

Wollongong Local Planning Panel Assessment Report | 7 November 2018

WLPP No.	Item No. 2
DA No.	DA-2018/1037
Proposal	Change of use to a drug and alcohol counselling centre
Property	4 Auburn Street, WOLLONGONG Lot 2 Sec 2 DP 979169, Lot 3 Sec 2 DP 979169, Lot 4 Sec 2 DP 979169, Lot 5 Sec 2 DP 979169, Lot 6 Sec 2 DP 979169
Applicant	DLO Drafting & Design
Responsible Team	Development Assessment and Certification – City Centre Team (RW)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

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

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

Proposal

The proposal is for a change of use to a drug and alcohol counselling centre.

Permissibility

The site is zoned B3 Commercial Core pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a *medical centre* and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received a total of 84 submissions which are discussed at section 1.3 of the assessment report.

Main Issues

The main issues are:

- Access over railway land / Lowden Square
- Safety and security
- Social and amenity impacts
- Site suitability
- Submissions

RECOMMENDATION

It is recommended that the application be conditionally approved.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

Approval is sought to change the use of part of 4 Auburn Street (part Lots 5 and 6) to a drug and alcohol counselling centre, including a methadone clinic and doctor consultations. Lots 2, 3 and 4 are proposed to be used for car parking. The clinic is currently operating from Denison Street, Wollongong, located approximately 450m north-west of the subject site (walking distance) and is seeking approval to relocate to the subject site.

Use

The proposed internal layout comprises:

- Entry foyer and waiting room
- Reception counter
- Administrative offices
- One consulting room
- Dosing room
- Staff facilities

Operational details

Staffing

There will be a maximum of four (4) employees at any one time comprising one (1) doctor, one (1) nurse, one (1) administration staff and one (1) practice manager.

Hours

The overall operating hours are proposed to be 6am – 1.15pm Monday to Friday, and 7am to 11am on Saturday and Sunday & public holidays

A further breakdown of the proposed hours of operation in terms of the components of the use is:

- Doctor consultations – Monday, Tuesday, Thursday and Friday from 6am to 10.30am and 11.30am-1.15pm (average length of visit 10-15 minutes)
- Patient dosing – Mondays to Friday 6am-10.30am and 11.30am-1.15pm; Saturday, Sunday and Public Holidays 7am-11am (average length of visit 2 minutes)

- Counselling services – occur during opening hours by appointment only, except in patient crisis situations (average length of visit 45-60 minutes).

It is understood that the proposed early hours of operation are to cater for working patients.

Works / Construction / building details

Minor fit-out works are proposed including removing/adding doors to create the required office and waiting areas as well as providing new toilet facilities (these are required to be accessible which is capable of being conditioned).

Traffic, parking and servicing

On-site parking is proposed, utilising the existing car spaces on the site to the north of the building. A total of eight (8) car spaces are proposed, located on Lots 2, 3 and 4 of the subject site (including one (1) accessible space).

1.1 BACKGROUND

Council records and aerial photography indicate the original building was constructed prior to 1961 and the rear portion of the building (adjoining Station Street – now Lowden Square) was approved under DA-1966/37. The historical use appears to be commercial and industrial in nature.

See development history for all of 4 Auburn St below:

- DA-1966/37, On Lots 4 To 6 - Factory Additions
- BA-1966/1126, On Lots 4 To 6 - Factory Additions
- DA-1967/138, On Lots 2 To 6 - Underground Storage Tank & Industrial Electrical Pump
- DA-1983/296, On Lots 2 To 6 - Advertising Sign (“Windscreens O’Brien”)
- DA-1984/706, Use To Mechanical Repairs Station (**NB although listed under the subject property, this DA number is incorrect and relates to works at Bulli Hospital*)
- DA-1985/525, Signs
- BC-2004/42, Warehouse
- DA-2012/1149, Commercial - alterations and additions with 3 x advertising signage including change of use to Asian groceries, cafe and take away
- DA-2018/922 - Business premises - change of use to coffee shop (restaurant or cafe) approved 31 August 2018 (NB – all vehicle access restricted to Auburn Street as a condition of consent)

Recent uses of the subject site include a ‘sobering up centre’ operating from 2013 established under an Act of Parliament, (*Intoxicated Persons (Sobering Up Centres Trial) Act 2013 No 15*). This use ceased in 2014 and the subject site was later utilised as a Drug and Alcohol treatment Centre under the supervision of the Watershed organisation. Council has no record of approval for these uses.

No pre-lodgement meeting was held for the proposal; however the Denison Street clinic sought to relocate to 2 Gladstone Avenue under DA-2018/27 which was refused by the WLPP on 20 June 2018. The reasons for refusal related to vehicle access, equitable access to the premises and fire safety requirements.

Access via Lowden Square

As can be seen from the aerial photo in **Attachment 1**, 4-10 Auburn Street’s western boundary adjoins Lowden Square (Lot 1, DP 1001500) which is zoned SP2 Infrastructure and owned by RailCorp (Wollongong Railway Station). There is an existing driveway access off Lowden Square to the rear of the subject site (accessed over Lot 4). Lots 4 and 5 also have vehicle access available from the

Auburn Street frontage. There is no alternative vehicle access to the portion of the subject site that this application relates to (i.e. western portion of Lots 5 and 6).

Lowden Square is owned by Rail Corporation NSW, and is subject to a "Section 273 Agreement" with Council dating back to 1959 and 1965 to facilitate Council constructing and maintaining footpaths, sealing roads, constructing kerbing and guttering on the eastern approach to Wollongong Railway Station. On completion of this work the agreement states that this area "...may be used under the control of the Commissioner [for Railways] as a way of access within the meaning of section 273 of the Local Government Act 1919".

Section 273 deemed this area to be a public road within the meaning of the (then) Local Government Act, 1919.

Access to the subject site via Lowden Square was considered in a previous application for the northern lots (Lots 2 and 3) under DA-2012/1149. Legal counsel was sought during the assessment of this DA to establish the legal rights to Lowden Square. In summary, no legal access via Lowden Square exists, nor is it likely to be granted (via easement/ROW) despite decades of "established" informal access. It was deemed appropriate (under legal counsel) to condition the consent issued for DA-2012/1149 so that that development must cease if for any reason access over that land can no longer occur in the future.

The proposed use relates to the rear portion of lots identified in the description, and it is solely reliant on access via Lowden Square (i.e. there is no access directly from Auburn Street as a dividing wall has been constructed to split the building into multiple tenancies as shown in **Attachment 2**). Based on the site layout, it is appropriate to impose a similar condition to the consent for the current application as follows:

Cessation of Development Consent

Consent shall cease in the event that the agreement between RailCorp and Council is terminated or in the event that vehicular access over Lot 1 DP 1001500 is denied by RailCorp (and/or any future owner of Lot 1 DP 1001500).

Written confirmation from the applicant and landowner (the subject of this consent) accepting the above must be submitted to Council and RailCorp prior to issue of an Occupation Certificate.

The applicant and land owners are aware of the potential for access to be denied to the premises over Lowden Square and have raised no objection to the imposition of this condition. Council has forwarded the intended wording of this condition to RailCorp who have endorsed the recommended condition being imposed.

Discussions with Sydney Trains / RailCorp regarding Lowden Square

During the course of the assessment, Sydney Trains indicated that they were unwilling to grant access over their land for the benefit of this development for the following reasons:

- a) The Applicant does not have the benefit of any easement of ROW to enable access*
- b) The utilisation of RailCorp land for access will restrict any future proposals that RailCorp/Sydney Trains or TfNSW may have for this land. If access is granted and then has to be taken away for a future rail/transport use then this proposed development would become landlocked.*

With regard to point a), it is correct that there is no formal Right of Way over Lowden Square (Lot 1, DP 1001500) benefitting the subject sites. Access to 4-10 Auburn Street over Lowden Square is available through an existing agreement between The Commissioner for Railways (now RailCorp) and Wollongong City Council. Sydney Trains advised Council that this agreement did not allow for "third party access" across their land and that landowners consent from RailCorp to use Lowden Square for access is required.

