

# Wollongong Local Planning Panel Assessment Report | 29 May 2019

<b>WLPP No.</b>	Item No. 3
<b>DA No.</b>	DA-2019/309
<b>Proposal</b>	Change of use for portion of lower floor of Surf Club from kiosk to Cafe and fit out of kitchen and associated works
<b>Property</b>	Bellambi Surf Club, Morgan Place, BELLAMBI
<b>Applicant</b>	Craig Kershaw
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Team (NL)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the land owner is Council.

#### Proposal

The proposal is for change of use of the lower level of Bellambi Surf Club from a kiosk to café and minor internal fitout.

#### Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a café and is permissible in the zone with development consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and did not receive any submissions.

#### Main Issues

The main issues are the use was commenced prior to obtaining the necessary development consent and the kitchen fit-out was not compliant with the Food Regulations. Council's health office is now satisfied that the development can be made to comply through conditions of consent.

#### RECOMMENDATION

It is recommended that the application be approval subject to the conditions contained at Attachment 4.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the development:

- SEPP No. 55 – Remediation of Land
- SEPP (Coastal Management) 2018
- SEPP 64 – Advertising and Signage
- Wollongong Local Environmental Plan 2009
- Wollongong Development Control Plan (WDCP) 2009
- Wollongong City Wide Development Contributions Plan 2018

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

#### Use

- Use of part of the lower ground floor of Bellambi Surf Club for a café operating between 6am and 7pm 7 days a week.
- The internal area is comprised of the kitchen and serving counter area. Customers are accommodated in the outdoor area adjacent to the building. The outdoor area is to be limited to 50m<sup>2</sup> and conditions of consent recommended that the use not impede the operation of the surf club nor restrict access to the foreshore area.

#### Construction detail

- Minor internal fit-out to comply with Food Act regulations.
- Two business identification signs (existing)

#### Traffic, parking and servicing

- A large car parking area is located to the rear of the surf club.
- Pedestrian and cycle access is provided from the cycleway.
- Waste servicing will occur from the car park area
- Amenities within the lower ground floor of the surf club building are available for use by customers.

### **1.1 BACKGROUND**

The café commenced operating in approximately mid-2017. Compliance action was subsequently taken regarding operating without consent and non-compliant fit-out. Those actions are being held in abeyance subject to the DA being determined.

Pre-lodgement meeting PL-2019/27 was held as a precursor to the current application. Primary concerns raised at that meeting were flooding and the fit-out requirements.

### **1.2 SITE DESCRIPTION**

The site is located at Bellambi Surf Club, Morgan Place, Bellambi and the title reference is Lot 7017 Crown DP 1057474.

The property is Crown land managed by Council.

The surf club is located opposite Bellambi beach and a watercourse. The cycleway runs past the building on the eastern side and there is a large at grade car park located to the west. A residential estate is located to the south.

The surf club building is two-storey with the café located on the lower ground floor adjacent to storage areas, lifeguard room and amenities associated with the surf club activities.

#### Property constraints

Land constraints are as follows:

- Flooding: The land is within low, medium and high flood risk. Conditions of consent are recommended in this regard.
- Acid sulfate soils: There are no earthworks proposed and no concerns raised in this regard.
- Coastal hazards: The site is identified as being impacted by ocean inundation. The proposal is a change of use with minor internal fitout and no particular concerns are raised in this regard.

### **1.3 SUBMISSIONS**

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. No submissions were received

### **1.4 CONSULTATION**

#### **1.4.1 INTERNAL CONSULTATION**

##### **Stormwater Engineer**

Council's Stormwater Officer has reviewed the application and given a satisfactory referral subject to conditions.

##### **Building Inspector**

Council's Building Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the consent.

##### **Health Inspector**

Council's Health Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the consent.

#### **1.4.2 EXTERNAL CONSULTATION**

None required

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

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

#### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

#### **2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

The site is located within an area covered by this policy with the maps identifying it as being within the coastal environment area, coastal use area and proximity area for coastal wetlands. The proposal involves a change of use with minor internal fit-out and no concerns are raised with respect to the applicable clauses of this policy.

### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY 64 (ADVERTISING AND SIGNAGE)

The business identification signs are considered satisfactory with regard to the aims and objectives and the assessment criteria in Schedule 1 of this policy.

### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

#### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE1 Public Recreation.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The proposal is satisfactory with regard to the above objectives.

