Wollongong Local Planning Panel Assessment Report | 19-June -2019

WLPP No.	Item No. 1	
DA No.	DA-2019/157	
Proposal	Change of Use - community centre with internal fit-out, alterations and additions and associated signage	
Property	27-29 Wentworth Street, PORT KEMBLA	
	Lot 1 DP810281	
Applicant	Metris Urban Planning	
Responsible Team	Development Assessment and Certification - City Centre Team (RW)	

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP) - Determination

The proposal has been referred to WLPP for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Clause 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received over 10 unique submissions by way of objection.

Proposal

The proposal is for a change of use to a community facility with internal fit-out works and alterations and additions.

Permissibility

The site is zoned B2 Local Centre pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a *community facility* and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received a total of 88 submissions (47 objecting including a petition and 41 in support) which are discussed at section 1.5 of the assessment report.

The application was referred internally to Council's Traffic, Community Safety, Health and BCA officers. Satisfactory Traffic and BCA referrals were received and where matters were raised in the other referrals, these matters are readily resolved through suitable conditions of consent.

Main Issues

- Appropriateness of location
- Amenity impacts
- Safety/security/social impact concerns
- Traffic and pedestrian safety
- Consistency with revitalisation of Wentworth Street
- Consistency with Port Kembla 2505 Revitalisation Plan 2018-2043

RECOMMENDATION

It is recommended that the application be approved subject to the recommendations in Attachment 5.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS AND COMPLIANCE

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 Remediation of Land
- SEPP No. 64- Advertising and Signage
- SEPP (Coastal Management) 2018

Local Environmental Planning Policies:

• Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

• Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018
- Port Kembla 2505 Revitalisation Plan and Implementation Plan

1.2 DETAILED DESCRIPTION OF PROPOSAL

The existing community facility ('Darcy House') currently operating on the corner of Darcy Road and Old Port Road, is seeking to relocate from their existing premises to the subject site. The proposal on the subject site comprises the following:

Use

The proposed internal layout comprises:

Ground floor

- Offices and a meeting room
- Dining and lounge area
- Kitchen with associated dry room and cool room
- Toilet facilities
- Store rooms
- Laundry

First floor

- Two office areas
- Change room
- Laundry
- Toilet facilities

External areas

- Outdoor deck accessed off the lounge/dining area

Operational details

Staffing

- Maximum seven (7) staff, including one full-time staff member

Hours

 Operation hours are 9 am to 5 pm Mondays to Fridays. The community facility will be closed on Saturday and Sunday. The applicant has stated that the peak operating time is between 9.15am and 2.30pm

Capacity

- Maximum capacity is 150 people (to cater for special events such as Christmas lunch) however usual peak times is 60 people.

Services

- The centre will provide services for homeless and other marginalised and disadvantaged people in the community. The range of services includes counselling, provision of meals, washing/cleaning facilities, and a place for social connection. The centre also refers people to specialist services.

Works / Construction / building details

- Demolition works including interior structures.
- Internal fitout.
- The proposed interior works include a new kitchen, dry room, cool rooms, offices, lounge areas, informal meeting room, toilets and storage areas on ground level. Offices, toilets, change room and laundry are proposed on first level.
- The proposed exterior includes an outdoor deck area on the south western side of the building and 2 car spaces accessed from Jubilee Street.
- Three (3) x business identification signs in the form of two flush wall signs and utilising an existing under awning sign (NB falls under exempt development)

Traffic, parking and servicing

- Two (2) on-site car parking spaces are proposed for use by staff.
- Bins will be collected from Jubilee Street and normally stored within the site.
- The site is already serviced by electricity, water etc.

1.3 BACKGROUND

Council records and aerial photography indicate the existing building was constructed prior to 1977.

Application	Lodged Date	Description	Decision
DA-2018/1596	Dec 14 2018	Change of use to community centre	Rejected
PC-2017/1277	Oct 12 2017	Solar Panel Installation - 106 panels	Approved
BA-1997/2053	Dec 3 1997	Internal Fitout	Approved
DA-1997/690	Nov 4 1997	Conversion Of Existing Post Office Building Into A Bakery	Approved

No pre-lodgement meeting was held for the proposal.

Current application

Council requested additional information on 16 April 2019. The applicant provided a response on 6 May 2019 which did not revise the plans but provided additional detail with regard to operational matters, as reflected in this report.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.4 SITE DESCRIPTION

The site is located at 27-29 Wentworth Street, Port Kembla and the title reference is Lot 1 DP 810281. The site has an area of 586.2m² and is located on the south western corner of Wentworth Street and Jubilee Street. There is an existing 1-2 storey brick building that has been used as a bakery for approximately 20 years.

The site is zoned B2 local Centre and the surrounding area is characterised by commercial development along Wentworth Street with areas to the west of the site zoned R2 Low Density residential. The site is square in shape with a fall of approximately 1.2 m from north to south.

Adjoining development is as follows:

- Northwest: fronts Jubilee Street with the Steel Works Hotel on the opposite side of the street. The hotel was approved to be used as a boarding house in 2018.
- Northeast: fronts Wentworth Street with commercial/business premises on the opposite side of the street (gymnasium) which includes a heritage listed wall mural on the side of the building
- Southeast: commercial premises ('Dimsons' real estate) which is also an identified local heritage item (Item 6308, Commonwealth Bank)
- Southwest: Single storey dwelling at 2 Jubilee Street (NB zoned B2 Local Centre)

The locality is characterised by a mixture of retail and businesses within Port Kembla township, with low density residential to the south-west of the site.

An aerial photo and zoning map forms Attachment 1.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Acid sulphate soils: No earthworks are proposed and no concerns are raised in this regard.
- Green and golden bell frog. Given the nature of the works, no concerns are raised with regard to potential impacts on habitat for this threatened species, however suitable conditions are recommended in the event that this species in encountered during works.

There are no restrictions on the title however it is noted that the site benefits from an existing easement over the adjoining residential property (2 Jubilee Street) for the purpose of stormwater and sewerage disposal.



a. Site photo taken from Jubilee Street looking south down Wentworth Street



b. Site photo showing both Wentworth and Jubilee Street frontages (Source: Google)

Figure 1: Site photographs

1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising for 14 days. This included a notice in The Advertiser on 13 April 2019. A total of eighty eight (88) submissions were received, 47 objecting to the development (including a petition) and 41 letters in support of the development.

The letters of support identified that the existing community facility (Darcy House) provides a well needed service to the community and the comments in support of the proposed development are summarised below:

- Suitability of site well located (public transport, accessible)
- Activate the main street of Port Kembla
- Provide a vital service to those in need

- Relocation will provide ability to provide improved services to those in need
- Darcy House collaborates with other services and provides a safe space to meet clients
- Warm, friendly behaviour of workers, volunteers and clients /safe and supportive environment
- No threatening or uncomfortable behaviour while interacting with people from Darcy House
- Revitalisation of Wentworth Street and urban renewal can still occur without ostracising or stigmatising existing community members
- Encouraging diversity. Example of community centre operating successfully in a business centre is Wayside Chapel.
- Relocation of Darcy House will encourage more foot traffic to Wentworth Street which will benefit local businesses.

It is noted that a letter of support was received from NSW Health (Illawarra Shoalhaven Local Health District).

The concerns raised in the submissions are summarised and discussed below:

Table 1: Submissions

Concern	Comment
 Unsuitable / inappropriate location proximity to businesses location already has some safety/security issues and the community centre will worsen this inappropriate use for gateway to Wentworth Street 	The subject site is approximately 340m walking distance from the existing community facility ('Darcy House') currently operating in Darcy Road, which is seeking to relocate from their existing premises to the subject site. A condition of consent is recommended for the existing consent for Darcy House to be surrendered following occupation of the subject site (included in Attachment 5).
 contrary to Port Kembla Revitalisation Plan more appropriate to be located away from the main street 	The site is well serviced by public transport, being approximately 400m from Port Kembla railway station (which is further away from the existing Darcy House); however the subject site is also well serviced by bus routes, with a bus stop across the road.
 adverse impacts on tourism proximity to shops selling alcohol and where poker machines are located 	The proximity to public transport (rail, bus and taxi) as well as the town centre location provides good access to the services offered by the centre.
	The town centre is zoned B2 local centre which can accommodate a range of different land uses that are capable of co-existing to create a diverse township. Any amenity impacts that have the potential to impact on nearby residents, businesses and the general public are considered capable of being managed through conditions of consent and an operational plan of management.
 2. Amenity impacts - increased noise levels - anti-social behaviour - patients congregating/loitering/arguing 	Anticipated amenity impacts are likely to be limited to potential noise impacts from use of the outdoor deck on the occupants of the adjacent residential property in Jubilee Street. The use of this space is limited to business hours Monday to Friday and can be effectively

Concern	Comment
	managed through an operational plan of management.
	The site has a high level of natural surveillance that reduces the opportunity for anti-social behaviour. A condition is recommended to be imposed on any consent granted for an Operational Plan of Management to be prepared prior to occupation of the site and implemented during operation of the use.
 3. Safety/security concerns and negative social impact anti-social behaviour drug related crime unsafe for nearby residents and pedestrians nearby bus stop used by school students 	It is recognised that there is community concern over the proposed use and its potential and perceived impacts. It is relevant to note that the subject site is within the same locality as the existing community centre known as 'Darcy House' which is seeking approval to relocate to Wentworth Street. The subject site provides improved casual surveillance to and from the premises as compared to the Darcy Road premises which reduces opportunities for anti-social behaviour and provides opportunities for improved safety and security.
	The centre operates from 9am-5pm Monday to Friday which does not coincide with morning peak travel periods by school children using the bus stop on the opposite side of Wentworth Street.
 4. Traffic and pedestrian safety relocated business results in pedestrians needing to cross busy roads 	The application has been considered by Council's Traffic Engineer and no traffic concerns were raised.
	It is noted that the Port Kembla 2505 Revitalisation Plan identifies that the town centre has a poor pedestrian link to the railway station and seeks to enhance and prioritise pedestrian movement. The proposal is consistent with this plan.
5. Contrary to revitalisation of Wentworth Street	The proposed use is a community facility providing a necessary service to the local and wider community. The use is permitted in the B2 zone. The proposed business identification signage is modest in scale and falls under exempt development (i.e. not requiring development consent).
	The proposed relocation of the community facility to the subject site is not considered to compromise the long term revitalisation of this area.
 6. Inconsistency with Port Kembla 2505 Revitalisation Plan 2018-2043, mainly: - discourages businesses setting up on the 	The Port Kembla 2505 Revitalisation Plan is discussed later in this report. The proposed community facility will activate an existing vacant building and will activate the street during operating hours.
 - insufficient activation of the street frontage 	The proposed use is not a new use in Port Kembla as it is relocating from existing premises approximately 340m metres away in Darcy Road. The use not considered to be inappropriate for the site as it

