

**238-240 Bronte Road, Waverley** – Refurbishment of existing convenience store including new signage and extension of trading hours to 24 hours a day (DA-527/2009)

**Report:** dated 18 December 2009 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in this report.

**Referred:** to DCC on the request of Clr Main and seconded Clr Sloan

<b>Development Assessment Report Retail premises</b>	
Development Application No.	DA 527/2009
Address	238-240 Bronte Road, Waverley
Lodgement Date	6 October 2009
Proposal	Refurbishment of existing convenience store including new signage and extension of trading hours to 24 hours a day
Zoning and relevant controls	Waverley Local Environmental Plan 1996 <ul style="list-style-type: none"> <li>• Zoned Business Neighbourhood 3(c)</li> </ul> Waverley Development Control Plan (WDCP) 2006 <ul style="list-style-type: none"> <li>• Part E1 – Retail and Commercial Premises</li> </ul>
Owner	Mr T Mormanis and Mrs R Mormanis
Applicant	Milestone (Aust) Pty. Ltd.
Submissions	Six submissions received
Issues	Trading hours, signage / illumination, conservation area impact / streetscape
Recommendation	That the application be <b>APPROVED</b> subject to conditions



## 1. PREAMBLE

This matter was considered by Council at its meeting of 8 December 2009, where it deferred the application for the below reasons (in *italics / bold*). Amended plans were also lodged on the 18 December 2009. These plans are assessed in this report.

The applicant has responded to these deferral matters and their response is discussed below.

1. ***Complete plans of the shop fit-out, waste storage, lighting and lux, exterior heritage design and further details of the garbage room be submitted to Council. The exterior heritage design work shall be undertaken by Council's Heritage Advisor.***

The revised plans show further details with respect to the exterior finish of the shopfront and further requirements can be dealt with via conditions consent e.g. signage. In particular, the existing below awning tiled finish is to be removed and more appropriate painted rendered finish provided. Council's Heritage Advisor raised no objection to these works.

It should be noted that the proposed use and internal fit out works, in this instance, do not require development consent and could proceed through lodgement of a Complying Development Certificate pursuant to the new Commercial Codes SEPP (Exempt and Complying). Development consent from Council is only required for the proposed external alterations to the shopfront, extension of proposed hours of operation and proposed signage. Notwithstanding, an appropriate level of detail has been provided on the fit out drawings to enable the determination of this application.

2. ***There be no opaque glazing on windows facing Victoria Street, automatic doors and external condensers and motors.***

The revised plans have satisfied these requirements.

3. ***All cleaning and operational activities be undertaken during opening hours.***

Compliance with this will be achieved and can be addressed via the imposition of a condition.

4. ***Delivery of goods be undertaken between 7am to 7pm.***

Compliance is achieved via the imposition of a condition

5. ***The shop number be clearly displayed in front of the premises.***

A condition in this respect is recommended.

### **Comment**

The proposal achieves compliance with Council's statutory and policy framework and is considered to have minimal environmental impact. As outlined above, all outstanding matters have been addressed by the revised plans or can be satisfied through conditions of consent.

The DBU consider that the applicant has satisfied Council's deferral matters of 8 December 2009.

## **1.1 The Site and its Locality**

The subject site is located on the eastern side of Bronte Road, at the 5-ways intersection, on the corner of Bronte Road, Victoria Street and Carrington Road within the Charing Cross Precinct.

Existing on the site is a two-storey building with two retail commercial premises on the ground floor and a residential unit on the first floor. The ground floor shop (on the corner of Bronte Road and Victoria Street), the subject of this application is currently vacant, previously operating as 'Theo's Deli and Mixed Business' with a gross floor area of 129sq.m. The adjoining shop within the building is currently operating as 'Vince's Shoe Repairs'. At the rear, a single carport is accessed from Victoria Street dedicated to other tenancies within the building, though provides the accessway for transporting garbage bins to the street kerb for collection (thus avoiding the need to go through shop).

Immediately adjoining the subject site are commercial premises with residential uses above as well as additional residential uses within close proximity, given the subject site borders a commercial and residential zone.

The subject site is not listed as a heritage item, however is situated within the Charing Cross heritage conservation area.

## **1.2 Background**

Relevant property history:

- DA 125/1970 approved 29 July 1970 - Use shop portion of existing shop and dwelling for retail sale of refreshments and preparation and sale of food to be taken away from the premises. Approved trading hours - Condition No. 4: 8.00am and 12.00 midnight daily including Sundays.

## **1.3 Proposal Description**

The proposal seeks to refurbish the premises as a '7 Eleven' Convenience Store and new signage. The store will retail general convenience grocery items, pre-packaged food and drink, newspapers, magazines and the like.

The proposed trading hours seek to be extended to 24 hours, seven days and a maximum of four staff will be present at site at any one time. Loading/unloading of goods will occur utilising existing on-street parking.

Proposed works include removal of existing signage and replace with new logo signage, remove existing external tiles and resurface with white render, new automatic door to Bronte Road, closure of doorway on splay corner of Bronte Road and Victoria Street installation of plant equipment at the rear and new internal fitout.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Section 79C of the Environmental Planning and Assessment Act 1979.

### 2.1 Section 79C(1)(a) Planning Instruments

#### 2.1.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

It is worthy to note that a change of use of this nature would typically be classified as complying development under the recently adopted State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Part 5). In such an instance, the proposal maintains the previous use of the site (mixed business and convenience store) and this application relates only to the proposed extension of trading hours, signage and refurbishment of the premises. That is, the use of the premises as a convenience store operating between 8.00am to 12.00 midnight is approved on this site and is to be maintained as a result of this application.

#### 2.1.2 Waverley Local Environmental Plan 1996

The site is zoned 3(c) Business Neighbourhood under Waverley LEP 1996. The site is not listed as a Heritage Item, however is located within the Charing Cross Conservation Area under Council's LEP.

#### Clause 3 – Specific Aims

##### Objective (2) – Commercial Development

(a) *'To encourage a range of activities within commercial zones;*

(d) *'To promote a mix of uses to satisfy the demands of commercial and residential development in commercial zones'.*

**Planning Comment:** The proposal seeks to maintain a commercial entity within a Business Neighbourhood zone that satisfies the demands of the surrounding locality. The proposal is therefore considered satisfactory having regard to Clause 3 of the LEP with the exception of trading 24 hours, seven days as discussed in further detail below.

#### Clause 10 – Zone Objectives

The site is zoned Business Neighbourhood 3(c) under Council's LEP. The proposal for the refurbishment of the premises as a '7 Eleven' Convenience Store is considered acceptable, specifically having regard to the previous use of the site as a deli/mixed business. However, the operation of the premises on a 24 hour basis is not considered to be consistent with the lower intensity commercial objectives of the site's zoning.

### 2.1.3 Waverley Development Control Plan 2006, Part E1 – Retail and Commercial Premises

#### Hours of operation

The subject site is considered a 'Type B' Premises according to Part E1 of the WDCP 2006 which allows for:

- (a) General maximum trading hours of 7:00am to 10:00pm, 7 days a week, or;
- (b) 1 year trial hours of
  - (i) 7.00am to 12.00 midnight, 7 days a week. Extended late night trading may be considered on a trial basis.
  - (ii) Where residential uses are in close proximity, 7.00am to 11.00pm, Thursday, Friday and Saturday only.

The proposed trading hours are 24 hours, seven days a week.

It is noted a number of commercial premises within close proximity to the site operate between 7.00am to 10.00pm, with a small number operating after this time: 268-270 Bronte Rd – 'Charing Cross Pizza Bar & Restaurant; 276 Bronte Rd – Vietnamese Restaurant; 203 Bronte Rd - 'Robin Hood Hotel'; and 81 Carrington Rd - 'Charing Cross Hotel'. However the approval of these later trading hours dates back to before the current trading hours policy was adopted. Included in these consents for late night trading is the subject premises' original consent for a mixed business at this site allowing for trading between 8.00am to 12.00 midnight, seven days.

Having regard to the subject proposal, it is considered appropriate in this instance to make reference to a similar application at 15 Hall Street, Bondi Beach currently operating as a '7 Eleven' Convenience Store in a 3(a) General Business zone which sought to trade 24 hours, seven days. Whilst the initial application (DA-300/2004 dated 15 November 2004) was approved by the Land and Environment Court for a change of use to a '7 Eleven' Convenience Store with associated shop fitout and signage, it was approved subject to the premises operating from 6.00am to 12.00 midnight, seven days and a trial period for 12 months of operation between 12.00 midnight to 6.00am seven days (ie. 24 hours trading).

A subsequent s96 modification application for the site, seeking to extend the trial period from 1 year to 5 years was not supported and reduced to another 12 months trial period (DA 300/2004/AA dated 24 July 2006). An additional s96 application (DA 300/2004/B dated 8 January 2008) allowed for another 12 months trial period for the premises.

