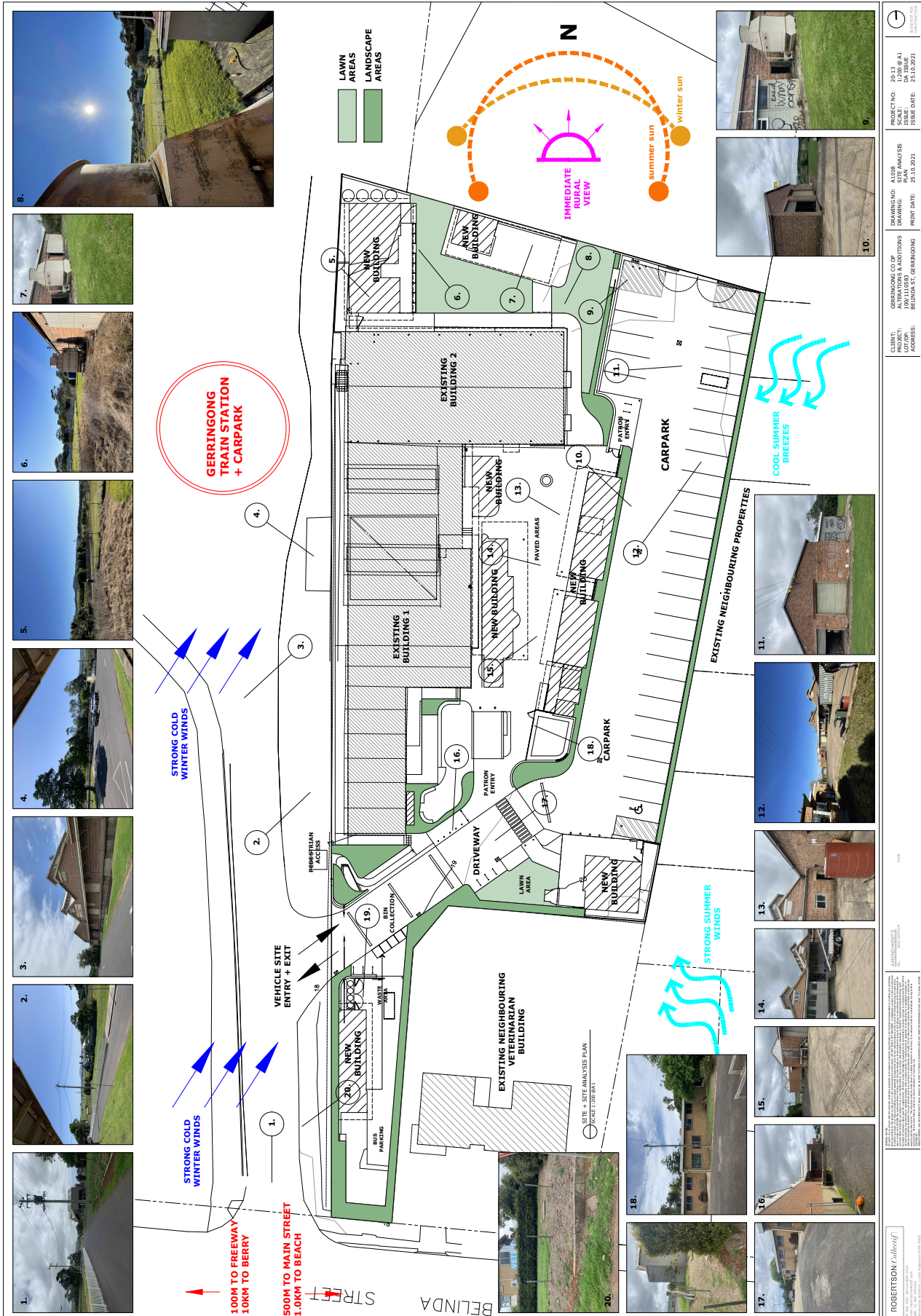
**PROPOSED GERRINGONG CO OP
BELINDA STREET
LOT 100 DP 1110583 GERRINGONG NSW**

A001	COVER
A101A	SITE PLAN
A101B	SITE ANALYSIS PLAN
A101C	WASTE TRUCK PATH PLAN
A102	SITE DEMOLITION PLAN
A103	STAGING PLAN
A104	GFA CALCULATIONS PLAN
A201	MASTER PLAN
A202	BUILDING 1 - FLOOR PLAN
A203	BUILDING 2 - FLOOR PLAN
A204	OVERALL ROOF PLAN
A301	BUILDING 1 - ELEVATIONS
A302	BUILDING 1 - ELEVATIONS
A303	GARDEN PRECINCT BUILDING
A304	PRECINCT COVERED AREA
A305	NEW BBQ HUT BUILDING
A306	NEW AMENITIES BUILDING
A307	NEW TAKEAWAY BUILDING
A308	WASTE AND SERVICES BUILDING
A401	BUILDING 1 - SECTIONS A TO F
A402	BUILDING 1 - SECTIONS G + H
A403	BUILDING 2 - SECTIONS I
A404	BUILDING 1 - SECTIONS J + K

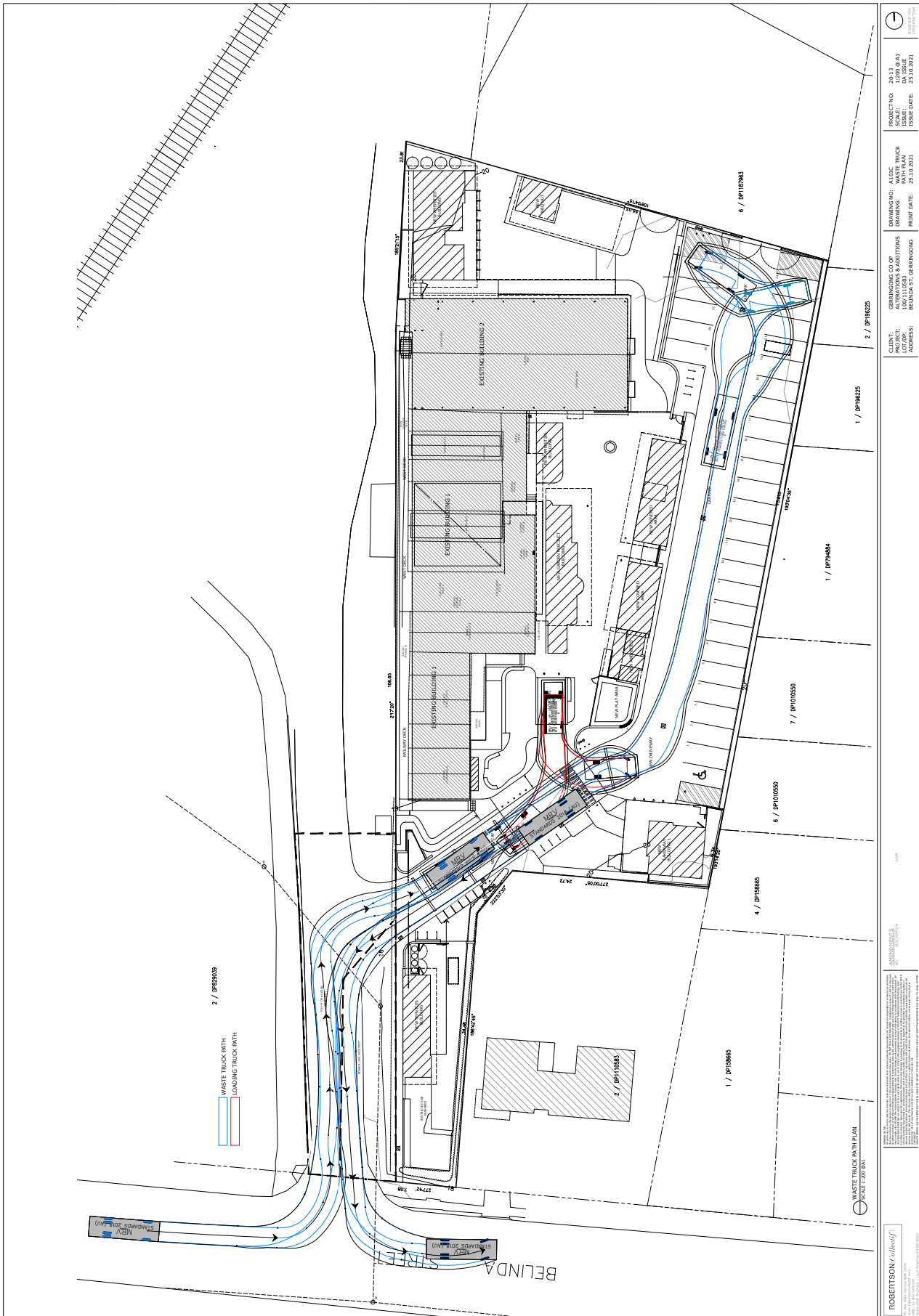
ROBERTSON *(Collectif)*

ISSUE: 04 ISSUE
ISSUE DATE: 08.11.2021
ISSUE NOT FOR CONSTRUCTION





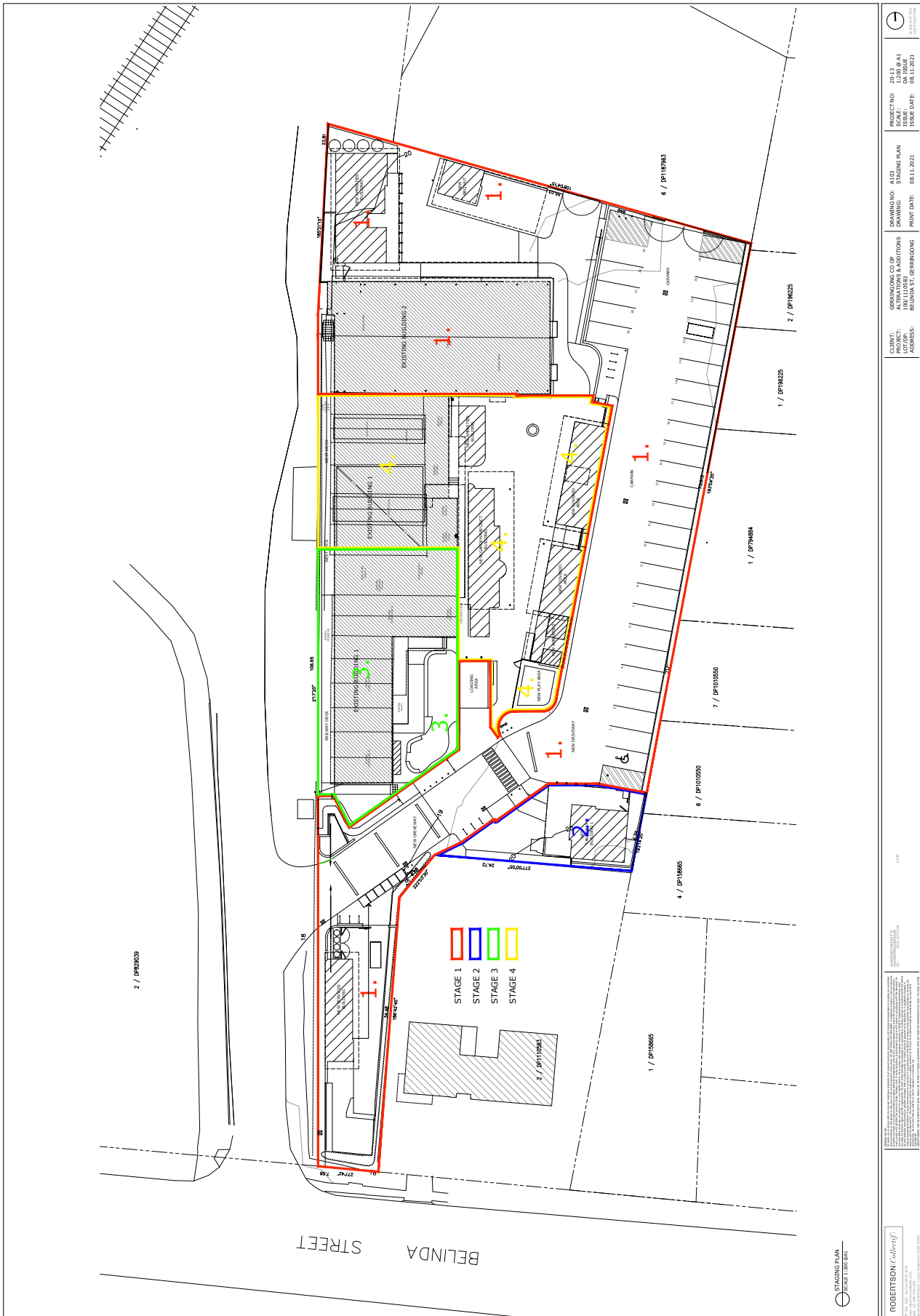
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<p>DESIGNER: ROBERTSON COLBERT</p> <p>PROJECT: GERRINGONG TRAIN STATION + CARPARK</p> <p>DATE: 20/10/2021</p>	<p>SCALE: 1:200 (B.A.)</p> <p>DATE: 20/10/2021</p>