Concern	Comment
- inappropriate use for the site as it is a corner lot at the entrance to Wentworth Street	responds to a community need and provides a necessary service for the local area.
- unable to create 'main street' experience	
 7. Inappropriate signage proposed: The name and signage 'Hope Street' solidifies the perception of Wentworth Street being a destitute hopeless area 	Three (3) business identification signs are proposed. These signs fall under exempt development under <i>State</i> <i>Environmental Planning Policy (Exempt and Complying</i> <i>Codes) 2008.</i> Notwithstanding this, the proposed signage complies with the relevant controls with regard to its content, design, style and location.
	The applicant has advised that the name 'Hope Street' is Baptist Care's NSW brand which it wishes to maintain as proposed. It is noted that interpreting the wording of the signage as a negative meaning is subjective, and not offensive wording. The proposed signage is considered acceptable in this regard.
8. Impact of outdoor deck on adjoining residential property	The application seeks approval for an outdoor deck accessed from the lounge area. The deck is located 900mm from the south-western boundary line which adjoins a residential property at 2 Jubilee Street. The use of this area has potential for amenity impacts to the residential neighbours.
	The submitted plans show a 2.1m high privacy screen as measured from the finished floor level of the deck. In addition to this, the existing boundary fence will be replaced with a 2.4m high fence to provide additional physical separation between the two properties.
	The potential impacts from the outdoor deck on the adjoining residents include noise, overlooking and odours from people smoking.
	With regard to noise, the proposed hours of operation are 9am-5pm Monday to Friday. For a commercial zone, these hours are considered appropriate and are not anticipated to lead to significant adverse impacts. An operational Plan of Management can effectively manage any impacts should they occur.
	With regard to overlooking impacts, the 2.1m high privacy screen and replacement 2.4m high boundary fence will limit overlooking into the neighbouring dwelling and private open space area.
	With regard to odours from people smoking, the applicant has advised that the outdoor deck will be a no-smoking area.
	Conditions of consent are recommended with regard to the privacy screen, boundary fencing, Plan of

Concern	Comment
	Management and no-smoking area in relation to the proposed outdoor deck which are included in Attachment 5 to this report. The design and the conditions are considered to reasonably mitigate amenity impacts on the adjoining residential property.
9. No green space provided for the use of the centre's customers (reduced amenity and nowhere to hang washing)	There are no planning requirements for landscaped areas to be provided in association with the proposed use. The development proposes an outdoor deck and an existing balcony area facing Wentworth Street where people can sit.
	The applicant has advised that clothes dryers will be provided for drying clothes, noting that this does not form a main service within the centre and that the centre utilises external services to provide washing services on a larger scale.
10. Potential overcrowding with limited space to house 50-90 people with no car parking.	During peak periods, the centre will accommodate 60 people at any one time. The submitted floor plan suggests this number can be accommodated within the premises. Council's Traffic Engineer has considered the provision of parking and found the development satisfactory given the access to public transport options and available public parking. This is discussed further in Part 2.3 of this report.
11. Smoking impacts from use of outdoor spaces	The applicant has advised that no smoking will be permitted on the outdoor deck. A condition is recommended for the deck to be a non-smoking area which is included in Attachment 5.
12. The proposed development is not getting notified to the wider community	The application has been notified in accordance with Council policy, including a notice in The Advertiser.
13. The site is further away from public transport than the existing Darcy House.	The existing community facility known as Darcy House is located approximately 200m from Port Kembla Railway Station on Darcy Road. The subject site is 340m away from Darcy House. Although the site is further away from the railway station, it is within walking distance of the railway station and well serviced by buses.
14. The services provided may include services for people with drug and alcohol addictions and sex workers	The proposed use includes providing appropriate support and referral services for people with addiction issues and sex workers. The provision of these services is considered a benefit to the community as professional and support services encourage harm minimisation to those in need as well as the wider community.
15.Change of use is not in accordance with the zoning	The proposed use is categorised as a community facility which is permitted in the B2 Local Centre zone and consistent with the objectives of the zone as discussed

Concern	Comment
	in Part 2.1.3 of this report.
16. The use does not comply with the definitions of a community centre but rather a private business operation	The definition of a community facility includes operation by non-profit organisations as outlined in Part 2.1.3 of this report. The owner and operator of the facility is BaptistCare, who are identified as a not-for- profit organisation.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's BCA and traffic officers reviewed the application and provided satisfactory referrals subject to conditions of consent.

Safer Community Action Team (SCAT) Officer

Council's Community Safety Officer has reviewed the application and requested additional information, including an Operational Plan of Management. This requirement can be reasonably imposed as a condition of consent prior to issue of an Occupation Certificate.

Health Officer

Council's Health Officer has reviewed the application in relation to the proposed kitchen fit-out and food premises standards and requested additional information in the form of detailed plans. This level of detail can be reasonably imposed as a condition of consent prior to issue of a Construction Certificate.

1.6.2 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

The proposed development involves a change of use from a bakery (retail premises) to a community facility. In relation to clause 4a, the land is not within an investigation area. In relation to clause 4b, a desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The site has remained vacant since closure of the bakery. In relation to clause 4c, the proposed development is not for residential, educational, recreational, or for child care purposes or for a hospital. There are no earthworks proposed and no concerns are raised regarding contamination. The site is suitable for the proposed development regarding clause 7 of this policy.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 - ADVERTISING AND SIGNAGE

Three (3) business identification signs are proposed in the form of two (2) flush wall signs (one on Wentworth Street and the other on Jubilee Street) as indicated on drawing number DA5.00 in Attachment 2.

Under clause 9 of this policy Part 3 of the SEPP does not apply to the proposed signage.

The signage is considered satisfactory with regard to the aims of this policy and the assessment criteria in Schedule 1 as outlined in the table forming Attachment 4.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Under the SEPP, the subject site is mapped the following:

• Division 3 Coastal Environment Area Map

Is the proposal within the Coastal Environment Area? SEPP (Coastal Management) 2018, Division 3, cl 13.

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

(a)	the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	No impact.
(b)	-	No impact.
(c)	the water quality of the marine estate (within the meaning of the <i>Marine Estate Management</i> <i>Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	No impact to water quality.
(d)	marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	No impact to marine life.
(e)	existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No impact on public open space.
(f)	Aboriginal cultural heritage, practices and places,	No impact on cultural heritage.
(g)	the use of the surf zone.	N/A
devel unles	Development consent must not be granted to opment on land to which this clause applies s the consent authority is satisfied that: the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	Consideration has been given to this Clause and no impacts anticipated, noting the location of the site within an urban area and the distance of the subject site to the coastal foreshore.
(b)	if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	
(c)	if that impact cannot be minimised—the development will be managed to mitigate that impact.	

Division 5 General

15 Development in coastal zone generally-development not to increase risk of coastal hazards

The development is minor in scale and will not increase the risk of coastal hazards.

16 Development in coastal zone generally—coastal management programs to be considered

Wollongong Coastal Zone Management Plan

The draft Wollongong Coastal Zone Management Plan was certified on 20 December 2017 and gazetted on 9 March 2018. The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act, any certified CZMP continues in force until 2021. As such, the Wollongong CZMP is considered a Coastal Management Program for the purpose of the Coastal Management Act and is a matter for consideration in the assessment of this development application under the Coastal SEPP.

A review of Council's associated CZMP mapping does not identify the site to be subject to coastal hazards.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

<u>Clause 2.2 – zoning of land to which Plan applies</u>

The zoning map identifies the land as being zoned B2 Local Centre

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.

The proposal is satisfactory with regard to the above objectives noting that the objectives include the provision of community services that serve the needs of people who live in, work in and visit the local area.

The land use table permits the following uses in the zone.

Permitted without consent

Building identification signs; Business identification signs

Permitted with consent

Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; **Community facilities**; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies

The proposal is categorised as a *community facility* as defined below and is permissible in the zone with development consent.

For the associated signage, it is categorised as a *business identification sign* which can be carried out without consent.

Clause 1.4 Definitions

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The definition of a *community facility* includes operation by non-profit organisations. The owner and operator of the community facility is BaptistCare, who are identified as a not-for-profit organisation.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposal does not alter the existing building height.

Clause 4.4 Floor space ratio

The proposal does not comprise any additional gross floor area.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

The site is in the vicinity of three (3) local heritage items as shown in the map below:



Figure 2: Site's proximity to local heritage items

- To the north (on the opposite side of Jubilee St) at 21-25 Wentworth Street is the Steel Works Hotel (Item 6420).
- To the east (on the opposite side of Wentworth Street) is a painted wall mural at 10-14 Wentworth Street (Item 5971).
- The subject site directly adjoins local heritage item at 31-33 Wentworth Street identified as 'Commonwealth Bank' (Item 6308).

The proposed development is for a change of use with minor external works. The provisions of this clause have been considered and given the minor external modifications the development will not adversely affect the surrounding heritage items. The provisions of this clause are satisfied.

Part 7 Local provisions – general

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposal only comprises change of use with minor works which does not involve any earthworks.

Clause 7.13 Certain land within business zones

The site is situated within B2 zone. The proposed community facility complies with subclause (3) as the development:

- (a) will not be used for the purpose of residential accommodation, and
- (b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

An assessment of the proposed development against the relevant provisions of the DCP forms Attachment 3.

The main issues of relevance to the proposal are discussed below.

CHAPTER A1 - INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. A full compliance table can be found at attachment 3 to this report; only the variations are discussed below in relation to dividing fences (Part 4.9 of Chapter B1). The applicant has provided 'justification statements' as required by Chapter A1 of the DCP which are contained in the SEE.