Legal counsel was sought on these issues noting that there are two elements involved:

1. Whether access from the Section 273 Agreement could be relied on for the development;
2. Whether Landowners consent to lodge the application is required under the *Environmental Planning and Assessment Act 1979*

Below is a summary of the legal counsel advice:

- The 1959 & 1965 agreement allows as a way of access within the meaning of section 273 of the Local Government Act 1919 which deemed the land to be a public road.
- The Local Government Act 1919 was repealed and replaced in 1993 with the Local Government Act 1993 and Roads Act 1993. The savings and transitional provisions included that any reference to the old Act is to be read in the corresponding provision of the new Act, so that the reference to a public road under S273(2) corresponds to the meaning of a public road under the current Roads Act.
- The meaning of a *public road* allows for the member of public to pass along the public road access (by foot, in a vehicle or otherwise) and to access the site across the public road. Essentially, Lowden Square exists as a public road, with all the rights afforded under the Roads Act 1993.
- Based on the above, landowners consent for the current development application is not required as the land can be freely accessed by the public.
- A condition requiring the cessation of the use where the Agreement is terminated is appropriate.

NSW Health

Methadone clinics are regulated and administered by the NSW Department of Health under the NSW Poisons and Therapeutic Goods Act 1966.

NSW Health Guideline for the Establishment of Methadone Clinics in NSW ('the Guidelines') and the NSW Methadone Clinic Accreditation Standards ('the Standards') apply to the proposed use. The Standards form the basis of an accreditation program for all licensed methadone clinics in NSW.

Any use of the site as a methadone clinic will require the appropriate licensing and approvals from NSW Health. This is a separate process to the assessment of the current development application and is capable of being conditioned to meet the relevant requirements if approved.

The operator has advised that the existing Denison Street clinic is accredited until 2021 which would transfer to the new premises, noting that NSW Health issues a licence following the issue of development consent.

Conditions have been recommended regarding the ongoing use being consistent with the relevant legislative requirements, policies and standards, as outlined in **Attachment 4**.

Customer service actions

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

1.2 SITE DESCRIPTION

The site is located at 4 Auburn Street, Wollongong and the title references are Lot 2 Sec 2 DP 979169, Lot 3 Sec 2 DP 979169, Lot 4 Sec 2 DP 979169, Lot 5 Sec 2 DP 979169, and Lot 6 Sec 2 DP 979169. The subject tenancy is located specifically on the western portion of lots 5 and 6 (refer **Attachment 1**).

The site incorporates several allotments which have frontage to Auburn St and back onto Lowden Square. Lots 5 and 6 are occupied by a warehouse building, divided into three (3) separate tenancies (identified as Units 3, 4 and 5 of the updated site plan in **Attachment 2**). The remaining lots contain commercial tenancies including a grocery store (lots 2 and 3) and recently approved café (part lot 5). The eastern portion of Lot 6 fronting Auburn Street is currently vacant.

The site is zoned B3 Commercial Core and the surrounding area is characterised by a mixed scale of both commercial and residential development. The Wollongong Train Station precinct is located immediately to the west.

Adjoining development is as follows:

- North: Vacant corner site with previous use as a vehicle repair station (fronts Station and Auburn Streets). Further north is the 'Landmark' shop top housing. Commercial office buildings are located to the north-west and north-east of the site (hydrographic office and SES).
- East: Vacant warehouse and coffee shop (part of the same building). Various commercial uses on the eastern side of Auburn Street include Lysaght Credit Union and Illawarra Multicultural Services
- South: 2-3 storey commercial building directly adjoining the site (with multiple tenancies including union offices, engineers and lawyers) at 1 Lowden Square, with shop top housing to the south of Dean Street at 14-18 Auburn Street ('Vivid Apartments'), comprising solicitors (Kells Lawyers) on the ground floor, with 6-8 residential storeys above.
- West: Lowden Square which provides vehicle access to Wollongong railway station, as well as a taxi rank, bus stop and commuter car parking.

Property constraints

- Council records identify the land as being located within a medium flood risk precinct. This affects Lot 6 only, the southern portion of the site. There are no concerns with respect to flooding given that the application is for use and minor fitout works and conditions of consent are recommended.

There are no restrictions on the title, however Part 1.1 of this report outlines current access arrangements over Lowden Square.



Figure 1: Site photograph as viewed from Station Street/Lowden Square (showing premises circled in blue which is the western portion of Lots 5 and 6) (Source: Google Street view 2018)



Figure 2: Auburn Street frontage of subject site (looking south-west). (Source: Google Street view 2018)

1.3 SUBMISSIONS

For clarity, the concerns raised in the submissions have been grouped due to the commonality and duplication of the issues raised.

Concern	Comment
<p>1. <i>Unsuitable / inappropriate location</i></p> <ul style="list-style-type: none"> - proximity to residential areas - proximity to businesses - railway station and bus stop used by school students & elderly people - use should be considered as a sensitive use requiring a minimum 150m distance from dwellings - location already has some safety/security issues and the proposed use will worsen this - will create a cluster of methadone clinics in the area - area undergoing change with more residential development - more appropriate to be located in hospitals/medical precincts - Auburn Street already has 2 sex services premises - adverse impacts on tourism as methadone clinic will be the first thing seen when arriving to Wollongong by train 	<p>The subject site is approximately 450m walking distance (215m radial distance) from the existing methadone clinic currently operating in Denison Street, which is seeking to relocate from their existing premises.</p> <p>The site adjoins Wollongong Railway Station and the premises are accessed via Lowden Square. The proximity to public transport (rail, bus and taxi) as well as the city centre location provides good access for patients.</p> <p>The site is within the city centre which is seeing an increase in residential living. The city centre can accommodate a range of different land uses that are capable of co-existing. Any amenity impacts that have the potential to impact on nearby residents, businesses and the general public using the station area are considered capable of being managed through conditions of consent and operational measures.</p> <p>No external signage or works are proposed that will identify the nature of the proposed use, therefore no adverse impacts on tourism are anticipated.</p> <p>It is relevant to note that the proposed use is unlikely to occupy the premises indefinitely given that the planning controls that apply to the site allow a higher density development and the site is well located and suitable for some form of redevelopment. The land owner has had formal discussion with council about the redevelopment of the site.</p>
<p>2. <i>Amenity impacts</i></p>	<p>The Social Impacts Assessment (SIA) identified potential</p>

Concern	Comment
<ul style="list-style-type: none"> - increased noise levels - anti-social behaviour - patients congregating/loitering/arguing 	<p>amenity impacts, including the fear for personal safety relating to infrequent incidents of anti-social behaviour</p> <p>The SIA notes that the site has a high level of natural surveillance and recommended a number of mitigation measures to reduce the above impacts, including:</p> <ul style="list-style-type: none"> - Suitable vehicle access for patients, staff and visitors is provided to and from the site - Provide access for people with disabilities - Ensure suitable on-site security measures (eg CCTV) - Consider on-site security presence, including from 5.30am until patient intensity reduces - Ensure the service has comprehensive policies, procedures and practices to mitigate adverse impacts to the community - Develop strategies to reduce congregation and waiting outside the premises such as patient entrance and exit points - Implement procedures to ensure non-working patients are treated from 7am onwards. <p>The above strategies are considered reasonable and have been included in the recommended conditions in Attachment 4.</p>
<p><i>3. Safety/security concerns and negative social impact</i></p> <ul style="list-style-type: none"> - anti-social behaviour - drug related crime - existing problems in vicinity of railway station - unsafe for nearby residents and pedestrians - submitted Social Impact Report does not acknowledge residential uses -fatal stabbing in front of Denison St clinic negates the claim that serious incidents are minimal associated with the use 	<p>A Social Impact Assessment (SIA) by Judith Stubbs & Associates dated August 2018 was submitted with the application. This SIA has been considered by Council's Community Safety Officer.</p> <p>Council's Social Planner provided comment as part of the assessment of DA-2018/27 for the relocation of the Denison St clinic to Gladstone Ave. These comments remain relevant to the current application which was that Opioid Treatment Programs (OTP) are recognised as good practice for minimising harm and other reducing the wider economic and social costs to the community; including impacts associated with unsanctioned opioid use including, criminal activity, law enforcement and judicial costs and loss of quality of life.</p> <p>Comments were sought from Wollongong Police who raised no objection to the proposal as discussed in Part 1.4.2 of this report.</p> <p>Despite this, it is recognised that there is significant community concern over the proposed use and its potential impacts. The SIA notes that the subject site is within the same locality as the existing clinic and 'there is likely to be no substantial change in crime and anti-</p>