<p>ROBERTSON CONSULTANTS 10/100 BELINDA STREET, GERRINGONG NSW 2538 TEL: 02 4422 1111 FAX: 02 4422 1112 WWW.ROBERTSONCONSULTANTS.COM.AU</p>		<p>DATE: 21/03/2024 SCALE: 1:200 (B/A) DRAWING NO: 21/03/2024-01 PROJECT: 10.2021.282.1 - 18 BELINDA STREET, GERRINGONG</p>	
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Attachment 2 Item 4.1

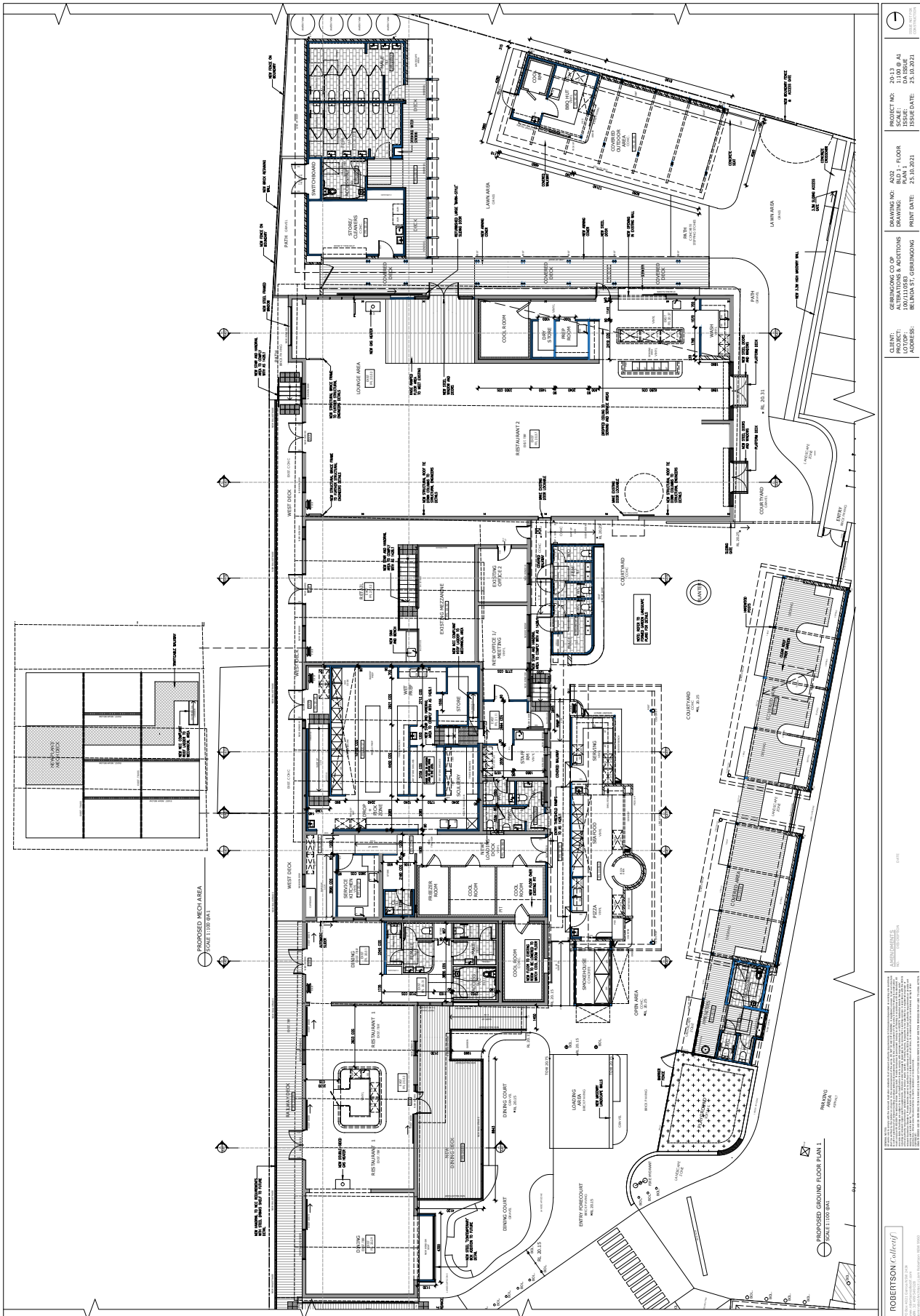




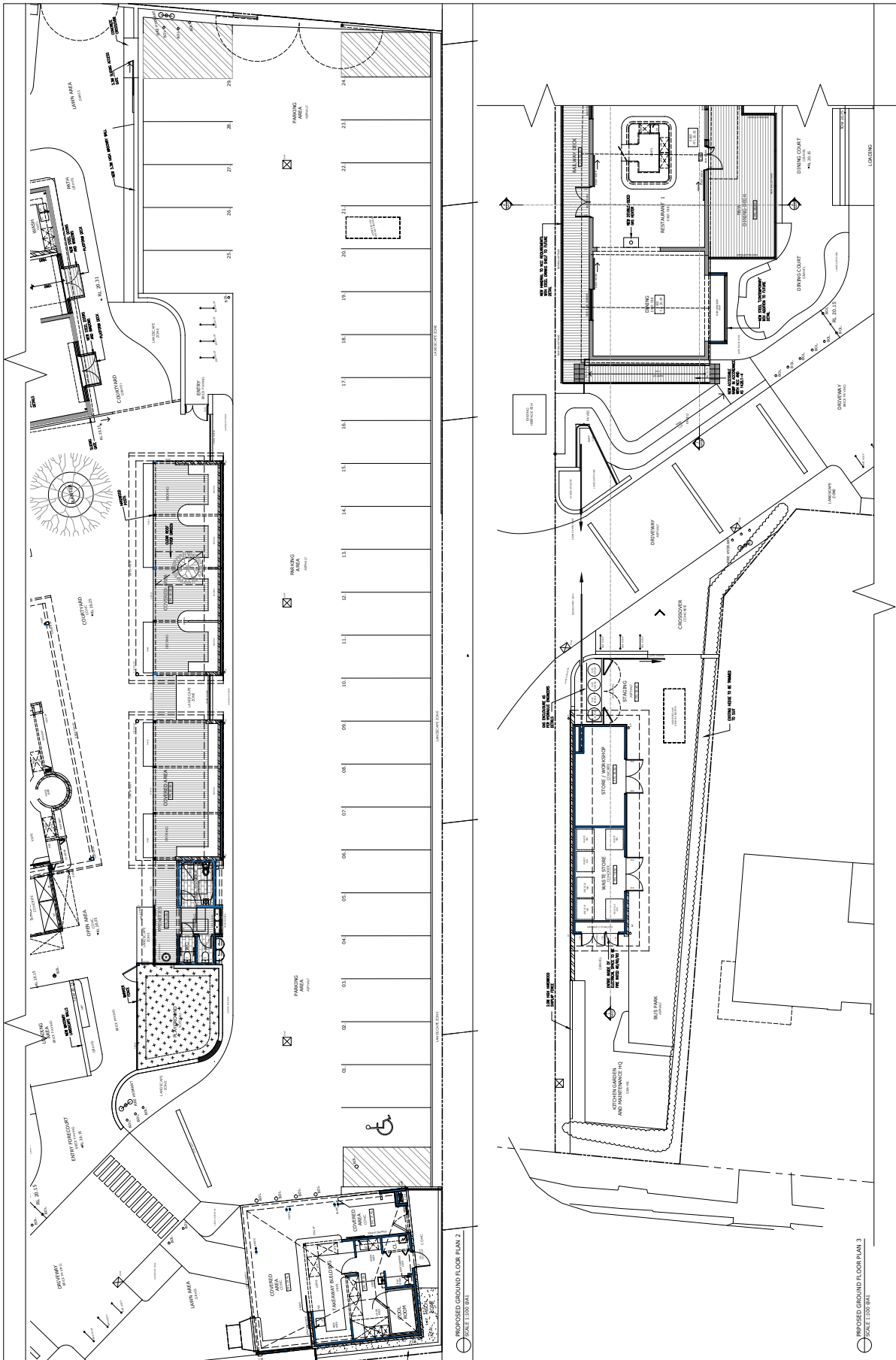
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Attachment 2 Item 4.1