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

*Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreational facilities (outdoor); Respite day care centres; **Restaurants or cafes**; Roads; Signage; Take away food and drink premises; Water recreation structures*

The proposal is categorised as a café as defined above and is permissible in the zone with development consent.

#### **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 7 Local provisions – general**

#### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services.

#### Clause 7.3 Flood planning area

Council's stormwater officer has reviewed the application in regard to this clause and has recommended conditions of consent.

## Clause 7.5 Acid sulfate soils

The site is identified as being impacted by acid sulfate soils however there are no earthworks proposed and no concerns raised in this regard.

### **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**

##### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

The proposal is considered to be satisfactory with regard to the principles of ESD. Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

##### **CHAPTER C1 – ADVERTISING AND SIGNAGE**

Two flush business identification signs, one on the wall facing the car park and the other on the wall above the café.

The signs are satisfactory with regard to the provisions of this chapter.

##### **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

A Construction Certificate is required for the proposal and compliance with the Access to Premises Standard.

##### **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

No concerns are raised in respect of the principles of CPTED.

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

### **6 Traffic impact assessment and public transport studies**

#### 6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

#### 6.2 Preliminary Construction Traffic Management Plan

Not required.

### **7 Parking demand and servicing requirements**

There is a large at grade car park adjacent to the surf club which is adequate to service customers to the business. The site is also located immediately adjacent to the cycle path providing access to customers arriving on bike or foot.

### **8 Vehicular access**

N/A

### **9 Loading / unloading facilities and service vehicle manoeuvring**

Satisfactory arrangements for waste servicing are provided from the car parking area.

### **10 Pedestrian access**

The proposal is satisfactory with regard to pedestrian access.

## **11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The proposal is satisfactory with regard to the principles of CPTED.

### **CHAPTER E7: WASTE MANAGEMENT**

Separate general and recyclable waste bins are to be provided in the car park area to be serviced by a waste contractor.

### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

Conditions of consent are recommended with regard to flooding.

#### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018**

The estimated cost of works is less than \$100,000 and a levy is not applicable under this plan.

#### **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)**

92 What additional matters must a consent authority take into consideration in determining a development application?

N/A

93 Fire safety and other considerations

A Construction Certificate will be required for the internal upgrade works to the kitchen.

94 Consent authority may require buildings to be upgraded

Council's BCA Officer has reviewed the proposal and has advised that no fire safety upgrade works are required.

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

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

#### **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**

No submissions were received.

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

The application 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 considered to be in the public interest.

## **3 CONCLUSION**

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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.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the draft conditions at Attachment 4.

## **5 ATTACHMENTS**

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- 1 Aerial photograph
- 2 WLEP 2009 zoning map
- 3 Plan
- 4 Draft consent.

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**Attachment 1 – Aerial photograph**