8 Variations to development controls in the DCP

Approval is sought for a dividing fence with a 2.1m height on the common boundary of the subject site and the adjoining residential property at 2 Jubilee Street. Given the site adjoins a residential property, and no fencing requirements are specified in Chapter B4 the fencing requirements under Chapter B1 Residential Development apply. Part 4.9 of Chapter B1 requires dividing fences to be a maximum of 1.8 metres in height.

The objectives of this part are:

4.9.1 Objectives

- (a) To allow for the physical separation of properties for resident privacy.
- (b) To define the boundaries between public and private land.
- (c) To enhance the usability of private open space areas / courtyards.
- (d) To ensure that the design, heights and materials of fencing are appropriately selected.
- (e) To ensure that fencing design and location complements the building design, enhance the streetscape and complement the objectives of passive surveillance
- (f) To ensure that the design allows for casual surveillance of the lot.
- (g) To ensure that clear lines of sight are maintained for motorists and pedestrians to and from the lot.
- (h) To provide suitable fencing to improve the acoustic and visual privacy for residential properties fronting major (busy) roads, where appropriate slight line distances can be maintained.

The applicant has submitted the following justification (summarised):

- The 2.1m fence was recommended by Council to minimise adverse noise and overlooking impacts from the proposed outdoor deck;

- The higher fence satisfies the objectives of Part 4.9 as physical separation of properties for resident privacy would be ensured and no adverse impacts for either property would result from the non-compliant fence height.

Comment:

The existing boundary fence is 2.4m high. The original plans indicated a 1.8m high fence, which was then revised to 2.1m (upon Council's request).

It is noted the applicant has advised that the proponent has met with the adjoining residential owner stating that agreement was reached to replace the fence with a higher fence. Given the proposed outdoor deck is elevated approximately 500mm above existing ground level, a condition of consent is recommended for a 2.4m high fence (reducing to 1.8m at the Jubilee Street boundary) to be erected at the developer's expense (refer Condition 10 in Attachment 5).

The higher fence height is considered appropriate to provide physical separation between the community facility and the adjoining residential property. The higher fence responds to the concerns that were raised in the submissions and will mitigate amenity impacts from the outdoor deck. In the circumstances, a variation to the maximum 1.8m fence height is considered appropriate and remains consistent with the objectives of this part.

CHAPTER D1 – CHARACTER STATEMENTS

3.38 Port Kembla & Spring Hill

As the character statements apply to both Port Kembla and Spring Hill, some existing and desired future character outlined under this part applies to the industrial / manufacturing activities associated with the steelworks and heavy industrial land.

The desired future character of Port Kembla town centre is:

The revitalisation of the retail and business centre is recognised as an important outcome for Port Kembla. In this regard, the Port Kembla retail and business centre is likely to undergo revitalisation through mixed use developments occurring along Wentworth Street. Mixed use developments involving ground floor retail or business activities with upper levels of residential development (ie shop top housing), will help 'activate' and improve the vibrancy of the centre and provide a safer place for people to live and recreate. The diversified range of land uses in this locality is also likely to be reinforced through the likely growth of business and other service related functions associated with the expansion of port related activities.

The retail and business centre should maintain its traditional streetscape pattern and ensure the retention of heritage items. The creative adaptive reuse of buildings that make a positive contribution to the streetscape and character of the town centre is also envisaged. The amalgamation of sites within the town centre is encouraged to enable the development of commercial offices in the town centre, to cater for the expanding port related activities.

The proposed community facility is on Wentworth Street, within the retail and business centre. The proposed development contributes to the 'diversified range of land uses' and is considered to be consistent with the desired future character for the locality.

The revitalisation of the town centre in relation to the Port Kembla 2505 Revitalisation Plan 2018-2043 and accompanying Implementation Plan is discussed below.

Port Kembla 2505 Revitalisation Plan 2018-2043

This plan is a strategic vision to revitalise the suburb of Port Kembla. The Plan identifies a number of precincts, with Precinct A being Port Kembla Town Centre. Current challenges for the town centre include the number of vacant retail premises, adverse safety and crime perceptions and subdued business confidence. Physical constraints include Wentworth Street's steep topography and 600m length.

The 3 main aims of the Town Centre Vision are:

- 1. Make the Town Centre a vibrant, walk-able, safe and community centric place
- 2. Retain and enhance the architectural character of Wentworth Street
- 3. Retain commercial and residential affordability

The plan has also outlined the strategic moves to achieve these aims:

Strategic Moves

- Contract the size of Town Centre and create a focus
- Conserve and celebrate the historic main street character
- Increase the supporting population
- Fill vacancies and activate shop fronts
- Great mainstreet experience

The proposed development if approved will result in the activation of an existing vacant building at the northern end of Wentworth Street. The proposed use is not considered to compromise the aims and strategic moves identified in the plan.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

Council's Traffic Engineer has considered the proposed development having regard to the provisions of this chapter. It was noted that this chapter does not specify specific car parking rates for the proposed use and a traffic impact assessment was not required for the proposal.

Community facilities should be located close to the public transport nodes. The site is 76m walking distance to the Darcy/ Military Road bus stop and approximately 380m to Port Kembla Railway Station.

Council's Traffic Engineer has assessed the proposal and found the proposed parking arrangements adequate given that the site is located close to public transport options and a public car park.

The proposal includes two (2) on site car parking spaces accessed from Jubilee Street. They are enclosed by a proposed gate. The car parking spaces may restrict access to the bins and movement to the street on collection days when the two (2) car spaces are occupied. To manage this potential conflict the applicant has advised that the bins will be taken to the street prior to both cars parking in these spaces. Council's Traffic Engineer has considered this arrangement and recommended a condition requiring a waste and delivery management plan to be prepared to minimise conflict between servicing requirements and use of the car spaces. This condition is included in Attachment 5.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is >\$100,000 (\$463,000) and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

<u>Clause 92 - What additional matters must a consent authority take into consideration in determining a development application?</u>

Conditions of consent are recommended with regard to demolition.

Clause 93 – Fire Safety and other considerations

Not applicable as building works are proposed.

Clause 94 – Consent authority may require buildings to be upgraded

This clause applies to the development as building works are proposed and has been considered by Council's BCA officer. Conditions for building upgrades are included in the recommended conditions in Attachment 5.

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The site is within the B2 Local Centre zone and close to a range of commercial and residential uses. The proposed use is characterised as a community facility and is permissible in the zone. Minor external alterations are proposed under the current application.

The site adjoins a heritage building to the south and is in the vicinity of two other local heritage items. Given that the external appearance of the building will largely remain unchanged, no adverse impacts on the heritage significance of these buildings is anticipated. The physical impacts from the development are limited to potential amenity impacts on the adjoining residential property as a result of the outdoor deck. However, these potential impacts are suitably mitigated by a 2.4m high fence to provide visual separation between the properties. In addition, the operating hours of the community facility are 9am-5pm Monday to Friday which is unlikely to lead to unreasonable noise impacts for the adjoining neighbour.

In regard to the visual impact, minimal changes to the building aside from business identification signage are proposed. The main street of Port Kembla is currently consists of commercial and retail premises with a number of vacant shopfronts. The proposed community facility will contribute to the activation of the area.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

The proposed development will not significantly increase the traffic generation. The site is well located in terms of access to public transport, which is desirable for people accessing the site. There is also an availability of street parking and a public car park within close proximity to the site.

Public Domain:

No works to the public domain are proposed and no adverse impacts are anticipated.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are can be readily extended to service the proposal if required.

Heritage:

The proposal will not adversely impact on the adjoining or surrounding heritage items.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.

Soils:

Minimum earthworks proposed and the site is identified as class 5 acid sulfate soils.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

There is no vegetation removal or landscaping proposed or required.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction. Conditions are recommended regarding the ongoing management of waste associated with the use.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural or technological hazards:

There are no natural or technological hazards affecting the site that would prevent the proposal.

Social and economic impacts

The proposed development will promote a positive social impact by continuing to provide well needed services in an accessible location. It is noted that the community facility is currently operating from a premises in Darcy Road, therefore no additional adverse social impacts are anticipated from the relocation of the premises to Wentworth Street. There is potential for adverse social impacts could the existing community facility not operate.

Site Design and Internal Design:

The site layout, minor changes to internal layout and proximity to public transport are considered suitable for the proposed use. A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts given that the proposed use is relocating from existing premises 340m away from the subject site.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Refer Part 1.5 of this report.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

Subject to appropriate conditions, the proposed development is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The site is zoned B2 Local Centre where community facilities are a permitted land use. The objectives of the zone include the provision of community uses that serve the people who live in, work in and visit the local area. The proposed development aligns with this objective. The design of the development is appropriate regarding the controls outlined in these instruments.

The proposal involves variations to fencing requirements under WDCP2009. Variation request statement has been submitted and assessed as reasonable. Internal referrals are satisfactory subject to conditions. The public advertising process resulted in numerous submissions being received raising concern with the development. A comparable number of submissions in support of the proposed development were also received. The issues raised in the submissions have been considered in the assessment of the application as outlined in Section 1.5 of this report.

It is considered that the proposed development has otherwise been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that the development application be approved subject to the recommended conditions of consent in **Attachment 5**.

