

Wollongong Local Planning Panel Assessment Report | 7 June 2022

WLPP No.	Item No. 2
DA No.	DA-2022/81
Proposal	Port Kembla Surf Club - change of use to restaurant/café and one sign.
Property	Port Kembla Surf Club, 1A Cowper Street, Port Kembla
Applicant	Marko Lissca – 10 Star Living
Responsible Team	Development Assessment and Certification – City Centre Planning Team (NL)
Prior WLPP meeting	DA 2020/995 was granted on 23 December 2020 by the Local Planning Panel for various alterations to the subject building.

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

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(1)(a) of the Local Planning Panels Direction of 30 June 2020, the proposal involves Council land.

Proposal

The proposal is a change of use, signage and internal fit-out of a Council building currently used by Port Kembla Surf Club for the purposes of a cafe/restaurant.

Permissibility

The site is zoned RE1 Public Recreation pursuant to WLEP 2009. The proposal is categorised as a café or restaurant 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.

RECOMMENDATION

It is recommended that the proposal be approved subject to the draft conditions at **Attachment 4**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- State Environmental Planning Policy (Industry and Employment) 2021
- SEPP Resilience and Hazards 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2021
- Wollongong Community Participation Plan 2019
- Plan of Management.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises a change of use and internal fit-out of a Council owned building currently leased to Port Kembla Surf Club to a restaurant/café.

Built form changes include:

- Construction of a cool room in the existing storeroom adjacent to the courtyard
- Kitchen fit-out in “prep room”
- Addition of grease trap
- Fixed tables and seating to front porch area facing ocean
- New bar area and internal seating
- Reconfiguration of change rooms and toilets
- One business identification sign proposed on the western elevation

The changes are illustrated at Figure 1, Figure 2 and Figure 3 below.

Council have granted a 21-year lease to Port Kembla Surf Life Saving Club Inc which commenced on 1 November 2018 and will terminate on the 31st August 2039. This lease incorporates a number of other buildings along with the subject one. These are:

- Lower Boat Shed: Containing rescue equipment such as Inflatable rescue boats, all-terrain vehicles, patrol trailer, rescue boards, engines, first aid room and toilet.
- Upper Boat Shed: Containing equipment used by members such as nippers trailer, surf boats, rescue reels, buoys, oars.
- Club House: Contains patrolling tower, gymnasium, club hall, storage room for table and chairs for the hall, office, kitchen, toilets.

Only areas which are currently exclusively used for hall hire are being proposed under this change of use as an alternative and more effective way of generating an income.

The proposal has allocated 62% of the total floor space available to core surf life-saving activities and is consistent with the Lease requirements.

The existing lease requires that the SLSC must not use the premises or any part of thereof for a commercial operation unless the parties have entered into a commercial agreement with Council as Lessor.

Operational detail

- 8-10 employees
- 6am to Midnight Monday to Sunday
- maximum seating capacity of 218 patrons

1.3 BACKGROUND

Recent development consent DA 2020/995 was granted on 23 December 2020 by the Local Planning Panel for various alterations to the subject building. Alterations to the courtyard area anticipated under this consent will proceed as approved.

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 1A Cowper Street, Port Kembla and the title reference is Lot 1 DP 392759.

The site contains a two storey Council owned building currently occupied by Port Kembla Surf Club. Adjacent to the building are at grade car parking areas.

To the north of the site is Cowper Street and then a Council reserve with residential dwellings beyond.

To the east of the site is Port Kembla swimming pool and residences beyond.

To the south of the site is Port Kembla beach.

To the west of the site is a vegetated reserve owned by Council.

The property is owned by Wollongong City Council and is Community land categorised as General Community Use. The Community Land Plan of Management for Council Owned Land dated March 2022 applies as discussed at section 2.9 of this report.

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.
- Heritage: Port Kembla Olympic Pool is identified as an item of local heritage significance under Schedule 5 of the LEP. The proposed works are distant from and will not impact upon that item.

There are no restrictions on the title of relevance to the proposal.

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 between 1/2/22 and 15/2/22. No submissions were received following the notification.



Figure 1: Notification map

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Building Inspector

Council's BCA Officer has reviewed the proposal with respect to BCA matters and clauses 93 and 94 of the Regulation and provided conditions of consent.

Statutory / Property Management

Conditions of consent have been provided with respect to Council's asset and the lease and license arrangements of the Surf Club.

Health Inspector

Council's Health Officer has provided conditions of consent with respect to the fit-out of the food preparation and handling areas.

Traffic Officer

Council's Traffic Officer has reviewed the proposal with respect to Chapter E3 of the DCP and relevant standards with respect to parking, servicing and access and has recommended conditions of consent.

1.6.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

N/A

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 Advertising and signage

3.1 Aims, objectives etc

(1) This Chapter aims—

- (a) to ensure that signage (including advertising)—*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

One business identification sign is proposed on the western elevation. The proposed signage is satisfactory with regard to these aims.

Schedule 5 Assessment criteria

1 Character of the area

Satisfactory

2 Special areas

The proposed signage does not 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.

3 Views and vistas

There are no impacts to views, vistas or viewing rights of other advertisers.

4 Streetscape, setting or landscape

Satisfactory

5 Site and building

Satisfactory

6 Associated devices and logos with advertisements and advertising structures

N/A

7 Illumination

N/A

8 Safety

The sign poses no safety risks.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 Coastal management

The site is located within the Coastal Environment area and Coastal Use area under the maps to this policy.

The works are restricted to the existing building footprint and are generally internal to the building.

The building is not identified as being at risk of coastal hazards under Council's Coastal Zone Management Plan.

No impacts are expected to the coastal environment and the proposal is satisfactory with regard to the aims of this chapter and Divisions 3, 4 and 5.

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site is not identified as potentially contaminated under the land constraints in Intramaps. Development history does not indicate any likely prior contaminating land uses. The works are within the existing building footprint. No further enquiry is warranted, and the proposal is considered suitable for the proposed development in its current state.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

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.

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.

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); Recreation facilities (outdoor); Respite day care centres; **Restaurants or cafes**; Roads; Signage; Take away food and drink premises; Water recreation structures*

The proposal seeks consent for a change of use from community facility to a restaurant or café which 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 sewerage services.

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

None of relevance to the proposal.

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

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 C1 – ADVERTISING AND SIGNAGE

8 General requirements for advertising signs and structures

One business identification sign is proposed on the western elevation as illustrated below.



8.1 Advertising Signage must relate directly to lawful use of the land

Satisfactory.

8.2 Design and Location

The design of the proposed signage is considered to be compatible with the built form and the locality.

8.3 Proportion

The scale of the proposed signage is consistent with the bulk and scale of the built form and other advertising in the locality.

8.4 Colour

The colour complements the colour finish of the building and colours are limited to the advertising signs.

8.5 Illumination

None proposed.

8.6 Rationalisation of Advertising Signage

Not applicable.

8.7 Advertising Signs and Structures maintained in good repair and in a clean and tidy condition

Satisfactory.

8.8 Advertising Signs must be displayed in English Language

Satisfactory.

8.9 Advertising Signs or Structures – Public Safety

The signage does not pose any public safety risk.

9 Specific controls for advertising signs and structures

9.2 Flush Wall Signs

One flush wall sign is proposed which satisfies the requirements of this control.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

- Accessible car parking is available in northern and southern car park areas with direct and compliant paths of travel to the building.

- The layout provides accessible paths of travel within the building and an accessible toilet.
- Conditions of consent are recommended with regard to compliance with the BCA and Access to Premises Standard.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is generally acceptable with regard to the principles of CPTED. Conditions of consent are recommended requiring low impact lighting of the adjoining car park areas given the proposal seeks to operate till midnight 7 days a week.