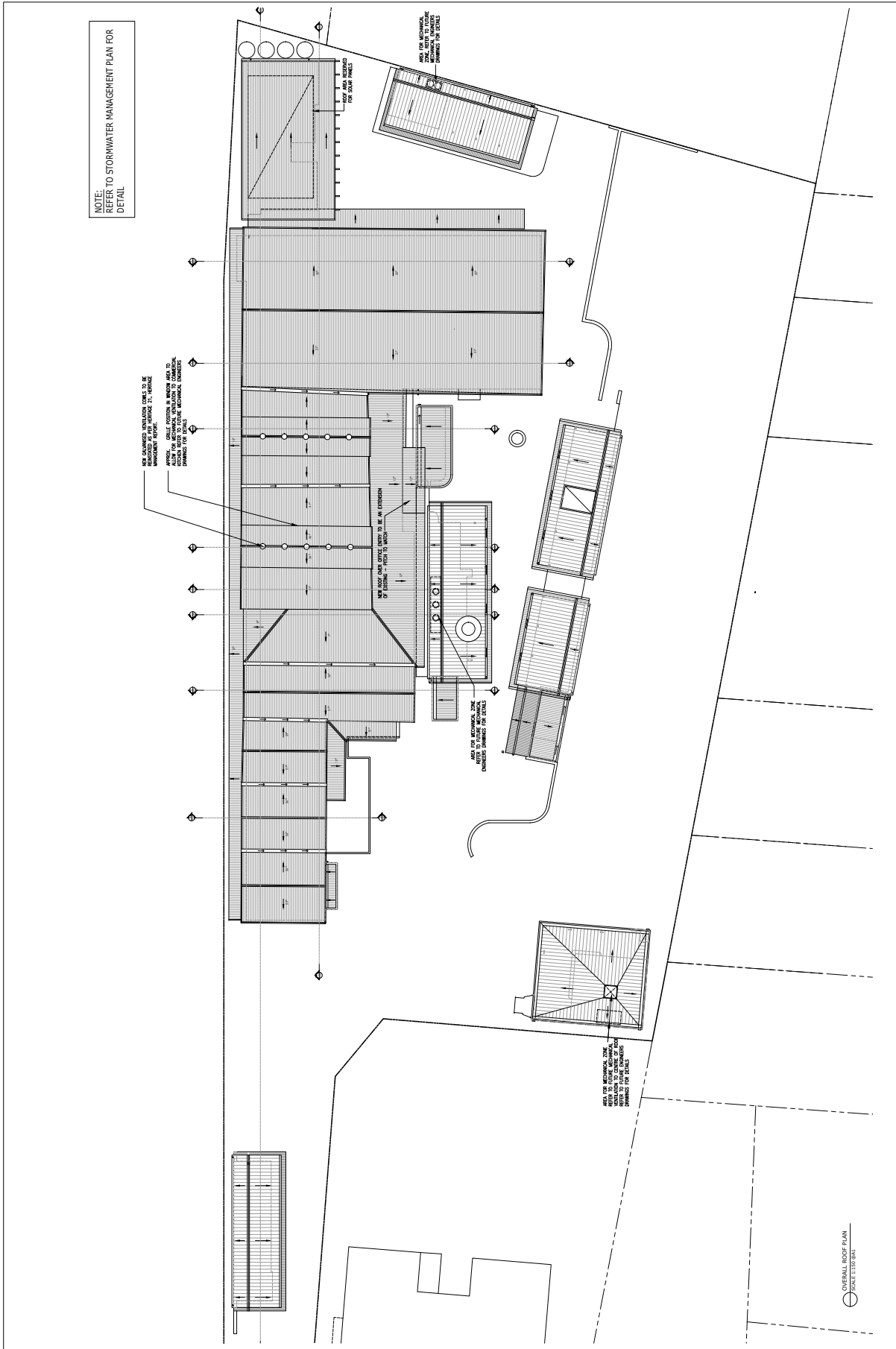


Attachment 2
Item 4.1

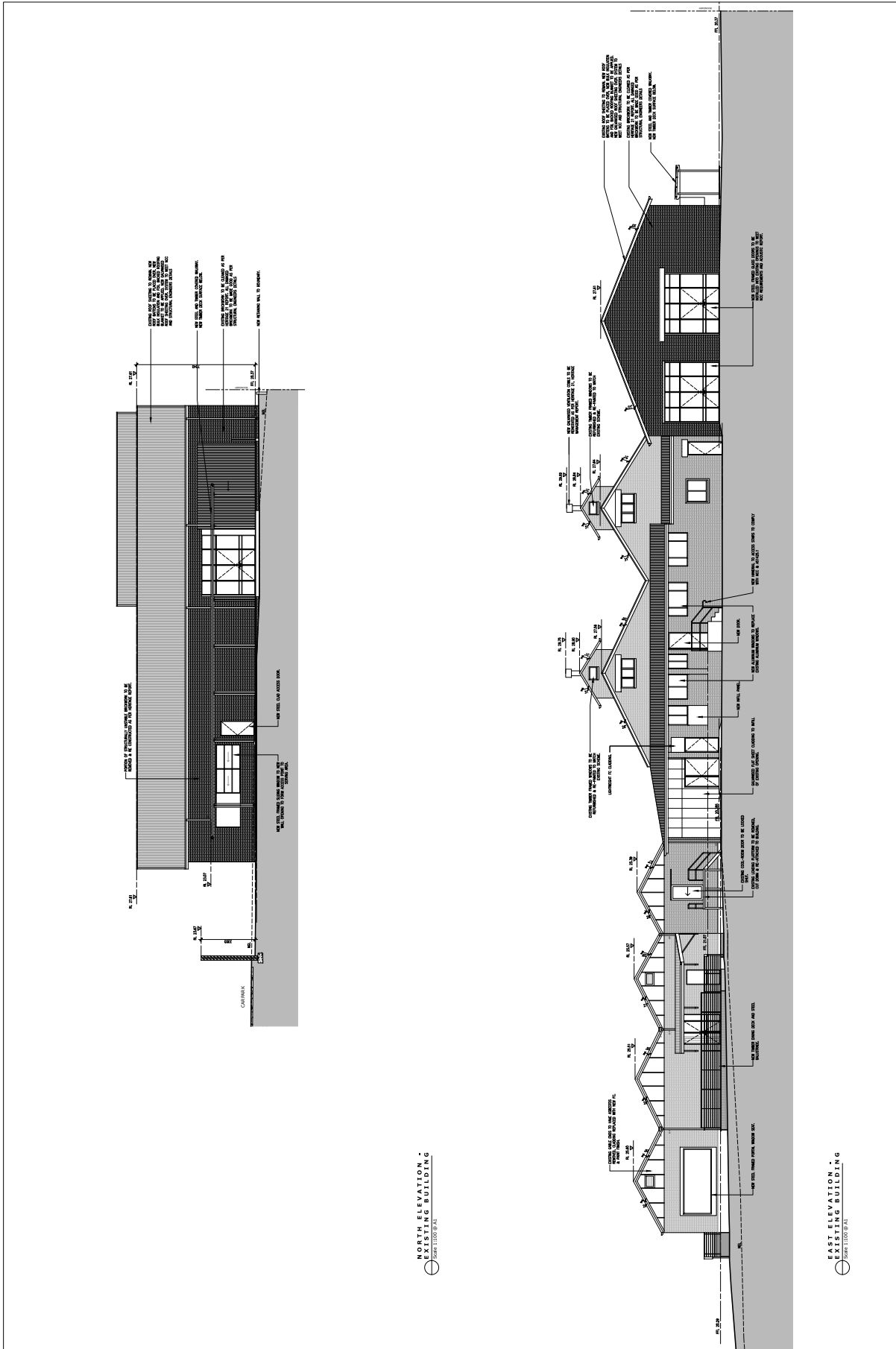


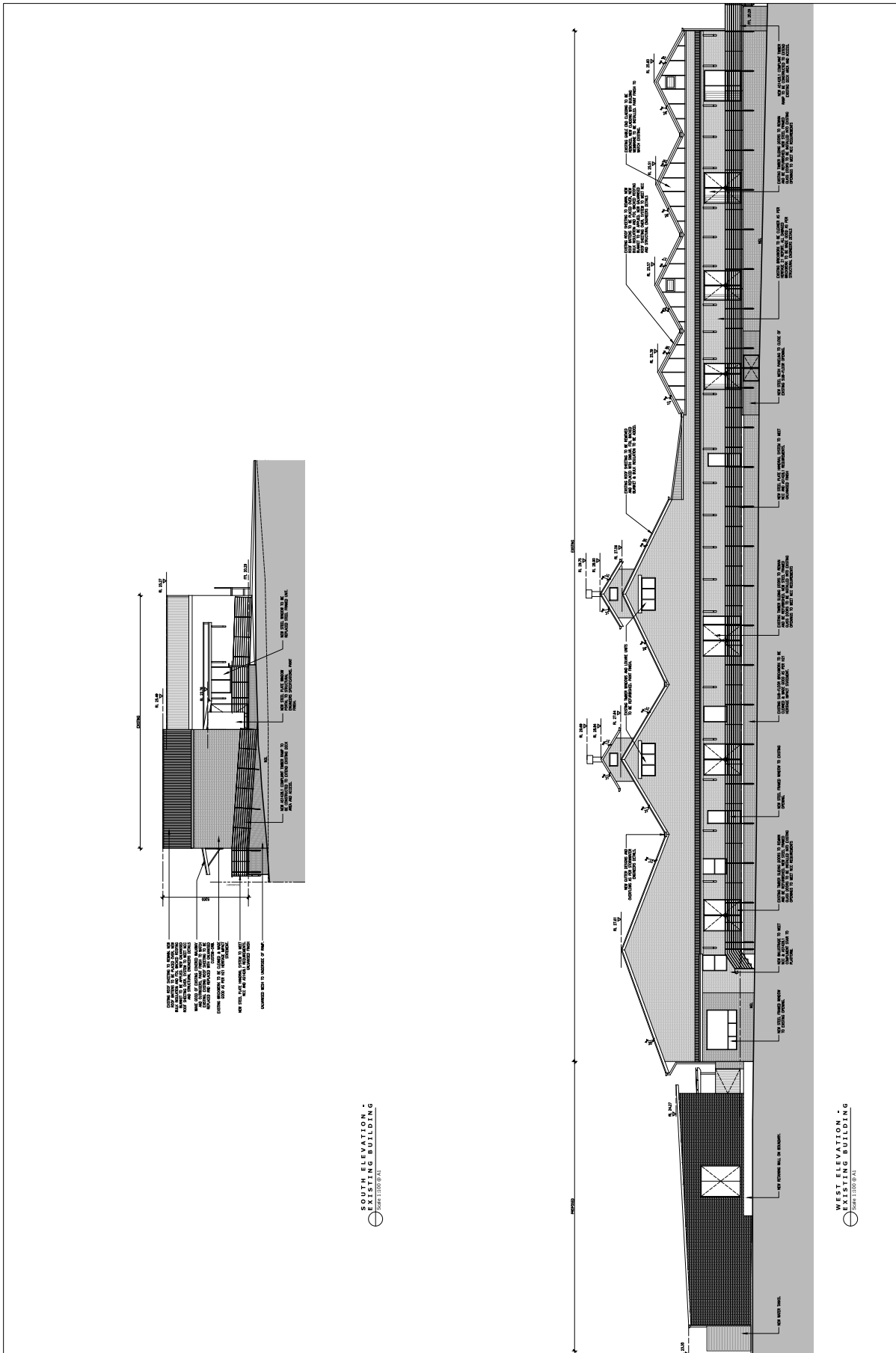
<p>ROBERTSON <i>Consulting</i></p> <p>10/100 BELINDA STREET, GERRINGONG NSW 2538</p> <p>PH: 02 4422 2222 FAX: 02 4422 2223</p> <p>WWW.ROBERTSONCONSULTING.COM.AU</p>		<p>DATE: 01/11/2021</p> <p>SCALE: A1</p> <p>ISSUE: DA ISSUE</p> <p>ISSUE DATE: 04/11/2021</p>	
<p>PROJECT: 10/100 BELINDA STREET, GERRINGONG</p> <p>ADDRESS: 10/100 BELINDA STREET, GERRINGONG</p>		<p>REVISIONS / CHANGES:</p> <p>NO. DESCRIPTION DATE</p>	
<p>PROJECT: 10/100 BELINDA STREET, GERRINGONG</p> <p>ADDRESS: 10/100 BELINDA STREET, GERRINGONG</p>		<p>REVISIONS / CHANGES:</p> <p>NO. DESCRIPTION DATE</p>	