On 31 January 2007, the WDCP 2006 became effective and incorporated controls for retail and commercial premises trading hours.

Subsequently, a recent decision by the Land and Environment Court (dated 4 June 2008) for the premises at 15 Hall Street for a s96 application to delete the trial period was upheld in part. The approved hours of operation were amended in accordance with Council policy for this 3(a) zone, being from 6.00am to 12.00midnight, seven days and a trial period for 12 months to operate from 12.00 midnight to 1.00am, seven days. The Court found:

*"...there are residential properties in close proximity to the store. This includes residential units above the store in the same building and the adjoining apartments above the neighbouring ground level shops. The amenity of these residents warrants consideration..."*

*In reaching this conclusion, I also consider some weight should be given to the opinion of Detective Inspector Smith [Police Inspector of the Eastern Suburbs Local*

Area Command] whose experience shows that convenience stores and fast food outlets trading in close proximity to late trading premises will attract intoxicated persons leaving those premises. Such gatherings of intoxicated persons inevitably result in an increase in incidents of assault, robbery, malicious damage and general anti-social behaviour...

*These concerns are consistent with the experience of the objector's evidence. In these circumstances, I give reduced weight to the apparent lack of reporting of complaints/anti social behaviour because often members of the public are often not prepared to act or report this in the early morning hours. Accordingly, I do not consider the public interest is well served by allowing the continuation of the 24/7 trading".*

The above reaffirms that trading 24 hour trading within close proximity to licensed venues (in this instance, the Charing Cross and the Robin Hood Hotels) can have detrimental affects an area. Furthermore, as outlined in clause 2.4 Clause 2.4 of Part E1 in WDCP 2006, 24-hour trading is not permitted but rather trading hours being limited to between 7:00am and 10.00pm, seven days. An extension of trading hours until 12.00 midnight may be permitted on a trial period basis only, unless residential uses are within close proximity. The intention of this control is for the Charing Cross Precinct to effectively be a non trading area during the early hours of the morning (i.e. between midnight and 7am daily). Furthermore, the classification of a convenience store as a "Type B" premises acknowledges the fact it is an unlicensed premises, however continues to warrant non-operation during the early hours of the morning.

To permit the subject property to operate 24 hours, 7 days encourages people to remain in the area after the time of nearby restaurants, bars and hotels close of a night. The resultant impact presents an opportunity for adverse impacts on the surrounding locality including though not limited to increased noise, crime, antisocial behaviour and increased litter around the site.

Therefore, having regard to the existing approval on the site (see DA 125/1970), Council's DCP, as well as the Land and Environment Court's decision on a similar development proposal recently, it is considered trading 24 hours, seven days will adversely impact on the surrounding locality.

As such, it is recommended that consent be granted for trading hours between 7.00am to 12.00 midnight, seven days (having regard to trading hours already approved for the site until 12.00 midnight, seven days). In this instance, no trading is to occur between 12.00 midnight and 7.00am each day, ensuring the premises trading hours more closely align with the current approval for the site, Council's policy and also other commercial uses in the locality that are not to the detriment of the local community.

### ***Delivery Vehicles***

It is proposed that the loading/unloading of goods occur using on-street parking available in the vicinity. Whilst a carspace is available at the rear of the premises, this is utilised by other tenancies within the building. Therefore, as the proposal is for the use of an existing building, in this instance delivery of goods via street parking is considered reasonable. A standard condition will be imposed upon any consent being granted requiring delivery and loading/unloading of goods shall be limited to the approved trading hours.

## **Noise**

The proposal seeks to install air conditioning and cool-room condensers at the rear of the premises in association with the proposed use. According to subclause (a) of clause 2.6.2 of Part E1 of the DCP, air conditioning units and cool-room equipment must be located in a plant room or an acoustic enclosure to remove the potential for any associated noise escaping from the subject property. As these details have not been provided, a condition to this effect is recommended. Additional standard noise related conditions shall be imposed on the consent to ensure noise impacts resulting from the use of the premises do not unreasonably impact on the surrounding locality.

## **Advertising and Signage**

New signage proposed to replace the existing advertising on the premises include:

- Awning fascia sign extending along entire awning frontage, being 14sq.m in area (26.46 x 0.53m). The sign contains 7 Eleven striping as well as one 7 Eleven emblem at each frontage (three in total, being Victoria Rd, Bronte Rd and splay frontages);
- Two under awning signs to replace the existing two (2.8sq.m in area, being 2.805 x 0.5m each) internally illuminated displaying business identification information and striping;
- Top hamper sign internally illuminated above the pedestrian entry along Bronte Road, being 1.4sq.m in area (2.805 x 0.5m);
- Non-illuminated 7 Eleven emblem on the splay to Bronte Road and Victoria St intersection measuring 0.49sq.m in area (0.7 x 0.7m);
- A Bankwest ATM sign located within the store shopfront, internally illuminated with an area of 0.45sq.m (0.93 x 0.48m) to provide detail of an ATM within the store;
- A 7 Eleven decal applied to the shopfront glazing with a total area of 0.76sq.m. The decal is 85mm in height and contains a striped emblems that flank a 7 Eleven logo. The decals extend across the entire width of the clear shopfront glazing.

The proposal therefore seeks a total of 17.1sq.m, (excluding underawning signs as these form exempt development). As evident above, the majority of proposed signage (14sq.m) forms part of the awning sign whereby the remaining signage is only 3.1sq.m, considered appropriate for the site.

The proposed signage is generally in accordance with the Council controls specific for advertising structures which allows for one underawning sign, awning sign, window signage and one flush wall (not proposed) sign in business neighbourhood zones. In this instance the proposal deviates from this as it seeks to replace existing signage with new, so will be utilising the existing two underawning signs considered acceptable specifically as premises has the corner frontage. Additionally, an illuminated top hamper sign is proposed in lieu of a fascia sign, considered a more preferable approach given the streetscape and the subject site's prominence in the Charing Cross conservation area. However, it is recommended that the top hamper sign be non-illuminated so as not to reflect or intrude upon neither neighbouring properties nor vehicle movement at the adjacent busy intersection, considered acceptable.

### **2.1.4 Waverley Development Control Plan 2006, Part F5 – Local Village Centres**

The subject site is classified within the Charing Cross Small Village according to Part F5 of the WDCP 2006. The objectives of this centre, specifically sub clauses (h) to (i) are relevant to the subject proposal, whereby the continuance of a convenience store from this premises is considered to be in keeping the desired future character of the area, and therefore considered acceptable.

## 2.1.5 Waverley Development Control Plan 2006, Part I – Land Use and Transport

The proposal is for the refurbishment of the shop, extend hours and new signage, whereby no significant building works are proposed. It is therefore considered reasonable to waive the requirement for the provision of parking on-site.

## 2.1.6 Other Matters

### ***Streetscape***

The proposal seeks to refurbish the ground floor shop for its use as a '7 Eleven' convenience store including removing the existing tiles on the front façade, rendering and painting white. Additionally, new windows and new automatic doors to the main entry of the premises will be installed, whereby opaque film will be fixed to the windows along the Victoria Street frontage.

Given the premises' prominence at the 5ways intersection and entry to the Charing Cross conservation area, the presentation of the subject site in the streetscape is important. As such, the removal of the existing tiles on the front façade, rendering and painting the front is supported; however it is recommended the colour be in accordance with Council's suggested heritage colour schemes rather than white. A condition to this effect shall be imposed.

Additionally, to ensure the bright illumination of the site, specifically at night does not impact on the vehicle and traffic movements at the intersection adjacent, it is recommended a condition be imposed ensuring lighting associated with the shop shall be reduced from that typical of a 7 Eleven store whereby light spillage to the street is of a reduced and acceptable level. This will also aid in the presentation of the premises to be in keeping with the surrounding commercial precinct, rather than stand out of a night time.

In relation to the opaque film over the Victoria Street frontage windows, given the main entry will be relocated to the Bronte Road frontage whereby large windows provide casual surveillance to and from the street, it is considered reasonable to allow in this instance.

The proposal also seeks to remove existing signage at the premises and replace with new business-logo themed signage. As discussed, the proposed signage is considered acceptable subject to the top hamper sign being non-illuminated and some moderation of the use of corporate colours, given the heritage status of the site.

### ***Safety and security***

A Plan of Management has been submitted with the application detailing operational measures for the proposed convenience store including the measures to be taken by the shop operator to eliminate unnecessary waste and littering as a result of the shop use and the security management of the site. The proposal seeks the following security measures will be undertaken:

- 24hour closed circuit television cameras (CCTV);
- In the event of an incident a security officer will attend the site on a 'needs basis', employed by '7 Eleven';
- An under counter safe is located below the service counter for Store employee direct access.

Whilst these measures may aid in reducing incidences occurring at or near the premises, concern is still raised over the premises being open on a 24 hour basis. As outlined previously in the report, trading till 12.00midnight is considered the maximum allowable time for trading. However, these measures being implemented are favourable to ensure a secure day to day business can operate safely.