Attachments:

Attachment 1: Aerial photo and Wollongong Local Environmental Plan 2009 zoning map

Attachment 2: Plans

- Attachment 3: Wollongong Development Control Plan 2009 assessment
- Attachment 4: SEPP No. 64 Advertising and Signage assessment
- Attachment 5: Recommended conditions

Attachment 1: Aerial photo and WLEP 2009 zoning map



Figure a: Aerial photograph

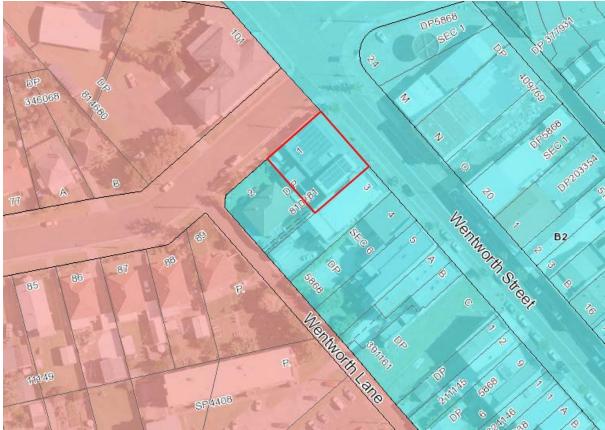
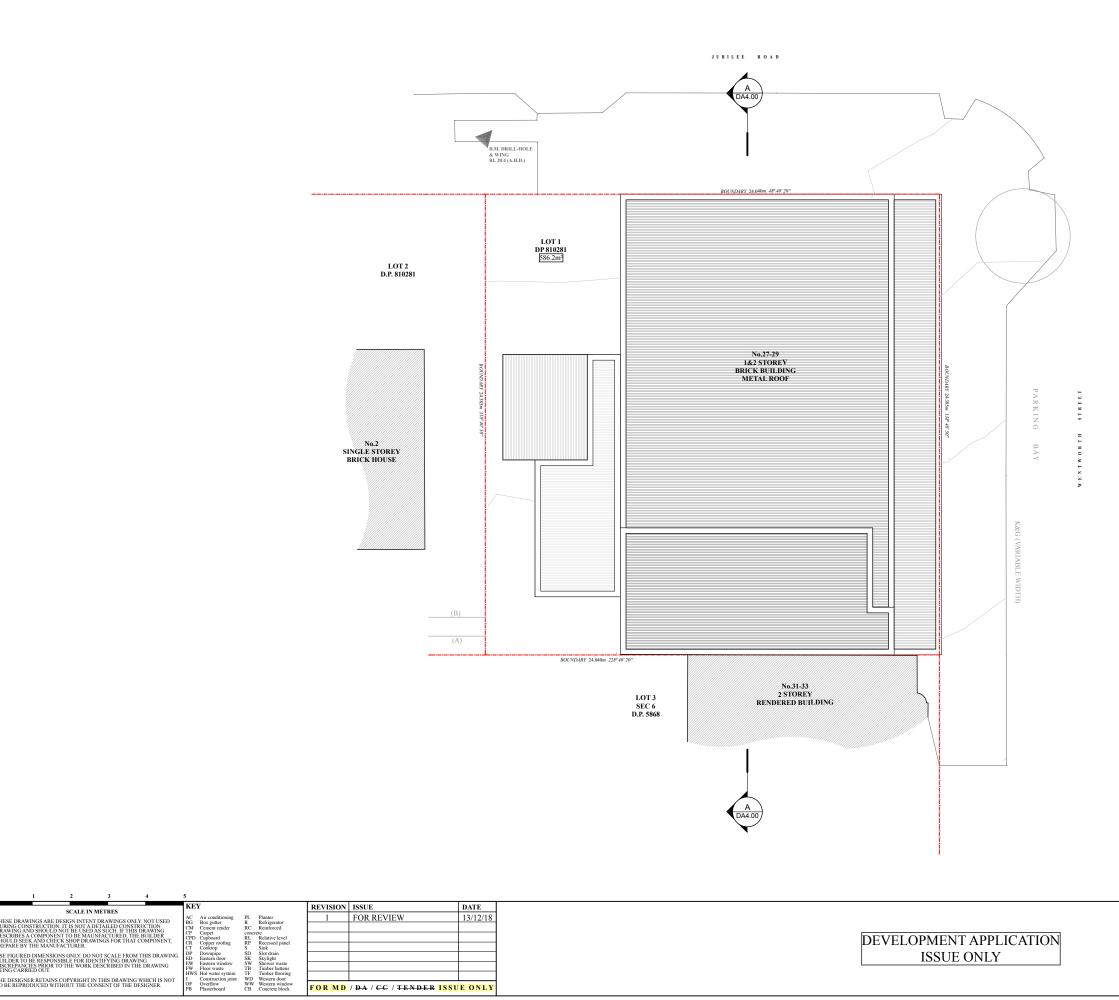