Attachment 2 Item 4.1



<p>DATE: 25/10/2021 PROJECT: 10.2021.282.1 - 18 BELINDA STREET, GERRINGONG ADDRESS: 18 BELINDA STREET, GERRINGONG, NSW 2538</p>		<p>ISSUE NO: 21/10/21 DA ISSUE: 25/10/2021 ISSUE DATE: 25/10/2021</p>	
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<p>ROBERTSON (Architect)</p> <p>10/100 BELINDA STREET, GERRINGONG NSW 2538</p> <p>PH: (02) 4453 1000</p> <p>WWW.ROBERTSONARCHITECT.COM.AU</p>		<p>DATE: 23/10/2021</p> <p>PROJECT: LOT 10/100 BELINDA STREET, GERRINGONG NSW 2538</p> <p>ADDRESS: 18 BELINDA STREET, GERRINGONG NSW 2538</p>	<p>REVISIONS FOR IDENTIFICATION OF ALTERATIONS & ADDITIONS</p> <p>REVISION NO: 02</p> <p>DATE: 23/10/2021</p>	<p>REVISIONS FOR ELEVATIONS (2)</p> <p>REVISION NO: 02</p> <p>DATE: 23/10/2021</p>	<p>REVISIONS FOR DRAWINGS (2)</p> <p>REVISION NO: 02</p> <p>DATE: 23/10/2021</p>	<p>REVISIONS FOR SHEETS (2)</p> <p>REVISION NO: 02</p> <p>DATE: 23/10/2021</p>
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GARDEN PRECINCT BUILDING - NORTH ELEVATION
Scale: 1:100 @ A1

GARDEN PRECINCT BUILDING - SOUTH ELEVATION
Scale: 1:100 @ A1

EAST ELEVATION - GARDEN PRECINCT BUILDING
Scale: 1:100 @ A1

GARDEN PRECINCT BUILDING - WEST ELEVATION
Scale: 1:100 @ A1

PRECINCT AMENITIES - NORTH ELEVATION
Scale: 1:100 @ A1

PRECINCT AMENITIES - SOUTH ELEVATION
Scale: 1:100 @ A1

PRECINCT AMENITIES - EAST ELEVATION
Scale: 1:100 @ A1

PRECINCT AMENITIES - WEST ELEVATION
Scale: 1:100 @ A1

GARDEN PRECINCT BUILDING - EAST SECTION A
Scale: 1:100 @ A1

GARDEN PRECINCT BUILDING - WEST SECTION A
Scale: 1:100 @ A1

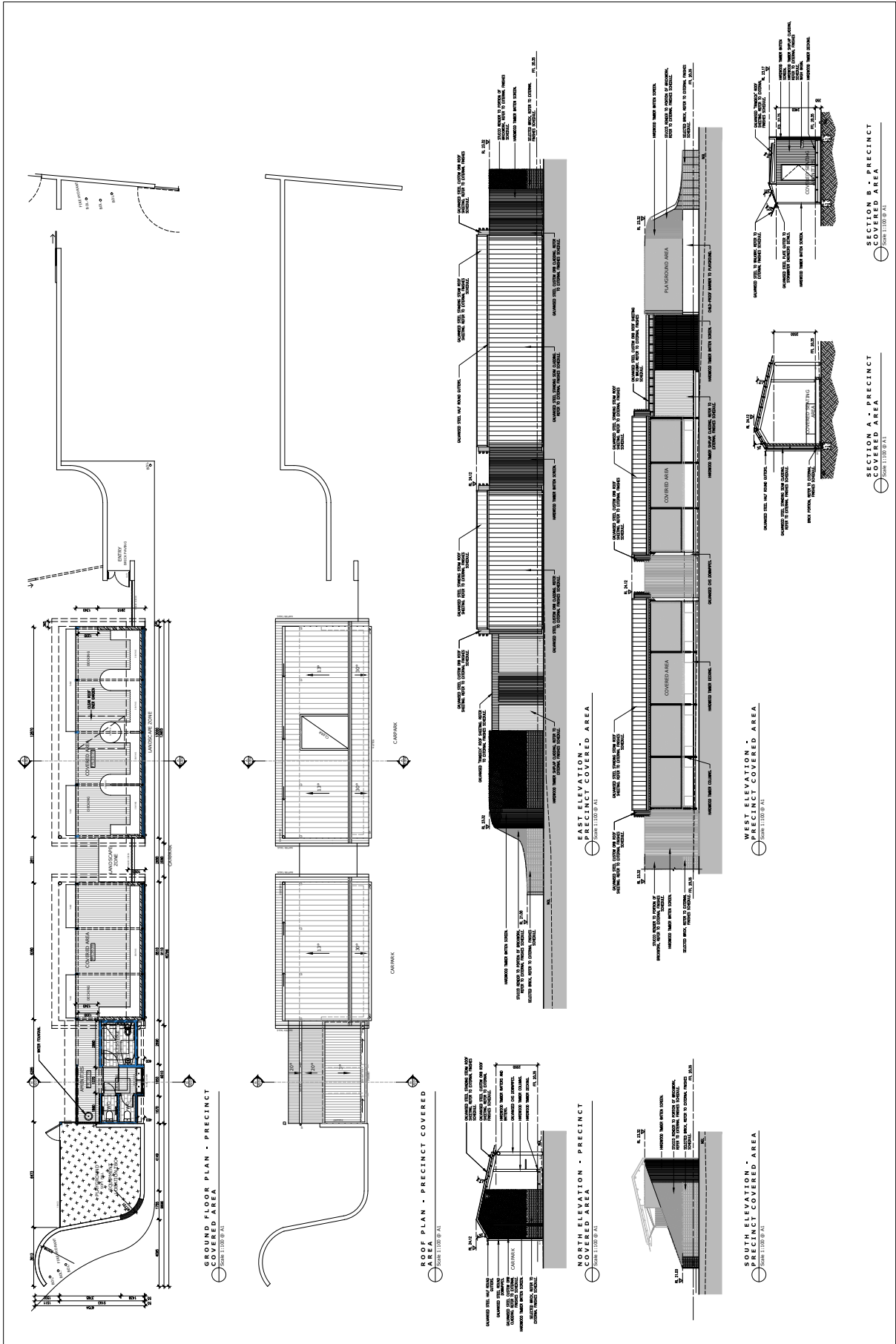
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Scale: 1:100 @ A1

PRECINCT AMENITIES - WEST SECTION A
Scale: 1:100 @ A1

GROUND FLOOR PLANS:
 - G. GARDEN PRECINCT BUILDING (Scale: 1:100 @ A1)
 - P. GROUND FLOOR PLAN (Scale: 1:100 @ A1)
 - R. GROUND FLOOR PLAN (Scale: 1:100 @ A1)

ROOF PLANS:
 - G. ROOF PLAN (Scale: 1:100 @ A1)
 - P. ROOF PLAN (Scale: 1:100 @ A1)
 - R. ROOF PLAN (Scale: 1:100 @ A1)

ROBERTSON (Australia)
 PROJECT: 10.2021.282.1 - 18 BELINDA STREET, GERRINGONG
 DRAWING NO: 01
 DATE: 25.10.2021
 SCALE: 1:100 @ A1
 ISSUE DATE: 25.10.2021
 DRAWING NO: 01
 DATE: 25.10.2021
 SCALE: 1:100 @ A1
 ISSUE DATE: 25.10.2021



ROBERTSON (Civil) Pty Ltd
 10/100 WILSON STREET, GERRINGONG NSW 2538
 PH: 02 6438 1000 FAX: 02 6438 1001
 WWW.ROBERTSONCIVIL.COM.AU

DATE: 10/12/2021

PROJECT: LOT 10/100 WILSON STREET, GERRINGONG NSW 2538

DRAWING NO.: PRECINCT COVERED AREA

SCALE: 1:100 @ A1

ISSUE DATE: 23/12/2021

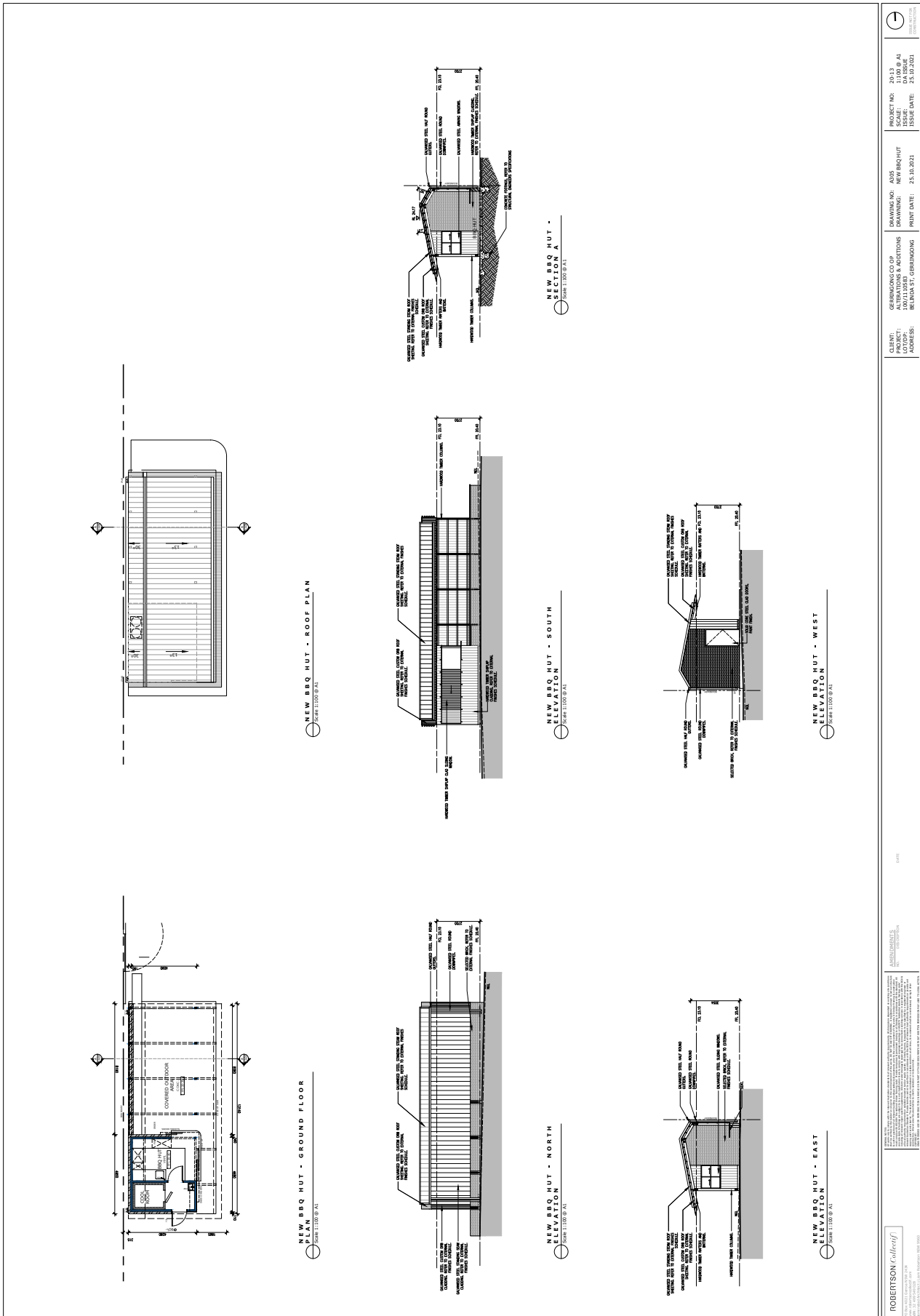
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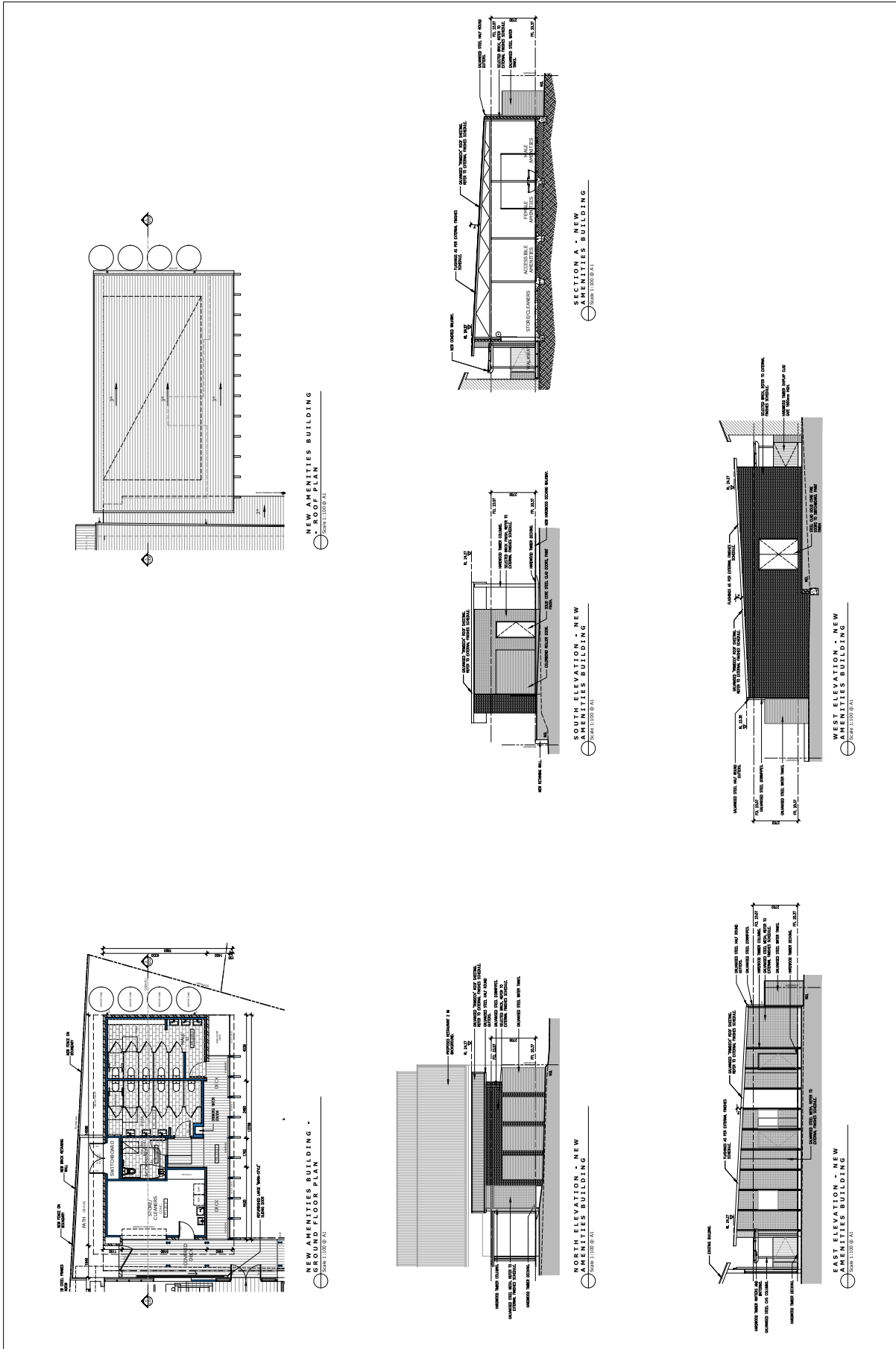
NO.	DESCRIPTION	DATE
01	ISSUED FOR PERMIT	23/12/2021