### 3 REFERRALS

#### 3.1 Internal

##### ***Environmental Issues***

The application was referred to Waverley Council's Senior Environmental Health Officer who considered to proposal satisfactory subject to standard conditions being imposed.

##### ***Waste Management***

The application was referred to Waverley Council's Environmental and Waste Services for comment who raised concern for the initial submission with regard to inadequate details. The application and plans have been amended and the revised comments are as follows:

*The original conditions [on initial comments] regarding the number of bins required is satisfactory and recommended to be imposed. However the applicant's submission does not meet Council's requirements in regards to having an adequate garbage storage area and facilities for washing the bins.*

*The garbage storage area needs to be undercover. The applicant needs to show an authorised connection to the sewer on the plan/drawings and describe the actual facilities, ie. tap and hose, in the amenity section of the checklist. The applicant has mentioned that the bins and bin area will be washed down by hand and with a mop but this is not adequate.*

**Comment:** A condition shall be imposed ensuring these aspects are amended to ensure compliance with these comments.

##### ***Heritage and Urban Design***

The application was referred to Waverley Council's Heritage and Urban Design Advisor who made the following comments:

##### ***Site Description***

*The site located to south eastern corner of Bronte Road and Victoria Streets Charing Cross is occupied by paired late Victorian Italianate shops with residences above.*

##### ***Current Status***

*The building is/not listed in Waverley LEP 1996 Schedule 5 as an item of heritage significance but is located within and a prominent contributory item in the Charring Cross Urban Conservation Area.*

##### ***Proposed Development***

*The application proposes alteration of the ground floor shop are including removal of internal walls a change to entry doors and windows and introduction of extensive external signage associated with the proposed use as a convenience store having extended trading hours.*

##### ***Comments***

*The application provides limited address of the Conservation Area or the impact of the proposed works upon the Conservation Area. A Heritage Impact Report has not been sighted. Essentially the application fails to adder the character of the Conservation Area the amenity of the setting or the streetscape role of the existing building and its relationship to the Conservation Area. The application seeks concessions to trading hours and extensive interior alteration. At the same time no conservation works are proposed to the building internally or externally.*

*The proposed signage is considered excessive and out of character with the setting and nature of the building. No detail is provided of high lighting levels associated with the proposed usage or of how light spillage to the exterior will be avoided.*

*The application is not supported on the basis of aesthetic and social impact upon the significance of the Conservation Area and Streetscape. Similar convenience stores exist to the north of the site whilst existing stores in the setting serve the needs of immediate residents.*

*Recommendations*

*To maintain the heritage contribution of the existing building and the character of the Conservation Area it is recommended that the applicant provide an alternate use for the existing building. Such use should be cohesive with the building fabric, detailing and relationship to the streetscape and Conservation Area.*

**Comment:** Having regard to the comments raised above, various additional elements are recommended to be varied by way of conditions to be imposed upon any consent being granted. The previous use for the site was a mixed business, to be maintained as a result of the subject application. As such, the proposal is considered to be an acceptable form of development upon these additional conditions being imposed, including though not limited to altering colour of front façade to be painted, reduction of illumination of premises and illuminated signage, removal of existing signage including unsympathetic advertising canvas drop blinds.

**Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The use is supported however, the proposed hours are considered excessive and likely to adversely impact on the surrounding locality. As such, it is recommended that the trading hours be reduced to between 7.00am to 12.00 midnight, seven days. Upon these recommendations being imposed, the proposed use will contribute to the vitality of this retail area. In other respects the proposal would have a negligible impact on the locality.

**Section 79C(1)(c) - The suitability of the site for the development.**

The above analysis indicates that the site is suitable for the proposed development.

#### 4. PUBLIC SUBMISSION

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2006, Part C3 – Advertised and Notified Development*.

Six submissions were received, as well as a submission in reply by the applicant. The issues raised in the submission are summarised and discussed below.

Property	Location	Summary of Objections
244-246 Bronte Rd	Property to south	<ul style="list-style-type: none"> <li>Over supply of convenience stores in close proximity / Competition of businesses increase prices for community;</li> </ul>
250 Bronte Rd	Property to south	<ul style="list-style-type: none"> <li>Impact of 24 hour trading &amp; associated noise, lack of demand, no other premises in vicinity open all night,</li> </ul>
91 Carrington Rd	Property to west	<ul style="list-style-type: none"> <li>Impact of 24hour trading / Close proximity to licensed venues &amp; associated difficulty for security to manage persons leaving venue for food as they often hang around outside in street causing a disturbance, increased violence, loitering &amp; antisocial behaviour</li> <li>Over supply of convenience stores in close proximity</li> </ul>
411/72 Henrietta St	Property in local community	<ul style="list-style-type: none"> <li>Impact of 24 hour trading &amp; associated noise, lack of demand;</li> <li>Impact on Charing Cross Conservation Area, proposed building colour scheme not sympathetic to building;</li> </ul>
22 Victoria St	Property in vicinity to west	<ul style="list-style-type: none"> <li>Impact of 24 hour trading &amp; associated noise, antisocial behaviour, increased garbage and loitering of persons;</li> </ul>
Charing Cross Precinct Committee Representative		<ul style="list-style-type: none"> <li>Impact of 24hour trading / Close proximity to licensed venues &amp; associated difficulty for security to manage persons leaving venue for food as they often hang around outside in street causing a disturbance, increased violence, loitering &amp; antisocial behaviour / Impact on residential amenity;</li> <li>Over supply of convenience stores in close proximity;</li> <li>Bright lighting conflict with traffic controls,</li> <li>Impact on Charing Cross Conservation Area;</li> </ul>

*Issue:* Over supply of convenience stores in close proximity / Competition of businesses increase prices for community

**Comment:** The previous use of the site was a mixed business and convenience store (known as 'Theo's Mixed Business and Deli'), whereby the current proposal maintains this same use. Additionally, Council policy does not restrict the number of convenience stores in an area and as such the continual use of this site for this purpose is considered acceptable, specifically as this use at this premises dates back many years (original consent granted in 1970).

*Issue:* Impact of 24 hour trading & associated noise, lack of demand, antisocial behaviour, increased garbage and loitering of persons, no other premises in vicinity open all night, close proximity to licensed venues & associated difficulty for security to manage persons leaving venue for food as they often hang around outside in street causing a disturbance, increased violence, loitering & antisocial behaviour / Impact on residential amenity

**Comment:** This aspect has been discussed above within the report.

*Issue:* Impact on Charing Cross Conservation Area, proposed building colour scheme not sympathetic to building / Excessive & unsympathetic signage

**Comment:** This aspect has been discussed above within the report.

*Issue:* Bright lighting conflict with traffic controls, vehicle headlights & nearby residential amenity

**Comment:** This aspect has been discussed above within the report.

### **Section 79C(1)(e) - The public interest**

The premises trading 24 hours, seven days is not considered to be in the public interest and this element of the application is recommended to be reduced as outlined previously in the report. Upon a reduction of trading hours occurring, the proposal is considered acceptable and in the public interest.

## **5. DEVELOPMENT AND BUILDING UNIT REVIEW**

The use is approved under a 1970s consent that allows for trading hours from 8.00 am to 12 midnight, 7 days a weeks. These hours generally approximate reasonable hours permitted under Council's trading hours policy (7.00am to 10.00pm core and till midnight as a trial). Given the correlation of the site's approved hours and those recommended in policy, it is recommended that those hours be confined in this consent.

The DBU does not recommended 24 hours trading from this site, even on a trial basis. The site is located opposite 2 pubs that trade late (the Robin Hood till 3.00 am and the Charing Cross to 12 midnight with capacity to go later). These pubs provide the ingredients for anti-social impacts around the subject premises and, in this instance extended trading is not supported nor is a variation to Council's trading hours policy.

The site is also in a conservation area and some moderation of the applicant's corporate signage is recommended. Conditions to this effect are recommended.

## **6. RECOMMENDATION**

That Development Application No. 527/2009 at 238-240 Bronte Road, Waverley for the refurbishment of existing convenience store including new signage and extension of trading hours to 24 hours a day be approved by Council, subject to the following conditions:

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos D2115-DA01 (Rev. B), D2115-DA02 (Rev. C), D2115-DA03 (Rev E), D2115-DA04 (Rev C) and D2115-DA05 (Rev A), tables and documentation received by Council on 18 December 2009 prepared by '7 Eleven Stores Pty. Ltd';
- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2006; and
- (c) Plan of Management dated 22 September 2009 and received by Council on 6 October 2009,

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The top hamper sign shall be non-illuminated.
- (b) All reference to 24-hours trading within proposed signage is to be deleted.
- (c) The corporate colours proposed to the awning signage are not approved and in this instance one (1) '7 Eleven Stores' logo only is to be provided to the each awning fascia plane and the awning is to be painted a colour in accordance with Council's preferred heritage colours.
- (d) The front façade of the premises shall not be painted white, but rather a colour in accordance with Council's preferred heritage colours.
- (e) All mechanical plant and cool-room equipment shall be relocated internally into a plant room or an acoustic enclosure to remove the potential for any associated noise escaping from the subject property
- (f) Adequate drainage and bin washing facilities in the waste and recycling area and an authorised sewerage connection shall be clearly indicated on the plan. Details of the method of washing these bins (by hand with a mop is inadequate) and description of the actual facilities (i.e. tap and hose) shall be provided.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**3. HOURS OF OPERATION**

The hours of operation being restricted to between 7.00am and 12.00 midnight, seven days.

