

Council Reference: DA17/0128 LN7690  
Your Reference:



7 July 2017

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Dear Sir/Madam

**Development Application for alterations and refurbishment of existing Imperial Hotel at Lot 2 DP 596914; No. 115 Murwillumbah Street MURWILLUMBAH**

Thank you for your response to Councils request for further information relating to the abovementioned development application.

Further to my email of Tuesday I wish to advise the following:

The subject application will be reported to Council for determination, with an aim of reporting to the 3 August 2017 Planning Committee Meeting. Accordingly, it is requested that information required for consideration be submitted to Council no later than 19 July 2017.

Upon review of the information submitted a satisfactory response in relation to the following matters is required:

1. The amended plans for tenancy 3 on the ground floor include both a marked partition wall and swinging doors - please confirm that the tenancy will be separated from the access to the upper floor by a partition wall.
2. The plans include the enclosure of space under the stairs (tenancy 4), details with this regard are required to ensure compliance with D2.8 of the BCA

As advised in Councils initial request for further information; due to the nature of the subject application (change of use) consideration of clauses 93 Fire Safety and 94 Buildings to be upgraded of the *Environmental Planning and Assessment Regulation 2000* must be considered. Consideration of these clauses must include the proposed uses for the first floor and associated works.

Accordingly, Council requested modification of the current development application to include the current first floor plan detailing all uses and unauthorised building work (i.e. ensuite and room modifications, change in number of rooms and access arrangements).

Your response to this request has only been the submission of an amended plan for the first floor. Further to this, you advised *"It is proposed to complete the ground floor of the hotel as soon as possible which is the subject of the current Development Application. Thereafter, our client will lodge a spate Building Certificate application*

*and / or development application for upstairs works in due course and before carrying out and structural or other works to the upper level of the building”*

This does not satisfy clauses 93 Fire Safety and 94 Buildings to be upgraded of the *Environmental Planning and Assessment Regulation 2000*.

3. Please submit to Council in addition to the submitted first floor plan, the intended uses for each “room” and details of the works undertaken (i.e. ensuite and room modifications, change in number of rooms and access arrangements), to enable assessment under this application.
4. Further to point 3, there are no common amenities to service these rooms 11 -16 (subject to intended use)
5. In addition to points 3 and 4, the submitted upper floor plan includes numerous changes in comparison to past approvals, whilst you have noted that no *structural* works have been undertaken, the internal changes may not be structurally adequate. It also appears that here is inadequate fire separation between the sole occupancy units.

Please note that in relation to the above, the modifications to the first floor has seen a reduction in the number of approved rooms. Should the rooms be used as hotel accommodation, there will be no charges levied in relation to section 64 or Section 94 developer contributions (first floor) or additional car parking required.

Should you have any enquiries in relation to the BCA requirements please do not hesitate to contact Councils Senior Health and Building Surveyor Mr Robert Noakes on 02 6670 2437.

Finally, in relation to point 9. of Councils initial request for information (below) it is standard procedure that this information is required at the DA assessment stage. This is to ensure compliance with requirements can be achieved. Should you not submit this information, the requirement to do so will be applied as a condition to the development consent. Please note however that the assessment of the DA without this information may result in a non-compliant kitchen.

*In relation to proposed shops/ tenancies **2 and 5**, drawings to a scale of 1:50 detailing the following with regards to those food related areas shall be provided to Council's Environmental Health Section for assessment and approval:*

- a. *Floor plan and sectional elevations in two directions*
- b. *Layout of kitchens and bar showing all equipment*
- c. *All internal finish details including benches and work surfaces, floors, wall, ceiling and lighting*
- d. *Hydraulic design and in particular the method of disposal of trade waste*
- e. *Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required*
- f. *Servery areas including counters etc.*

Council is of the opinion that should the abovementioned matters be addressed and satisfied the application should be able to proceed, subject to any applicable conditions.

Should you wish to not include the intended uses and details of works for the first floor, then any recommendation for approval will be subject to deferred commencement, requiring the submission of this information.

In accordance with the *Environmental Planning and Assessment Regulations* any consent issued would not be able to **operate** (including any ground floor works/uses) until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A" (first floor works and uses). Such evidence is to be provided within 12 months of the date of notification.

The abovementioned matters are to be satisfied by 19 July 2017, after which further assessment of the application will be undertaken.

In the meantime if you have any queries in respect to this matter please contact Lydia Charman of Council's Development Assessment Unit on (02) 6670 2524 who will be processing the application.

Yours faithfully

**Denise Galle**  
Team Leader Development Assessment