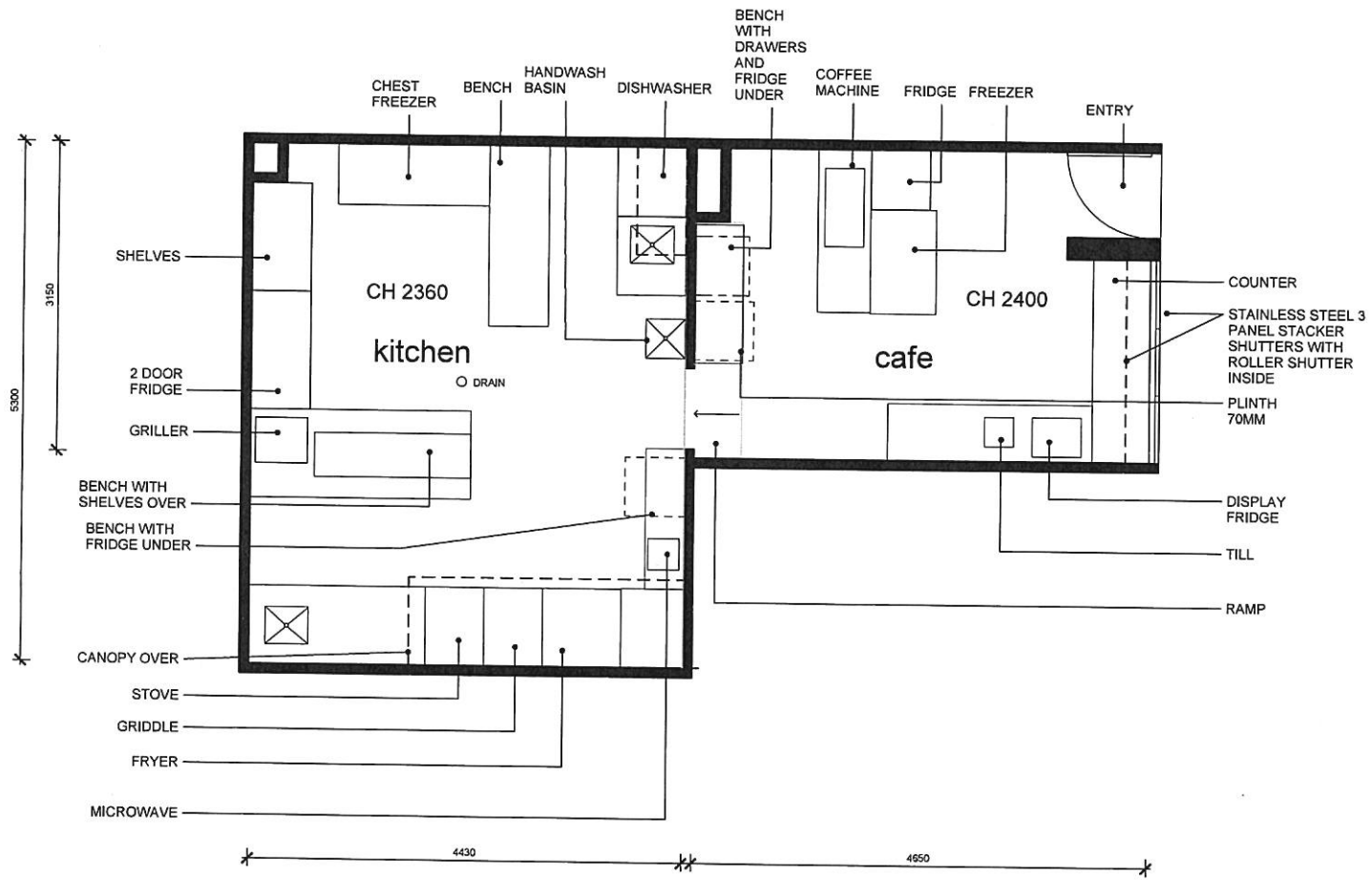




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**Attachment 2 – WLEP zoning map**





Proposed Kitchen Refurbishment  
 For Bellambi SLSC  
 At Morgan PI Bellambi



REV	DESCRIPTION	DATE
A	For Client Review	08/02/19

DRAWING TITLE	
DETAILED FLOOR PLAN	

PROJECT #:	FP-180118
SCALE:	1:50 @ A3
DATE:	08/02/19
DRAWN:	AH
CHECKED:	
DRAWING NO.	REVISION
S/03	A

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 W192158.2.10\proj\PROJ\ECT192018\FP18-0118 Bellambi SLSC Kitchen3 DRAWING\SS2\_MDFP18-0118 Bellambi SLSC Kitchen.rvt

## **Attachment 4 – Draft conditions**

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Detailed Floor Plan S/03-A dated 8 February 2019 prepared by Edmiston Jones 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 **Outdoor dining**  
An area no greater than 50m<sup>2</sup> adjacent to the café can be utilised for outdoor seating. The outdoor seating is not to impede surf club operations or access to or along the foreshore.
- 3 **Lease / licence**  
The Bellambi Surf Club must have the benefit of a lease/licence agreement with Wollongong City Council authorising the café use.
- 4 **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.
- 5 **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 submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.
- 6 **Advertising Signage**  
This consent authorises two flush business identification signs as detailed in the supporting documentation only. Any additional advertising signage will require separate Council approval.
- 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.
- 8 **Design and Construction of Food Premises**  
The construction and fit out must comply with *AS-4674/2004: Design, Construction and Fit-Out of Food Premises*.

### **Prior to the Issue of the Construction Certificate**

- 9 **Flood Proofing**  
The detailed design of the development shall include flood proofing of the proposed café and kitchen up to a level or RL 3.60 metres AHD. For the purposes of this consent, the term 'flood proofing' means a combination of measures incorporated in the design and construction of the development that will ensure floodwater cannot physically enter the building in the event of a flood, either via floors, walls, windows, doors, access/ventilation points, or via any other means.