**4. CLEANING**

All cleaning and operational activities be undertaken during opening hours (see above).

**5. DELIVERIES**

Delivery of goods be undertaken between 7am to 7pm

**6. SHOP FRONT NUMBER**

The shop number is to be clearly displayed in front of the premises at ground level adjacent to the main entry. The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

**7. LIGHTING**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

**8. NEW DEVELOPMENT APPLICATION REQUIRED**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including Basix.

**9. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

**10. PATRON BEHAVIOUR**

The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

**11. AMUSEMENT MACHINES & THE LIKE**

The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council.

**12. NO BARBECUE OR CHARCOAL TYPE COOKING**

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

**13. KITCHEN EXHAUST SYSTEM FOR FOOD PREMISES**

This approval does not permit cooking to be undertaken on the premises. Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS 1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

**14. NO USE OF NON-RECYCLABLE PACKAGING WITH FOOD SERVICE**

The premises shall not provide prepared food to its customers in any non-recyclable or non bio-degradable polystyrene foam food packaging nor shall any restaurant/take-away food outlet purchase, obtain or keep any polystyrene foam food packaging for such purposes.

**15. DELIVERY OF GOODS**

Loading and unloading vehicles and delivery of goods to the land shall at all times be carried out within the approved hours of operation.

**16. LITTER PATROLS**

Litter patrols are to be undertaken by the operator within a 50m radius of the premises to collect and dispose of litter including footpath to gutter litter cleaning. A minimum of three patrols daily (at 10am, 3pm and 10pm or closing time) must be undertaken. A litter patrol roster is to be maintained and kept on the premises at all times detailing date, time or patrol, staff member responsible, and manager's signature. Litter patrols are to be detailed in the Waste Management Plan for the site.

**17. NOISE EMISSIONS**

The use of the premises shall not give rise to:

- (a) Transmission of unacceptable vibration to any place of different occupancy.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with the Department of Environment and Conservation's (DEC) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
- (c) A sound pressure level at any affected premises that exceeds the DEC recommended planning levels outlined in the DEC Environmental Noise Control Manual; or
- (d) A sound pressure level at any affected premises that exceeds the DEC recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises.

**18. NOISE - PLANT**

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the licensed premises. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

## **19. REFRIGERATION UNITS & MECHANICAL PLANT**

Any refrigeration motors/units or other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any refrigeration motors/units or other mechanical plant associated with any future use of the building.

## **20. EMISSIONS**

No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

## **21. MECHANICAL VENTILATION**

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia and relevant Australian Standards.
- (b) The mechanical ventilation system shall comply with the Building Code of Australia and Australian Standard AS 1668.2.2002 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
  - (i) inspection, testing and commissioning details;
  - (ii) date of inspection, testing and commissioning details;
  - (iii) the name and address of the individual who carried out the test; and
  - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **22. SANITARY FACILITIES**

Sanitary facilities are to be provided in accordance with the Building Code of Australia.

## **23. WASTE**



**Bin Storage Area**

The waste and recycling storage area needs to be undercover.

**Amenity**

All garbage and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin.

**Management**

All waste and recycling must be put out for kerb-side collection no earlier than the previous evening

All waste and recycling receptacles must be removed from the kerb-side as soon as possible on the same day as the collection service.

**24. INSTALLATION OF AIR CONDITIONING**

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

**25. NO FLASHING SIGNS**

The use of flashing lights, flashing illuminated signs and the like is prohibited.

**26. LOCATION OF SIGNS**

No advertising signs or notices are to be affixed to the windows of the premises.

**27. ERECTION OF SIGNS**

- (a) The erection of the sign is to satisfy the following requirements:
- (b) Be subject to development consent of Council:
- (c) Be erected/supported in a secure manner for safety purposes;
- (d) Does not cause measures that would cause irreversible damage to the building; and,

- (e) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

**28. NO SIGNS OR GOODS ON PUBLIC AREA**

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

**29. EXISTING SIGNS**

Any existing advertising structures displayed at the premises not relating to the approved use being removed and any proposed advertising structures to be displayed at the premises being the subject of a specific application to Council. Additionally, the canvas drop down blind and associated structure shall be removed prior to the use of the premises.

**B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**30. SECTION 94A CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and the *"Waverley Council Development Contributions Plan 2006"* in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
1. Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  2. Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports may be obtained from Waverley Council Chambers (First Floor) or downloaded from:  
[www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Chambers, First Floor, Cnr Paul Street and Bondi Road, Bondi Junction.

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

**31. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$4000 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

### **32. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

### **33. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, including demolition, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

### **34. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist Part 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2006 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP (Part 1 and 2) at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction.

### **35. ACCESS**

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.2 Design for Access and Mobility Part 2: Enhanced and Additional Requirements. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**36. HOARDING REQUIRED**

If required, a standard A or B Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings are to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

**37. ESSENTIAL SERVICES - EXISTING BUILDING**

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

**38. EXTERNAL FINISHES**

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples.

**39. TRADE WASTE**

The applicant is to confer with Sydney Water and enter into, where applicable, a 'Trade Service Agreement' with the Authority pursuant to the Trade Waste Policy. Details of the Authority's requirements are to be submitted to and approved by Council or an Accredited Certifier prior to the issue of the Construction Certificate. Trade wastewater is defined as "trade waste and any liquid, and any substance contained in it, which may be produced at the premises".

**40. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

**C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

**41. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

**42. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

**43. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

**44. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

**45. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

All site works complying with the occupational health and safety requirements of WorkCover NSW.

**46. STOCKPILES**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

**47. LOCATION OF BUILDING OPERATIONS**

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

**48. ALL BUILDING MATERIALS STORED ON SITE**

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

**49. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

**50. CONSTRUCTION NOISE - PERIODS OF 4 WEEKS OR UNDER**

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed at any sensitive noise receiver.

**51. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

**52. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

**53. WATER PROOFING**

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

**54. HOT TAP WATER SCALDING**

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

**55. SERVICE PIPES**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

**56. WORK OUTSIDE PROPERTY BOUNDARY**

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

**D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

**57. FINAL OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

**58. WASTE STORAGE**

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.

**59. FOOD PREMISES**

The following requirements apply to premises that commercially provide food:

- (a) The premises must comply with the Food Act, 2003 and the Food Standards Code thereunder;
- (b) The applicant must arrange for an inspection by Council's Environmental Health Surveyor prior to Occupation;
- (c) The premises are to be registered with Council prior to the issue of the Occupation Certificate; and
- (d) The premises are to conform to the Council's Policy regarding the construction and alteration of premises, the manufacture and installation of fixtures, fittings and equipment for food premises.
- (e) The proprietor must pay any fees incurred by the carrying out of food safety inspections as determined by Council's Pricing Policy, Fees and Charges.