Concern	Comment
	<p>social behaviour in the locality by the proposed change of use’.</p> <p>The fears for personal safety and perceived increase in crime is recognised, however the SIA noted that tangible impacts regarding decreased safety do not have a rational basis (based on the crime statistics). It was noted in the SIA that the area encompassing Piccadilly and Wollongong Rail Station is already identified as having reduced feelings of safety having regard to anti-social behaviour, drug and alcohol issues etc.</p> <p>A number of the safety and security concerns are capable of being addressed through suitable conditions of consent where consent is granted. This would include requirements for security, CCTV, operational requirements and the like.</p>
<p>4. <i>No legal access over adjacent lots (Lowden Square and northern Lot 4)</i></p> <ul style="list-style-type: none"> - no Rights of Way into the property from Lowden Square - Property has multiple boundaries within the site described as 4 Auburn Street that do not provide for legal means of access to the site 	<p>Refer discussion regarding Lowden Square under Part 1.1 of this report.</p> <p>A condition is included within Attachment 4 is recommended requiring the use to cease where the existing agreement over Lowden Square is terminated.</p> <p>With regard to the multiple allotments, a condition is recommended for Lots 2-6 of the subject sites to be consolidated into a single parcel of land prior to occupation (refer Attachment 4).</p>
<p>5. <i>Traffic safety</i></p> <ul style="list-style-type: none"> - no crossing or traffic lights at corner Dean and Auburn Streets - conflict with pedestrians accessing trains and buses - impact of methadone affected drivers 	<p>The application has been considered by Council’s Traffic Engineer and no traffic concerns were raised.</p> <p>NSW Health contains guidelines regarding patient driving and safety concerns for methadone clinics, which any future use would need to comply with.</p>
<p>6. <i>Other options for methadone treatment are available</i></p> <ul style="list-style-type: none"> - existing clinic in Urunga Street - hospital treatment - pharmacies - accredited doctors - proposed development will create a ‘cluster of clinics’ 	<p>The proposed development is for a change of use to relocate the Denison Street Clinic to the subject sites. The current application is not for an additional methadone clinic.</p> <p>Other options or sites for treatment are available however not a matter for consideration for the current application. The use is characterised as a <i>medical centre</i> under Wollongong Local Environmental Plan 2009 which is a permitted use with consent in the B3 Commercial Core zone.</p> <p>It is noted that there are existing facilities currently operating in the area to dispense methadone, including the Urunga Street clinic and through accredited pharmacies. The development will not increase the</p>

Concern	Comment
	number of clinics or create a 'cluster of clinics'.
<p><i>7. Accessibility</i></p>	<p>Access for people with disabilities is available from the northern entrance door, including an accessible car space.</p> <p>A condition is recommended for the proposed toilet facilities to be accessible (refer Attachment 4)</p> <p>It is noted that NSW Health regulate and provide accreditation for privately owned/operated methadone clinics. As part of the accreditation standards, Standard 1: Access identifies that disabled access should be provided.</p>
<p><i>8. Inconsistent with B3 Commercial Core zone objectives</i></p>	<p>The proposed development is considered to meet the B3 zone objectives as outlined in section 2.1.3 of this report.</p> <p>The site is well located in terms of access to public transport options and provides a necessary land use that serves the needs of the local and wider community.</p>
<p><i>9. Contrary to revitalisation of western end of Crown Street</i></p>	<p>Recent developments have been approved and constructed within the surrounding area which contributes to the revitalisation of the western area of Crown Street. The proposed use is a health facility providing a necessary service to the local and wider community. The use is characterised as a medical centre and a permitted use in the B3 zone. The proposed use of the site is located approximately 450m walking distance from the existing methadone clinic in Denison Street, on the other side of Crown Street.</p> <p>The proposed relocation of the clinic to the subject site is not considered to compromise the long term revitalisation of this area.</p>
<p><i>10. Lack of operational details</i></p> <ul style="list-style-type: none"> - no of patients - frequency of visits - duration of visits - number and frequency of takeaway doses - Plan of Management required 	<p>The Statement of Environmental Effects (SEE) submitted provides some operational details regarding the layout of the clinic, staffing, car parking and hours of operation. The SEE states that the centre will be established and operated in accordance with relevant NSW Health Guidelines.</p> <p>The SIA provides more detail on operational issues, which currently occurs from the Denison Street clinic and are identified below:</p> <ul style="list-style-type: none"> - 300 patients (+/-10%) - Patients attend weekly or fortnightly appointments with the doctors - The clinic is licensed to dispense take-away doses where patients are eligible for this. <p>The existing clinic has detailed policies and procedures</p>

Concern	Comment
	<p>as required by licensing requirements covering patient admissions, clinic security, off-site dosing, storage and handling of drugs and the like.</p> <p>It is noted that the existing Denison Street Clinic has numerous operational requirements and procedures including:</p> <ul style="list-style-type: none"> - NSW Department of Health guidelines - Patient Rules - Code of Conduct & Community Contract - NSW Treatment Agreement (NSW Health) - Denison Street Clinic (Policy and Procedure Manual) <p>The operation of the use is required to follow these requirements, policies and procedures.</p> <p>Methadone clinics are regulated by NSW Department of Health and the finer operational details can be managed through the separate licensing process.</p>
<p>11. <i>Proposed use will lead to a decrease in property values</i></p>	<p>This is not a matter for consideration under the Act and there is no evidence to support this claim. However, the SIA notes that this is likely to result from concerns around perceptions of safety. Amenity and safety issues have been discussed previously.</p>
<p>12. <i>Adverse impact on redevelopment potential of adjoining site at 1 Lowden Square</i></p>	<p>The proposed development does not involve any external building works that would compromise the future redevelopment of the adjoining southern site.</p> <p>The proposed use is permissible in the B3 zone and the applicant has indicated that the lease of the premises will be limited based on the likelihood that the site is redeveloped.</p>
<p>13. <i>Inconsistency with Council's revitalisation strategy (A City for People) and Public Spaces Public Life</i></p>	<p>The Rail Precinct is identified as a strategic location and influences people's arrival to the city. The need to upgrade the public domain to improve amenity, way finding and accessibility has been identified.</p> <p>Comments from Council's Strategic Planner has been sought which acknowledges that the existing buildings and uses would not be an ideal long-term strategic outcome for the site, the site offers an ideal location in many ways for the proposed use.</p>
<p>14. <i>Impact of people gathering prior to opening hours impacting on workers/visitors accessing adjoining businesses</i></p>	<p>Due to the proposed early operating hours, the potential impact on people gathering and impacting on workers and visitors accessing adjoining businesses is not considered to be significant. Noise and (perceived) amenity impacts can be mitigated through the following conditions of consent which are included in Attachment</p>

Concern	Comment
	<p>4:</p> <ul style="list-style-type: none"> - Security guard presence prior to opening (from 5.30am) until 9.30am on Mondays to Fridays - Limit non-working patients to be treated from 7am <p>Based on the above conditions and given the background noise level of the train line, bus interchange in the vicinity of the site, these impacts on nearby businesses are capable of being managed.</p>
<p>15. <i>Statement of Environmental Effects (SEE) has a lack of information regarding operational procedures</i></p> <ul style="list-style-type: none"> • <i>number of patients</i> • <i>frequency of visits</i> • <i>how behaviour will be managed prior to entering or leaving the clinic</i> 	<p>An updated SEE was provided to Council to reflect the additional detail contained in the Social Impact Assessment.</p> <p>The operational details are outlined in part 1.2 of this report.</p>
<p>16. <i>No acoustic report submitted</i></p>	<p>An acoustic report is not required for the proposed use. The main source of noise could potentially be from patients congregating outside the premises. This has been discussed in point 14 of this table.</p>
<p>17. <i>Chapter C5 Child Care centres requires 150m radius between child care centres and facilities providing drug treatment and counselling services. Existing child care centre at 32 Atchison Street</i></p>	<p>There is an existing child care centre on Atchison Street, which is measured as being approximately 145m radial distance from the subject site. The child care centre has direct frontage to Atchison Street and no access to Auburn Street.</p>
<p>18. <i>Car parking, pedestrian access is provided on a separate allotment (Lot 4 to the north) which should not be supported</i></p>	<p>The site described as 4 Auburn Street is comprised of 5 allotments (Lots 2-6), with their boundaries generally running east west (refer Attachment 1). The proposed use of the premises relates to the rear portion of Lots 5 and 6, where pedestrian and vehicle access to the building is provided over Lots 2, 3 and 4. There are no legal rights of way over these lots within the subject site. Although this is an existing situation, this matter can be resolved by requiring the lots to be consolidated into a single parcel of land. This requirement and has therefore been included as a condition of consent (refer Attachment 4).</p>
<p>19. <i>Other medical centres more suitable</i></p>	<p>Given that the proposed use is defined as a <i>medical centre</i> under WLEP2009, the use could operate from an approved medical centre elsewhere without the need for obtaining further development consent subject to conditions of consent.</p>
<p>20. <i>Advertising of DA was not correct</i></p>	<p>The public notification process has been carried out in</p>