All electrical wiring installed below RL 3.60 metres AHD should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 3.60 metres AHD should be capable of disconnection by a single plug and socket assembly

Any new portion of the building or structure below RL 3.60 metres AHD should be built from flood compatible materials

Details of the flood proofing shall be prepared by a suitably qualified civil engineer and reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

10 **Fire Safety Schedule**

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

**Prior to the Commencement of Works**

13 **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.

14 **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.

15 **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.

#### **Prior to the Issue of the Occupation Certificate**

16 **Maximum Capacity Sign**

Prior to the issue of an occupation certificate display in a prominent location to the café area signage stating patron capacity.

17 **Outdoor dining approval**

An Outdoor Restaurant Approval is required for any outdoor dining area prior to issue of the Occupation Certificate. The application is to be made to Council's Property Management Section seeking approval for outdoor dining on the Crown land reserve prior to commencing operations. Rental will be determined as per Council's fees and charges for outdoor dining on public land.

18 **Fire Safety Certificate**

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- a) Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

19 **Floor Construction**

The floor must be finished to a smooth, even non-slip surface, graded and drained to the floor waste (AS-4674/2004-Section 3).

20 **Floor Waste**

The floor waste(s) must be fitted with a basket trap and grate and constructed in all stainless steel finish (AS-4674/2004-Section 4.1.8).

21 **Coving**

Recessed coving must be provided at all intersections of the floor with the walls. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted (AS-4674/2004 – Section 3.1.5).

22 **Cleaner's Sink**

Where floor wastes are not installed as a means of disposing of wastewater, a cleaner's sink serviced with hot and cold water through taps fitted with hose connectors must be provided and located outside of areas where open food is handled (AS-4674/2004-Section 4.1.8).

23 **Tap Fittings**

Where floor wastes are installed as a means of disposing of wastewater, hot and cold wall mounted taps fitted with hose connectors and positioned at least 600mm above the floor must be installed in a convenient and accessible location outside of areas where open food is handled (AS-4674/2004 – Section 4.1.8).

24 **Penetrations**

All service pipes and electrical conduit must be contained in the floor, walls and plinths or ceiling or fixed on brackets so as to provide at least 25mm clearance between the pipe or conduit and adjacent vertical surfaces and 100mm between the pipe or conduit and any adjacent horizontal surface (AS-4674/2004-Section 3.2.9).

- 25 **Wall Requirements**  
All walls must be of solid construction and be finished to provide a smooth impervious surface capable of being easily and effectively cleaned, in accordance with Table 3.2 of AS-4674/2004. Cavity walls are not permitted (AS-4674/2004 – Section 3.2).
- 26 **Ceiling Construction**  
All ceilings must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light-coloured, washable paint. The intersection of the walls and ceiling must be tight-joined, sealed and dustproof. Drop-in panel ceilings are not permitted (AS-4674/2004 - Section 3.2).
- 27 **Hand Basin(s) and Hand Towels**  
A suitable number of hand basins must be provided in accessible and convenient locations within all food handling areas and in or adjacent to toilet facilities used by food handlers. Hand basins must be freestanding and serviced with hot and cold water which can be mixed at a temperature of at least 40°C through a single outlet (AS-4674/2004 – Section 4.4).  
  
Hand basins within food handling areas must be located no further than 5m from any place where food handlers are handling open food.  
  
Soap and single-use towels from a wall-mounted dispenser must be provided adjacent to each hand basin. Air dryers installed as the sole means of drying hands are not permitted (AS-4674/2004 - Section 4.4).
- 28 **Equipment for Cleaning and Sanitising**  
Adequate facilities must be provided for cleaning and sanitising food handling equipment and utensils in accordance with Table 4.1 of AS-4674/2004. As a minimum, a double bowl wash sink of adequate size and capacity must be provided for washing food handling equipment and utensils. All sinks must be serviced with hot and cold water through a single outlet (AS-4674/2004 - Section 4.1).
- 29 **Fittings**  
All fixtures, fittings and equipment must be installed in accordance with Section 4 of AS-4674/2004 and be finished in a smooth, non-absorbent material, and be free of cracks, gaps, crevices or exposed joints (AS-4674/2004-Section 4).
- 30 **False Bottoms**  
False bottoms and cavities under fittings are not permitted (AS-4674/2004-Section 4.2 and 4.3).
- 31 **Display Units**  
All food display units must be enclosed to prevent the possibility of contamination by customer's breath, physical contact, flies, dust, etc (AS-4674/2004-Section 4.2).
- 32 **Condensation Collection/Overflow**  
Condensation from refrigeration units, overflow from coffee machines and the like must be directed to the sewer via a tundish installed in accordance with Sydney Water requirements.
- 33 **Mechanical Exhaust**  
Mechanical exhaust ventilation must be provided to the cooking appliances and be installed in accordance with AS-1668.2/2012: The Use of Ventilation and Air-conditioning in Buildings, Part 2: Ventilation Design for Indoor Air Contaminant Control (AS-4674/2004-Section 2.5, AS-1668.2-2012).
- 34 **Doors**  
Doors to the internal toilet and air lock must be fitted with a self-closing device. Toilet and air lock doors must not be able to be held in an open position (AS-4674/2004 – Section 5.2).
- 35 **Hot Water Service**  
A hot water service of adequate capacity must be provided. The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted a minimum 150mm above floor level on a stand of non-corrosive metal construction (AS-4674/2004-Section 4.3).