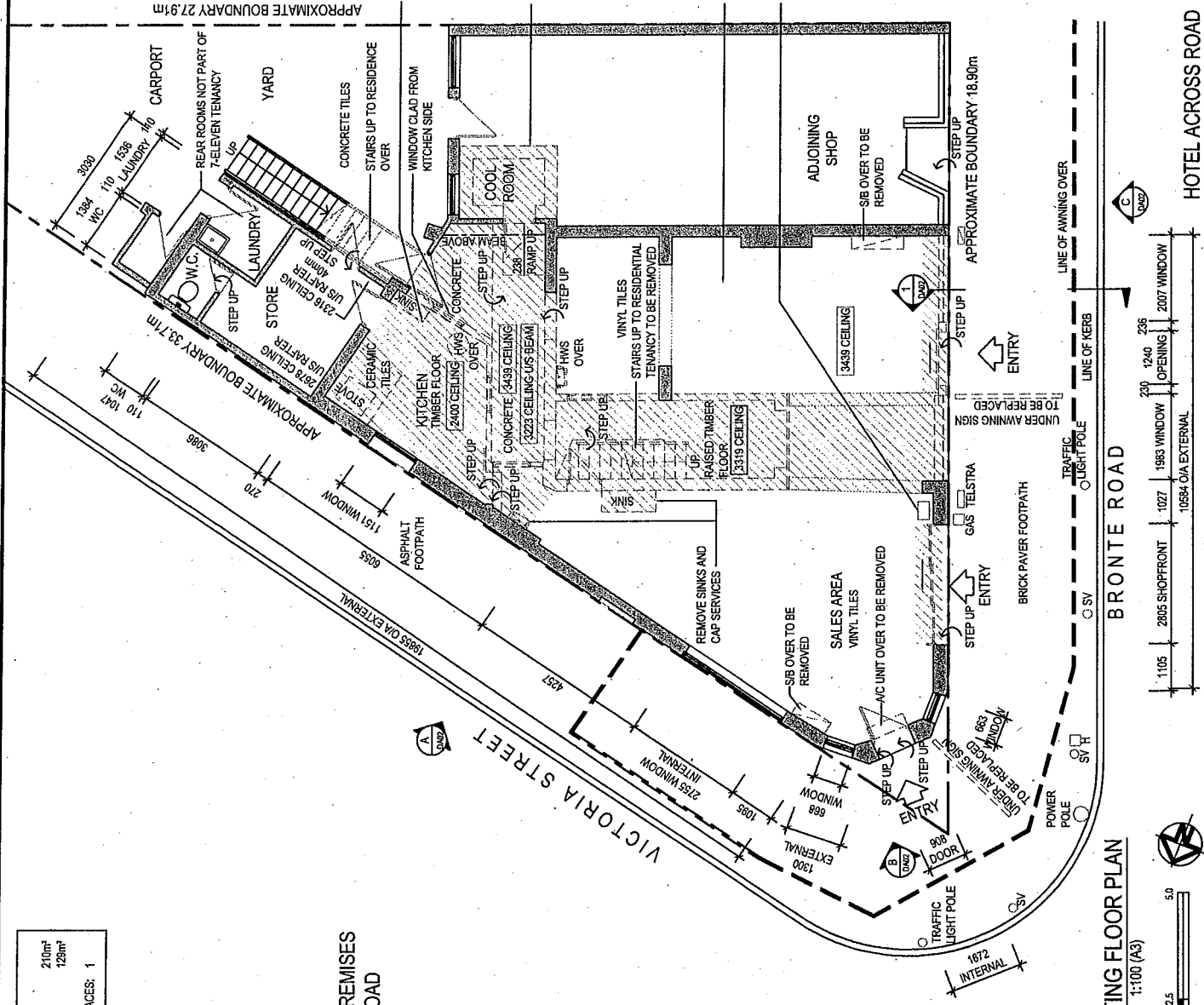


<b>SITE STATISTICS:</b>	
SITE AREA:	210m <sup>2</sup>
SHOP GROSS FLOOR AREA:	128m <sup>2</sup>
EXISTING CAR PARKING SPACES:	1

COMMERCIAL PREMISES  
ACROSS ROAD

LEGEND	
	MASONRY WALLS, TILES TO WET AREAS, RENDERED FINISH OR FACE BRICK
	WALLS, DOORS ETC TO BE DEMOLISHED
	GENERAL AREAS WITH EXTENSIVE DEMOLITION WORKS

**P&ES DEPT**  
**1 8 DEC 2009**  
**RECEIVED**



# APPROVAL ISSUE

NO.	DATE	BY	REVISIONS
1	18/08/09	AC	APPROVED TO TOWN PLANNER RECOMMENDATIONS
2	18/08/09	AC	APPROVED

<b>7-ELEVEN STORES</b>	
PTY LTD	
INCORPORATED IN VICTORIA	
TELEPHONE (03) 941 0111 FAX (03) 941 0122	
357 FERRITREE GULLY ROAD MOUNT WAVERLEY	
VICTORIA 3148 AUSTRALIA	

DATE ISSUED	02.09.2009
DRAWN BY	AD
CHECKED BY	HS
APPROVED FOR ISSUE	
SCALE	1:100 (A3)
CAD FILE	

PROJECT	PROPOSED CONVENIENCE STORE
	238-240 BRONTE ROAD
	LOT 1, DP 900820
TITLE	EXISTING / DEMOLITION PLAN
SHEET	1 OF 5
SHEET DRAWING NO.	A3
REVISION NO.	B
	D2115-DA01

**EXISTING FLOOR PLAN**  
SCALE 1:100 (A3)

**P&ES DEPT**  
**18 DEC 2009**  
**RECEIVED**

BRONTE ROAD

EXISTING UNDER AWNING SIGN TO BE REPLACED

EXISTING UNDER AWNING SIGN TO BE REPLACED

EXIST CL 510

2504

2935

3439

530

2500

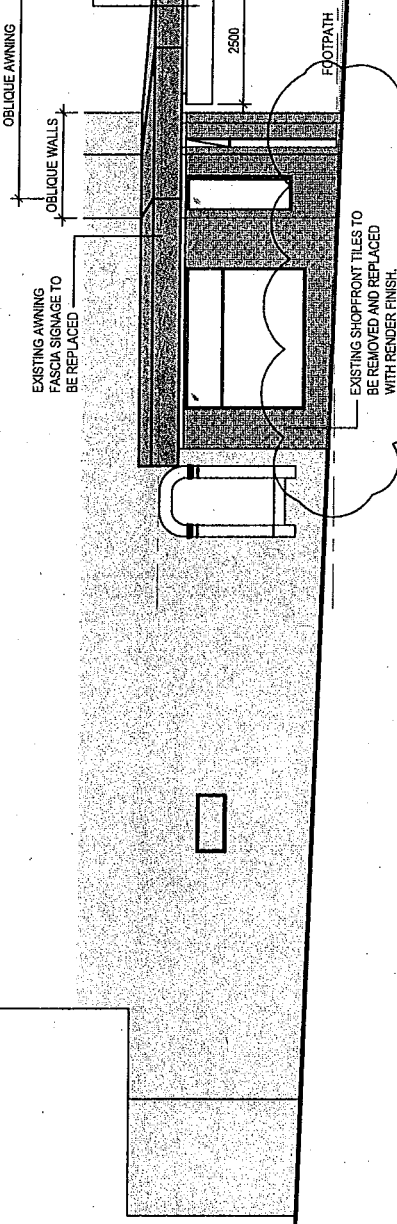
FOOTPATH

MAIN FFL

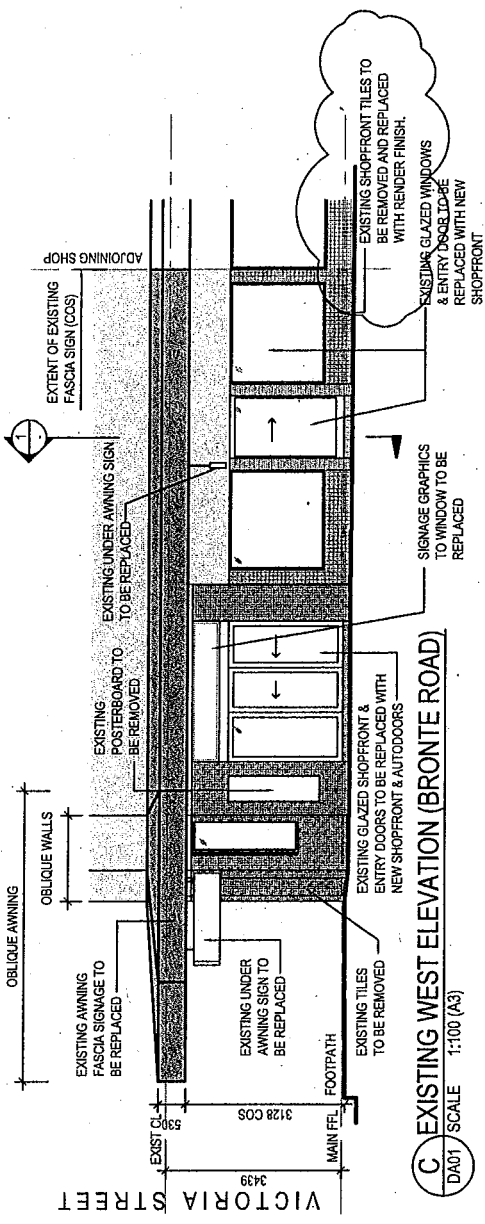
AC UNIT ABOVE DOOR TO BE REMOVED

EXISTING ALUMINIUM DOOR, REMOVE SIGNAGE GRAPHICS FROM GLASS

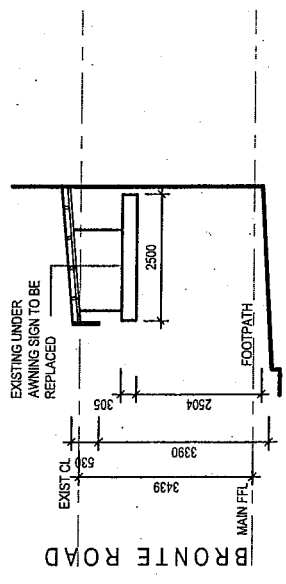
**B EXISTING DOOR ELEVATION**  
 DA01 / SCALE 1:100 (A3)



