

# Wollongong Local Planning Panel Assessment Report – 26 October 2021

|                          |   |
|--------------------------|---|
| <b>WLPP No.</b>          | Item No. 3  |
| <b>DA No.</b>            | DA-2021/822   |
| <b>Proposal</b>          | Commercial - change of use to liquor store and extension of trading hours |
| <b>Property</b>          | Lot 1 DP 1047082, 19-21 Walker Street, HELENSBURGH NSW 2508               |
| <b>Applicant</b>         | Applicant - Coles Supermarket   |
| <b>Responsible Team</b>  | Development Assessment and Certification - City Wide Team (BM)            |
| <b>Lodgement date</b>    | 27 July 2021  |
| <b>Prior WLP meeting</b> | N/A   |

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

The proposal has been referred to the WLPP for **determination** pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction as the application is the subject of 10 or more unique submissions by way of objection.

#### Proposal

This proposal is for the change of use to liquor store and extension of trading hours.

#### Permissibility

Commercial premise (retail premise) is a permissible use in the B2 Local Centre and proposed change of use from existing vegetable shop to liquor shop is permissible.

#### Consultation

The proposal was exhibited in accordance with the Wollongong Community Participation Plan 2019 between 5 August and 25 August 2021. Upon submission of additional information, the proposal was re-exhibited between 30 August and 13 September 2021. Altogether forty (40) responses were received during this period including 32 objections and 8 in support to the development.

The submissions received are discussed at section 1.5 of the assessment report.

#### Internal

Details of the proposal were referred to Council's Building, Traffic, Environment and Community Safety officers and conditionally satisfactory comments were provided.

#### Main Issues

Issues identified mainly relate to perceived cumulative social impacts in the locality from the number of other existing like uses.

#### Recommendation

DA-2021/822 be **approved** subject to conditions within Attachment 2.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land

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 2021
- Wollongong Community Participation Plan 2019

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Change of use of the existing retail premises for the retail sale of packed liquor and extension of trading to 8am -10pm Monday-Saturday, and 10am-10pm Sundays.

Internal fit out works are to be sought via separate CDC approval.

### 1.3 BACKGROUND

| Application Number | Description   | Decision | Decision Date |
|--------------------|---|----------|---------------|
| DA-1968/389        | Sale Of Motor Parts   | Approved | 10-Feb-1969   |
| BA-1972/1437       | Bank Building & Display Area  | Approved | 17-Jul-1972   |
| DA-1971/510        | Shopping Plaza  | None     | 15-Sep-1972   |
| DA-1975/197        | Car Sales Yard & Office   | Approved | 06-Aug-1975   |
| DA-2007/1133       | Change of use to fruit and vegetable shop and deli  | Approved | 02-Oct-2007   |
| DA-2007/1621       | Change of use to butcher shop and internal fitout   | Approved | 27-Nov-2007   |
| LG-2008/28         | Cake stall  | Approved | 09-Jul-2008   |
| CD-2008/19         | Change of use - use of existing shop for bakery   | Approved | 25-Aug-2008   |
| LG-2009/22         | Cake stall - 20 June 2009   | Approved | 25-Jun-2009   |
| PC-2014/103        | Conversion of Bilo to Coles supermarket, upgrade to finishes, small equipment and signage, install of new bakery preparation area | Approved | 28-Jan-2014   |
| DE-2021/87         | Liquor Licence - Liquorland   | None     | 23-Jun-2021   |

No pre-lodgement meeting was held for the proposal.

Customer service actions

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





Figure 2: WLEP 2009 zoning map





Figure3: Site photographs

### 1.5 SUBMISSIONS

The proposal was exhibited in accordance with the Wollongong Community Participation Plan 2019 between 5 August and 25 August 2021. Upon submission of additional information the proposal was re-exhibited between 30 August and 13 September 2021. Altogether forty (40) responses were received during this period including 32 objections and 8 in support to the development.