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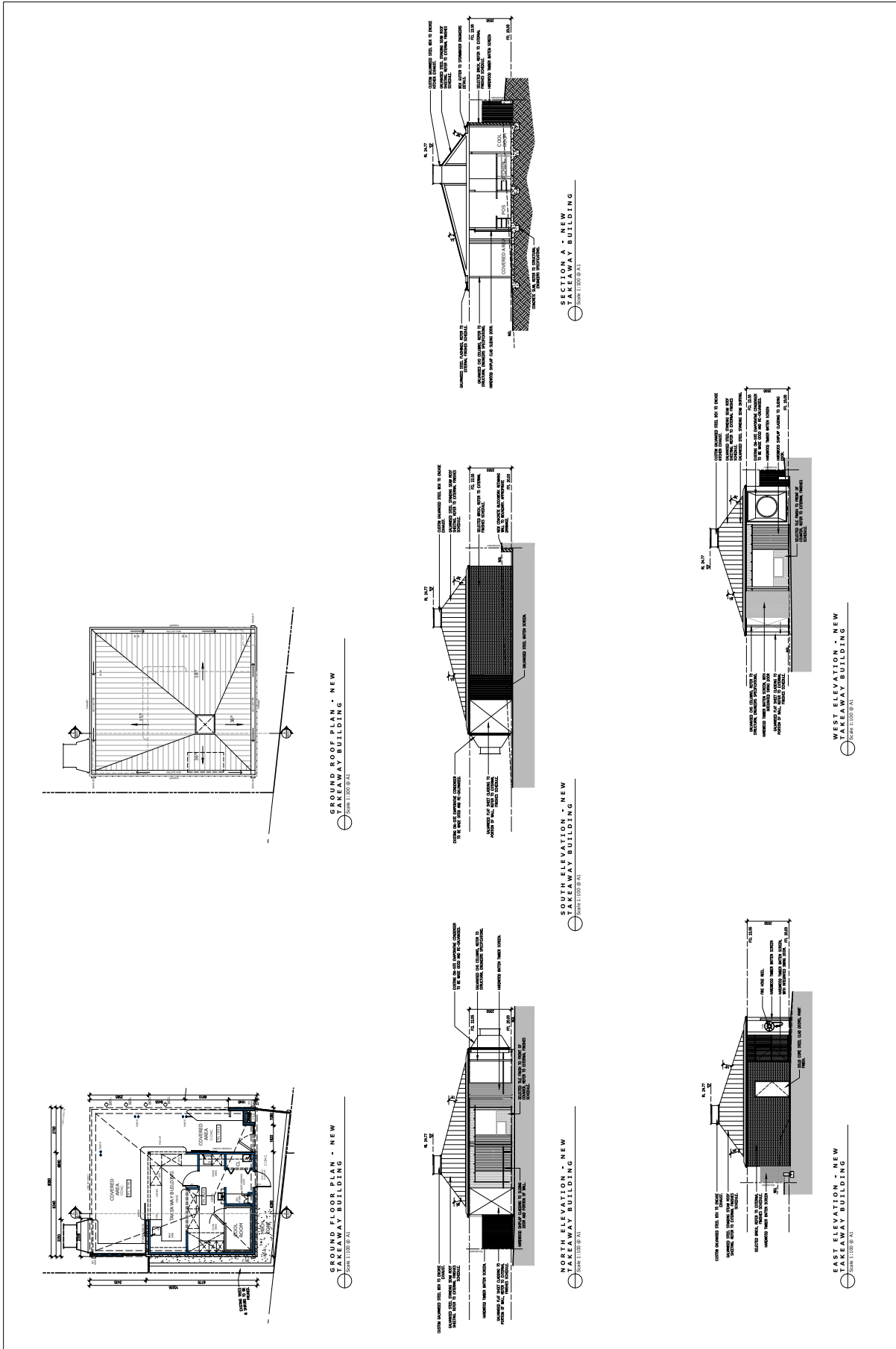
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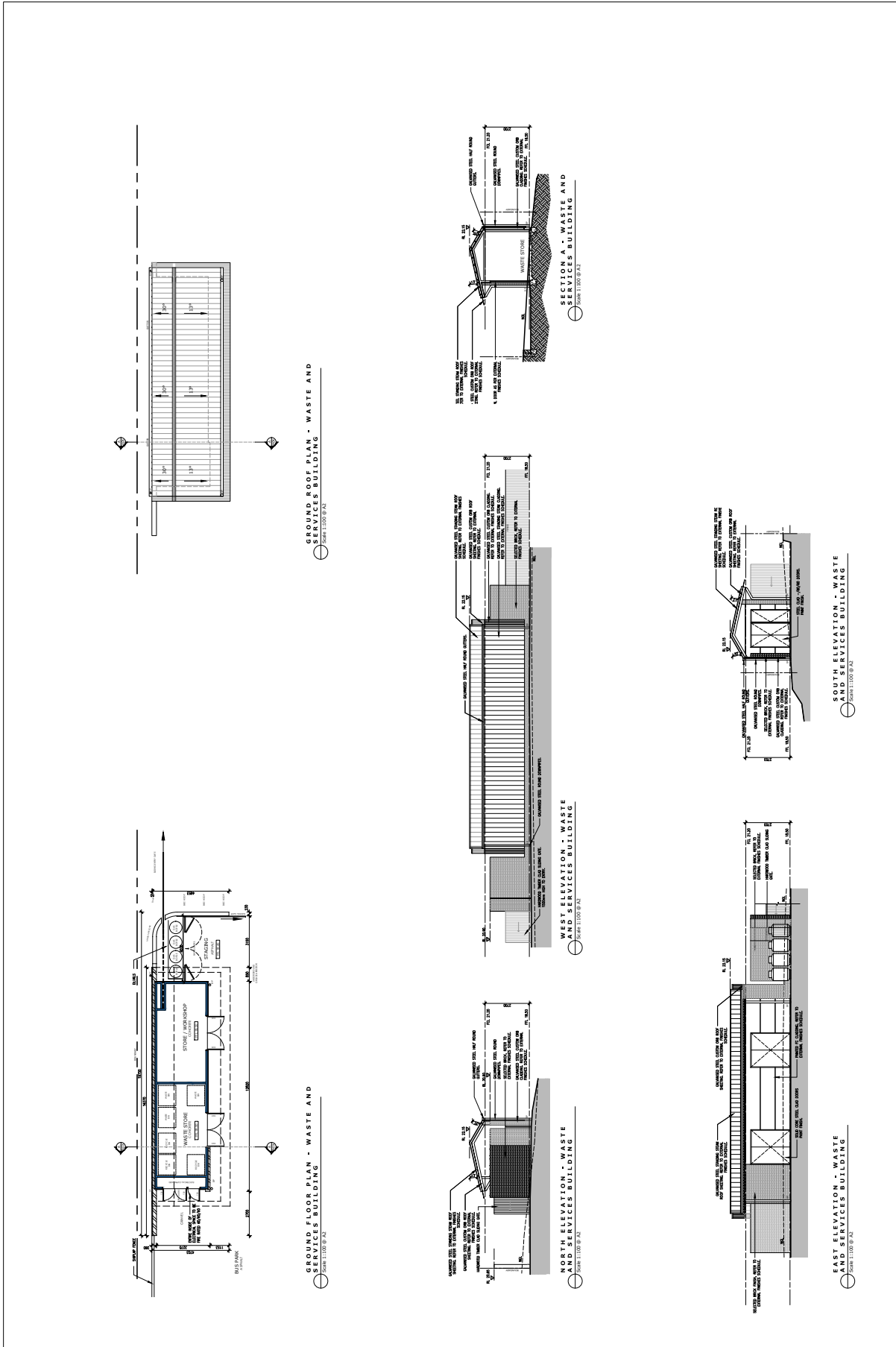
<p>ROBERTSON (Australia) 10/100 BELINDA STREET, GERRINGONG NSW 2538 PH: 02 4422 1234 FAX: 02 4422 1235 WWW.ROBERTSON.COM.AU</p>		<p>DATE: 25.10.2021 LOT/DP: 10/100 BELINDA STREET, GERRINGONG NSW 2538 PROJECT: NEW BBQ HUT DRAWING: REVISIONS & ADDITIONS REVISIONS & ADDITIONS REVISIONS & ADDITIONS REVISIONS & ADDITIONS</p>		<p>ISSUE NO: 1 SCALE: 1:100 @ A1 ISSUE DATE: 25.10.2021 DRAWING DATE: 25.10.2021</p>	
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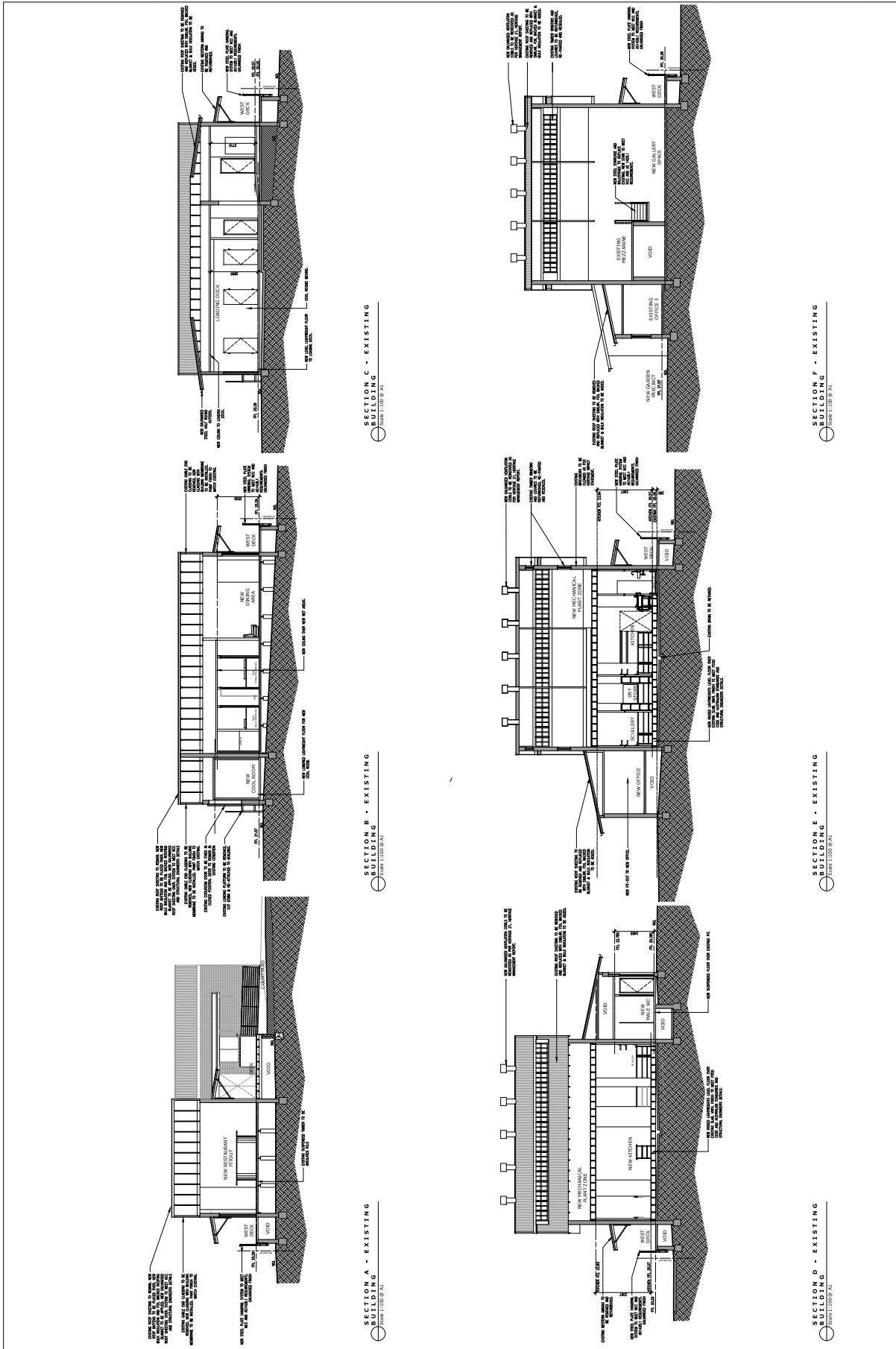
<p>ROBERTSON (Australia)</p> <p>10/100 BELINDA STREET, GERRINGONG NSW 2538</p> <p>PH: 02 4422 2222 FAX: 02 4422 2223</p> <p>WWW.ROBERTSON.COM.AU</p>		<p>DATE: 20/10/21</p> <p>LODGING: 20/10/21</p> <p>PROJECT: NEW AMENITIES BUILDING</p> <p>ADDRESS: 18 BELINDA STREET, GERRINGONG NSW 2538</p>		<p>REVISIONS FOR ALTERATIONS & CONDITIONS DRAWING: 20/10/21</p> <p>ISSUE DATE: 20/10/21</p> <p>SCALE: 1:100 @ A1</p> <p>DATE ISSUED: 20/10/21</p> <p>ISSUE NO: 1</p> <p>PROJECT NO: 10/100 BELINDA STREET, GERRINGONG NSW 2538</p>		<p>PROJECT NO: 10/100 BELINDA STREET, GERRINGONG NSW 2538</p> <p>DATE ISSUED: 20/10/21</p> <p>ISSUE NO: 1</p> <p>SCALE: 1:100 @ A1</p> <p>DATE ISSUED: 20/10/21</p>	
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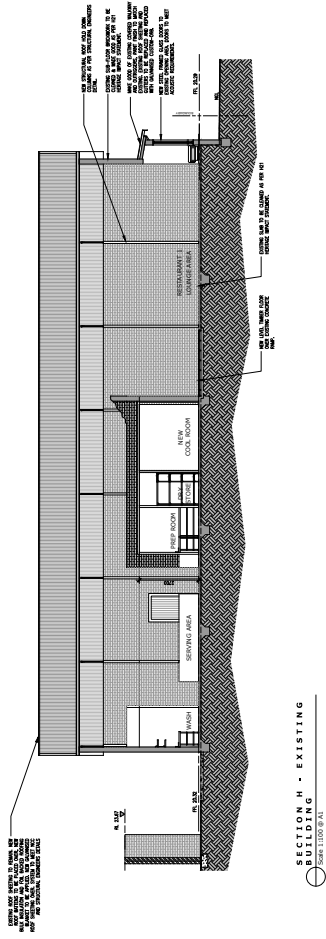
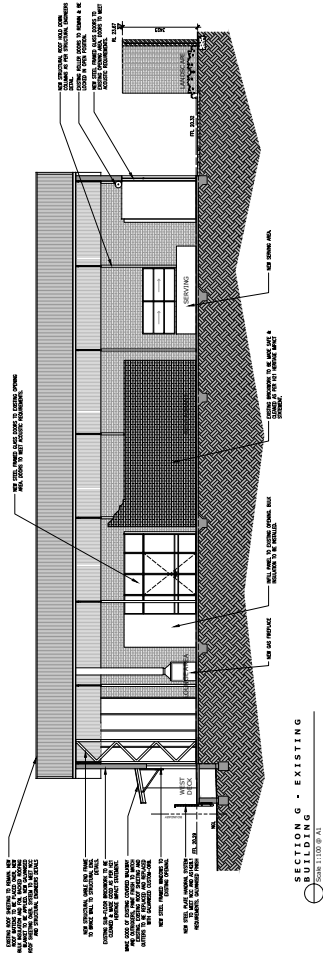