**A EXISTING NORTH ELEVATION (VICTORIA STREET)**  
 DA01 / SCALE 1:100 (A3)



**C EXISTING WEST ELEVATION (BRONTE ROAD)**  
 DA01 / SCALE 1:100 (A3)

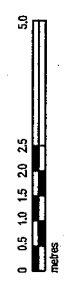


**1 EXISTING AWNING SECTION**  
 DA01 / SCALE 1:100 (A3)

NO	DATE	BY	REVISION
C	11/01/09	JK	EXTERNAL ELEVATION NOTE REVISION
B	15/03/09	AD	AMENDED TO TOWN PLANNER RECOMMENDATIONS
A	03/02/09	AD	INITIAL ISSUE
			APPROVED

**7-ELEVEN STORES** PTY LTD  
 357 FERNTREE GULLY ROAD, MOUNT WAVERLEY  
 VICTORIA 3149 AUSTRALIA

PROJECT NO	DA01
PROPOSED	PROPOSED CONVENIENCE STORE 238-240 BRONTE ROAD WAVERLEY 2024 LOT 1, DP 900920
TITLE	EXISTING ELEVATIONS
SHEET	2 OF 5
DRAWING NO	A3
DATE PLOTTED	D2115-DA02
SCALE	1:100 (A3)
DATE EXPIRES	
DESIGNER	
CHECKED BY	
DATE	
BY	
NO	



APPROVAL ISSUE

**SPECIFIC NOTES:**

- ALL EXIT DOORS AND DOORS IN THE PATH OF TRAVEL TO EXITS ARE TO COMPLY WITH THE RELEVANT S.C.O.D.S. AND THE REQUIREMENTS OF THE BCA.
- ALL GLAZING TO COMPLY WITH RELEVANT S.C.O.D.S. AND THE REQUIREMENTS OF THE BCA.
- ALL DOORWAYS TO HAVE A MINIMUM CLEARANCE OF 2M AND A MINIMUM WIDTH OF NOT LESS THAN 750mm. (UNLESS OTHERWISE NOTED)
- EXIT SIGNS AND EMERGENCY LIGHTS TO COMPLY WITH AS 2283. EXIT SIGNS TO BE MOUNTED AT A HEIGHT OF 1.8M AS APPROVED BY THE RELEVANT BUILDING SURVEYOR.
- PORTABLE FIRE EXTINGUISHERS TO COMPLY WITH AS 2444
- ARTIFICIAL LIGHTING TO COMPLY WITH AS 2462 AND AS 3666
- MECHANICAL VENTILATION TO COMPLY WITH AS 1546
- FIRE ALARMS AND SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH AS 3786 AND TO THE SATISFACTION OF THE BUILDING SURVEYOR
- COOLROOM TO BE PROVIDED WITH DOOR OPENINGS NOT LESS THAN 800 MM IN WIDTH, DOORS WHICH AT ALL TIMES CAN BE OPENED FROM THE INSIDE WITHOUT THE USE OF A KEY AND A SUITABLE ALARM DEVICE LOCATED OUTSIDE BUT CONTROLLABLE ONLY FROM WITHIN EACH CHAMBER AND IN ACCORDANCE WITH CLAUSE 61.2 OF BCA
- REFER TO MECHANICAL ENGINEER FOR NEW AIR CONDITIONING AND REFRIGERATION EQUIPMENT, TO BE LOCATED IN BASEMENT
- ALL STAIRS AND LANDINGS MUST COMPLY WITH A.S. 1657 AND THE REQUIREMENTS OF THE B.C.A. NON SLIP FINISHES TO BE PROVIDED TO ALL STEPS, RAMPS AND LANDINGS.
- ELECTRICAL SWITCHBOARDS LOCATED IN THE PATH OF TRAVEL TO EXITS TO BE ENCLOSED IN A METAL OR OTHER NON-COMBUSTIBLE CABINET WITH SMOKE PROOF DOORS. A 240V(IE) DRY CHEMICAL FIRE EXTINGUISHER TO BE INSTALLED AT 1500MM FROM ALL SWITCHBOARDS.
- POWER OPERATED SLIDING DOORS SERVING AS EXITS TO BE CAPABLE OF BEING OPENED BY HAND UNDER A FORCE OF NOT MORE THAN 110 N UPON MALFUNCTION OR FAILURE OF POWER SOURCE.
- TOILET EXHAUST AIR OUTLETS NOT TO BE LOCATED CLOSER THAN 6M TO FRESH AIR INLETS.

**ARCHITECTURAL NOTES:**

- GENERAL NOTES:**
- ALL WALLS HAVE BEEN ASSUMED TO BE AT 90 DEGREES.
  - CHECK AND VERIFY ALL DIMENSIONS, MEASUREMENTS AND INTENT PRIOR TO CONSTRUCTION OR FABRICATION.
  - DO NOT SCALE DRAWINGS - FIGURED DIMENSIONS ARE TO TAKE PRECEDENCE AT ALL TIMES.
  - ALL WORKS MUST COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT BY-LAWS AND AUTHORITIES.
  - THE LOCATION OF ALL EXISTING SERVICES SHALL BE DETERMINED BY THE BUILDER PRIOR TO COMMENCING ANY EXCAVATION. ANY EXISTING SERVICES SHOWN ON THE DRAWINGS ARE OFFERED AS A GUIDE ONLY AND ARE NOT GUARANTEED AS CORRECT. ANY POTENTIAL LEVEL CLASH WITH DRAINAGE SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
  - ALL WALLS TO BE PAINTED FINISH (DULUX VIVID WHITE) UNLESS OTHERWISE NOTED

E 28.11.09		K BINS ADDED	APPROVED
D 06.05.09	K AC UNIT 3 RELOCATED		
B 16.08.09	K ALL EXISTING DOOR UNITS ADDED TO REAR YARD		
A 08.08.09	K AMENDED INITIAL ISSUE	DATE	BY

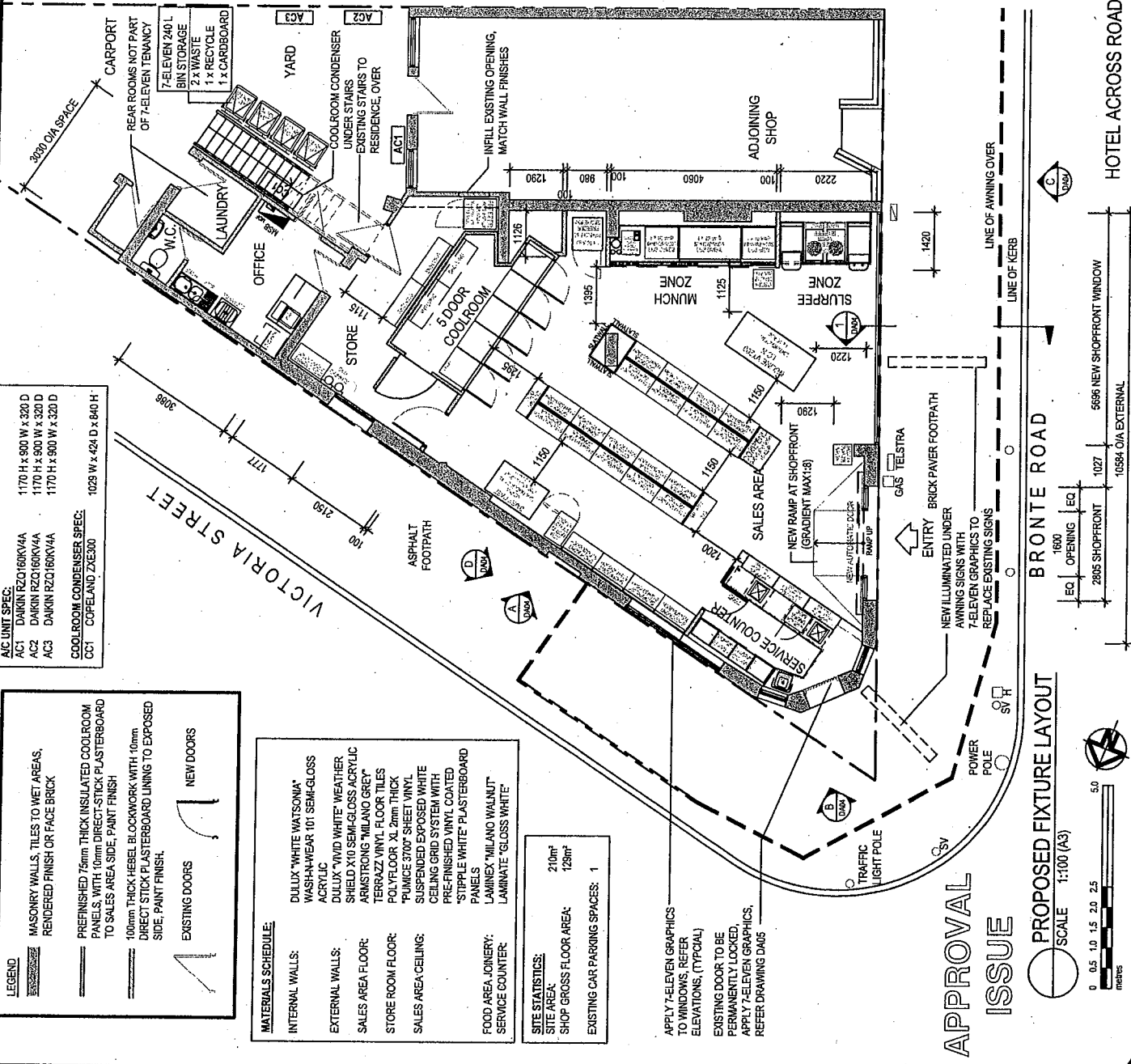
**7-ELEVEN STORES** PTY LTD  
 357 FERRIERE GULLY ROAD MOUNT WAVERLEY  
 VICTORIA 3149 AUSTRALIA