Concern	Comment
- did not include all lots -did not refer to methadone clinic -adjoining properties did not receive letters	<p>accordance with Appendix 1 of Wollongong Development Control Plan 2009 (Public Notification and Advertising Procedures).</p> <p>The newspaper advertisement and notification letter referred to Lots 2-6, Section 2 DP979169, 4 Auburn St which is the correct description of the subject site.</p> <p>The development description used in the notification process was “Change of use to a drug and alcohol rehabilitation centre”. This description reflects the proposed use, with the supporting documentation that was advertised further elaborating that the use includes the dispensing of methadone. All components of use sit within the definition of a medical centre under WLEP 2009. The development description is considered adequate and provides more clarity than if it were described as a “medical centre”.</p>

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

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. No specific conditions were recommended noting that methadone clinics are registered through NSW Health rather than Council. Suitable conditions of consent are recommended.

Safer Community Action Team (SCAT) Officer

Council’s SCAT Officer has reviewed the application, including the updated Social Impact Assessment (SIA) and provided comments on security, access control, surveillance and perceptions of safety as paraphrased below:

- It was recommended that a security guard and CCTV be used to support public amenity.
- The management of people congregating in the area will need to be adequately managed so as not to impact on adjacent businesses.
- The site provides clear lines of site into the entrance and exit of the premises and the car park which is ideal for enhancing safety in relation to CPTED principles (passive surveillance).
- The Perceptions of Safety in 2014 and 2017 identified anti-social behaviour and the Wollongong railway station area as an area of concern and a place where some people do not feel safe. This does not mean that the subject site is an unsafe place for the proposed use; however the already negative perceptions may become heightened.

Stormwater Engineer

Although no formal referral was required, the proposal was discussed with Council’s stormwater engineer regarding the flooding notation on part of the site (Lot 6). Suitable conditions are recommended to be imposed on any consent granted.

Traffic Engineer

Council's Traffic Engineer has reviewed the application and given a satisfactory referral. No specific conditions were recommended, and it was noted that there were unlikely to be any additional traffic and parking implications from the proposal.

Strategic Planner

Comments were received from Council's Strategic Planner in relation to the suitability of the proposed use having regard to the strategic direction for the railway station precinct. The following comments were made (paraphrased):

- A City for People recognised the Rail precinct as a strategic location, influencing people's arrival to the city;
- The existing buildings and uses would not be an ideal long-term strategic outcome for the site;
- The site offers an ideal location in many ways for the proposed use (close to public transport and the emerging eastern medical precinct, good passive surveillance);
- The proposal would need to comply with the objectives of Chapter D13: Wollongong City Centre of Wollongong DCP 2009 relating to Part 3 Pedestrian Amenity;

Internal Counsel

Internal Counsel was sought over the issue of access over Lowden Square as discussed in detail in part 1.1 of this report.

Property Division

Although no formal referral was sent, the application was discussed with Property to ascertain whether there were any leases/licences with RailCorp over Lowden Square. Advice was provided that the 1959 and 1965 agreement is in place with no additional leases/licences over the land.

1.4.2 EXTERNAL CONSULTATION

Railcorp / Sydney Trains

Given the proposed development adjoins the rail corridor (zoned SP2 Infrastructure), comments from Sydney Trains were sought. This is discussed in detail at section 1.1.

Following internal legal counsel, Council advised Sydney Trains that existing agreement in place provides access for the development from Lowden Square and that no Landowners consent is required given Lowden Square has been deemed a *public road*. A copy of the intended condition requiring the use to cease if access over Lowden Square is denied has been accepted by Sydney Trains and is included as part of **Attachment 4**.

Police

The application was sent to Wollongong Police for comment. The Police stated that they have no objections to the proposed development and requested that Council consider matters, primarily relating to traffic and crime prevention and implementing 'No Stopping' signage along the curb side within Lowden Square to avoid congestion

Comment

There is no evidence that traffic congestion would occur. The site has adequate car parking and is well located to public transport.

The Police requested Council consider other issues including security, CCTV, Lighting, Signage, Key and Valuable Control, Cash handling, Landscaping, Signage Illumination and car park security. These issues have been considered and where relevant, these matters are capable of being conditioned and are included as part of **Attachment 4**.

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. The existing building appears on Council's aerial photos from 1977 and has been used for a range of commercial and industrial uses including a glass factory and warehouse. There are no earthworks proposed and 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 (INFRASTRUCTURE) 2007

Division 10 Health Services Facilities

Clause 56 Definitions

Under Clause 56, **health services facility** has the same meaning as in the Standard Instrument, which is defined as follows:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

Under clause 56(i), B3 Commercial Core is a prescribed zone.

Under clause 57(1) development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.

Under the SEPP, the proposed use meets the definition of a **health services facility** (medical centre) and is permitted with consent. *Medical centres* are also permitted in the B3 Commercial Core zone under Wollongong Local Environmental Plan 2009.

No other clauses under Division 10 are relevant to the proposed development, noting that the proposed use is privately operated rather than carried out by a public authority.

Division 15 Railways

Clause 85 Development adjacent to rail corridors

(1) *This clause applies to development on land that is in or adjacent to a rail corridor, if the development:*

- (a) *is likely to have an adverse effect on rail safety, or*
- (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) *involves the use of a crane in air space above any rail corridor, or*
- (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

Note. Clause 45 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

(2) *Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) *within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) *take into consideration:*
- (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

(3) *Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.*

The site adjoins the rail corridor in accordance with subclause (3), being separated from Wollongong Station by Lowden Square. The application was referred to Rail Corporation NSW in accordance with Clause 85(2), noting that the proposed scope of works (use and minor fit-out works) is unlikely to trigger the application of Clause 85. Despite this, Rail Corporation NSW is an adjoining land owner and was notified of the proposed development as part of the public exhibition process.

The proposed development's impacts on the rail corridor primarily relate to access over RailCorp owned land (Lowden Square).

Comments from Sydney Trains were received on 19 October 2018; with further e-mail correspondence regarding Lowden Square following that which has been discussed earlier in this report (refer Part 1.1 and 1.4.2).

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

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 **B3 Commercial Core**

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*
- *To provide for high density residential development within a mixed use development if it:*
 - (a) *is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
 - (b) *contributes to the vitality of the Wollongong city centre.*

The proposal is satisfactory with regard to the above objectives as it provides a necessary community / health service to the local and wider community and is well located with regard to public transport.

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

3 Permitted with consent

*Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; **Medical centres**; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing;*

Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies

The proposal is best categorised as a *medical centre* as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. **Medical centres** are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Not applicable – no subdivision proposed and no minimum lot size applies to the site.

Clause 4.3 Height of buildings

The proposal does not alter the existing building height.