Figure b: WLEP 2009 zoning map

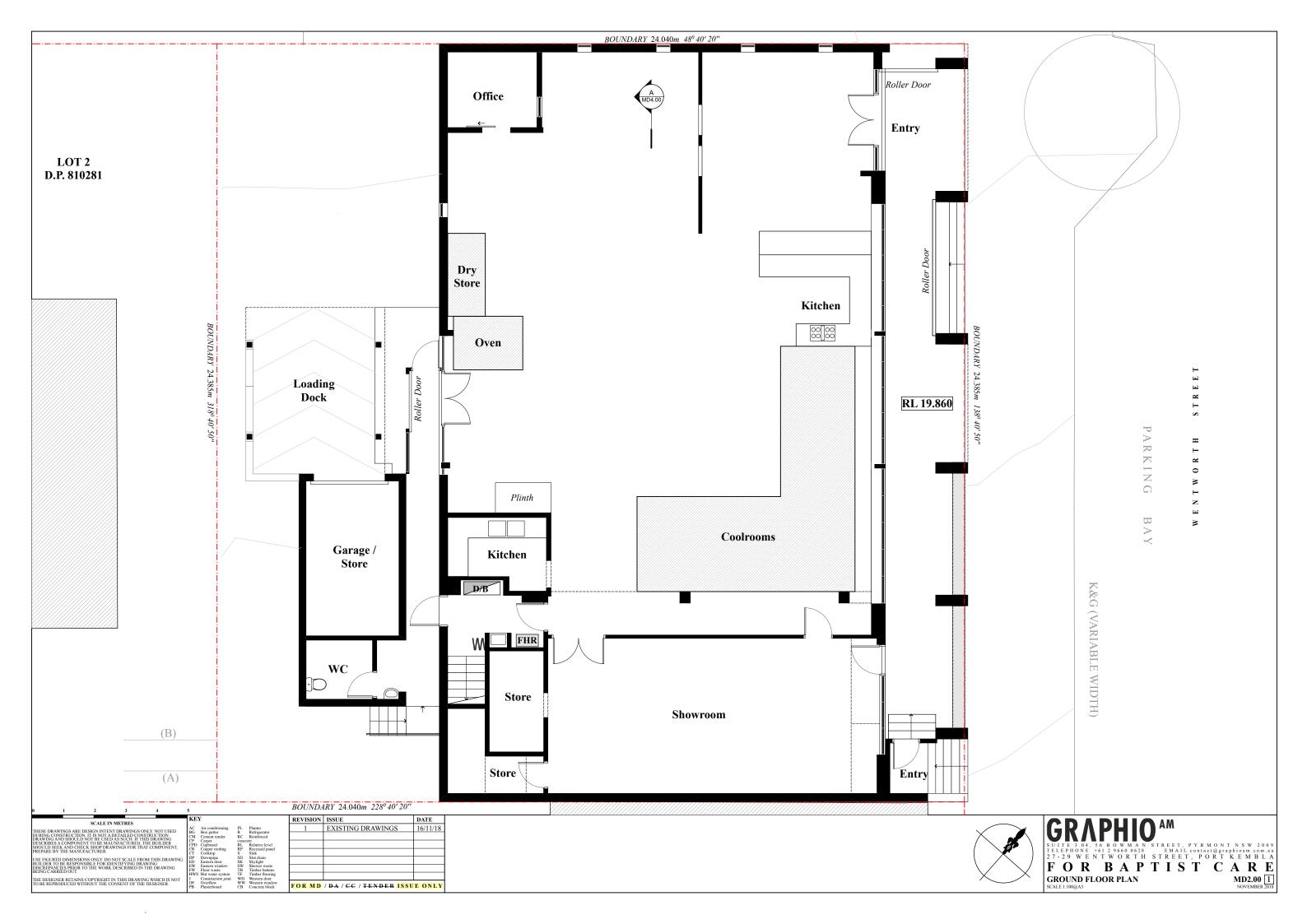


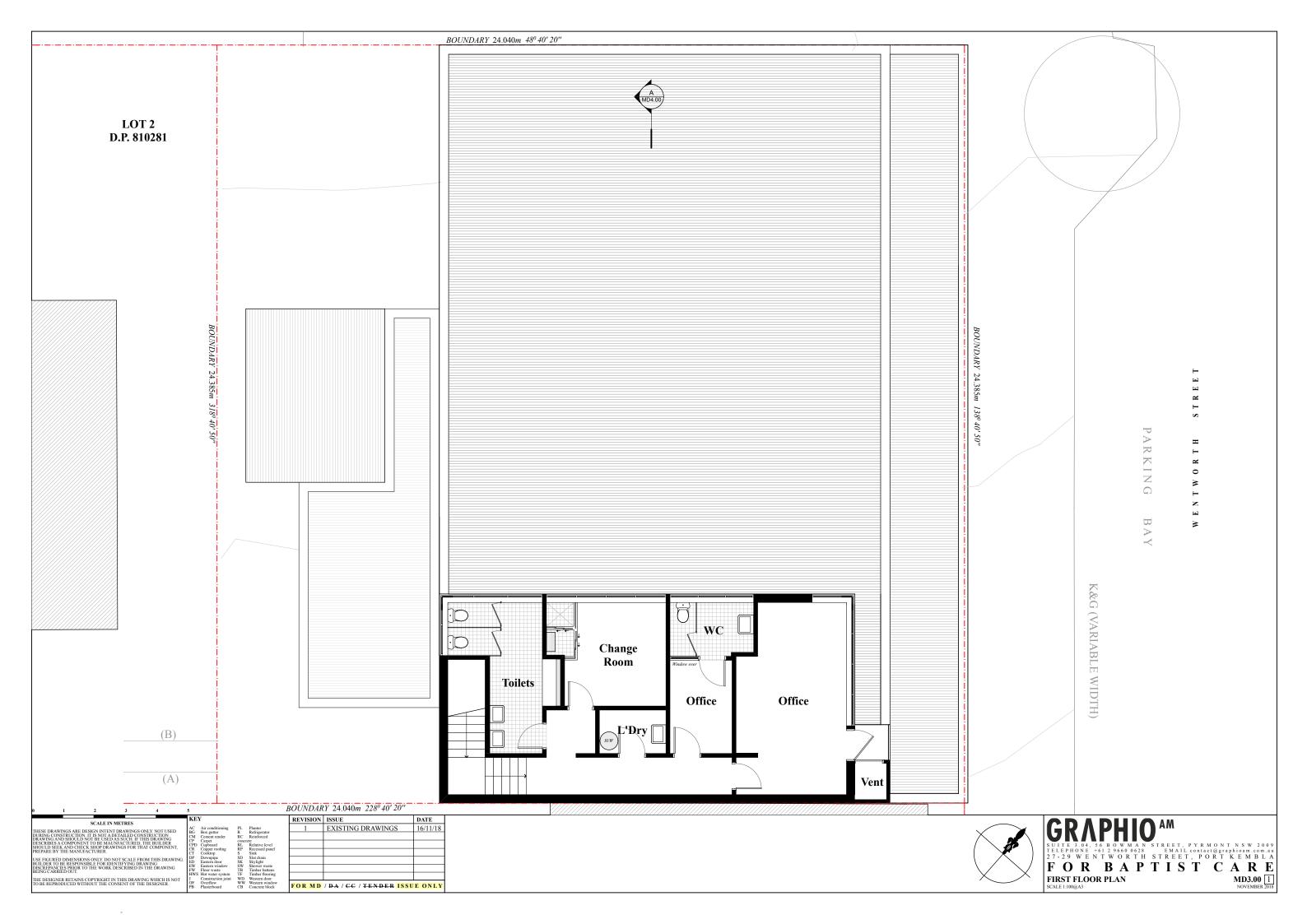
Attachment 2 - Plans

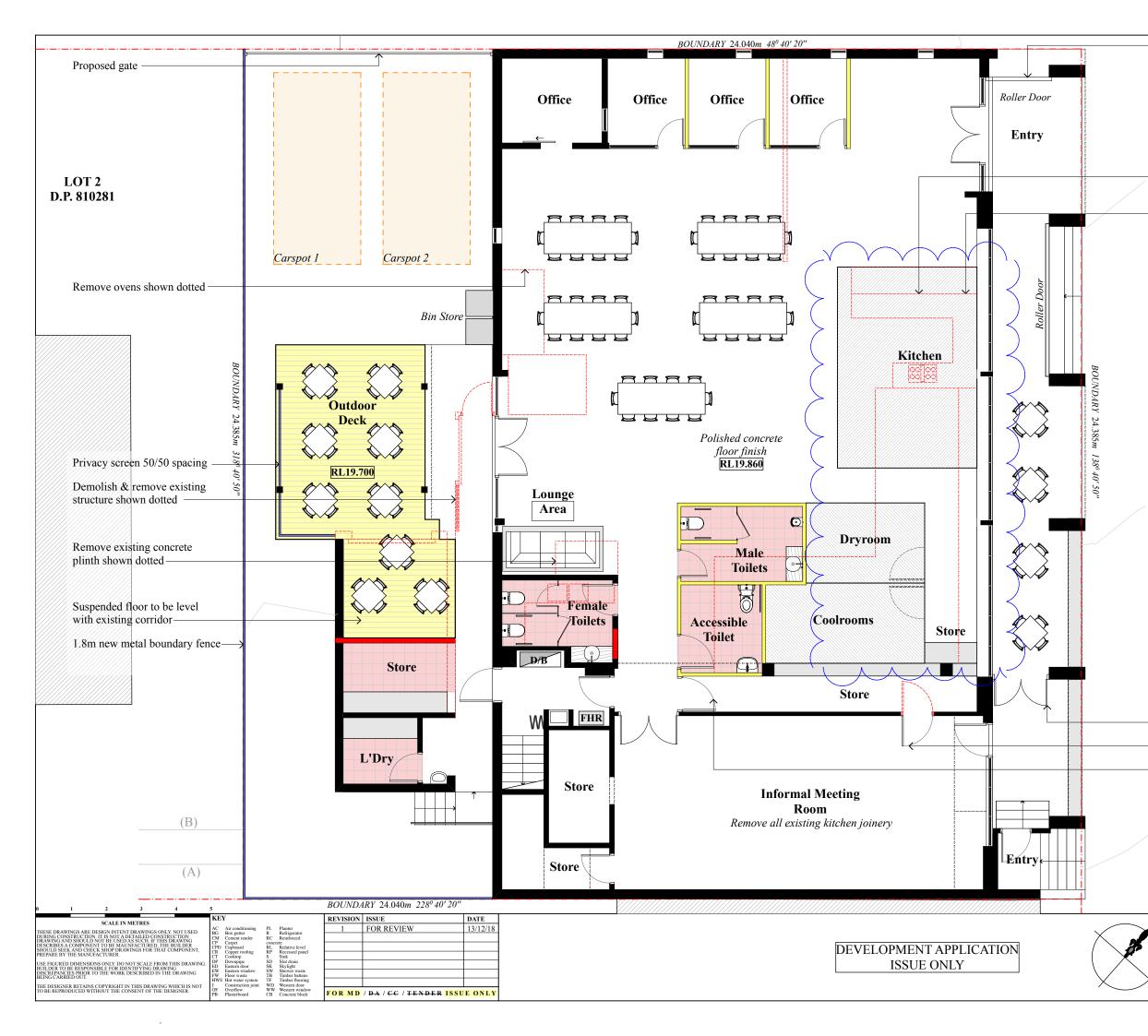


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<u>Notes</u>

- Replace existing highlight windows

New external paint to future specification

- New suspended ceiling on main area of ground floor, to sit at head height of highlight windows

Kitchen & dry/cool rooms shown bubbled to manufacturers details

Demolish & remove existing kitchens & cool rooms shown dotted

> The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003. Guidance may be obtained from AS 4674. - Design, Construction and Fitout of Food Premises.

The following requirements apply to clearances and supports of equipments:

- All stoves, refrigerators, cupboards and similar fittings must have metal legsmade

of non-corrosive metal or moulded plastic at a min height of 150 mm above the floor.

If placed on a solid plinth, the plinth is to be a minium height of 75mm.

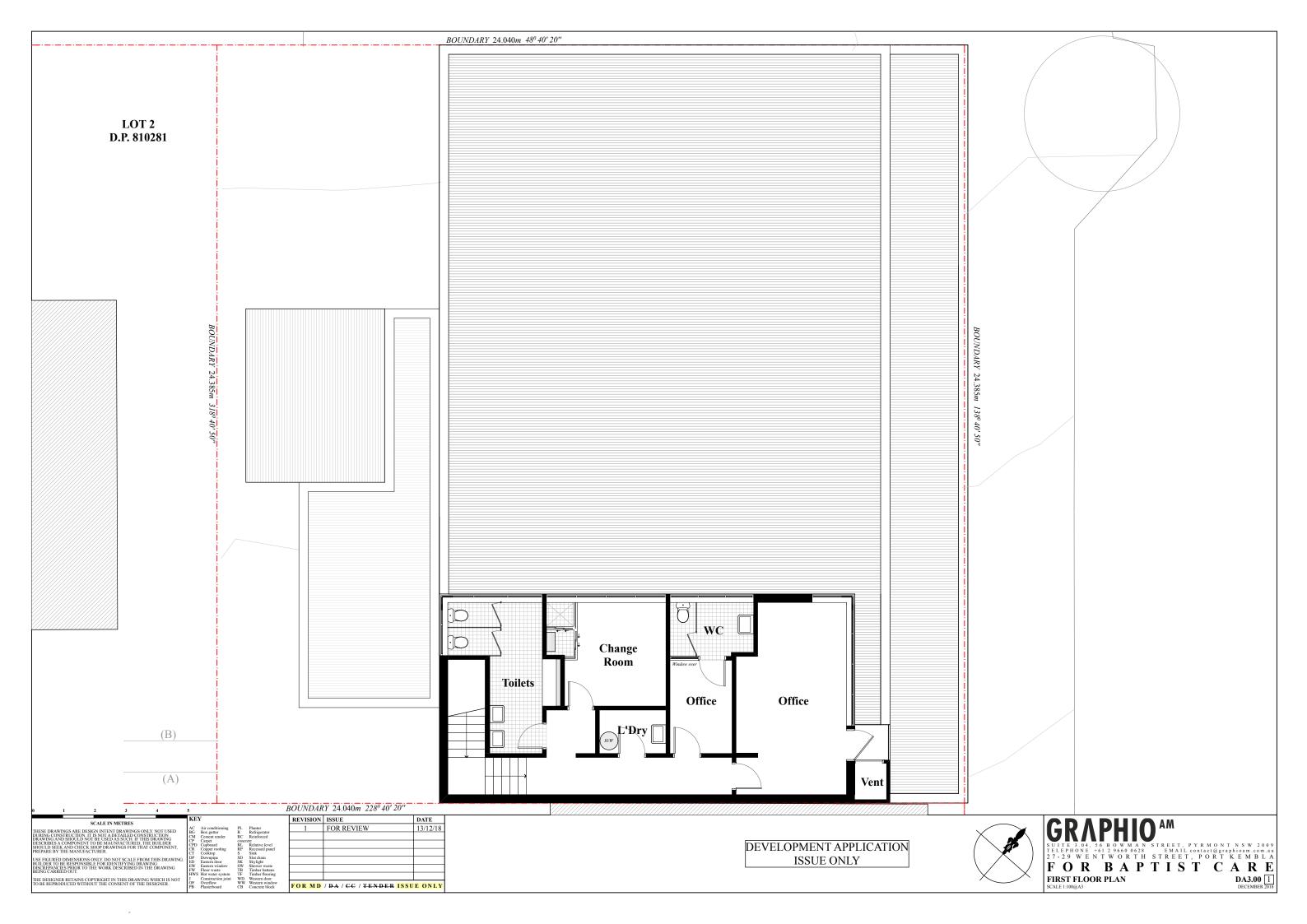
- All shelving must be fixed 25mm clear of the walls on solid brackets.