36 **Storerooms**  
Storerooms must be constructed in accordance with Section 3.2 of AS-4674/2004. Shelving or storage racks must be impervious and constructed to enable easy cleaning.

37 **Insect Protection**  
Tight-fitting, washable insect screens or other approved means of excluding insects must be provided to all window and door openings (AS-4674/2004-Section 2.1.5).

38 **Storage Facilities**  
Sufficient facilities must be provided for the storage of cleaning materials, office materials, employees' clothing and personal belongings (AS-4674/2004 – Section 5.1).

39 **Waste Storage**  
Adequate storage facilities must be provided for garbage containers, containers for recyclable materials and compacters in an external area or in a room specifically for that purpose (AS-4674/2004 – Section 2.4).

40 **Flood Proofing Certification**  
The developer shall obtain written verification from a suitably qualified civil engineer, stating that all flood proofing has been constructed in accordance with the approved Construction Certificate plans and that the flood proofing measures will ensure floodwater cannot physically enter the building in the event of a flood, either via floors, walls, windows, doors, access/ventilation points, or via any other means. This information shall be submitted to the Principal Certifying Authority prior to the issue of the final occupation certificate.

41 **Flood Emergency Response Plan**  
An effective Flood Emergency Response Plan (FERP) for the development shall be prepared by an appropriate consulting engineer. The FERP shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the FERP shall be maintained on site at all times. A copy of the FERP shall also be provided to Council for record keeping purposes. The FERP shall include an effective flood emergency response and evacuation process and procedure including egress from the site in the early stages of storm events up to and including the Probable Maximum Flood, being RL 4.20 metres AHD in this instance. The FERP shall include details of the following:

- person(s) responsible for maintaining the FERP and any associate equipment;
- persons(s) responsible for implementing the FERP in the event of a flood;
- location of designated flood refuge area(s);
- access route to designated flood refuge area(s);
- method of monitoring flood water levels during flood events;
- trigger flood water level for implementation of the FERP;
- how site personnel will be alerted once the trigger flood water level has been reached (including during non-daylight hours where relevant); and
- any ongoing/routine maintenance and/or staff training required to ensure that the FERP will be effective when needed (incl. maintenance of any flood monitoring equipment where relevant).

Evidence that the above requirements have been satisfied shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate and commencement of use of the development.

### **Operational Phases of the Development/Use of the Site**

42 **Toilet Facilities**  
The café must not operate unless the public toilets at the lower ground level of the Bellambi Surf Club building are open for use by customers.

- 43 **Display of Fire Safety Signage**  
At all times prominently display within the building the current fire safety schedule and fire safety certificate/statement.
- 44 **Waste management**  
Waste must be separated into general and recyclable waste and disposed of into commercial waste receptacles in the car park area. No waste shall be placed externally to the bins.
- 45 **External Storage of Materials/Equipment**  
Any external storage of materials/equipment including waste bins etc., which are likely to cause pollution or be potentially hazardous during a flood event, shall be adequately secured or located above the 1 in 100 year flood level plus 0.5m freeboard.
- 47 **Restricted Hours of Operation**  
The hours of operation for the development shall be restricted to 6.00am to 7.00pm seven days a week. Any alteration to the approved hours of operation will require separate Council approval.
- 48 **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.
- 49 **Fire Safety Measures**  
All new and existing fire safety measures shall be maintained in working condition, at all times.