The issues identified are discussed below:

| Table 1: Submissions/Concern  | Comment   |
|---|---|
| <p>1. Risk to the community</p> <p>Too many liquor shops in the close vicinity can increase crime and vandalism in the area, impact other local businesses with no benefit to community</p> | <p>The retail use and proposed like to like change of use of the existing shop is permissible within the zone.</p> <p>Appropriate conditions are recommended that are to some extent expected to reduce possible safety concerns.</p> <p>Impact to other businesses is not considered to be within the scope of assessment of this DA.</p> <p>Council's SCAT officer has reviewed the proposal and not raised any issues.</p> |
| <p>2. Operating hours</p>   | <p>The applicant's request of a starting time of 8am is not supported. The starting time is recommended at 10am and closing time matching with the closing</p>  |

|  |   |
|--|---|
|  | hours of the adjoining Coles Supermarket.<br>The revised opening hours are not considered to cause adverse impacts to the neighbourhood in terms of noise and safety risks as the shop is located within the business centre. |
| 3. Incorrect information withing the Statement of Environmental Effects (SOEE) | Assessment is made based on submitted plans which identified correct street address and location.   |
| 4. Insufficient parking for customers and delivery vehicles                    | The subject shop/building has allocated parking to the rear.<br>The application was reviewed by Council’s Traffic officer and was considered satisfactory.  |
| 5. Proposed business do not have liquor licence                                | Appropriate conditions are recommended to be imposed for obtaining the required ILGA liquor licence approval which is subject to a separate assessment and consultation process.  |

**Table 2: Number of concerns raised in submissions**

|                  |    |   |   |   |   |
|------------------|----|---|---|---|---|
| <b>Concern</b>   | 1  | 2 | 3 | 4 | 5 |
| <b>Frequency</b> | 30 | 3 | 7 | 4 | 4 |

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

#### Traffic

Council’s Traffic Engineer has reviewed the proposal and raised no objections providing following comments,

*“The proposed change of use from a fruit shop (previous retail use) to a bottle shop (proposed retail use) is a ‘like for like’ retail swap and unlikely to result in any significant traffic and car parking concerns.*

*Retail customers will need to continue to obey the on-street parking regulations when accessing the premises (parking in legally-permitted areas), and future deliveries for the bottle shop must be undertaken via the roller door on Short Street, or by utilising the nearby on-street loading zones, abiding by the current on-street parking regulations and the NSW Road Rules.”*

#### Building

Council’s Building officer has reviewed the proposal based on Cl. 94 of the Regulations and raised no objections providing following comments,

*“The applicant has advised that shop fitout works are to be the subject of a Complying Development Certificate (CDC). The proposed change of use does not result in a change in classification of the building which remains as Class 6 under the BCA/ NCC. The CDC will cover all works and the Occupation Certificate (OC). A Fire Safety Schedule must be issued with the CDC and a Final Fire Safety Certificate provided prior to OC.*

*An OC condition is not required within this DA for change as proposed”.*

## Environment

Council's Environment officer has reviewed the proposal and raised no objections recommending the revised operating hours.

## SCAT

Council's SCAT officer has reviewed the proposal and raised no objections in relation to safety and crime prevention matters.

### 1.6.2 EXTERNAL CONSULTATION

N/A

## 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

No earthworks or significant construction works are proposed, and this application is consistent with approval of retail premises under DA-2007/1133. Council's Environment officer has reviewed the proposal and not raised any issues. It is considered clause 7 of the SEPP is satisfied in relation to the intended use.

#### 2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### Clause 1.4 Definitions

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

##### **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 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.

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

*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; Home businesses; 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 proposed use for packaged liquor sales is retail premises. In the WLEP2009 dictionary a retail use is a type of Commercial use and therefore permissible.

#### **Part 4 Principal development standards**

No change.

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

No change.

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

### **2.2.1 Draft Remediation of Land SEPP**

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018.

The proposed SEPP: provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance in relation to this application.

### **2.2.2 Draft Environment SEPP**

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance in relation to this application.



### 2.2.3 Draft Design and Place SEPP

Public exhibition of the Design and Place SEPP Explanation of Intended Effect closed in April 2021.

The Design and Place SEPP will establish principles for the design and assessment of places in urban and regional NSW: PRINCIPLE 1. Design places with beauty and character that people feel proud to belong to PRINCIPLE 2. Design inviting public spaces to support engaged communities PRINCIPLE 3. Design productive and connected places to enable thriving communities PRINCIPLE 4. Design sustainable and greener places for the wellbeing of people and the environment PRINCIPLE 5. Design resilient and diverse places for enduring communities

The draft Design and Place SEPP will go on public exhibition later in 2021 to provide more opportunities for feedback. Supporting guidance and tools, drafts of which will also go on exhibition with the draft SEPP. These guides include revisions to the Apartment Design Guide and improvements to the Building Sustainability Index (BASIX), as well as the proposed Urban Design Guide, and Design Review Guide. The Department is currently conducting workshops with Council's around the State.