Clause 4.4A Floor space ratio – Wollongong city centre

The proposal does not comprise any additional gross floor area.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The subject site is not an identified heritage item, however is in the vicinity of a State listed heritage item 'Wollongong Railway Station Group' at Lowden Square (Lot 1, DP 1001500) (identified as Item No. 6382 in Schedule 5 as indicated below):

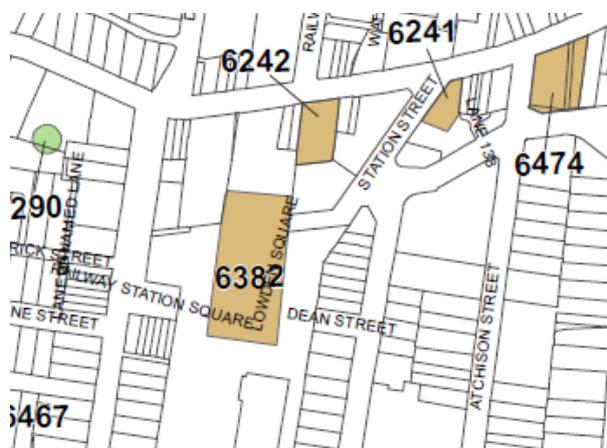


Figure 4: Excerpt from WLEP2009 Heritage map identifying Item 6382 (Wollongong Railway Station)

The proposed development is for the use of an existing building and external works are limited to the installation of CCTV. The provisions of this clause have been considered and given the nature of the development, no adverse impacts on the heritage item are anticipated.

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

The provisions of this clause have been considered and are satisfied having regard to the identified flood risk affecting Lot 6. Suitable conditions of consent are recommended in consultation with Council's Stormwater division.

Clause 7.13 Ground floor development on land within business zones

(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.

(2) This clause applies to land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use, but does not apply to land to which clause 7.19 applies.

(3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:

(a) will not be used for the purpose of residential accommodation, and

(b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.

The proposal provides an active use at ground level in accordance with this clause. The ground floor of the building will not be used for the purpose of residential accommodation, thereby satisfying sub-clause (3) (a). The existing building has an entrance door and windows fronting Lowden Square (deemed to be a public road). This door will be utilised as a separate exit point from the premises, with the entrance from the northern elevation of the building.

Clause 7.18 Design excellence in Wollongong city centre and at key sites

This clause applies to development on any land within Wollongong city centre and land identified on the Key Sites map that involves the construction of a new building or external alterations to an existing building. The site adjoins a key site which is Piccadilly Site – Railway Station. As no external alterations are proposed to the building, the provisions of this clause do not apply to the proposal.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The proposed development is consistent with the objectives of this clause.

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

Nil

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The proposed development has been assessed with regard to the relevant chapters and provisions of Wollongong Development Control Plan 2009 (WDCP 2009), noting that many provisions do not apply given the proposal relates to the use and minor internal alterations. A compliance table based on the information available as at 29 October 2018 is provided at **Attachment 3** to this report.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is <\$100,000 (\$18,000) 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 affects 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?

Minor internal demolition works are proposed and conditions are recommended with regard to AS 2601.

The site is not located within the coastal zone.

93 Fire safety and other considerations

Not applicable as building work is also proposed –refer Clause 94.

94 Consent authority may require buildings to be upgraded

The proposal, including a Building Code Compliance Report has been considered by Council's BCA officer with regard to Clause 94. Suitable conditions of consent have been recommended with regard to building upgrade requirements which are incorporated into **Attachment 4**.

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

Context and Setting:

The site is within the B3 commercial core zone and close to a range of commercial, mixed use, and residential uses. The proposed use is characterised as a medical centre and is permissible in the zone. The site directly adjoins a 2-3 storey commercial building to the south, with a shop top housing development on the southern side of Dean Street. No external alterations are proposed under the current application and no signage is proposed. The use will not be readily identifiable as a methadone clinic, drug and alcohol counselling centre.

Access, Transport and Traffic:

The site is well located in terms of access to public transport, which is desirable for the proposed use. The site layout and access arrangements are suitable with vehicle and pedestrian access being achieved over Lowden Square (adjoining land owned by RailCorp).

Public Domain:

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

Utilities:

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

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The proposal is not expected to have any negative impact on soils.

Air and Microclimate:

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

Flora and Fauna:

There is no vegetation removal or landscaping proposed or required.

Waste:

Conditions are recommended regarding the ongoing management of waste, particularly medical waste associated with the use.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

Limited construction works are proposed. If approval was recommended conditions could include that nuisance be minimised during any construction, demolition, or works.

The proposed development may result in occasional noise impacts, particularly to the residents of the apartments during the early morning hours. Appropriate mitigation measures can be implemented to minimise these impacts, however some increase noise impacts from client activity may result from the use.

Natural hazards:

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

Technological hazards:

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

Social and Economic impacts

The social impacts of the proposed change of use have been considered in the SIA report. There are wider social impacts as well as more localised impacts. There is a wider social benefit of supporting the ongoing operation of the clinic, noting that it provides a service for approximately 40% of people seeking Opioid Treatment Programs (OTP) in the Illawarra region. The OTP is considered a matter of public policy and good practice by NSW Health. There is potential for adverse social impacts could the existing clinic not operate.

The SIA, Wollongong Police and Council's Community Safety Officer have recommended various mitigation measures to minimise potential impacts as discussed in this report and reflected in the recommended conditions.

Site Design and Internal Design:

The site layout, minor changes to internal layout and proximity to public transport are considered suitable for the proposed use.

Construction:

Conditions of consent could be imposed in relation to construction impacts if approval is granted.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts given the proposed use is relocating an existing methadone clinic from Denison Street.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and suitable conditions of consent are recommended to mitigate any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Refer Part 1.3 of this report

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

The proposed use is appropriate with consideration to the B3 Commercial Core zoning. The proposal is considered to be in the public interest as outlined in this report.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including and SEPP Infrastructure, NSW health guidelines, Wollongong LEP 2009, Council DCPs, Codes and Policies. The design of the development is appropriate with regard to the controls outlined in these instruments. The application does not involve development departures or variations under WDCP2009. Internal and external referrals are satisfactory and conditions have been recommended. The public advertising process resulted in numerous submissions being received raising concern with the development. The issues raised have been considered in the assessment of the application in Section 1.3 of this report. Many concerns raised centred around amenity and safety/security impacts which can be mitigated through suitable conditions of consent.

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

4 RECOMMENDATION

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

5 ATTACHMENTS

- 1 Wollongong Local Environmental Plan 2009 Zoning map and aerial photo
- 2 Plans
- 3 Wollongong Development Control Plan 2009 assessment
- 4 Recommended conditions

Attachment 1: Aerial Photo and zoning map



Figure 1: Aerial photo



Figure 2: Zoning map under Wollongong Local Environmental Plan 2009

ATTACHMENT 2 - PLANS

CONSTRUCTION SPECIFICATIONS

All design and construction must comply with the Building Code of Australia (BCA) 2007, Australian Standards occupational Health & Safety, Disabled Discrimination Act, and all Local Government Authorities.

SPECIFICATIONS

ELECTRICAL

These drawings to read in conjunction with the Electrical Consultants Details. Lighting is limited to high efficiency lighting in accordance with the BCA 2006 clause F4.4 and AS1680-1998. The hot water system is to comply with the BCA 2006 para J7.

HYDRAULIC/FLOORS

These drawings to be read in conjunction with the Hydraulic Consultants details. Existing structural concrete slabs reviewed & penetrations approved by structural engineer prior to implementation. Floors are to be formed with a leveling compound and finished to a smooth even surface and protected with a waterproofing membrane which is turned up to a minimum 150mm at floor to wall joints. The final floor finish is to be covered with a 25mm radius coving throughout facility at all wall to floor joints and plinths. Kitchen and food preparation area floors must be graded and drained to a floor waste bucket trap and connected to sewer. All floor penetrations to be fully sealed and waterproofed and suitably fire stopped if necessary.

All appliances and tapsets which use water must comply with the Australian WELS Act and have a WELS rating label.

WALLS

Wall surfaces & dimensions are noted as overall finished dimensions. Kitchen and food preparation area walls to be solid filled and finished in a light colour with glazed tiles, stainless steel, plastics or similar approved material adhered directly to the wall, to provide a smooth impervious surface, to a minimum height of 2100mm AFFL.

CEILINGS

Suspended ceilings are to be rigid, smooth faced non-absorbent material and finished to a smooth even surface, and painted with a washable light colour paint. Preferably set plasterboard.

EQUIPMENT

The Client and shop fitter to verify all equipment specifications. All equipment is to be supported on 150mm legs or 75mm castors, brackets or approved metal framework. All refrigerators, coolrooms and other cooking appliances and bainmaries and all food storage and display equipment, is to have an accurately numerically scaled thermometer, which is displayed for easy viewing.