PROPOSED CONVENIENCE STORE  
 238-240 BRONTE ROAD  
 WAYERLEY 2024  
 LOT 1, DP 900920

DATE: 02/09/2009  
 DRAWN BY: AD  
 CHECKED BY: HS  
 APPROVAL FOR ISSUE: [Signature]

SCALE: 1:100 (A3)  
 DATE PLOTTED: [ ]

SHEET: 3 OF 5  
 DRAWING NO.: D2115-DA03  
 REVISION NO.: E



**A/C UNIT SPEC:**

AC1	DAIKIN RZQ160KVA	1170 H x 900 W x 320 D
AC2	DAIKIN RZQ160KVA	1170 H x 900 W x 320 D
AC3	DAIKIN RZQ160KVA	1170 H x 900 W x 320 D

**COOLROOM CONDENSER SPEC:**

CC1	COPELAND ZXE300	1029 W x 424 D x 840 H
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**LEGEND**

- MASONRY WALLS, TILES TO WET AREAS, RENDERED FINISH OR FACE BRICK
- PRE-FINISHED 75mm THICK INSULATED COOLROOM PANELS WITH 10mm DIRECT-STICK PLASTERBOARD TO SALES AREA SIDE, PAINT FINISH
- 100mm THICK HEBEL BLOCKWORK WITH 10mm DIRECT STICK PLASTERBOARD LINING TO EXPOSED SIDE, PAINT FINISH.
- EXISTING DOORS
- NEW DOORS

**MATERIALS SCHEDULE:**

**INTERNAL WALLS:**  
 DULUX "WHITE WATSONIA" WASH-WEAR 101 SEMI-GLOSS ACRYLIC

**EXTERNAL WALLS:**  
 DULUX "VIVID WHITE" WEATHER SHIELD X10 SEMI-GLOSS ACRYLIC

**SALES AREA FLOOR:**  
 ARMSTRONG "MILANO GREY" TERRAZZO VINYL FLOOR TILES

**STORE ROOM FLOOR:**  
 POLY FLOOR XL 2mm THICK

**SALES AREA CEILING:**  
 PUJINCE 3700" SHEET VINYL SUSPENDED EXPOSED WHITE CEILING GRID SYSTEM WITH PRE-FINISHED VINYL COATED "STIPPLE WHITE" PLASTERBOARD PANELS

**FOOD AREA JOINERY:**  
 LAMINEX "MILANO WALNUT" LAMINATE "GLOSS WHITE"

**SITE STATISTICS:**

SITE AREA:	210m <sup>2</sup>
SHOP GROSS FLOOR AREA:	128m <sup>2</sup>
EXISTING CAR PARKING SPACES:	1

APPLY 7-ELEVEN GRAPHICS TO WINDOWS, REFER ELEVATIONS, (TYPICAL)

EXISTING DOOR TO BE PERMANENTLY LOCKED, APPLY 7-ELEVEN GRAPHICS, REFER DRAWING DA05

**APPROVAL ISSUE**

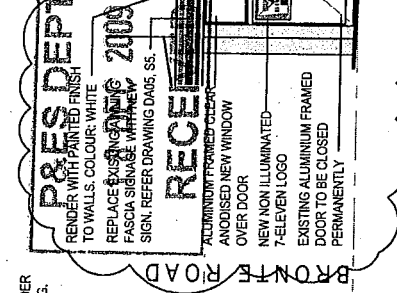
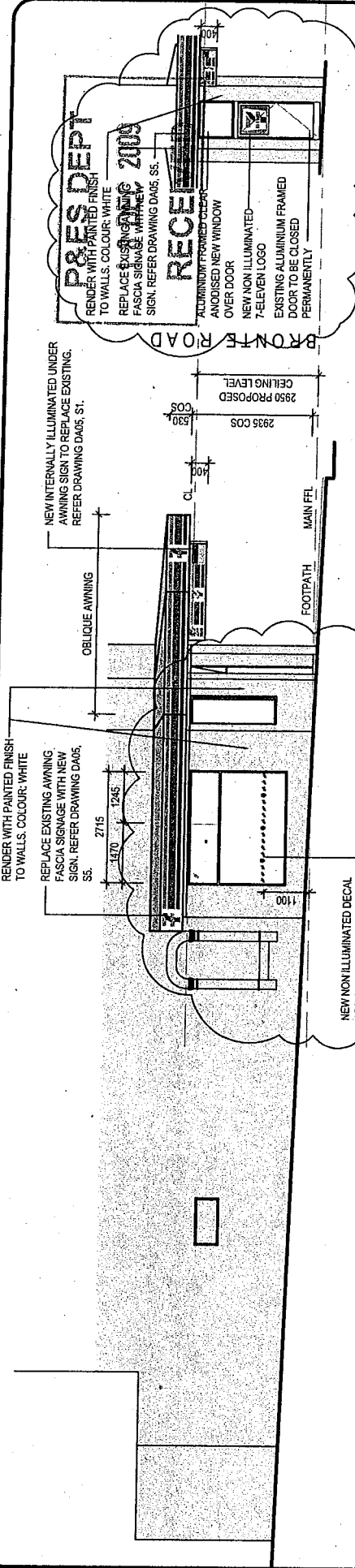
PROPOSED FIXTURE LAYOUT  
 SCALE 1:100 (A3)

0 0.5 1.0 1.5 2.0 2.5 METRES

1600 OPENING EQ.  
 2805 SHOPFRONT EQ.  
 5696 NEW SHOPFRONT WINDOW  
 10584 O/A EXTERNAL

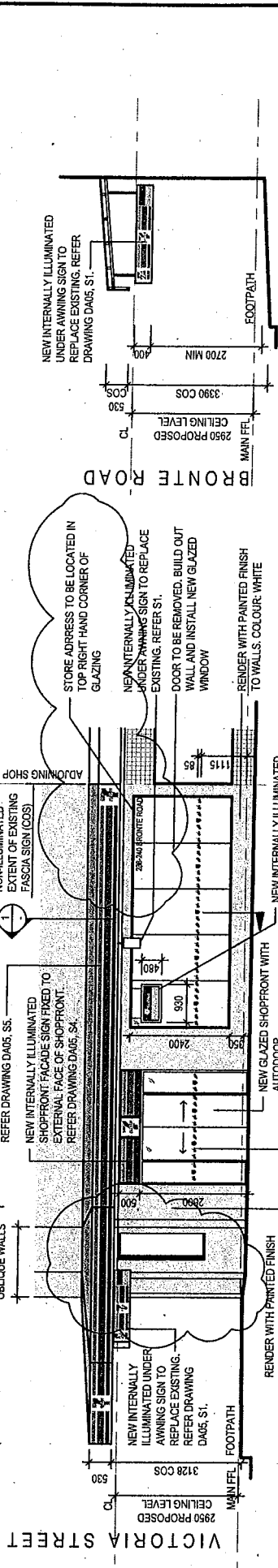
LINE OF AWNING OVER  
 LINE OF KERB

HOTEL ACROSS ROAD



**A PROPOSED NORTH ELEVATION (VICTORIA STREET)**  
 DA03 / SCALE 1:100 (A3)

**B EXISTING DOOR ELEVATION**  
 DA03 / SCALE 1:100 (A3)



**C EXISTING WEST ELEVATION (BRONTE ROAD)**  
 DA03 / SCALE 1:100 (A3)

**D PROPOSED EAST ELEVATION**  
 SCALE 1:100 (A3)

NO.	DATE	BY	REVISION/DESCRIPTION	APPROVED
1	14/08/2024	DA	AWNING SIGNAGE WITH NEW SIGN REFER DRAWING DA05, S5.	
2	14/08/2024	DA	REPLACE EXISTING AWNING UNDER AWNING SIGN TO REPLACE EXISTING. REFER DRAWING DA05, S1.	
3	14/08/2024	DA	NEW NON ILLUMINATED DECAL APPLIED TO INSIDE OF GLAZING. REFER DRAWING DA05, S21.	