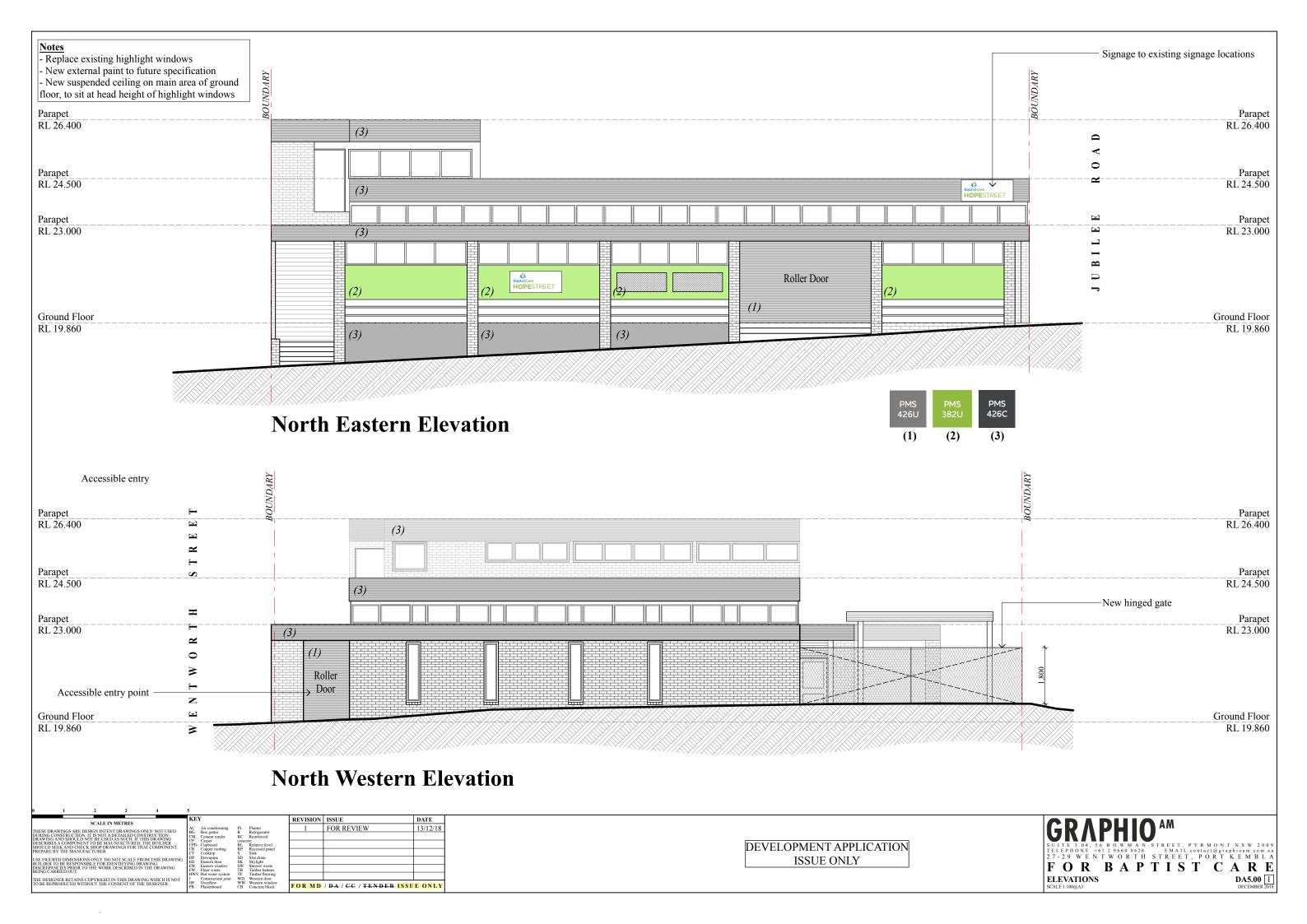
- All service pipes, electrical conduits, refigeration condensate pipes and the like must be chased into walls, floors or plinths.

All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

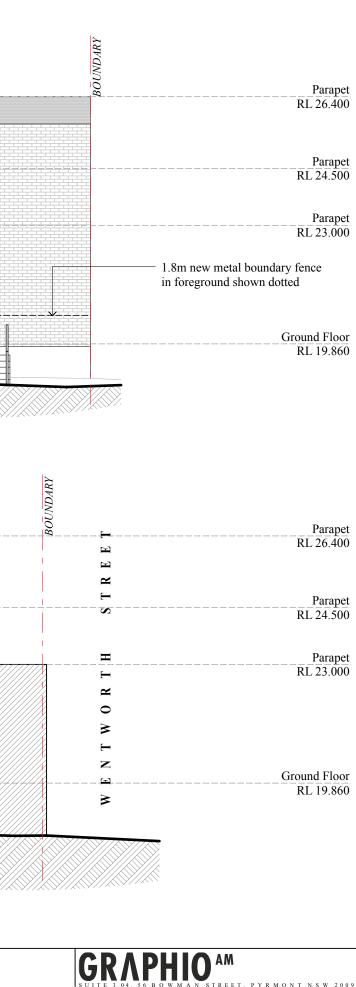
Existing door to be made good Existing door to be re-hinged New door to store area W E N T W O R T H S T R E E T







Notes - Replace existing highlight windows - New external paint to future specification - New suspended ceiling on main area of ground	ARY			
floor, to sit at head height of highlight windows	BOUNDARY			
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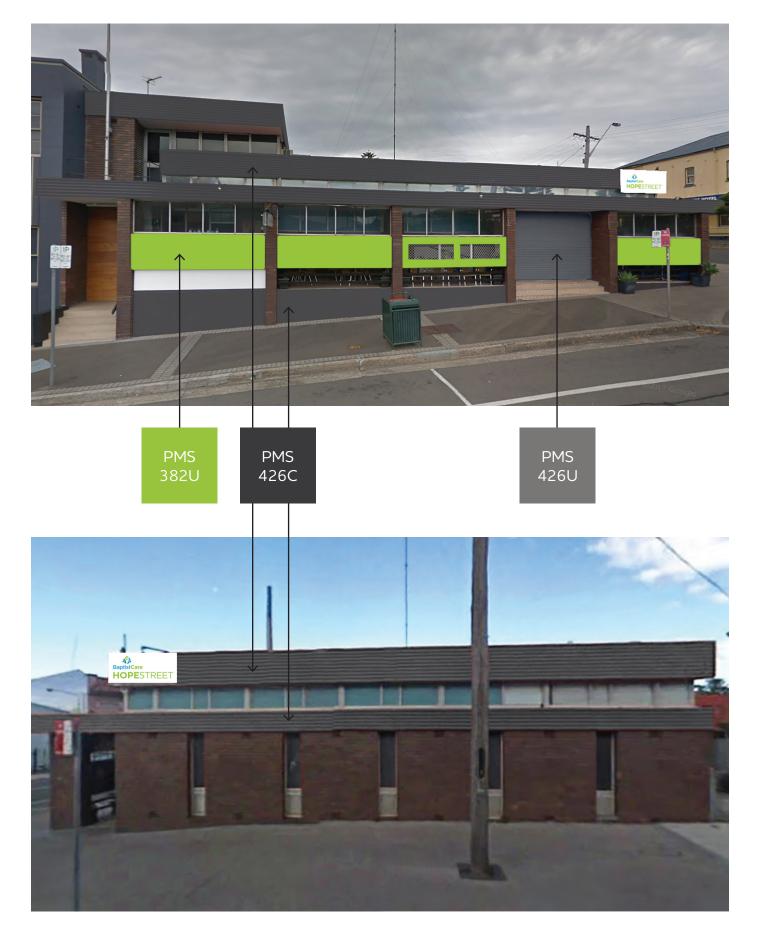


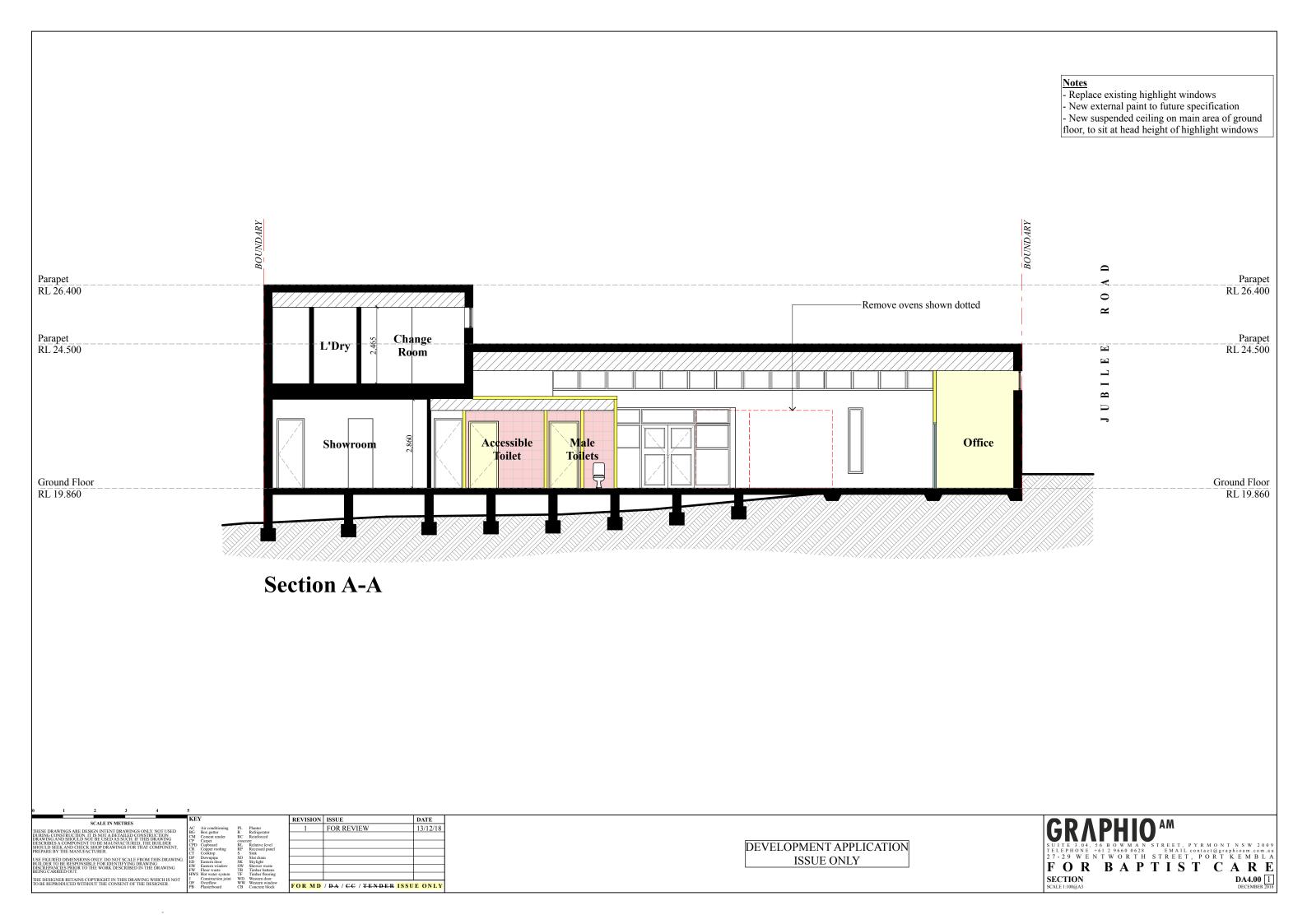


PROPOSED BUSINESS IDENTIFICATION SIGNAGE

- Three wall signs are proposed.
- Each sign will be "metal skinned".
- Each sign would be (L) 2.7m X (H) 1.1m