<p>ROBERTSON (Civil/Arch) 10/100 BELINDA STREET, GERRINGONG NSW 2538 PH: 02 4422 1111 FAX: 02 4422 1112 WWW.ROBERTSONNSW.COM.AU</p>		<p>DATE: 01/11/2021 LOT/DP: 10/11/2021 PROJECT: 10/11/2021 ADDRESS: 18 BELINDA STREET, GERRINGONG NSW 2538</p>		<p>REVISIONS FOR IDENTIFICATION & APPROVALS REVISIONS FOR IDENTIFICATION & APPROVALS REVISIONS FOR IDENTIFICATION & APPROVALS</p>		<p>REVISIONS FOR IDENTIFICATION & APPROVALS REVISIONS FOR IDENTIFICATION & APPROVALS REVISIONS FOR IDENTIFICATION & APPROVALS</p>		<p>ISSUE NO: 1 SCALE: 1:100 @ A1 ISSUE DATE: 01/11/2021 DRAWING: NEW TAKEAWAY BUILDING PRINT DATE: 01/11/2021</p>		<p>DATE: 01/11/2021 LOT/DP: 10/11/2021 PROJECT: 10/11/2021 ADDRESS: 18 BELINDA STREET, GERRINGONG NSW 2538</p>	
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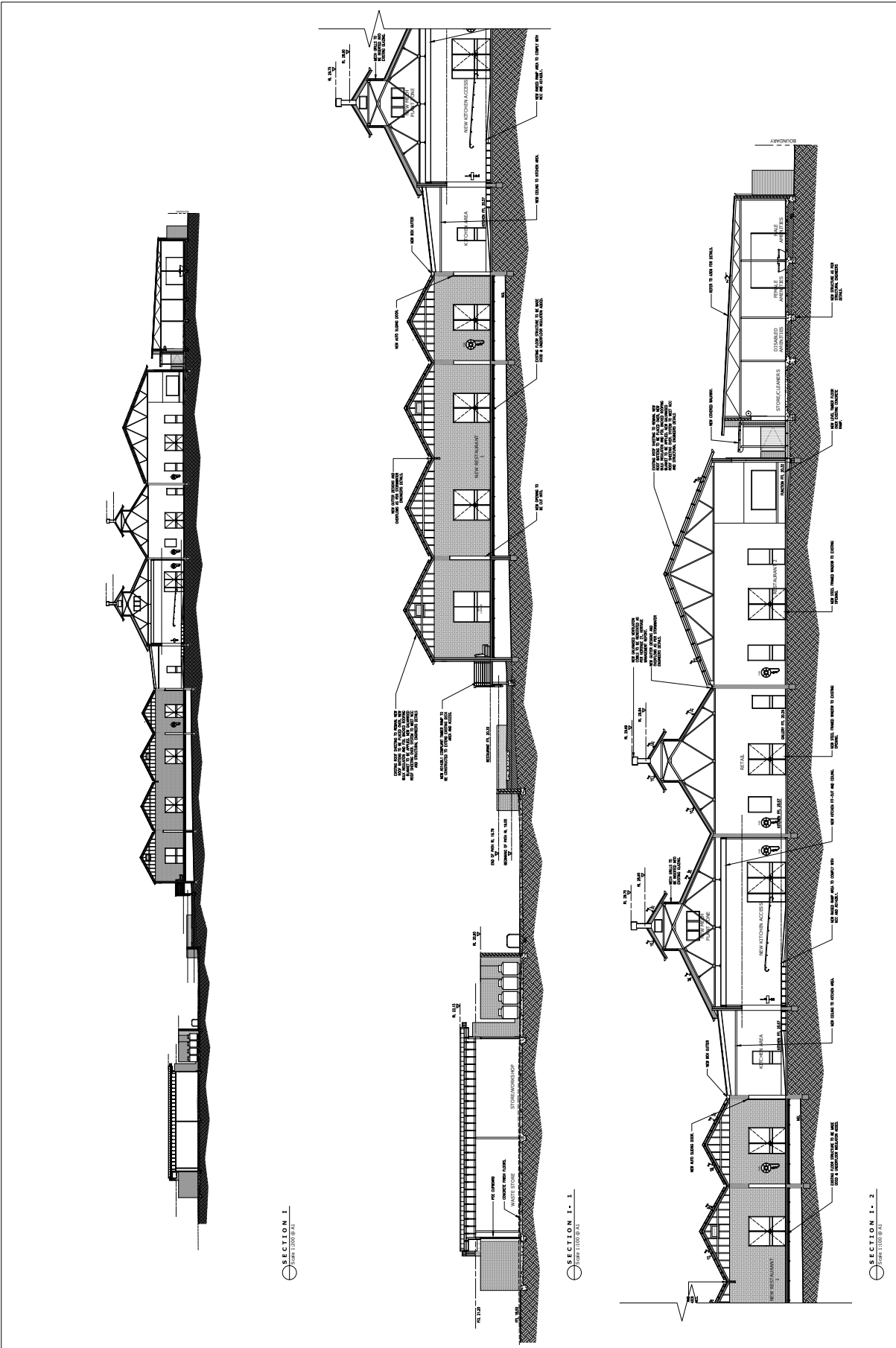
<p>ROBERTSON (Australia)</p> <p>100/102 BELINDA STREET, GERRINGONG NSW 2538</p> <p>PH: 02 4422 1111 FAX: 02 4422 1112</p> <p>WWW.ROBERTSON.COM.AU</p>		<p>DATE: 20/10/21</p> <p>LODGE: 20/10/21</p> <p>PROJECT: WASTE AND SERVICES BUILDING</p> <p>ADDRESS: 18 BELINDA STREET, GERRINGONG NSW 2538</p>		<p>REVISIONS / CHANGES / ALTERATIONS & ADDITIONS</p> <p>DATE: 20/10/21</p> <p>PRINT DATE: 20/10/21</p>		<p>DESIGNER: ROBERTSON (AUSTRALIA)</p> <p>DRAWING NO: 21100 @ A1</p> <p>SCALE: 1:100 @ A1</p> <p>ISSUE DATE: 20/10/21</p> <p>ISSUE NO: 01</p>	
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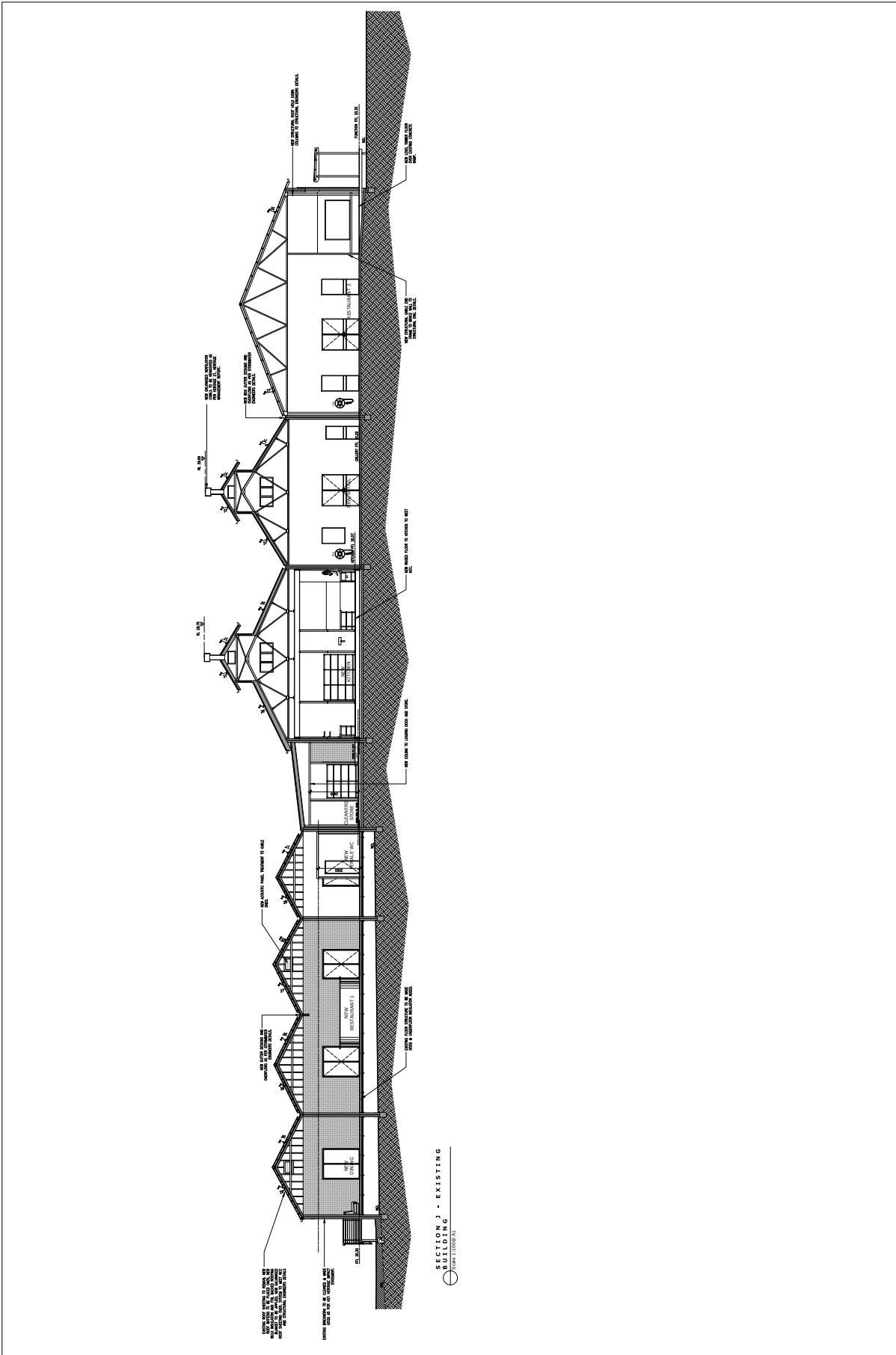
<p>ROBERTSON <i>Consulting</i></p> <p>10/100 BELINDA STREET, GERRINGONG NSW 2538 PH: 02 4422 1111 FAX: 02 4422 1112 WWW.ROBERTSONCONSULTING.COM.AU</p>		<p>DATE: 20/10/21 DRAWN BY: [Name] CHECKED BY: [Name] ISSUE DATE: 20/10/21</p>	
<p>CLIENT: [Name] PROJECT: [Name] ADDRESS: [Address]</p>		<p>REVISIONS / CHANGES NO. DATE DESCRIPTION</p>	
<p>SCALE: 1:100 (B/A)</p>		<p>SECTION: A, B, C, D, E, F</p>	