It is considered the draft SEPP is of limited relevance in relation to this application

### 2.2.4 Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The new Housing SEPP will:

- consolidate five existing housing-related SEPPs:
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates.
- include the recently made provisions for short term rental accommodation and build-to-rent housing;
- include the recently updated social housing provisions;
- introduce provisions for co-living housing, a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces;
- incorporate amendments to boarding house and seniors housing provisions
- amend some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones.

The Housing SEPP is intended to be finalised in October 2021.

It is considered the draft SEPP is of limited relevance in relation to this application.

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

### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

Relevant chapters are mentioned below, however it is noted that this consent is for change of use only, and that the retail use was approved under previous DA-2007/1133.

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

No consent is given for signage as part of this application. Recommended for a condition to be imposed that any signage must comply with Exempt and Complying provisions, or will otherwise require separate approval.

## **CHAPTER D1 – CHARACTER STATEMENT**

HELENSBURGH:

The desired future character for the town centre focuses on the provision of weekly and daily convenience goods and services to cater for the needs of the surrounding community.

The proposal is considered to be consistent with the existing and desired future character for the locality. It continues to provide local convenience and is consistent with the business zone setting.

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

The application was referred to Council's Traffic officer. No issues regarding parking were raised as the proposal is for the like to like change of use from one retail shop to another retail premises.

Parking for the shops exists behind the building off Short Street

## **CHAPTER E16 BUSHFIRE MANAGEMENT**

No change to the fabric of the building is proposed. Though construction is not part of this application Section 8.3.1 of PBP 2019 indicates that objectives in relation to access, water supply and services and emergency management and evacuation apply. It is considered that the development can satisfy the objectives.

### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2021**

The estimated cost of works is \$0.000 and a levy is not 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)**

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

No demolition is required.

93 Fire safety and other considerations

Fire safety installations are not a matter of consideration for this DA. Conditions are included for fire safety requirements as part of separate CDC works proposed by the applicant.

94 Consent authority may require buildings to be upgraded

No upgrades 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. There are also not expected to be adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Internal referrals are satisfactory subject to appropriate conditions of consent
- Liquor licensing for the proposal is the domain of a separate State agency and subject to consultation and assessment processes before issuing.
- Numerous submissions were received following notification, certain issues raised are addressed with conditions and others are considered not to preclude the approval of the proposal.

## **2.1 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

### Does the proposal fit in the locality?

The change of use is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments with the conditions imposed particularly restricting the operating hours.

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The application was exhibited in accordance with Wollongong Council Community Participation Plan 2019. Forty(40) submissions were received. See section 1.5 for details.

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

The proposal 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.

Whilst some of the issues raised in submissions maybe considered technically unresolved it is considered these matters do not warrant refusal of the application which is capable of support.

## **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.

Pursuant to clause 2.3 of WLEP 2009, proposed retail use is a permissible use in the B2 Local Centre with development consent. The proposal is not considered to be inconsistent with the zone objectives.

All relevant internal referrals are satisfactory. Some of the issues raised in submissions are resolved by way of conditions. Any remaining issues are not considered to be sufficient to refuse the application.

It is considered that the proposed development is not inconsistent with the existing and desired future character of the locality and is unlikely to result in adverse impacts on the amenity of the surrounding area.

## **4 RECOMMENDATION**

It is recommended that DA-2021/822 be **approved** and subject to conditions contained in Attachment 2.

## **5 ATTACHMENTS**

- 1 Plans
- 2 Conditions

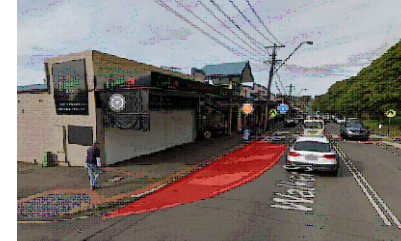
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 CAD DRAWING FILE:  
 September 10, 2020  
 THIS DRAWING WAS PLOTTED ON:



**SUBJECT SITE:**  
 19 WALKER STREET,  
 HELENSBURGH NSW, 2508



VIEW FROM WALKER ST



VIEW FROM CNR OF SHORT & WALKER ST

| THIS PLAN IS HEREBY APPROVED |        | Date  |
|------------------------------|--------|-------|
| PLANNING                     | Signed | ..... |
| OPERATION                    | Signed | ..... |
| SPACE PLANNING               | Signed | ..... |
| CONSTRUCTION                 | Signed | ..... |
| SECURITY                     | Signed | ..... |
| SAFETY                       | Signed | ..... |

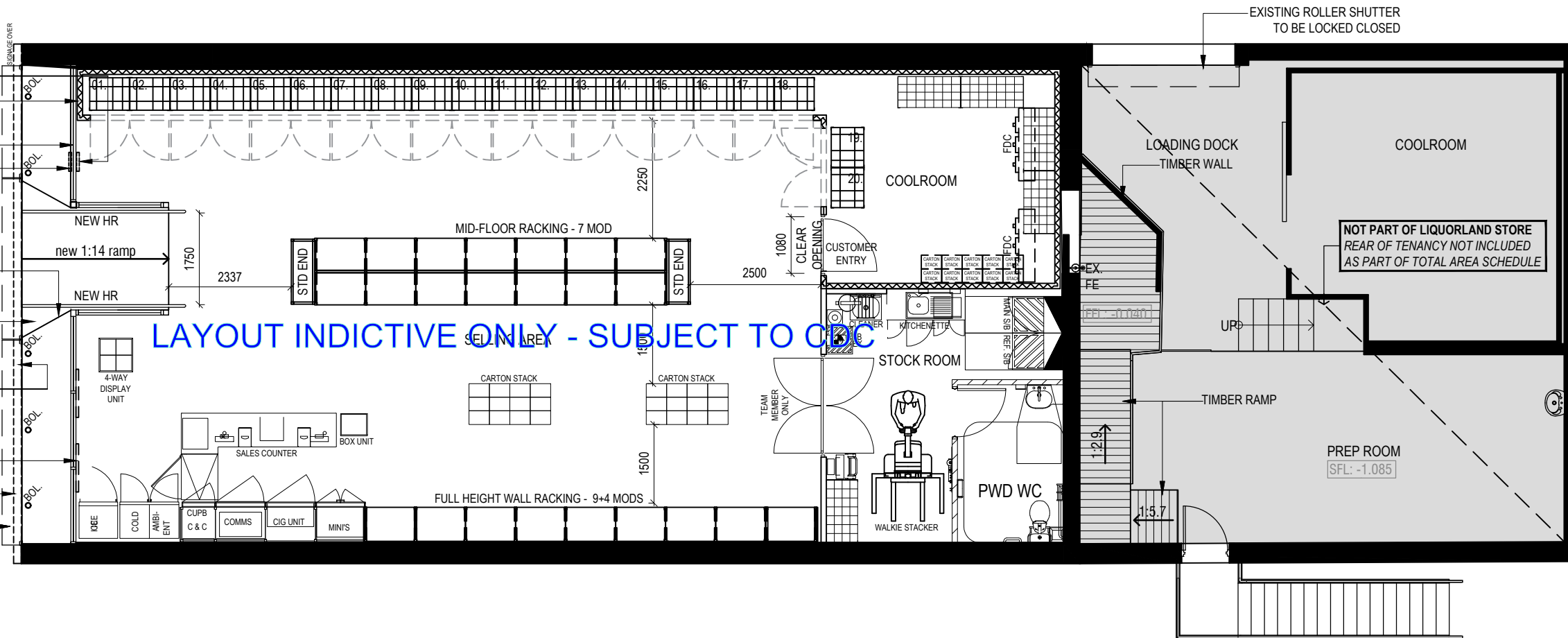
| LIQUOR FOOTAGES               |               |                      |                      |          |
|-------------------------------|---------------|----------------------|----------------------|----------|
| LIQUOR OPEN CASES MODULES     |               |                      |                      | - FT     |
| LIQUOR WALL GONDOLA MODULES   |               |                      |                      | 15+3 MOD |
| LIQUOR ISLAND GONDOLA MODULES |               |                      |                      | 14 MOD   |
| LIQUOR COOLROOM DOOR          |               |                      |                      | 20 DOOR  |
| LIQUOR AREA                   |               |                      |                      |          |
| TOTAL SELLING AREA (SFA)      | SELLING AREA  | 114.2 m <sup>2</sup> | 147.6 m <sup>2</sup> | 86 %     |
|                               | COOLROOM AREA | 33.4m <sup>2</sup>   |                      |          |
| STOCK AREA                    |               |                      | 22.4 m <sup>2</sup>  | 14 %     |
| TOTAL LIQUOR AREA (GFA)       |               |                      | 170 m <sup>2</sup>   | 100 %    |
| WALKIE STACKER REQUIRED       |               |                      |                      | YES      |