JOINERY

All surfaces of timber joinery to be laminated, all cupboards and shelves to be supported on 150mm legs, 75mm plinths, of 75mm castors, or approved metal framework. Handles to be 200mm "D" shaped mounted as indicated. All hinges to be heavy duty stainless steel type. All counter heights to comply with BCA and DDA code.

REFRIGERATED CHAMBERS, STRONGROOMS AND VAULTS.

A refrigerated chamber, strong room or vault which is of sufficient size for a person to enter must have-

- a doorway which is capable of being opened by hand from the inside without a key
- internal light controlled by a switch adjacent to the entrance doorway inside the chamber, strongroom or vault
- an indicator lamp positioned outside the chamber, which is illuminated when the interior light is required by - switched on - an alarm system located outside but controllable only within the chamber able to achieve a sound level of 90 Db @3 m.

REHABILITATION CLINIC

4-10 AUBURN ST. LOWEN SQ. WOLLONGONG, NSW 2500



DLO DRAFTING & DESIGN

DAVID OLIVER
FOODSERVICE DESIGN CONSULTANT

1A/324 CROWN ST.
WOLLONGONG, NSW 2500
ENT. FROM KAHN LANE
0412 248 179

dloliver134@gmail.com

COMPLIANCE STANDARDS

AUSTRALIAN STANDARD

AUTOMATIC FIRE SPRINKLER SYSTEMS	AS2118
DISABILITY ACCESS	AS1428.1
DUCTING	AS1668
EXIT SIGN	AS/NZS2293.1
EXHAUST VENTILATION	AS1668.2
EMERGENCY EVACUATION LIGHTING	AS/NZS 2293
EMERGENCY WARNING AND INTERCOMMUNICATION SYSTEMS	AS1670.4 & AS4428.4
FIRE EXTINGUISHERS (DRY)	AS/NZA1841
FIRE BLANKET	AS/NZS3504.1995
FIRE -RESISTENT ROLLER SHUTTERS	AS/NZS2293.1
GLASS	AS1288
GLASS SUPPORTS	AS1170.1
INTERIOR LIGHTING	AS/NZS1680
PORTABLE FIRE EXTINGUISHERS	AS2444
RAMP & LANDINGS	AS1428.1
SMOKE ALARMS	AS3786
WATERPROOFING OF WET AREAS	AS3740

* ALL DIMENSIONS TO BE VERIFIED ON SITE BEFORE COMMENCING CONSTRUCTION

* ALL WASTE CONNECTIONS SHOWN ARE EQUIPMENT CONNECTION POINTS ONLY, AND ALLOWANCES MUST BE MADE FOR TRAPS ETC. BEFORE THE SLAB IS DIMENSIONED.

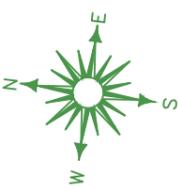
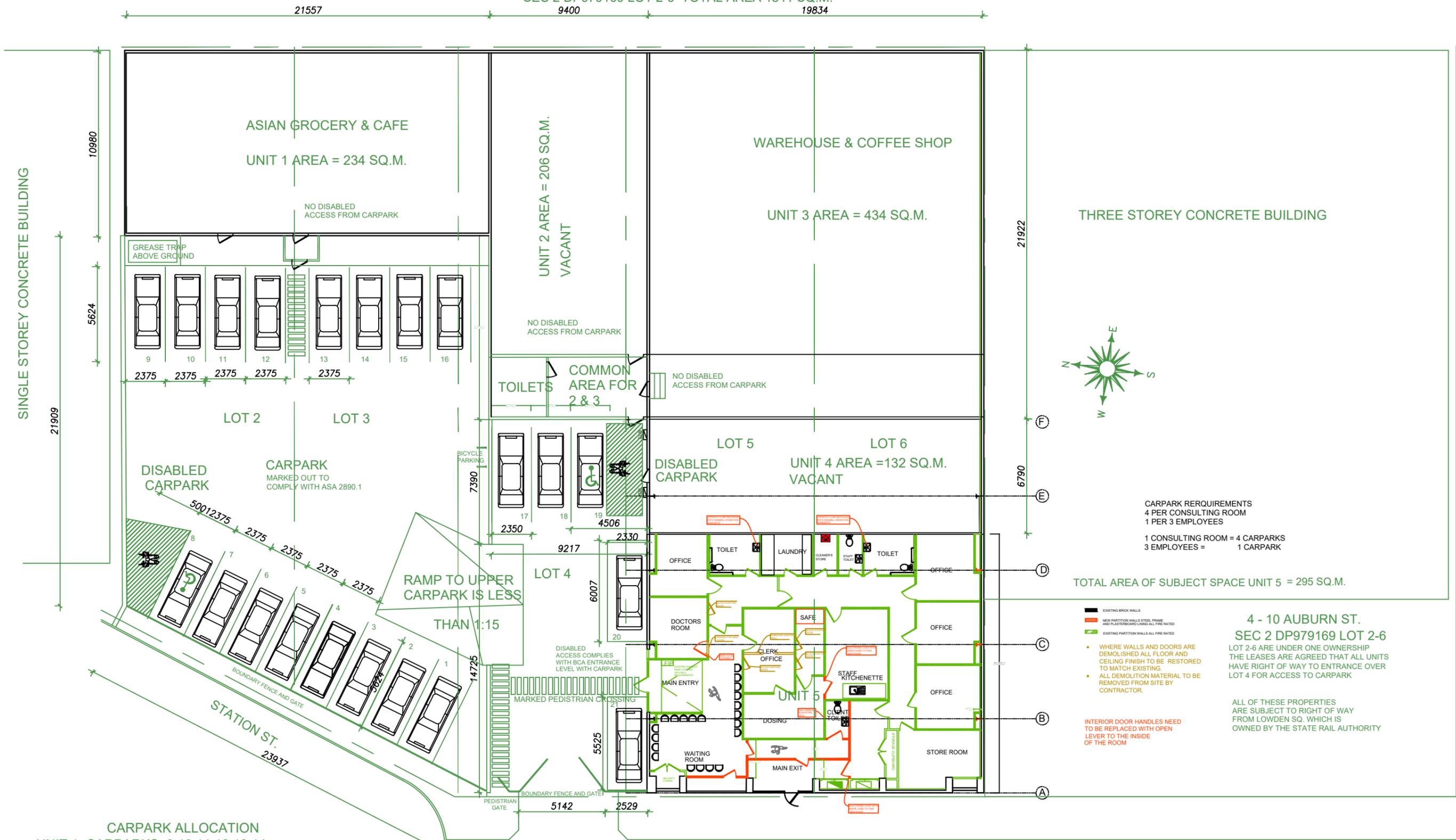
* ALL TUNDRISHES TO BE AT FLOOR LEVEL.

* ALL FLOOR WASTES, UNLESS SPECIFICALLY REQUIRED BY MACHINERY, SHALL BE POSITIONED AND SHOWN BY ARCHITECT OR ENGINEER.

* CONNECTION POINTS AND PIPE SIZES MAY VARY DEPENDING ON FINAL EQUIPMENT SELECTION.

ALL WORK TO BE CARRIED OUT IN COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA, AND ALL LOCAL GOVERNMENT AUTHORITIES REGULATIONS. THE FOOD PREMISES FITOUT CODE, AND THE ANZFA FOODSERVICE CODE

4 - 10 AUBURN ST.
SEC 2 DP979169 LOT 2-6 TOTAL AREA 1841 SQ.M.



CARPARK RERQUIREMENTS
4 PER CONSULTING ROOM
1 PER 3 EMPLOYEES

1 CONSULTING ROOM = 4 CARPARKS
3 EMPLOYEES = 1 CARPARK

TOTAL AREA OF SUBJECT SPACE UNIT 5 = 295 SQ.M.