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

N/A

7 Parking demand and servicing requirements

7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

The rate of parking for restaurant/café is $1/4$ seats ($218/4 = 54$) OR $(1/4$ staff ($8/4 = 2$) + $1/6m^2$ ($300/6 = 50$) = 52).

There are 20 spaces adjacent the building to the east (including three accessible spaces), 17 immediately to the west (including two accessible spaces), and greater than 170 further to the south west of the site. There are also approximately 70 along Cowper Street in close proximity to the building.

People currently utilising nearby parking would generally be those undertaking some form of recreational activity at the beach.

Whilst the proposal would result in less parking being available to the general public adjacent to the building, there would be some degree of crossover between recreational activity and visiting the café/restaurant. There are also considered to be large number of parking spaces available for the general public accessing the beach. The lower level car park provides a gentler grade to the beach and there is also a large number of parking spaces adjacent and opposite Port Kembla Pool to the north east of the site.

The proposal is not considered to monopolise parking such that others visiting the foreshore would have difficulty locating a parking space for that purpose.

A condition of consent is recommended stating the consent does not authorise exclusive use of any parking areas.

7.2 Disabled Access and Parking

There are a number of accessible car parking spaces within the at grade parking adjacent to the building in close proximity to the entry points.

7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

A condition of consent is recommended with regard to provision of a bicycle rack adjacent to the building.

8 Vehicular access

There are two existing vehicular access points to the site from Cowper Street.

9 Loading / unloading facilities and service vehicle manoeuvring

Waste servicing will occur from within the site adjacent to the building. A waste vehicle can enter and exit the site in a forward direction.

10 Pedestrian access

The building is accessible to pedestrians.

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

An enclosed waste bin storage area is proposed adjacent to the building to the west. Waste servicing vehicles can enter the site forwards from the western driveway entrance and drive through to collect the bins, leaving from the eastern driveway to Cowper Street.

The development will be serviced by a private contractor

The number and volume of waste bins is sufficient to cater for the likely waste generation from the restaurant.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Wollongong City-Wide Development Contributions Plan

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development where works exceed \$100,000. The estimated cost of works is \$95,000 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?

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Conditions of consent are recommended in this regard.

94 Consent authority may require buildings to be upgraded

Conditions of consent are recommended in this regard.

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

The proposal is considered acceptable with regard to the likely impacts.

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 adversely impact 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

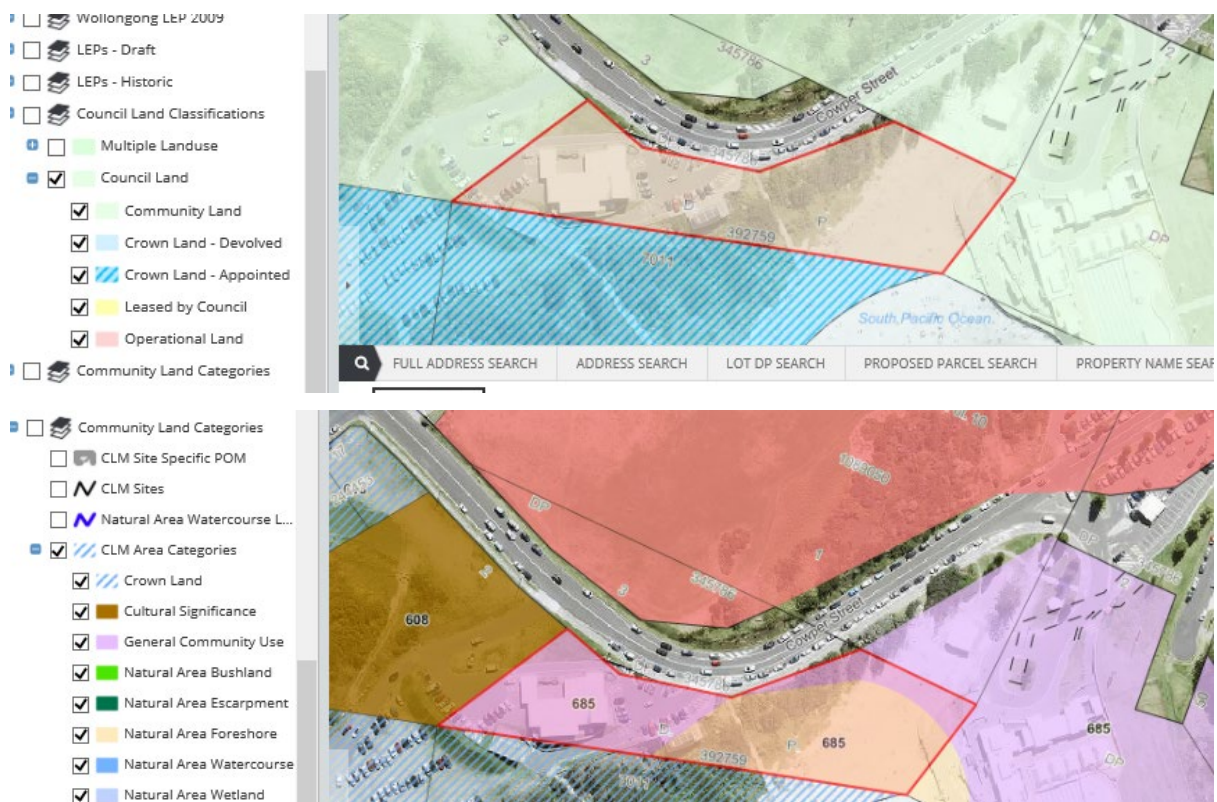
No submissions were received.

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

The proposal is acceptable with regard to the likely impacts and the use is compatible with the zoning and character of the area. No public submissions were received, and internal referrals are satisfactory. The proposal is considered to be in the public interest.

Community Land Plan of Management 2022

The building is situated on Council land classified as **Community Land** and categorised as **General Community Use** and illustrated below.



Restaurants are a permissible use on land categorised as General Community Use.

To the west of the site is Coomaditchie Lagoon Area of Cultural Significance Schedule for Lots 1 DP 182391 and Lot 2 DP 233393 - Cowper Street PORT KEMBLA NSW 2505 5 DP 240541, To the south of the site is Crown Land. No works or impacts are expected to these parcels of land.

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.

Internal referrals are satisfactory subject to conditions and no submissions were received. It is considered that the proposed development has been designed suitably given the characteristics of the site and existing building. The proposal is unlikely to result in significant adverse impacts on the amenity of the surrounding area and is considered supportable in its current form.

4 RECOMMENDATION

It is recommended that the development application be approved subject to appropriate conditions of consent.