**NOT FOR CONSTRUCTION**

**LOCALITY PLAN**

SCALE 1:750 @ A3

- A3 CLIPFRAMES FOR FIRE EVACUATION PLAN. INTERNAL ACCESS PANEL FOR ROLLER SHUTTER MANUAL RELEASE CABLE, HIDDEN BEHIND A3 CLIPFRAME
- 1 X STANDARD A0 POSTER FRAME SUSPENDED VIA WIRE CABLES
- PROPOSED FULL HEIGHT GLAZING
- A3 CLIPFRAMES FOR REGULATORY POSTERS
- STORE ENTRY  
FFL: -0.200
- PROVIDE SPLAY TO EXISTING ENTRY RAMP AND REPLACE TILES WITH BIRRUS ENTRY MAT
- EXISTING RAMP FROM FOOTPATH INTO LIQUOR TENANCY
- FULL HEIGHT ELECTRIC- OPERATION ROLLER SHUTTER WITH BATTERY BACK UP. OPEN SHUTTER COMPLETELY CONCEALED IN CEILING OVER
- 2 X STANDARD A0 POSTER FRAMES SUSPENDED VIA WIRE CABLES ILLUMINATED SIGNAGE OVER
- EXISTING ROLLER SHUTTERS



**STORE PLAN**

SCALE 1:100 @ A3

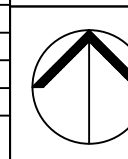
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NAME: AM  
 DATE: DEC 2020  
 SCALE: 1:100 @ A3

**LIQUORLAND** **HEL-SK06**  
 SHEET 1 OF 1

ADDRESS: 19 WALKER STREET  
 HELENSBURGH NSW, 2508  
 STORE: HELENSBURGH, NSW  
 TITLE: PROPOSED LAYOUT  
 REV. -



| REV. | BY | AMENDMENT | DATE |
|------|----|-----------|------|
|      |    |           |      |
|      |    |           |      |
|      |    |           |      |
|      |    |           |      |

## ATTACHMENT 2 - DRAFT CONDITIONS FOR : DA-2021/822

### Plans

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing HEL-SK06 sheet 1 dated December 2020 prepared by Liquorland 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 **Crime Prevention**  
The applicant must consider the following measures to help mitigate future opportunities for crime to occur.
  - Report any issues relating to antisocial behaviour occurring in the car park area or on Walker Street to Wollongong Police District and Wollongong City Council.
  - Inform staff that Walker Street resides in an Alcohol-Free-Zone where drinking alcohol on the road or footpath is prohibited.
  - Consider using campaigns and promotion material that discourage the crime of secondary supply, whereby parents/and or friends purchase alcohol for people under 18 years of age.
  - Should community safety issues arise, be willing to partner with Police and Wollongong City Council to help address the problem.
- 4 **Liquor Licence**  
An appropriate licence shall be obtained from Liquor & Gaming NSW prior to the commencement of use of the shop for the sale of liquor.
- 5 **Separate Consent Required for Advertising Signage**  
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.  
  
Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 6 **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 AS 1428.1:2009 – 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.

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

- 7 **Prior to Trading**  
Prior to trading commencing the applicant shall have obtained a Complying Development Certificate for the fit-out works and relevant Occupation and Final Fire Safety Certificates as well as a current Liquor Licence for the premises.

- 8 **Restricted Hours of Operation**  
The hours of operation for the development shall be restricted to Monday to Saturday 10 am to 10 pm and on Sunday 10 am to 9 pm in line with Coles Supermarket.  
Any alteration to the approved hours of operation will require separate Council approval.
- 9 **Noise Restrictions on Liquorland Store Development**  
The noise ( $L_{Aeq(15min)}$ ) emanating from Liquorland store developments must not exceed 5 dB(A) above the background noise level ( $L_{A90(15min)}$ ) of the area at any boundary of the land.
- 10 **Provision of Waste Receptacle**  
There shall be an adequate receptacle(s) to store all waste generated by the operation, 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 designated waste receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.
- 11 **Loading/Unloading Operations/Activities**  
All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.