Port Kembla Community Centre





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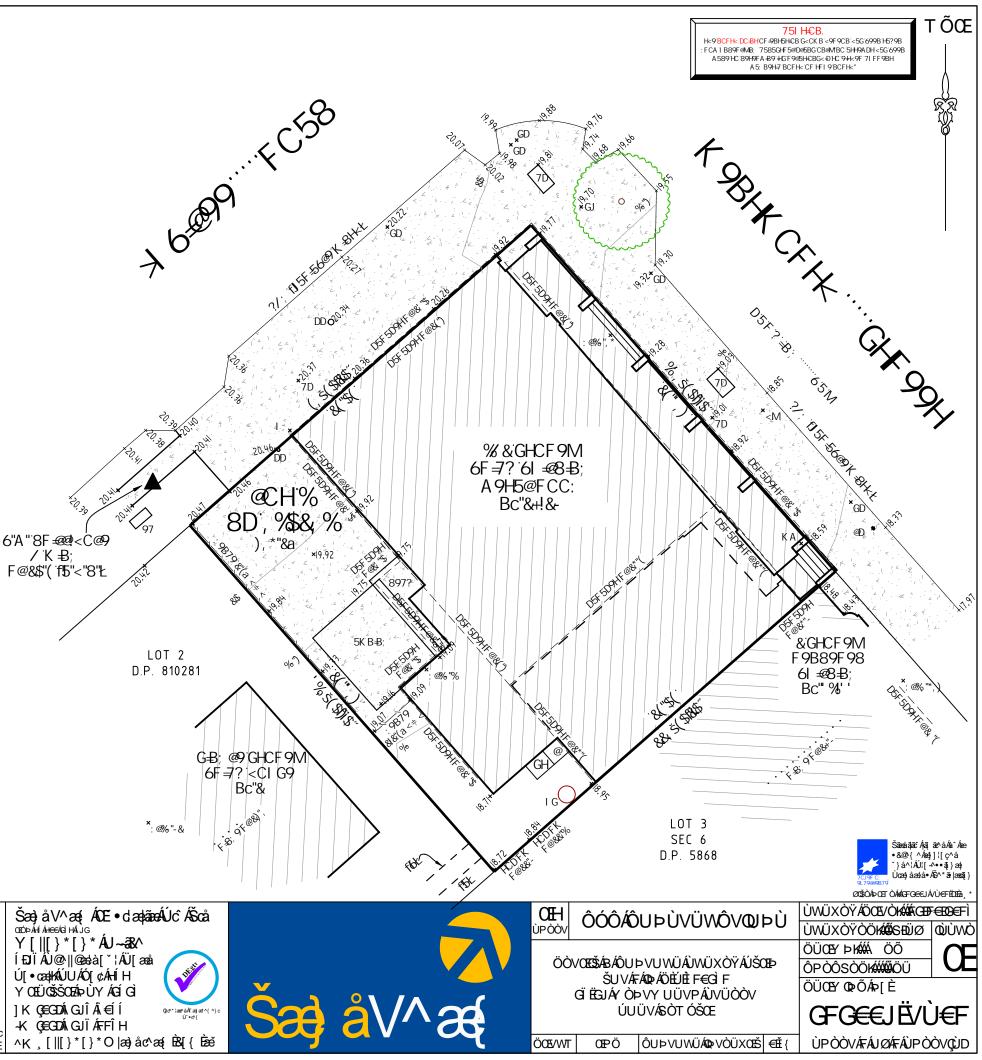
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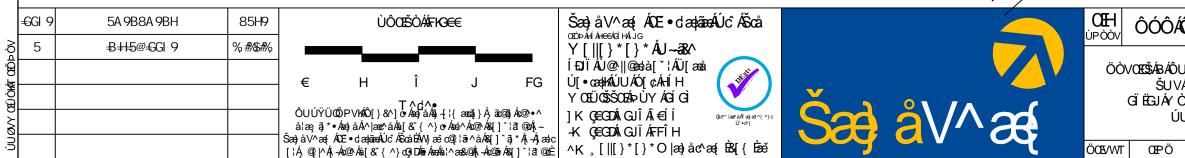
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%/H+&D@5B+&HC 69F958 & 7CB>| 87H&B K +k H+9F958A9: #9/CB H+9/577CAD5BMB; 8+ +5@HF5BC 9F 588 H+9D8: *-e*9'5H+57<98





CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

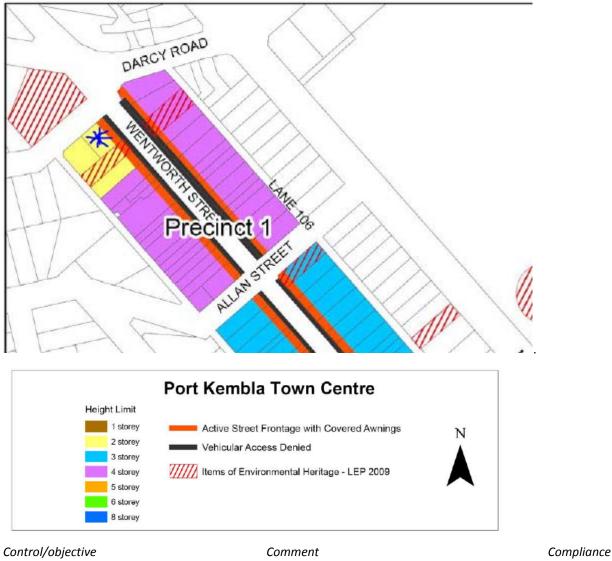
Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B4 DEVELOPMENT IN BUSINESS ZONES

The provisions of this chapter applies to any retail, office premises, business premises, bulky goods premises, shop top housing or mixed use development proposed on land zoned B2 Local centre (among other zones). Although the propose development relates to a community facility (permitted use under WLEP2009), some built form provisions are outlined for Port Kembla town centre which are outlined below.

7.6 Port Kembla Town Centre

The subject site is within Precinct 1 at the northern end of Wentworth Street, as shown below:



Maximum Floor Space Ratio (FSR) and Maximum Building Height		
Max. FSR: 1.5:1	The proposed change of use does not alter the	Yes
Max. storeys: 2 storeys applies to the lot as it	FSR, height or number of storeys on site. The FSR	
	and building height are applied through	

Attachment 3: Wollongong Development Control Plan 2009 (WDCP2009) assessment

Control/objective	Comment	Compliance
adjoins the heritage item	WLEP2009 noting that the existing building complies with the controls.	
Front Building Line Setback		
• The ground and first floor levels of any new building may incorporate a zero front building line setback. Upper storeys of any new building shall be setback at least 4 metres from the front building line.	There are no changes to building line and setbacks.	Yes
 A continuous cantilevered awning shall be provided for any building fronting Wentworth Street. 		NA
Rear and Side Setbacks		
Buildings must have a zero side setback and a minimum 6 metre rear setback.	The existing building has an existing non- compliant setback of between 0.9m-2.5m from the rear (south-western) boundary (awning). The outdoor deck will maintain a setback of 0.9m and not have a visual impact on adjoining properties. The proposed deck incorporates privacy screening to mitigate amenity impacts as discussed in the body of the report which is considered acceptable.	existing non-
Car Parking and Delivery Truck Loading Area		
• Developments situated on the northern side of Wentworth Street shall make provision for car parking at the rear of each site, with access arrangements via the rear laneway (Lane 106).	enclosed with gate and accessed from Jubilee Street. No vehicle access is available or proposed	Yes

CHAPTER C1: ADVERTISING SIGNAGE AND STRUCTURES

The proposed business identification signage is capable of being considered as exempt development under the SEPP (Exempt and Complying Codes) 2008. This Chapter is therefore not applicable.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Level pedestrian access to the building is available from Jubilee Street. Accessible toilet facilities are proposed as part of the internal fit-out. The application was referred to Council's BCA Officer who recommended appropriate conditions in this regard. The provisions of this chapter have been satisfactorily addressed.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

This proposal comprises only change of use of an existing which does not significantly alter the building structure. Clauses 3.2 to 3.6 are not applicable.

3.7 Community Facilities and Public Amenities

Control/objective		Comment	Compliance
•	•	The community facility will be located in B2 zone with direct access to activities.	Yes
•	Provide secure fencing around play equipment.	NA	N/A

Attachment 3: Wollongong Development Control Plan 2009 (WDCP2009) assessment

Control/objective		Comment	Compliance
•	The location and material of fencing should delineate the boundary of the community facility but not provide areas of concealment for intruders.		Yes
•	If back fences are over 1800mm high, then the type of fencing selected shall have a 'see-through' quality.		variation
•	Locate public amenity buildings adjacent to high traffic areas rather than in isolated locations.		NA
•	Ensure that external doors can only be opened by a legitimate key holder to prevent unauthorised entry.	Linualices are secured by existing folier doors	Yes
•	Approaches and entrances should be highly visible so that people cannot loiter or enter without being seen.	Cattefasters. The entropy and the the building and	Yes

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

Traffic impact assessment and public transport studies

A traffic impact assessment was not required for the proposal.

Parking demand and servicing requirements

Community facilities should be located close to the public transport nodes. The proposed development has a close proximity to the following:

- 76m walking distance to the Darcy/Military Road bus stop
- Approximately 380m to Port Kembla Railway Station

Community facilities do not fit in any of the specific land use listed in schedule 1 of this chapter. Council's Traffic Engineer has assessed the proposal and found the proposed parking arrangements adequate given that the site is located close to public transport options and a public car park.