5 ATTACHMENTS

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 Draft conditions of consent

Attachment 1: Aerial photograph



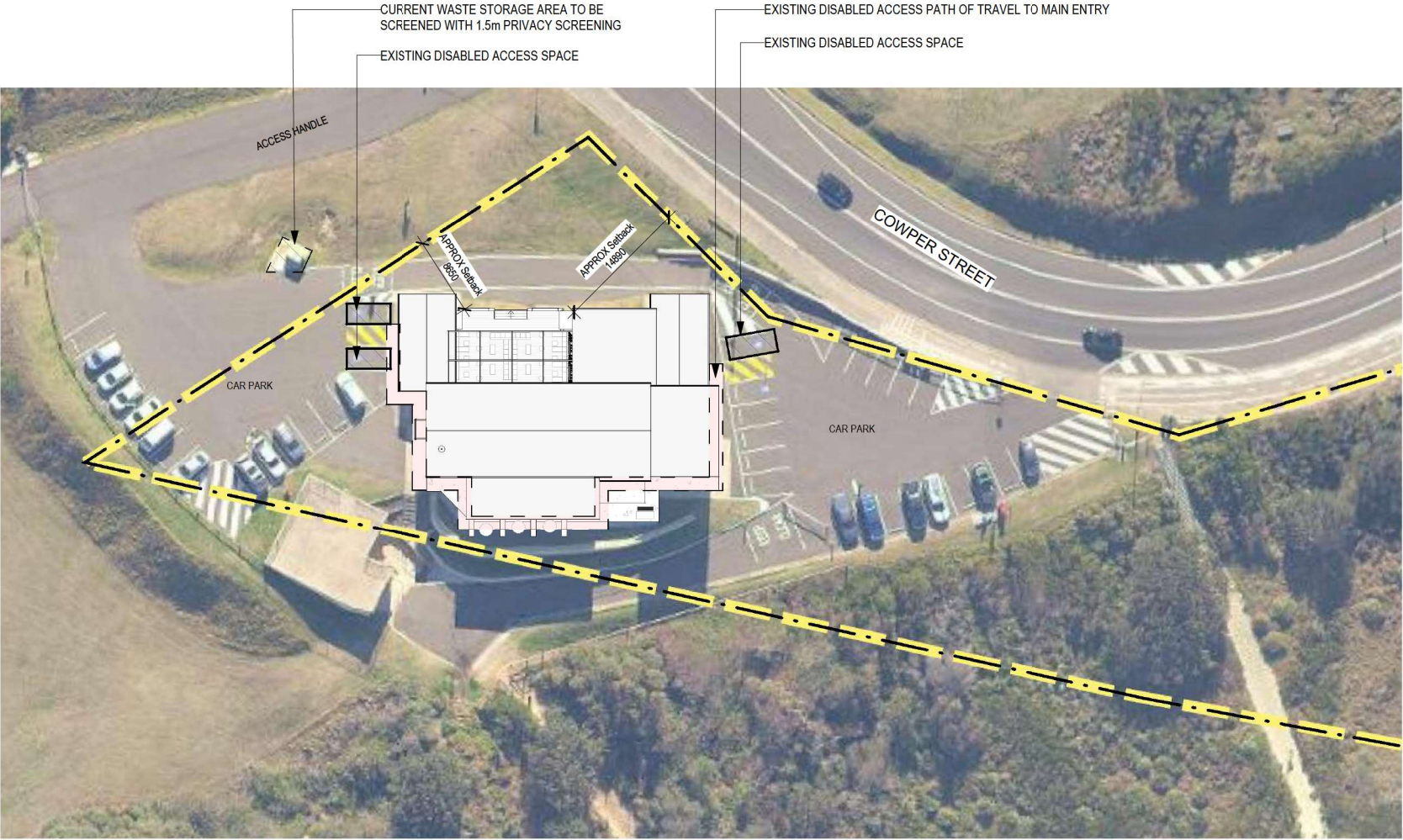
The map displays the following details:

- Zoning Area:** RE1
- Streets:** Cowper Street, South Pacific Avenue, Olympic Boulevard.
- Land Owners and IDs:**
 - DP-744143, DP-876837, DP-101, DP-102
 - DP-26998, DP-26803
 - DP-244453
 - DP-1028652
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8 Construction Standards
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

New construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant BAL-FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

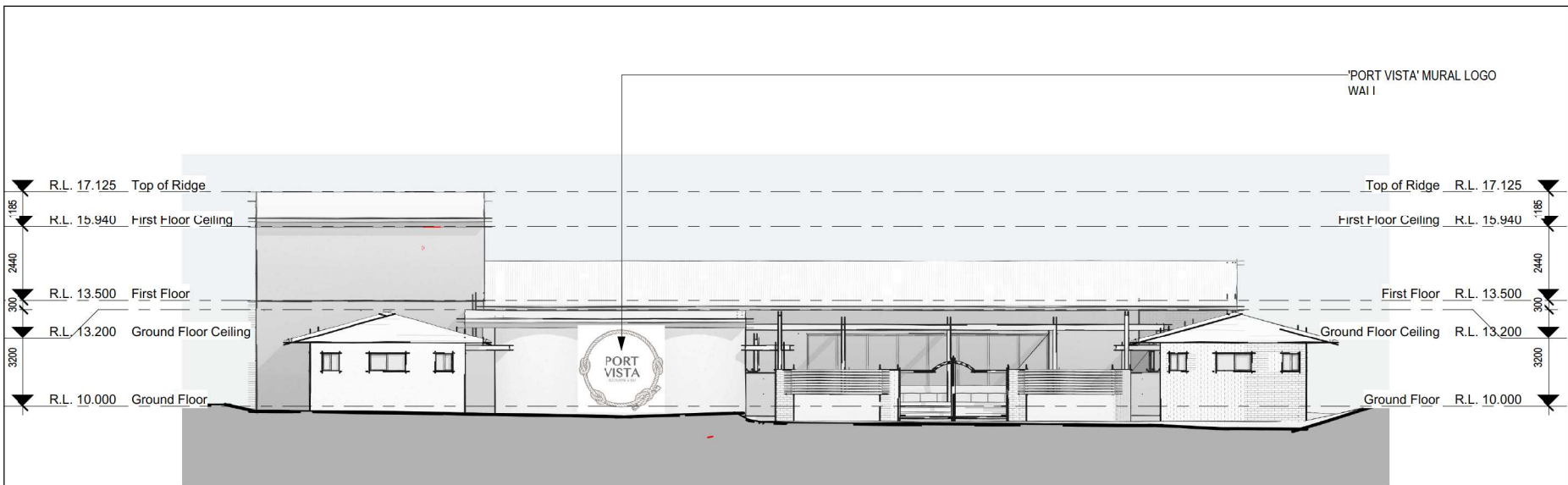
The existing building is required to be upgraded to improve ember protection (if not already constructed to the relevant Bushfire Attack Level under Australian Standard AS3959). Ember protection can be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.