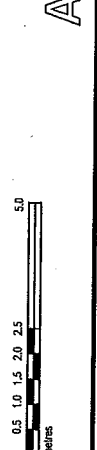
<b>7-ELEVEN STORES</b> PTY LTD PHONE: (03) 941 0711 FAX: (03) 941 0712 357 FERNTREE GULLY ROAD MOUNT WAVERLEY VICTORIA 3149 AUSTRALIA	<b>PROPOSED CONVENIENCE STORE</b> 238-240 BRONTE ROAD WAVERLEY 2024 LOT 1, DP 900920	<b>PROPOSED EXTERNAL ELEVATIONS</b> SHEET 4 OF 5 A3 D2115-DA04
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**1 PROPOSED AWNING SECTION**  
 DA03 / SCALE 1:100 (A3)

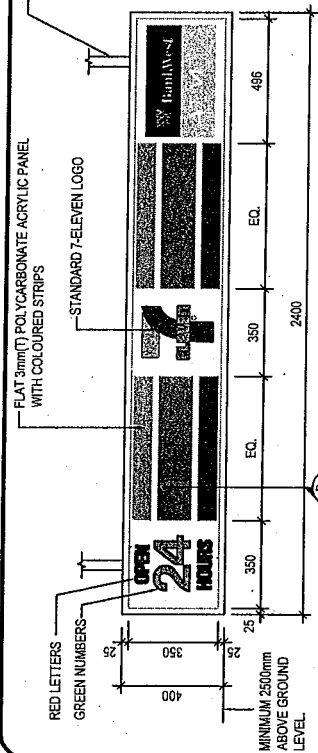
DATE CREATED: 02/09/2009 DRAWN BY: AD CHECKED BY: HS APPROVAL/CRUISE	SCALE: 1:100 (A3) DATE PLOTTED:	PROJECT: PROPOSED CONVENIENCE STORE 238-240 BRONTE ROAD WAVERLEY 2024 LOT 1, DP 900920	SHEET: 4 OF 5 DRAWING NO.: A3 REVISION NO.: D2115-DA04 C
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<b>7-ELEVEN STORES</b> PTY LTD PHONE: (03) 941 0711 FAX: (03) 941 0712 357 FERNTREE GULLY ROAD MOUNT WAVERLEY VICTORIA 3149 AUSTRALIA		<b>PROPOSED CONVENIENCE STORE</b> 238-240 BRONTE ROAD WAVERLEY 2024 LOT 1, DP 900920	<b>PROPOSED EXTERNAL ELEVATIONS</b> SHEET 4 OF 5 A3 D2115-DA04 C
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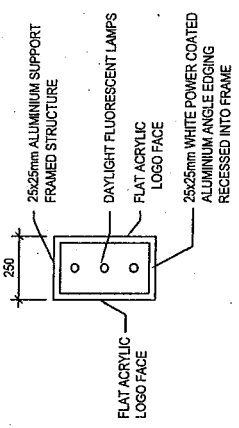


**D PROPOSED EAST ELEVATION**  
 SCALE 1:100 (A3)

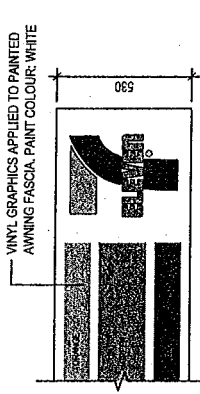
**APPROVAL ISSUE**



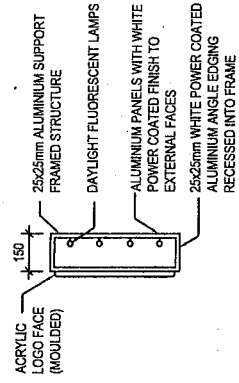
**S1 UNDER AWNING SIGN - INTERNALLY ILLUMINATED**  
SCALE 1:20 (A3)



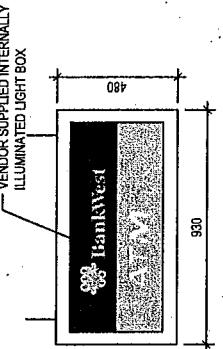
**B UNDER AWNING SIGN SECTION**  
SCALE 1:20 (A3)



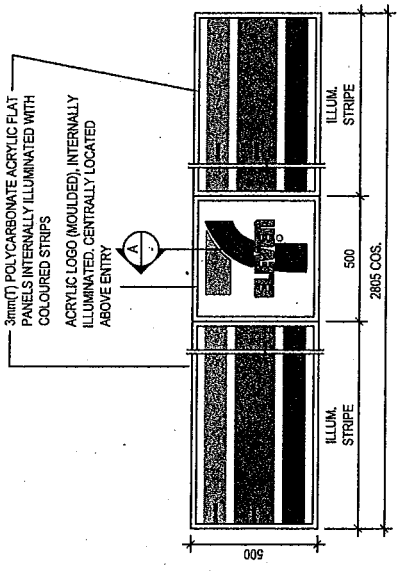
**S5 TYPICAL AWNING FASCIA DECAL**  
SCALE 1:20 (A3)



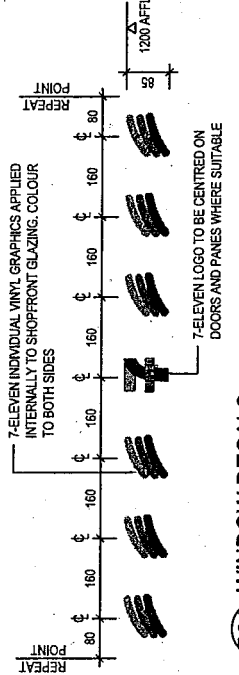
**A TYPICAL SECTION**  
SCALE 1:20 (A3)



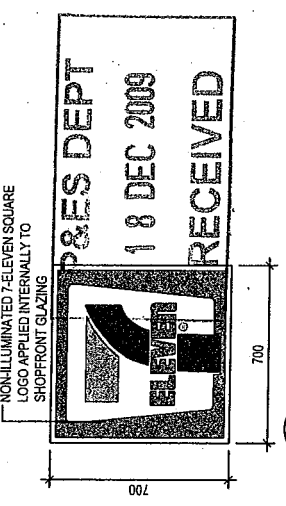
**S10 BANKWEST SUSPENDED SIGN**  
SCALE 1:20 (A3)



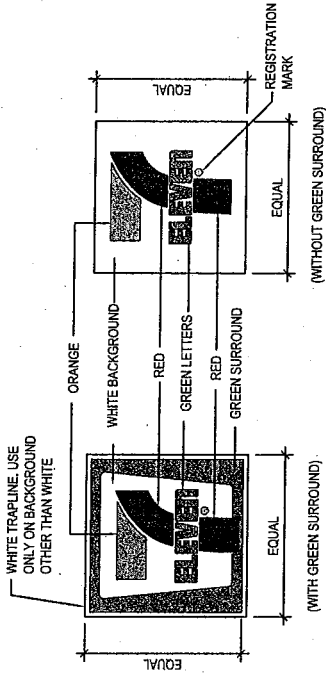
**S4 BUILDING FASCIA LIGHT BOX**  
SCALE 1:20 (A3)



**S21 WINDOW DECALS**  
SCALE 1:10 (A3)



**S7 SQUARE 7-ELEVEN WINDOW DECAL**  
SCALE 1:20



**STANDARD 7-ELEVEN SQUARE LOGO**  
SCALE NTS

NOTE: GREEN SURROUND APPLIES TO STAND ALONE SQUARE LOGO ONLY, IS WHERE NO STRIPING INCORPORATED

NOTE: ALL DIMENSIONS ARE NOMINAL ONLY

**APPROVAL ISSUE**

A	DATE	BY	APPROVED

**7-ELEVEN STORES**  
PTY LTD  
357 FERRIERE GULLY ROAD MOUNT WAVERLEY  
VICTORIA 3148 AUSTRALIA

PROPOSED CONVENIENCE STORE AT  
235-240 BRONTE ROAD  
WAVERLEY 2024  
LOT 1, DP 900920

PROPOSED SIGNAGE DETAILS

SHEET	5 OF 5	DATE	D2115-DA05
SCALE	1:20, 1:10 (A3)	REVISION NO.	A

**DECAL SETOUT FOR STRIPE**

SCALE IN PROPORTION TO SUIT HEIGHT

COLOUR	PANTONE	3M COLOUR REF	NON-ILLUM. SIGNAGE	ILLUM. SIGNAGE
ORANGE	PMS 165	7725-14	3630-13	3630-26
GREEN	PMS 341	7725-56	3630-13	3630-43
RED	PMS 485	7725-13		