<p>ROBERTSON CONSULTANTS 10/100 BELINDA STREET, GERRINGONG NSW 2538 PH: 02 4422 1234 WWW.ROBERTSONCONSULTANTS.COM.AU</p>		<p>DATE: 20/11/2021 DRAWING NO: 21100-0-A1 SCALE: 1:100 @ A1 ISSUE DATE: 20/11/2021</p>	
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<p>CLIENT: 10/100 BELINDA STREET, GERRINGONG</p>		<p>DESIGNER: A.D. - SECTIONS DRAWING: C.B.H. PRINT DATE: 20/11/2021</p>	



<p>ROBERTSON <i>Consulting</i></p> <p>10/100 BELINDA STREET, GERRINGONG NSW 2538</p> <p>PH: 02 4455 1000 FAX: 02 4455 1001</p> <p>WWW.ROBERTSONCONSULTING.COM.AU</p>		<p>DATE: 10/10/2021</p> <p>PROJECT: 10/111/100 BELINDA STREET, GERRINGONG</p> <p>ADDRESS: 10/111/100 BELINDA STREET, GERRINGONG</p>		<p>REVISIONS FOR APPROVALS & CONDITIONS</p> <p>NO. DATE DESCRIPTION</p>		<p>ISSUE NO: 1</p> <p>DATE: 10/10/2021</p> <p>SCALE: 1:100</p> <p>DRAWN BY: J. B. J.</p> <p>CHECKED BY: J. B. J.</p> <p>DATE: 10/10/2021</p>	
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SECTION 3 - EXISTING BUILDING

<p>ROBERTSON CONSULTANTS</p> <p>10/101 BELINDA STREET GERRINGONG NSW 2538</p> <p>PH: 02 4426 0000 FAX: 02 4426 0001</p> <p>WWW.ROBERTSONCONSULTANTS.COM.AU</p>			<p>DATE: 05/11/2021</p>		
<p>PROJECT: 10/101 BELINDA STREET GERRINGONG</p>			<p>REVISIONS: 10/101 BELINDA STREET GERRINGONG</p>		
<p>CLIENT: 10/101 BELINDA STREET GERRINGONG</p>			<p>REVISIONS: 10/101 BELINDA STREET GERRINGONG</p>		
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<p>DATE: 05/11/2021</p>			<p>REVISIONS: 10/101 BELINDA STREET GERRINGONG</p>		
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<p>DATE: 05/11/2021</p>			<p>REVISIONS: 10/101 BELINDA STREET GERRINGONG</p>		
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<p>DATE: 05/11/2021</p>			<p>REVISIONS: 10/101 BELINDA STREET GERRINGONG</p>		



Phone enquiries:
Mr E J Paterson
4232 0444

Reference:
Council: 10.2021.282.1
NSW ePlanning Portal: PAN-161055

DRAFT

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.18(1)(a)

Gerringong SCD Pty Ltd
143 Renfrew Road
WERRI BEACH NSW 2534

Development Description: ALTERATIONS AND ADDITIONS TO COMMERCIAL DEVELOPMENT, CHANGE OF USE, RESTAURANT OR CAFE, TAKE-AWAY FOOD AND DRINK PREMISES, RETAIL PREMISES - ALTERATIONS AND ADDITIONS TO THE GERRINGONG DAIRY CO-OP FOR THE ADAPTIVE RE-USE AS: TWO RESTAURANTS; TAKEAWAY FOOD & DRINK PREMISES; RETAIL SPACE; BARBECUE HUT; NEW AMENITIES; CAR PARKING. INCLUDING STAGED DEVELOPMENT (FOUR STAGES) AND DEMOLITION OF FORMER HARDWARE SUPPLIES MASONRY BRICK BUILDINGS. ALSO REMOVAL OF TWO (2) TREES.

Development Consent Number: 10.2021.282.1

Premises: LOT: 100 DP: 1110583
18 Belinda Street GERRINGONG

Determination: Consent granted subject to conditions described below

Date of Determination: To be determined

Date Consent Operates From: To be determined

Date Consent Lapses On: 5 years from date consent operates

Other Approvals:

List *Local Government Act 1993* approvals granted under Section 78A (5)

NONE APPLICABLE

General terms of other approvals integrated as part of the consent:

(list approvals)

NONE APPLICABLE

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Conditions of Development Consent:

(including Section 7.11 and 7.12 conditions)

General

- (1) The development shall be implemented in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2021.282.1 dated - except as amended by the following conditions: (g005.doc)
- (2) No development/works, including any demolition works, is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (3) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (4) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)
- (5) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)
- (6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form a minimum of five days before approval is required:
 - A completed application form;
 - Fees in accordance with Council's adopted fees and charges;
 - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
 - Public liability insurance for an amount of no less than \$20M;
 - Where excavation of a road or path surface will take place, a security bond in accordance with Council's adopted fees and charges; and

Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.

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- (7) The proposed development is to be carried in accordance with the recommendations of the Environmental Site Assessment (Stage 2) by Earth 2 Water Pty Ltd dated 1 February 2010.

Bonds and Contributions

- (1) A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of a Construction Certificate. The total contribution required for the development is \$50,990.44.