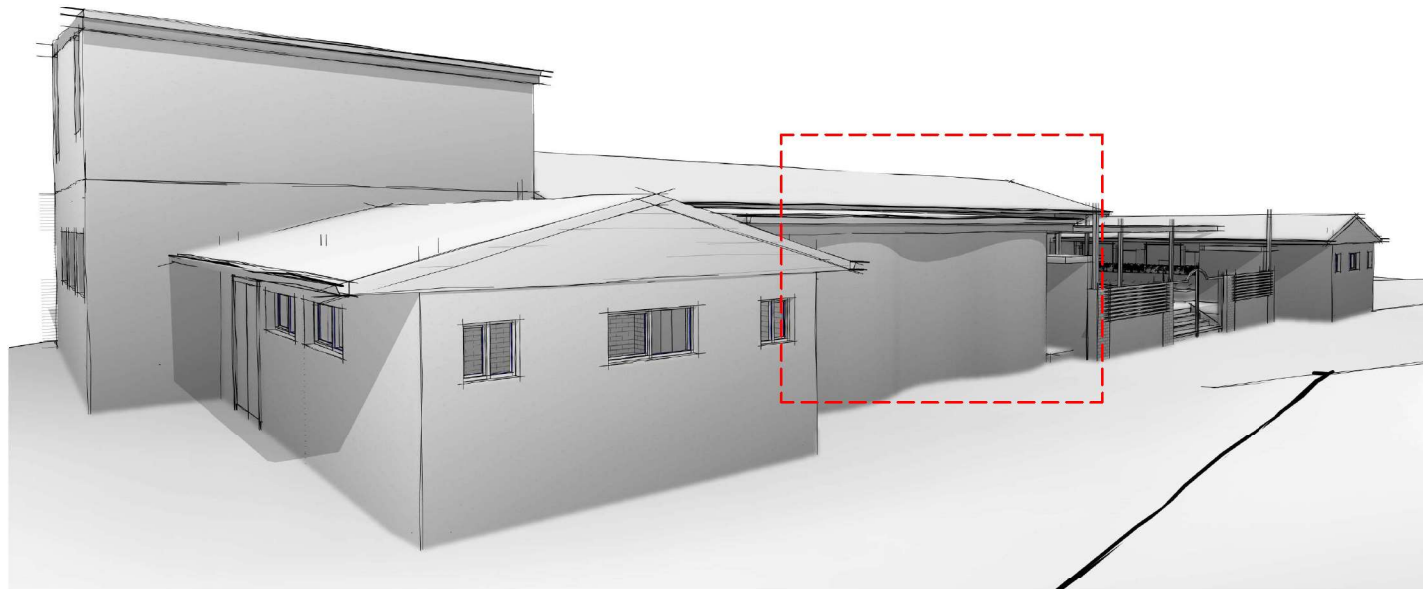
1 Proposed Part Site Plan
1 : 500



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1 North Elevation
1 : 150



2 North-East 3D Perspective

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REV.	DESCRIPTION	DATE

ISSUE:

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PROPOSED ALTERATIONS AND ADDITIONS

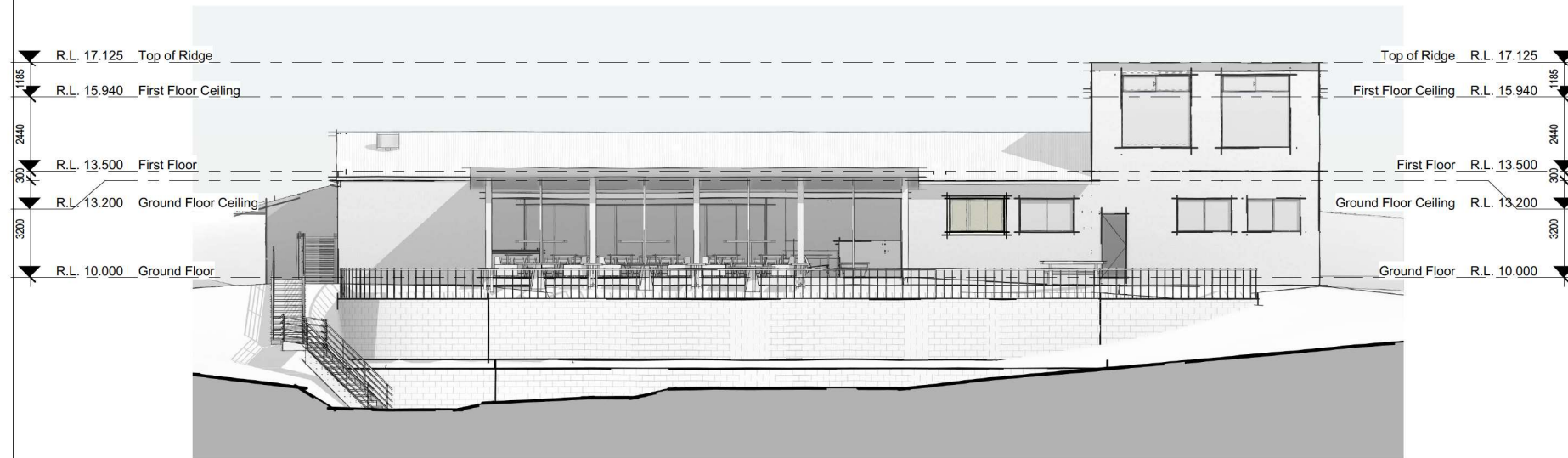
1a COWPER STREET, PORT KEMBLA 2505 -
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PORT KEMBLA SURF CLUB
DEVELOPMENT APPLICATION

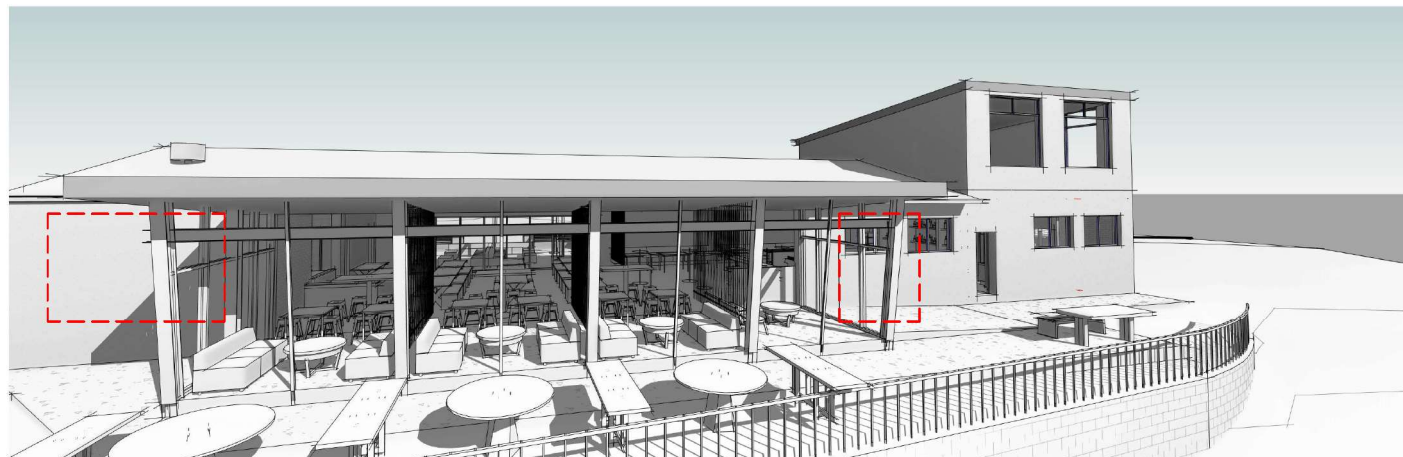
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NORTH ELEVATION

SCALE @ A3: 1 : 150	DATE: 23/03/2022
PROJECT NO: -	SHEET NO: 11



1 South Elevation
1 : 150



2 South 3D Perspective

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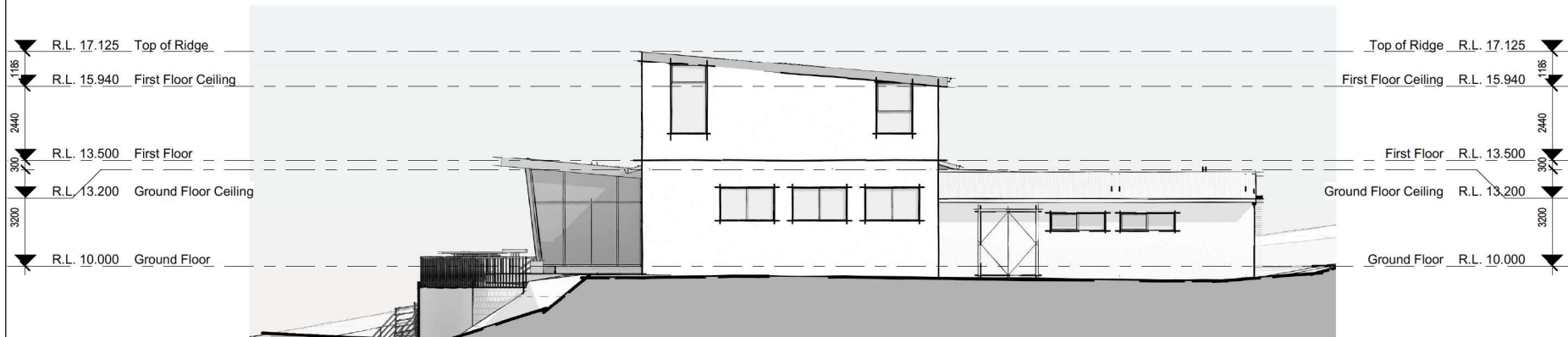
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PORT KEMBLA SURF CLUB
DEVELOPMENT APPLICATION