- EXISTING BRICK WALLS
- NEW PARTITION WALLS STEEL FRAME AND PLASTERBOARD LINING ALL FIRE RATED
- EXISTING PARTITION WALLS ALL FIRE RATED
- WHERE WALLS AND DOORS ARE DEMOLISHED ALL FLOOR AND CEILING FINISH TO BE RESTORED TO MATCH EXISTING
- ALL DEMOLITION MATERIAL TO BE REMOVED FROM SITE BY CONTRACTOR.
- INTERIOR DOOR HANDLES NEED TO BE REPLACED WITH OPEN LEVER TO THE INSIDE OF THE ROOM

4 - 10 AUBURN ST.
SEC 2 DP979169 LOT 2-6
LOT 2-6 ARE UNDER ONE OWNERSHIP
THE LEASES ARE AGREED THAT ALL UNITS
HAVE RIGHT OF WAY TO ENTRANCE OVER
LOT 4 FOR ACCESS TO CARPARK

ALL OF THESE PROPERTIES
ARE SUBJECT TO RIGHT OF WAY
FROM LOWDEN SQ. WHICH IS
OWNED BY THE STATE RAIL AUTHORITY

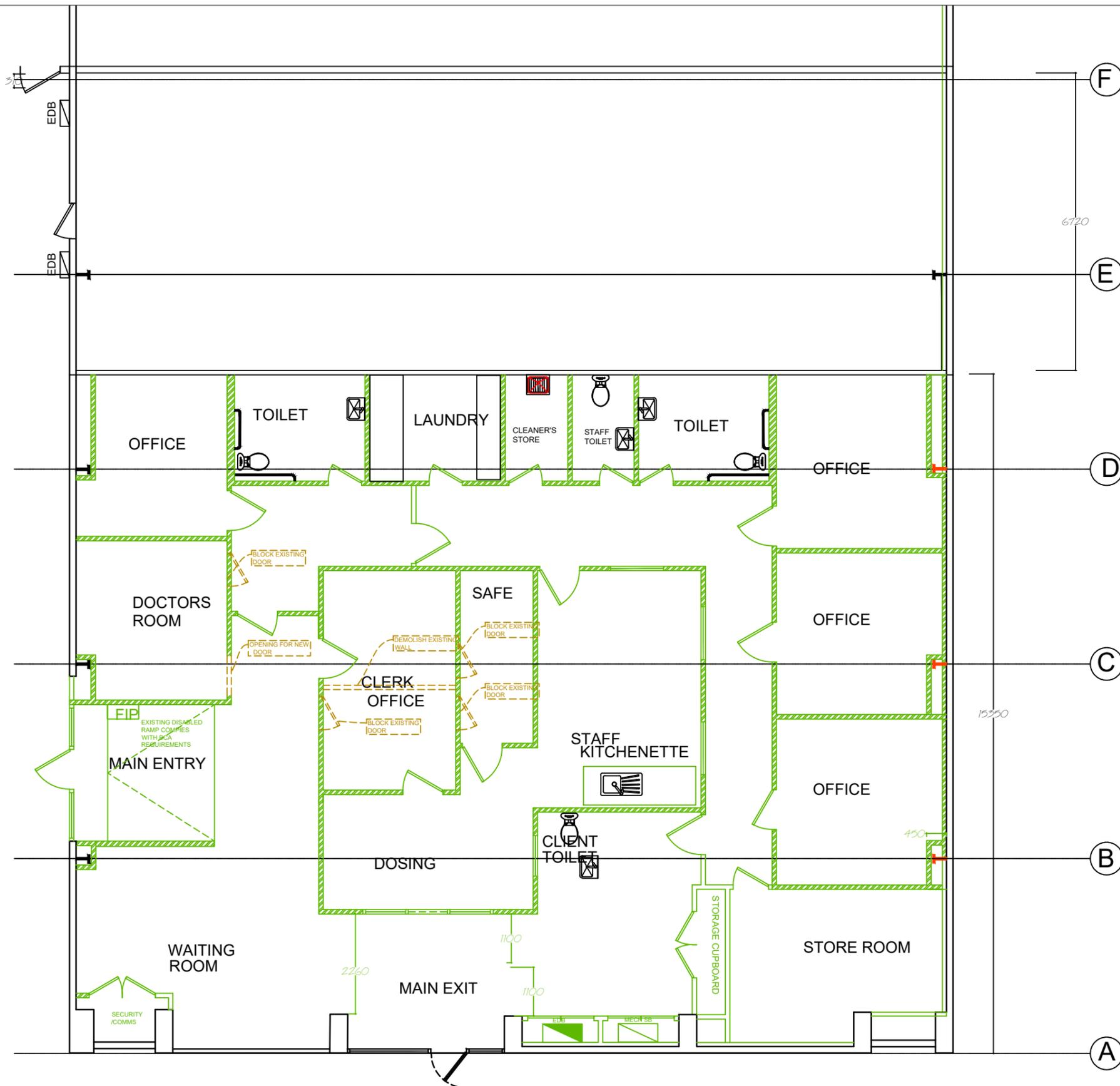
CARPARK ALLOCATION
UNIT 1 CARPARKS 9,10,11,12,13,14
UNIT 2 CARPARKS 15,16
UNIT 3 CARPARKS 18, 19 DISABLED, 20
UNIT 4 CARPARKS 17, 21
UNIT 5 CARPARKS 1,2,3,4,5,6,7, 8 DISABLED

REVISIONS		
NO.	DATE	ISSUE FOR

NOTES:
THIS DRAWING IS PRODUCED AS ACCURATELY AS POSSIBLE BASED ON INFORMATION SUPPLIED.
ALL DUE DILIGENCE AND CARE HAS BEEN TAKEN IN PRODUCING THIS DRAWING. THE AUTHOR DOES NOT ACCEPT ANY LIABILITY OR RISK TAKEN BY THE USE OF OR INTERPRETATION OF THIS DRAWING.
DIMENSIONS SHOWN ARE INDICATIVE ONLY, AND SHOULD BE CONFIRMED ON SITE.
THE COPYRIGHT OF THIS DRAWING IS OWNED BY _____ IT SHOULD NOT BE REPRODUCED WITHOUT AUTHORIZATION FROM _____
SITE MEASUREMENTS MUST BE TAKEN BEFORE COMMENCING CONSTRUCTION AND/OR MANUFACTURE

PROJECT	PROPOSED CLINIC FOR METHADONE & DRUG REHABILITATION 4 - 10 AUBURN ST. LOWDEN SQ. WOLLONGONG, NSW		
TITLE:	SITE PLAN		
DATE	25/05/2018	DWG. NO. DLO-180520-A/SP	REV. NO.
SCALE	1:100	24/10/18	1

DLO DRAFTING
1/324 CROWN ST. WOLLONGONG, NSW 2500
M. 0412 248 179 dloiver134@gmail.com



- EXISTING BRICK WALLS
- NEW PARTITION WALLS STEEL FRAME AND PLASTERBOARD LINING ALL FIRE RATED
- EXISTING PARTITION WALLS ALL FIRE RATED

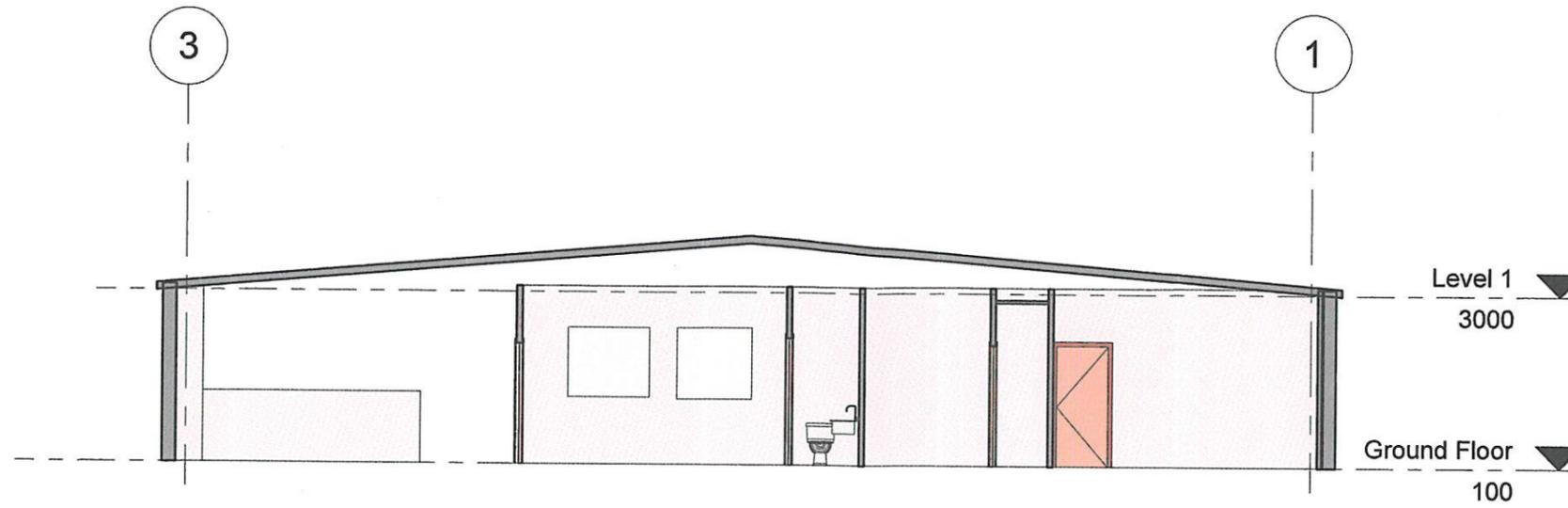
- WHERE WALLS AND DOORS ARE DEMOLISHED ALL FLOOR AND CEILING FINISH TO BE RESTORED TO MATCH EXISTING.
- ALL DEMOLITION MATERIAL TO BE REMOVED FROM SITE BY CONTRACTOR.