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPIp}}{\text{CPIc}}$$

Where:

C = The original contribution amount as shown in the development consent.

CPIp = The Consumer Price Index: All Groups Index for Sydney as published by the Australian Bureau of Statistics and which applied at the time of payment.

CPIc = The Consumer Price Index: All Groups Index for Sydney as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent. (po001.doc)

Prior to Commencement of Works

- (1) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days' notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "Notice of Commencement of Building Work and Appointment of Principal Certifying Authority", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form. (pt020.doc)

- (2) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.doc)

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- (3) 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;
 - 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.

Note: 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. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (4) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (5) Prior to release of the Construction Certificate, a project arborist shall be engaged to recommend treatments for the carpark surface to lessen the impact on the neighbour's trees, in the rear of no.10 & no.14 Victoria Street. The Box elder tree, *Acer negundo*, may be removed for the development as it is an exempt species.
- (6) During construction should any roots be uncovered that need severing, of any tree in the rear yards of the adjoining lots in Victoria Street, then the work is to halt until a project arborist is called to inspect the works and the work is to proceed following the instructions and supervision of that arborist.

Demolition Works

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

(2) **Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

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Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications must be retained and provided to Council.

Asbestos – Tip receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m2 of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m2 of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied. (dw015.doc)

- (3) Safe access to and egress from adjoining buildings shall be maintained at all times for the duration of the demolition work. (dw020.doc)
- (4) The techniques adopted for stripping out and for demolition shall minimise the issue of dust into the atmosphere. (dw030.doc)
- (5) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the WorkCover Authority. (dw040.doc)

Civil Engineering Design

- (1) The developer shall submit details of all civil engineering works on engineering drawings to the accredited Certifying Authority for approval prior to the issue of the construction certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

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- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross-sectional detail shall be provided for the proposed access driveways, car spaces & aisles
- c The proposed pavement treatment to the access driveways, car spaces & aisles. The minimum surface treatment shall either be reinforced concrete, asphaltic concrete or segmental pavers on a reinforced concrete base.
- d The location and reduced level of all services under the control of public utilities or agencies.

All reduced levels shall relate to Australian Height Datum (AHD) (ced030.doc)

Car Parking and Vehicular Access

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)
- (2) Access and manoeuvring into the proposed loading and unloading areas for all commercial vehicles shall comply with the requirements of the Standards Australia AS 2890.2 – Off-street Parking Part 2: Commercial Vehicle Facilities. The minimum design requirement shall be for a medium rigid vehicle. (c160.doc)

Stormwater Management

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Accredited Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)
- (3) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Accredited Certifying Authority for assessment and approval prior to the issue of the construction certificate. (sm060.doc)
- (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the Accredited Certifying Authority prior to the issue of any of the Occupation Certificate. (sm130.doc)

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- (5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)
- (6) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

Detail shall be submitted to the Accredited Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)

- (7) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)
- (8) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design

Inspections

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

NOTE: Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)

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- (6) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday - 7.00 am to 5.00 pm
Saturdays - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

Erosion and Sedimentation Controls/Soil and Water Management

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
 - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)

Landscaping Works

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 3 of Kiama Development Control Plan 2020 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of twenty-six (26) weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the twenty-six (26) week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to issue of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)

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- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
 - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

Prior to Occupation

- (1) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)

- (2) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2021 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

- (3) The developer shall complete all access and drainage works prior to the issue of any occupation certificate. (po010.doc)

- (4) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.

- (5) Prior to the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the following requirements have been met:

- a. Car parking spaces, parking aisles, blind aisles, access driveways, circulation roadways and ramps comply with the requirements of the following Australian Standards:
 - i. AS 2890.1 - 2004 Off-street car parking;
 - ii. AS 2890.2 - 2002 Off-street commercial vehicle facilities;
 - iii. AS 2890.3 - 2015 Bicycle Parking; and
 - iv. AS 2890.6 - 2009 Off-street parking for people with disabilities.
- b. The car parking area shall be line marked and signposted in compliance with the requirements of the relevant Australian Standards

Access and manoeuvring into the proposed delivery areas for all commercial vehicles shall comply with Australian Standard AS 2890.2 - 2002 Off-street commercial vehicle facilities.

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- (6) Details of landscaping maintenance measures including irrigation and periodic trimming are to be provided to Council prior to issue of the Occupation Certificate.

Food Safety Requirements

- (1) Compliance with the following regulations and standards is required at all times:
- Food Safety Standards (Australia)
 - Design, construction and fit-out of food premises AS4674-2004;
 - The use of ventilation and air conditioning in building Mechanical ventilation in buildings Exhaust AS1668.1 and AS1668.2
 - Food Act 2003;
 - Food Regulations 2015.
- (2) **In addition** to a food preparation sink, equipment rinsing sink and dishwasher, a separate hand wash basin must be provided to the main kitchen food preparation area. The plans are unclear as to the purpose of each sink. If a floor waste cannot be provided in the food preparation areas a separate mop/cleaners sink must be provided for floor waste.

Provide handwash basin to all bar or coffee preparation areas.

Provide a utensil/ drink disposal sink to all bar and coffee preparation areas.

No timber or non-compliant flooring in the bar areas. Bar areas are considered food preparation areas and require approved flooring that is smooth, impervious, durable, easy to clean and **MUST** be coved and drain to floor waste. Flooring is to be coved in the intersection between the wall and floor.

NO timber framed benches to the bar area are permitted.

- (3) The hand wash basins must be located and installed so they are:
- not obstructed;
 - are at a bench height and permanently fixed to the wall, a supporting frame (free standing) or the bench top;
 - accessible and no further than 5 metres (path of travel), except for toilet hand basins, from any place where food handlers are handling open food.
 - connected to a permanent supply of warm running potable water delivered through a single outlet.
 - provided with liquid hand soap and paper hand towels.

Hand wash basins cannot be installed under benches or as part of a bench.

Taps operated by either lever action, flick mixer or sensor are recommended for all hand wash basins.

Hand wash basins should be big enough to allow hands, wrists, and arms to be washed under the tap. It is recommended the minimum size of the basin is 445mm (length) x 280mm (width) x 130mm (depth).

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(4) Every fixture, fitting or appliance shall be so constructed as to be:

- impervious, durable, non-toxic, and resistant to corrosion;
- free from cracks and crevices;
- capable of being easily and thoroughly cleaned; and
- so constructed as to prevent the harbourage of vermin.

Every fixture, fitting or appliance shall be:

- supported on approved wheels or castors; or
- supported on 150 millimetre high legs and separated from all walls and other equipment or fixtures by a minimum of 150 millimetres; or
- fixed or butted against walls or other equipment and supported on 150 millimetre high legs. All joints between the appliances and walls shall be suitably flashed and imperviously sealed in such a manner as to eliminate any open joint, space, crevice or cavity which may allow liquids, food particles, grease or other refuse to collect.

(5) Ensure that the waste water from the coffee machine is effectively sealed and plumbed to the sewage system.

(6) The food preparation and bar areas shall have floors that are:

- appropriate for the area;
- able to be effectively cleaned;
- non-absorbent;
- laid according to the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no ponding of water and harbouring of pests;
- finished with surfaces as specified in Table 3.1 of AS 4674-2004. In addition to those floor finishes set out in table 3.1 concrete towelled to a smooth finish is suitable, provided dense mixes are used and it is properly cured and has a steel- or machine-float finish.
- coved providing a continuous uninterrupted surface between the floor and the wall refer to Figure 3.1 of AS4674-2004.
- The floor waste(s) in the food premises must be fitted with a sump removable basket and grate and constructed in all stainless steel finish (see AS4674-2004 Section 4.1.8).

(7) The food preparation and bar areas shall have Walls and ceilings that are:

- a) sealed to prevent the entry of dirt, dust and pests;
- b) unable to absorb grease, food particles or water; and
- c) able to be easily and effectively cleaned. Thus it is recommended food storage areas be finished with one or a combination of the following materials:
 - glazed tiles;
 - stainless steel or aluminium sheeting;
 - laminated thermosetting plastic sheeting;
 - similar impervious material adhered directly to the wall.

The finishing materials of the wall surfaces shall provide a smooth even surface, free of buckles or legs, fixing screws, picture rails, open joint spaces, cracks or crevices.

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The use of feather edge skirting is not permitted and the junction between adjacent wall finishes shall not form a ledge upon which dust or grease can accumulate.

- (8) Food storage must be in such a way that:
- (a) It is protected from the likelihood of contamination; and
 - (b) The environmental conditions under which it is stored will not adversely affect the safety and suitability of the food.

The applicant must when storing potentially hazardous food:

- (c) Store it under temperature control; and
- (d) If it is food that is intended to be stored frozen, ensure the food remains frozen during storage.

The premises must have sufficient storage space and shelving 150mm off the floor as no food, packaging or equipment is to be stored on the floor so as to ensure ease of cleaning.

Ongoing Operations

- (1) Noise emissions from this activity must comply with those outlined in the *Protection of the Environment Operations Act 1997 and Regulations* and must not exceed 5dBA above the background at all times.

All loading/unloading operations are to take place at all times within the confines of the site and within operation hours.

The development shall not interfere with the amenity of the neighbourhood by reason of noise, vapours, odours, fumes, traffic, waste water, waste products or otherwise.

Details must be provided of how the cooking and smoking odours will be managed to prevent any offensive noise or odours. Of particular **concern is the smokehouse**.

Comply with the recommendations made in **section 6** of the "Environmental Noise Impact Assessment – Gerringong Co-Op" report prepared by Harwood Acoustics dated the 9 November 2021.

Where the Noise Impact report states "alternatively, or additionally, an electronic noise limiting device may be installed in the restaurant" **this will be a requirement and not an "alternate" measure** and the device must be calibrated and set to a level that ensures that the external L₁₀ Noise limits are not exceeded. The device will provide a warning to the management, DJ, or artist via LED sequential lighting that the maximum noise level is close to being reached.

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- (2) Once all plant and equipment are installed another acoustic report is to be conducted by a suitably qualified and/or experienced acoustical engineer (e.g. a member of the Australian Acoustical Society) to assess the impact of the **plant and equipment**. The report is to include recommendations that mitigate and attenuate any noise issues identified. These subsequent recommendations must be addressed. The noise shall be no more than 5dB above background during the allowed hours of 7am and 10pm weekdays and 8am and 10pm weekends and public holidays. During the restricted hours (between 10pm and 7am weekdays and 10pm and 8am weekends and public holidays) noise is not to be audible in a habitable room of a residential premises. The noise report must include a set of recommendations that will attenuate noise so that it complies with the *Protection of the Environment Operations Act 1997 and Regulations* NSW Environmental Protection Authority (EPA) Industrial Noise Policy and Liquor and Gaming Licence Premises noise requirements.

Details must be provided of how the cooking and smoking odours will be managed to prevent any offensive noise or odours. Of particular concern is the smokehouse.

- (3) The proposed development is to be carried in accordance with the 'Recommended Noise Controls' stated in the Acoustic Assessment prepared by Harwood Acoustics, dated 9 November 2021.
- (4) Waste removal - removal of empty bottles and cans shall not occur after 10:00pm and before 7:00am.
- (5) Waste collection – all food waste collected is to be sealed before placement in the waste and services room.
- (6) Takeaway food - The takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises.
- (7) Takeaway operating hours - The takeaway is to open for service to customers no earlier than 7:00am Monday – Saturday, and 8:00am Sunday.

Conveyancing Requirements

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919.

The above requirement shall be undertaken prior to the issue of any Occupation Certificate) (cr040.doc)

5 CLOSURE