TITLE:

SOUTH ELEVATION

SCALE @ A3: 1 : 150	DATE: 23/03/2022
PROJECT NO: -	SHEET NO: 12



1 East Elevation
1 : 150



2 South-East 3D Perspective

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PORT KEMBLA SURF CLUB
DEVELOPMENT APPLICATION

TITLE:

EAST ELEVATION

SCALE @ A3:

1 : 150

DATE:

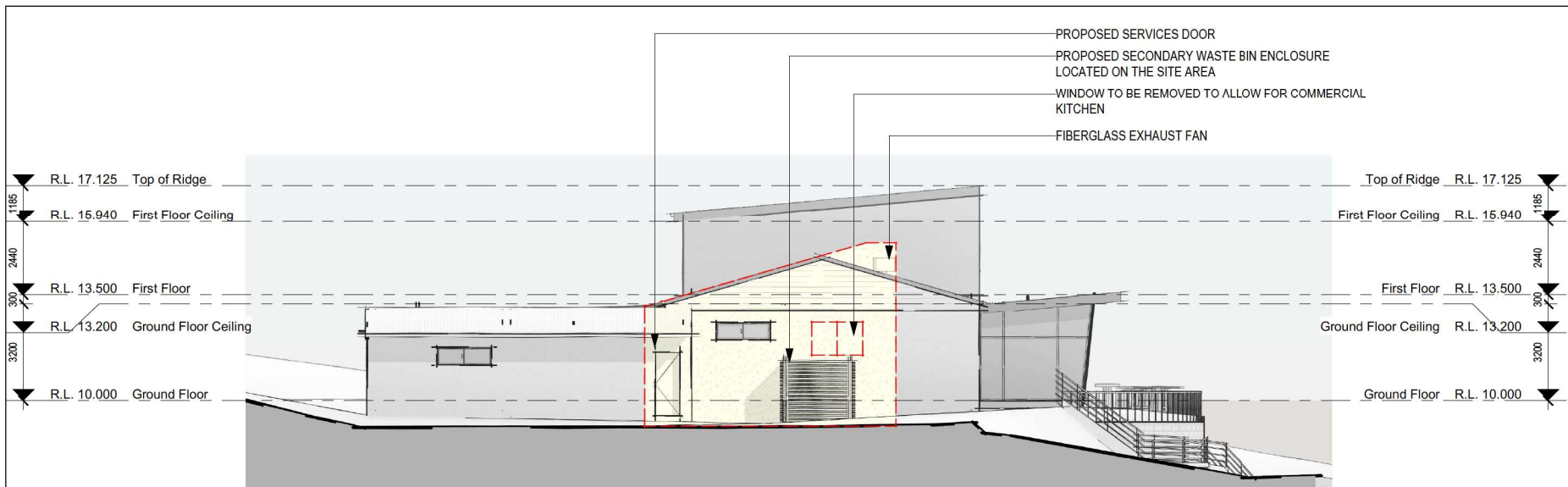
23/03/2022

PROJECT NO:

-

SHEET NO:

13



1 West Elevation
1 : 150



2 South-West 3D Perspective

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PORT KEMBLA SURF CLUB

DEVELOPMENT APPLICATION

TITLE:

WEST ELEVATION

SCALE @ A3:

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DATE:

23/03/2022

PROJECT NO:

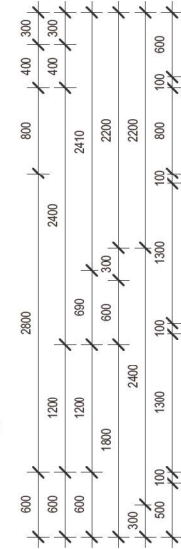
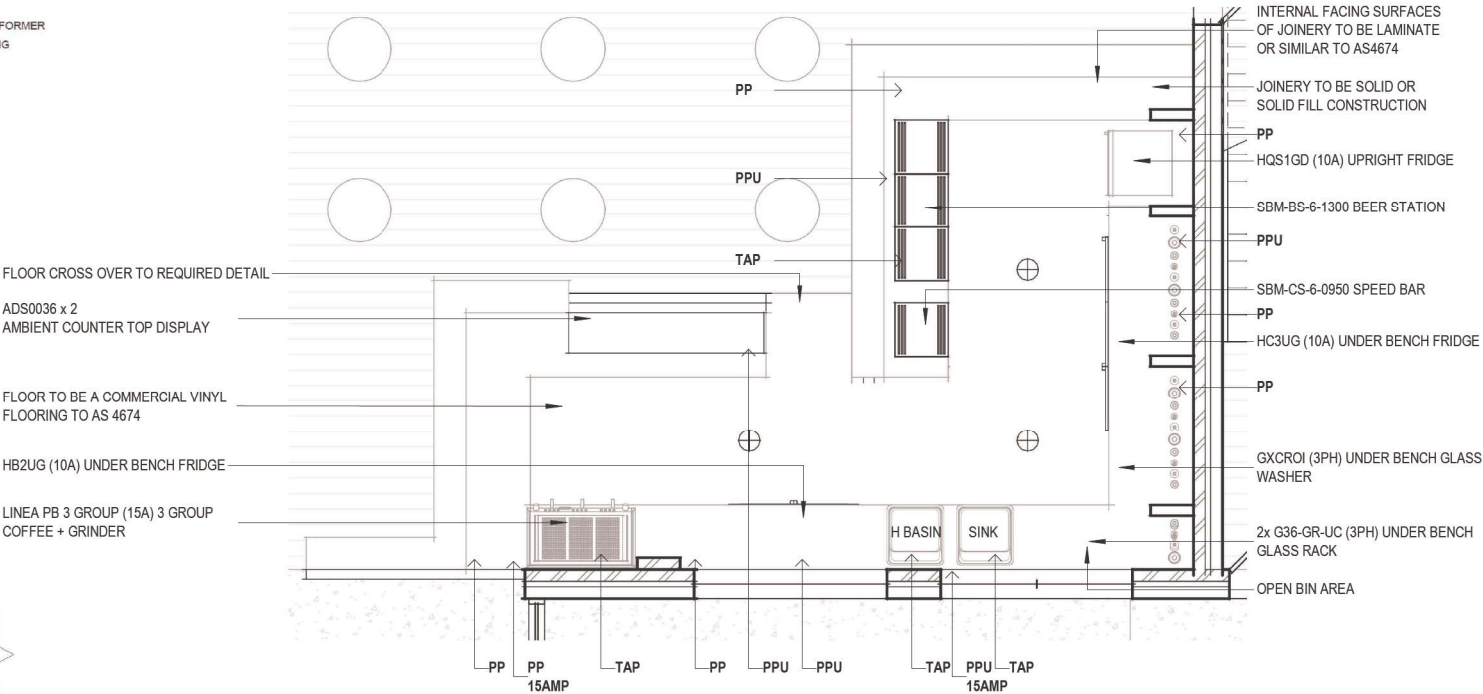
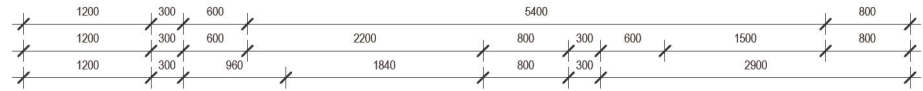
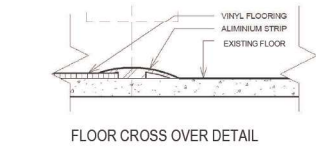
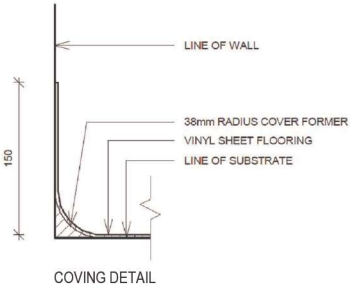
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SHEET NO:

14

LEGEND

PP - Power Point
PPU - Under Bench Power Point
TAP - Tap

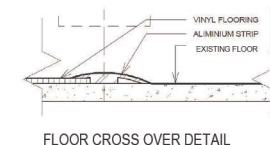
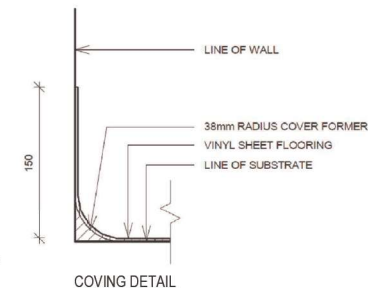
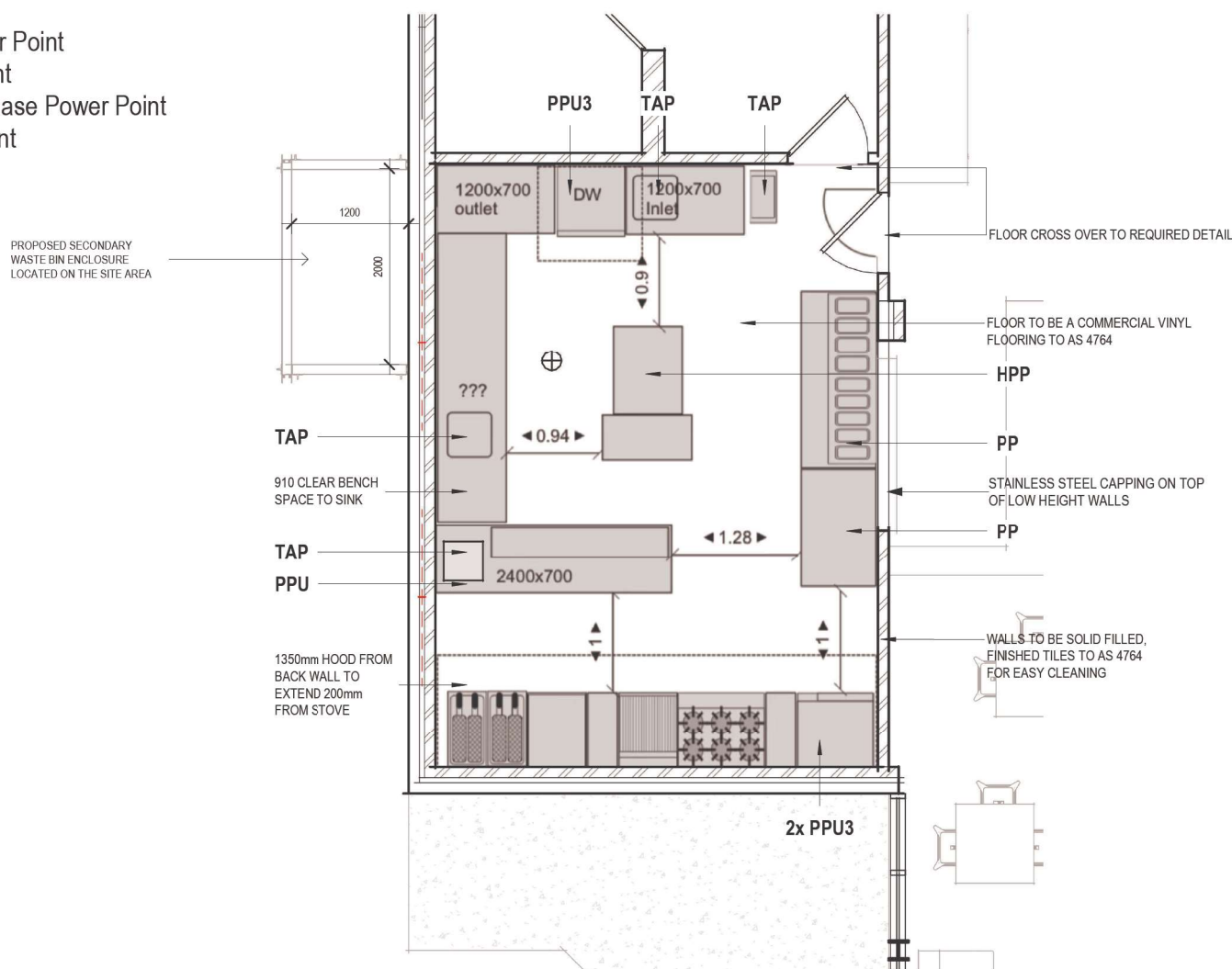


1 Proposed Bar Layout
1 : 50

NOTE: ALL INTERNAL WALL EDGES OF BAR AREA TO HAVE VINYL COVING TO AS 4674


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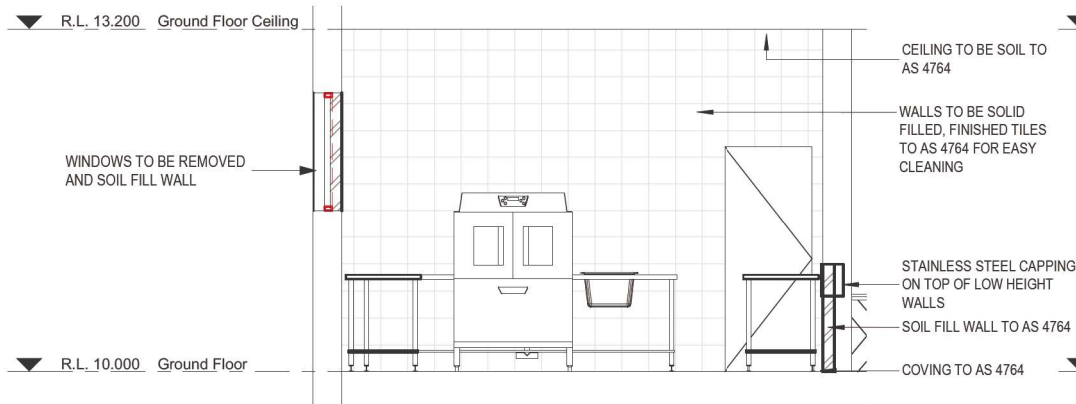
PP - Power Point
PPU - Under Bench Power Point
PP3 - 3 Phase Power Point
PPU3 - Under Bench 3 Phase Power Point
HPP - Hanging Power Point
TAP - Tap