The proposal includes two (2) on site car parking spaces at the rear of the lot, accessed from Jubilee Street. They are enclosed by a proposed gate. The car parking spaces may also restrict access to the bins and movement to the street on collection days when the two (2) car spaces are occupied. To manage this potential conflict the applicant has advised that the bins will be taken to the street prior to both cars parking in these spaces. Council's Traffic Engineer has considered this arrangement and recommended a condition requiring a waste and delivery management plan to be prepared to minimise conflict between servicing requirements and use of the car spaces.

CHAPTER E6: LANDSCAPING

This proposal comprises only change of use and associated signage which is not necessary to comply with this chapter. It is noted that the existing building is built to the boundary on both street frontages therefore there is no opportunity for landscaping within the site that would positively contribute to the public domain. It is noted that there is an existing pine tree on the Wentworth Street frontage that positively contributes to the public domain.

CHAPTER E11 HERITAGE CONSERVATION

14 Development in the Vicinity of a Heritage Site

This proposal comprises only change of use and minor alterations and additions which does not cause any adverse impact to the heritage items in the vicinity of the subject site.

CHAPTER E14 STORMWATER MANAGEMENT

This proposal comprises only change of use and associated signage which does not alter the existing drainage system. The site benefits from an existing drainage easement over the adjacent site at the rear of the site. Suitable conditions are recommended to require the stormwater to drain to the existing system.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Consent conditions are recommended with regard to management of any asbestos waste encountered during demolition of the existing dwelling on site.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

Attachment 4: SEPP 64 assessment criteria under Schedule 1

Objectives/controls	Comment	√/×
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the character of the area.	√
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity of any special areas. The location of the signs is consistent with existing signage and is of a size that does not detract from the surrounding heritage items.	•
3 Views and vistas		
Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not compromise the quality of views, vistas or viewing rights of other advertisers.	•
Does the proposal respect the viewing rights of other advertisers?		
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is consistent with the streetscape, setting and landscape with regard to scale and visual interest.	✓
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs do not protrude above the building.	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
Does the proposal require ongoing vegetation management?		
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the site and building in terms of scale and proportion. The proposal does not show innovation or	•
Does the proposal respect important features of the site or building, or both?	imagination however it of low impact and considered acceptable.	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices	No associated devices or logos are proposed.	NA

Attachment 4: SEPP 64 assessment criteria under Schedule 1

Objectives/controls	Comment	√/ ×
or logos been designed as an integral part of the signage or structure on which it is to be displayed?		
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	No signs are proposed to be illuminated	√
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8 Safety		
Would the proposal reduce the safety for any public road?	The proposal will have no effect on safety of vehicles, pedestrian or bicyclists.	✓
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

Approved Plans and Specifications

1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing DA1.00-1 to DA5.00-1 and DA5.01-1 dated 13 December 2018 prepared by Graphio^{AM} and Proposed Business Identification Signage Plan prepared by BaptistCare and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Surrender of Consent

The development consent DA-2003/582 that approved the 'Conversion of Offices to Counselling Rooms including Erection of Disabled Toilet and Access Ramp' known as 'Darcy House' at Lot 1 DP 538742 Old Port Kembla Road, Port Kembla must be surrendered within 60 days of an occupation certificate or commencement of operation whichever is the latest.

3 Building Work - Compliance with the Building Code of Australia

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

4 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The certifying authority must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

5 **Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

6 Maintenance of Access to Adjoining Properties

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

7 Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

8 Detailed Plans for Fit-out of Kitchen

Detailed plans demonstrating that the proposed kitchen complies with the construction standards of the Food Safety Standards and AS4674-2004: Design, construction and fitout of food premises must be submitted with the Construction Certificate.

Attachment 5: Recommended conditions

All plans must be drawn to scale and include relevant elevations and sections where appropriate.

The following details are required:

- Wall construction and finish (new and existing)
- Floor construction preparation, handling and service areas must have recessed coving installed in accordance with AS4674-2004. Non-rebated coving is not permitted).
- Ceiling construction and finish (note: drop-in panel type ceiling are not permitted).
- Location and details of hand washing facilities within food handling areas and toilet facilities.
- Location, size and capacity of equipment washing sinks.
- Floor washing facilities for food, equipment and staff belongings.
- Waste storage facilities.
- Installation and construction of all fixtures, fittings and equipment.
- Elevations/sections showing clearances of all equipment, fixtures and fittings from adjacent floors and walls.
- Capacity, location and installation of hot water systems.
- Details of any cooking appliances and mechanical ventilation systems, including elevations and specifications demonstrating compliance with AS/NZS1668.1 & AS1668.2 (note: domestic "rangehood" style exhaust systems not permitted).
- Hydraulic plans showing plumbing, connections, floor waste positions, refrigeration condensation disposal etc.

9 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$4,630.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

Contribution at time of payment = \$C x (CP2/CP1)

Where:

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE	
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1084646	Credit Card	
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	CashCredit CardBank Cheque	
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)			

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

10 Diving Fence

A dividing fence along the rear (south-western) boundary of the site must be erected at the developer's expense with the following requirements:

- a The fence must be 2.4m in height above existing ground level;
- b The fence must extend from the southern boundary to a 6m setback from the Jubilee Street boundary line;
- c The fence must taper down to a height of 1.8m at the front/Jubilee Street boundary line.

Details demonstrating compliance with this requirement must be submitted with the Construction Certificate application.

11 Privacy Screen

A privacy screen with a height of 2.1m as measured from the finished floor level of the outdoor deck must be provided.

Details demonstrating compliance with this requirement must be submitted with the Construction Certificate application.

12 Fire Safety Upgrade

The following information will be required to be detailed on the plans or supporting documentation to the accredited certifier, prior to the issue of the Construction Certificate. This condition relates to fire safety upgrade considerations under Clause 94 of the Environmental Planning & Assessment Regulation 2000 and relates to the whole building. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 1:

- a Full details, Engineering, specifications, scope of works, schedule of essential services and any other supporting information / documentation demonstrating proposed compliance with the content and recommended upgrade works contained in the BCA Capability Statement prepared by Blackett Maguire and Goldsmith (project 190038) dated 15 February 2019.
- b A Fire Engineering Performance Report prepared by a suitably accredited C10 Fire Engineer addressing all identified non compliances with the BCA and recommended in BCA Capability Statement has been prepared by Blackett Maguire and Goldsmith (project 190038) dated 15 February 2019.

13 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

14 Endeavour Energy Requirements

The submission of documentary evidence from Endeavour Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

Prior to the Commencement of Works

15 Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

16 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

17 Structural Engineer's Details

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.

18 Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

19 Application for Occupation, Use, Disturbance or Work on Footpath/Roadway

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a Digging or disruption to footpath/road reserve surface;
- b Loading or unloading machinery/equipment/deliveries;
- c Installation of a fence or hoarding;
- d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e Pumping stormwater from the site to Council's stormwater drains;
- f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g Construction of new vehicular crossings or footpaths;
- h Removal of street trees;
- i Carrying out demolition works.

20 **Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Attachment 5: Recommended conditions

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

During Demolition, Excavation or Construction

21 Restricted Hours of Construction Work

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

22 Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

23 **Demolition Works**

The demolition of the existing building elements shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

24 Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<<u>http://www.safework.nsw.gov.au</u>>).

25 Stop Work - Green and Golden Bell Frogs

If green and golden bell frogs are found at any time during the demolition, excavation or construction phases of the development, work shall cease immediately and the Wollongong Office of Environment and Heritage shall be contacted (phone 4224 4156).

Prior to the Issue of the Occupation Certificate

26 Fire Engineering Certification

Prior to the issue of an Occupation Certificate, provide a clearing certificate from the Accredited C10 Fire Engineer certifying that all of the building solutions detailed within the Fire Engineering

Assessment Report and considered at Construction Certificate stage, have been implemented / installed / constructed within the building to the their satisfaction.

27 Fire Safety Upgrade – Occupation Certificate

Prior to the issue of an Occupation Certificate, the building must be upgraded to comply with the recommendations contained in the BCA Report prepared by Blackett Maguire and Goldsmith (project 190038) dated 15 February 2019 and submitted to the accredited certifier at Construction Certificate stage.

28 **Operational Plan of Management**

The preparation of an Operational Plan of Management that makes provisions which are consistent with the Land and Environment Court Planning Principle is required, including matters such as the management of customer behaviour, and identification of a primary contact point.

In addition, the Plan of Management shall incorporate a complaints mechanism that enables members of the public to communicate their concerns about the operation and functioning of the centre. A register of all complaints is to be kept which is to record actions taken in response. There shall be a 12 month review mechanism for the Plan of Management. The Plan of Management is to be prepared to Council's satisfaction and be submitted to Council prior to the release of an Occupation Certificate.

29 **CCTV**

CCTV cameras must be installed to monitor the entrance and exit points, the footpath immediately adjacent to the premises and car park area at all times and be in place prior to issue of an Occupation Certificate. Signage identifying that CCTV cameras are in use must be placed in a suitable location.

30 Waste and Delivery Management Plan

A Waste and Delivery Management Plan is to be provided prior to issue of an Occupation Certificate which enables proper forward planning for loading and deliveries to ensure that service and waste collection vehicles are able to access the bin collection area and not conflict with staff parking.

Operational Phases of the Development/Use of the Site

31 Display of Fire Safety Signage

At all times prominently display within the building the current fire safety schedule and fire safety certificate/statement.

32 Hours of Operation

The hours of operation shall be restricted from 9am to 5pm Monday to Friday. Any change to the approved hours will require separate Council approval.

33 No Smoking Permitted on Deck

Smoking is not permitted on the outdoor deck. Signage to identify this area as a no smoking area must be in place at all times and operational procedures must be in place to ensure this requirement is adhered to.

34 Clinical Waste

Any clinical waste, waste containers and storage areas must be managed to comply with the NSW "Waste Minimisation Act and Management Act" and the NSW Health Department "Waste Management Guidelines for Health Care Facilities".

35 Operate in Accordance with Plan of Management

The premises must operate in accordance with the approved Plan of Management.

36 Storage of Goods and Materials

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.