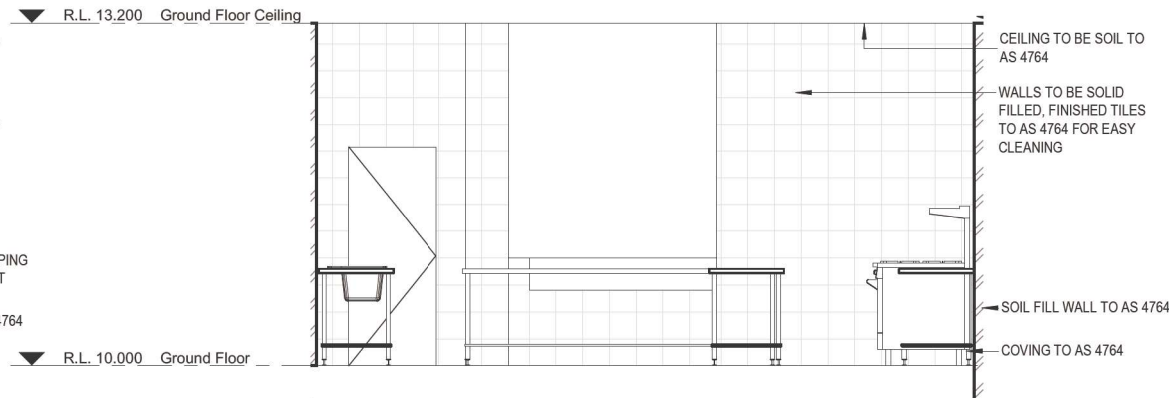
NOTE:
- ALL TABLES AND APPLIANCES TO BE
STAINLESS STEEL AS REQUIRED TO AS
4674
- ALL INTERNAL WALL EDGES OF BAR
AREA TO HAVE VINYL COVING TO AS
4674

1 Proposed Kitchen Layout
1 : 50

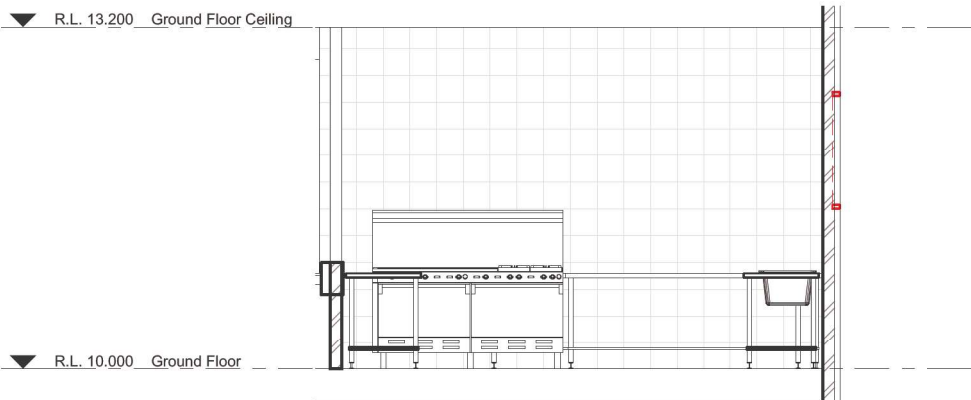
 <p><i>Discover 10 Star Living</i> A: 1A COWPER STREET, PORT KEMBLA 2505 P: 1300 10 STAR (7827) E: info@10starliving.com.au W: www.10starliving.com.au</p>	No.	Description	Date	SHEET: KITCHEN LAYOUT				ISSUE:
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				LGA:	DEVELOPMENT APPLICAITON	DRAWN BY:	M.LISICA	
								SHEET:



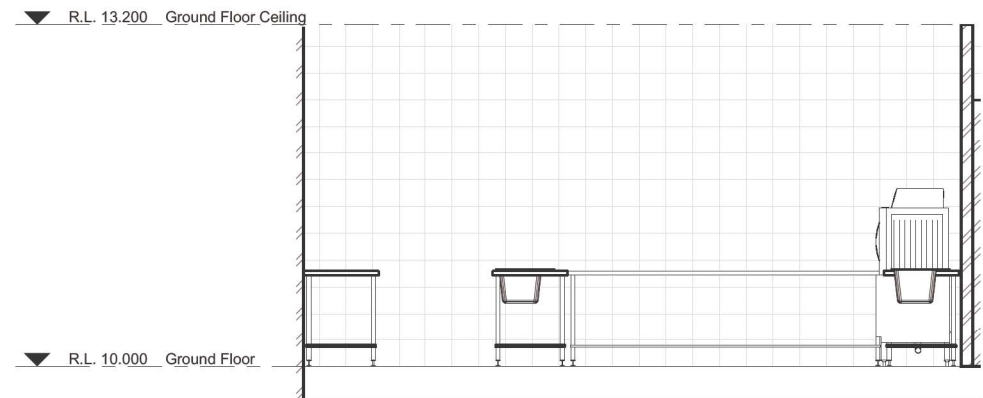
1 Kitchen Internal North Elevation
1 : 50



2 Kitchen Internal East Elevation
1 : 50



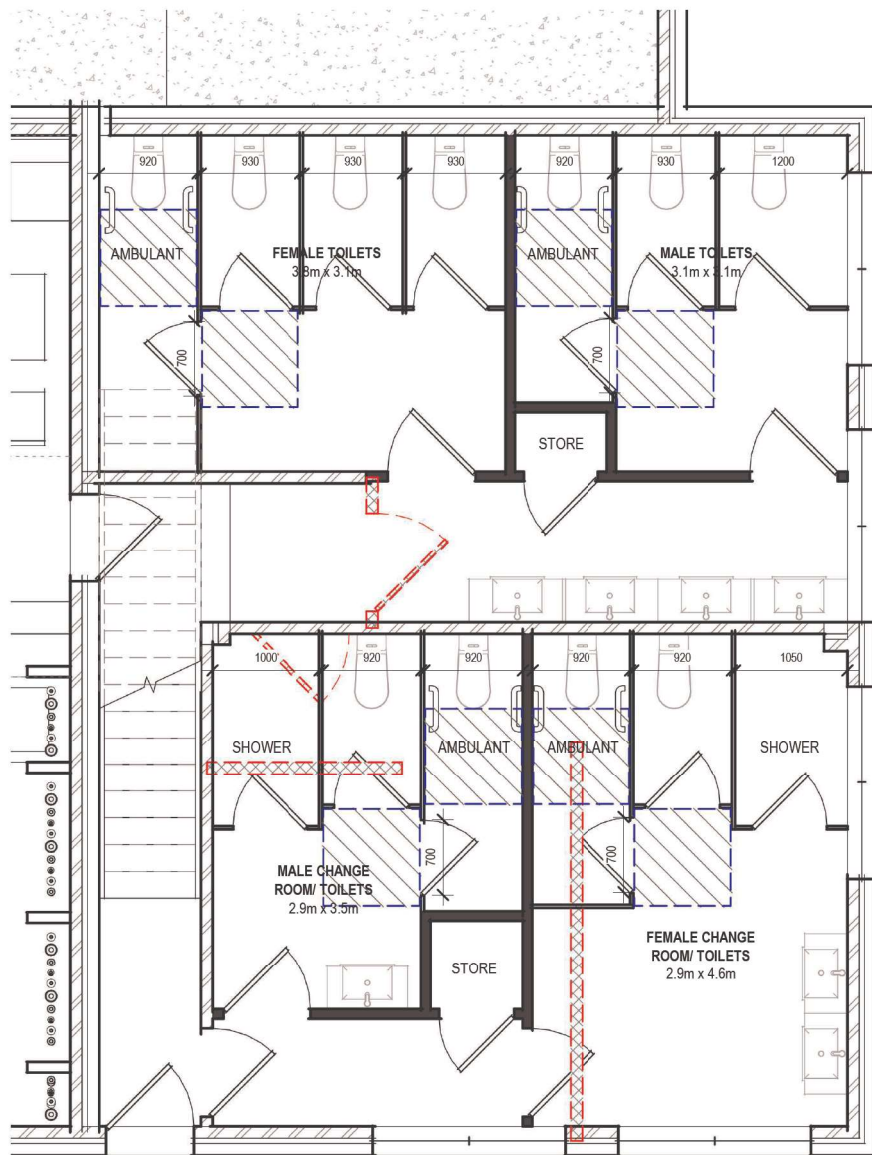
3 Kitchen Internal South Elevation
1 : 50



4 Kitchen Internal West Elevation
1 : 50

No.	Description	Date

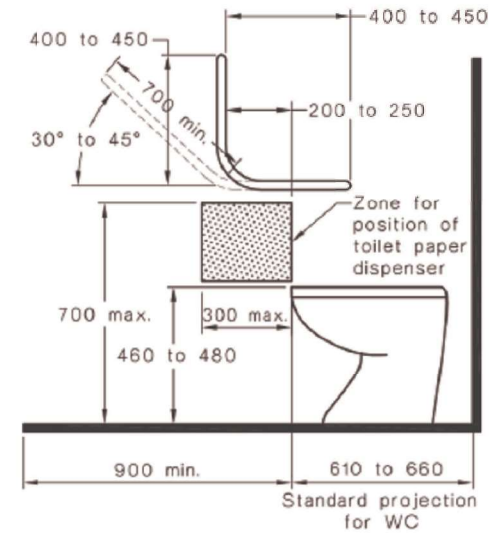
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CLIENT:	PORT KEMBLA SURF CLUB	SCALE @ A3:	1 : 50	
ADDRESS:	1a COWPER STREET, PORT KEMBLA 2505 - LOT1/-/DP392759	PROJECT NO:	-	SHEET:
LGA:	DEVELOPMENT APPLICAITON	DRAWN BY:	M.LISICA	20



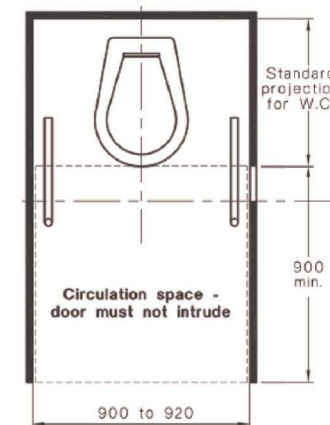
Cubical Depth 1600
Storage Depth 550

Cubical Depth 1600
Shower Depth 1800

Storage Depth 800



EXAMPLE AMBULANT TOILET ELEVATION



EXAMPLE AMBULANT TOILET PLAN

1

Proposed Ambulant Toilets

1 : 50

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No.	Description	Date

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SHEET:	AMBULANT TOILETS			ISSUE:
PROPOSAL:	CHANGE OF USE	DATE:	23/03/2022	DA-006
CLIENT:	PORT KEMBLA SURF CLUB	SCALE @ A3:	1 : 50	
ADDRESS:	1a COWPER STREET, PORT KEMBLA 2505 - LOT1/-/DP392759	PROJECT NO:	-	SHEET:
LGA:	DEVELOPMENT APPLICATION	DRAWN BY:	M.LISICA	21

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 the following plans
Proposed Part Site Plan 02-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
Ground Floor Plan – Proposed Layout 07-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
North Elevation 11 dated 23 March 2022 prepared by 10 Star Pty Ltd
South Elevation 12 dated 23 March 2022 prepared by 10 Star Pty Ltd
East Elevation 13 dated 23 March 2022 prepared by 10 Star Pty Ltd
West Elevation 14 dated 23 March 2022 prepared by 10 Star Pty Ltd
Proposed Bar Layout 17-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
Bar Elevations 18-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
Kitchen Layout 19-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
Kitchen Internal Elevations 20-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
Ambulant Toilets 21-DA-006 dated 23 March 2022 prepared by 10 Star Pty Ltd
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 **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.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.
Note: The Certifier 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.
- 4 **Advertising Signage**
This consent authorises the erection of one business identification sign as shown on the approved plan. Any additional advertising signage will require separate Council approval.
- 5 **Occupation Certificate**
An Occupation Certificate must be issued by the (PC) prior to occupation or use of the development. In issuing an Occupation Certificate, the PC 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.
- 6 **Number of Persons Accommodated**
The number of persons accommodated during the use of the premises shall be limited to the following:

Room/Area	Number of People
Food and Drink parts including Courtyard	220 (including staff)
TOTAL CAPACITY	220 (including staff)

Install a sign displayed in a prominent position in the building stating the maximum number of persons, as specified above, that are permitted in the building.

7 **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

8 **Building Code of Australia – Fire Safety Upgrade**

The following information will be required to be detailed on the plans or supporting documentation to the PC, 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 building. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 1.

Any works requiring upgrade or a Performance Solution as identified in NCC Building Code of Australia 2019 Capability Statement prepared by Accredited Building Certifiers dated 4 June 2021, applicable details/Plans/Specifications/Design Reports of such works shall be included in the Construction Certificate documentation.

9 **Bicycle Parking**

A bicycle rack for a minimum of 10 bicycles is to be provided in close proximity to the entrance to the building in accordance with Australian Standard AS 2890.3.

10 **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 PC 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.

Prior to the Commencement of Works

11 **Appointment of PC**

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

- a Appoint a PC and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The PC must determine when inspections and compliance certificates are required.

12 **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 PC 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.

13 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to

pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

During Demolition, Excavation or Construction

14 Access to Public Amenities to be Maintained

Access to the men's and women's public toilets/amenities located at each end of the SLSC building must be maintained at all times during the construction phase.

15 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 PC and Council. No work is permitted on public holidays or Sundays.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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.

16 Provision of Waste Receptacle

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 re-usable materials.

Prior to the Issue of the Occupation Certificate

17 Fire Safety Upgrade (Occupation Certificate)

Prior to the issue of an Occupation Certificate, all upgrade works identified in NCC Building Code of Australia 2019 Capability Statement prepared by Accredited Building Certifiers dated 4 June 2021, must be complete to the satisfaction of the Registered Certifier

- 18 **Food Premises**
Ensure that the food business, before the food business commences any food handling operations, notify the appropriate enforcement agency (ie NSW Food Authority) for the following information:
- a contact details for the food business, including the name of the food business and the name and business address of the proprietor of the food business;
 - b the nature of the food business; and
 - c the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.
- 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 cool rooms, 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 compactors in an external area or in a room specifically for that purpose (AS 4674:2004 - Section 2.4).

40 **Registration**

The food business is required to be registered with Council. A Food Business Notification Form must be submitted prior to business operations commencing. The appropriate form can be completed on Councils' web page by visiting:

<https://wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-regulations/food-businesses>

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a registration form.

41 **Installation of Fittings and Fixtures**

All fittings and fixtures must be built into the wall and floor so to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a Plinths - Plinths must be an integral part of the floor, constructed of solid materials, at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth.
- b Wheels or Castors - The wheels and castors must be capable of supporting and easily moving a full loaded fitting and be provided with a restraining device.
- c Legs - Fittings and fixtures may be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and cervices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

42 **Cool Rooms and Freezer Rooms**

The cool room(s) and/or freezer room(s) must be constructed in accordance with Clause G1.2 of the NCC Building Code of Australia.

Operational Phases of the Development/Use of the Site

43 **Use of Car Park Area**

This consent does not authorise the exclusive use of the at grade car parking adjacent the building by the restaurant.

44 **Amplified Music**

Any amplified music from the premises must not be audible within any residential dwelling.

45 **Waste Servicing**

Waste from the business must be stored within the waste enclosure.

46 **Restricted Hours of Operation**

The hours of operation for the development shall be restricted to 6am to midnight, Monday to Sunday. Any alteration to the approved hours of operation will require separate Council approval.