REVISIONS		
NO.	DATE	ISSUE FOR

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 SITE MEASUREMENTS MUST BE TAKEN BEFORE COMMENCING CONSTRUCTION AND/OR MANUFACTURE

PROJECT PROPOSED CLINIC FOR DRUG REHABILITATION
 4-10 AUBURN ST. WOLLONGONG, NSW
 TITLE: DEMOLITION PLAN
 DATE 25/05/2018 DWG. NO. DLO-180520-A REV. NO.
 SCALE 1:100

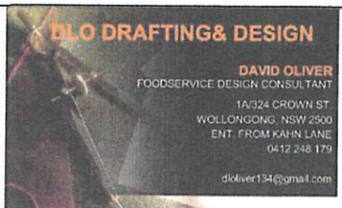
DLO DRAFTING
 1/324 CROWN ST. WOLLONGONG, NSW 2500
 M. 0412 248 179 dloiver134@gmail.com



2 Section 2
1 : 100



1 Section 3
1 : 100



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dlo134@gmail.com

No.	Description	Date

RICHARD CAVILIER

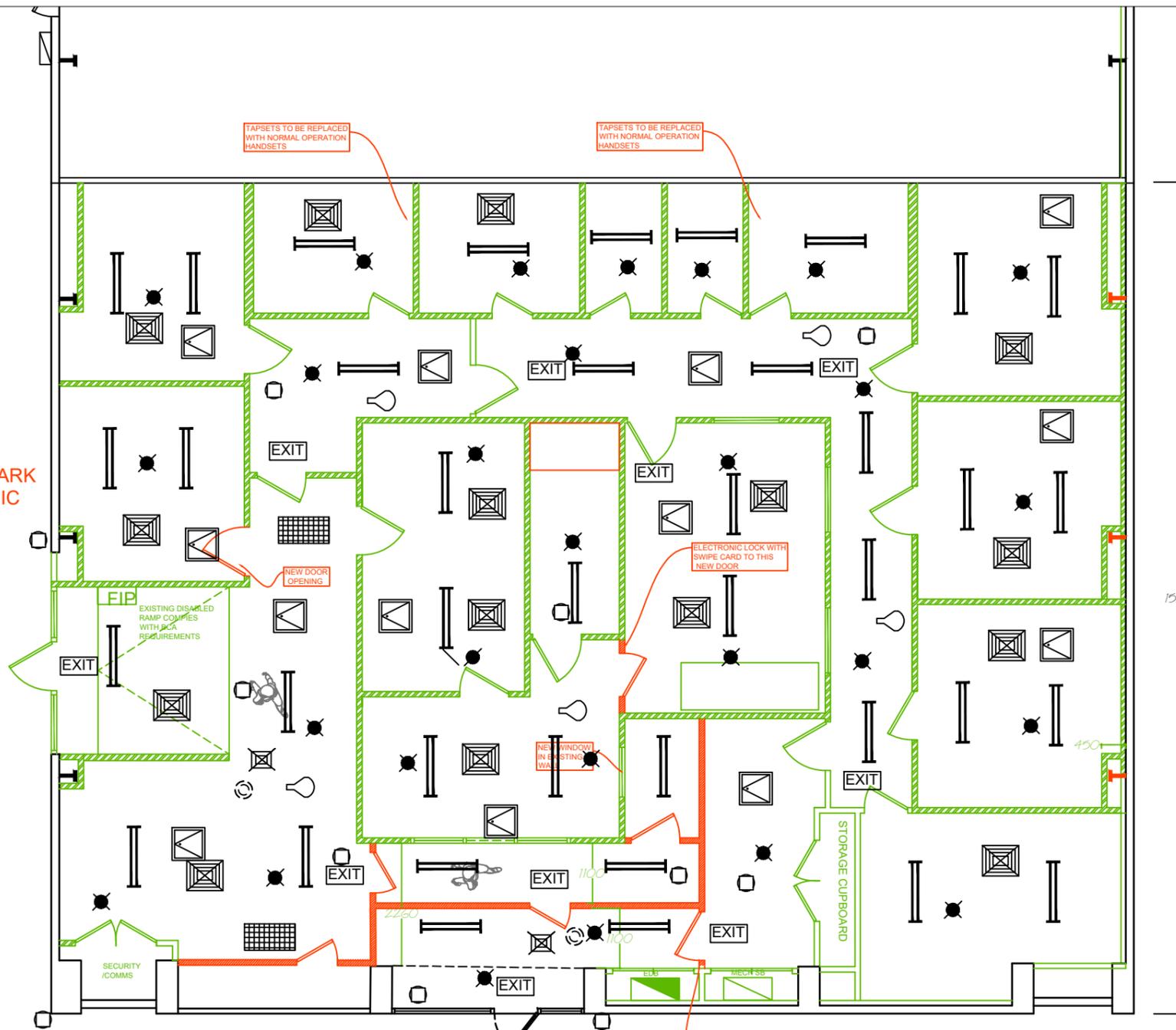
AUBURN ST REHABILITATION
CENTRE

SECTIONS

Project number	DLO-180707	A103
Date	21/7/2018	
Drawn by	Author	Scale
Checked by	Checker	
		1 : 100

C:\Users\David\Desktop\DRAWINGS-2018\METHADONE CLINIC - AUBURN ST - 9-4-18.dwg, RCP, 10/08/2018 2:54:40 PM, ISO full bleed A3 (297.00 x 420.00 MM), 1:1

D/A CARPARK FOR CLINIC



- RECESS MOUNTED DOUBLE FLUORESCENT LIGHT & DIFFUSER BOX
- RECESS MOUNTED METAL HALIDE DOWNLIGHT
- RECESS MOUNTED METAL HALIDE SPOTLIGHT
- EXIT EMERGENCY EXIT SIGN
- SMOKE ALARM FLUSH MOUNTED HEAD
- FIRE SPRINKLER
- SPITFIRE EMERGENCY LIGHT FLUSH MOUNTED HEAD
- EVACUATION LIGHT
- SECURITY CAMERA
- EVACUATION ALARM
- TRAFALGAR APC/WW ACCESS PANEL CONCEALED ALLENKEY LOCK
- A/C OUTLET FLUSH MOUNTED
- A/C RETURN AIR GRILL

- EXISTING BRICK WALLS
- NEW PARTITION WALLS STEEL FRAME AND PLASTERBOARD LINING ALL FIRE RATED
- EXISTING PARTITION WALLS ALL FIRE RATED

INTERIOR DOOR HANDLES NEED TO BE REPLACED WITH OPEN LEVER TO THE INSIDE OF THE ROOM

SECTION J LIGHTING SPECIFICATIONS

WATTS	QTY	TYPE	TRANSFORMER	TOTAL WATTS
60	57	TWIN TUBE FLORESCENT BATTEN LIGHT		3420
		TOTAL LIGHTING PROVIDED		3420

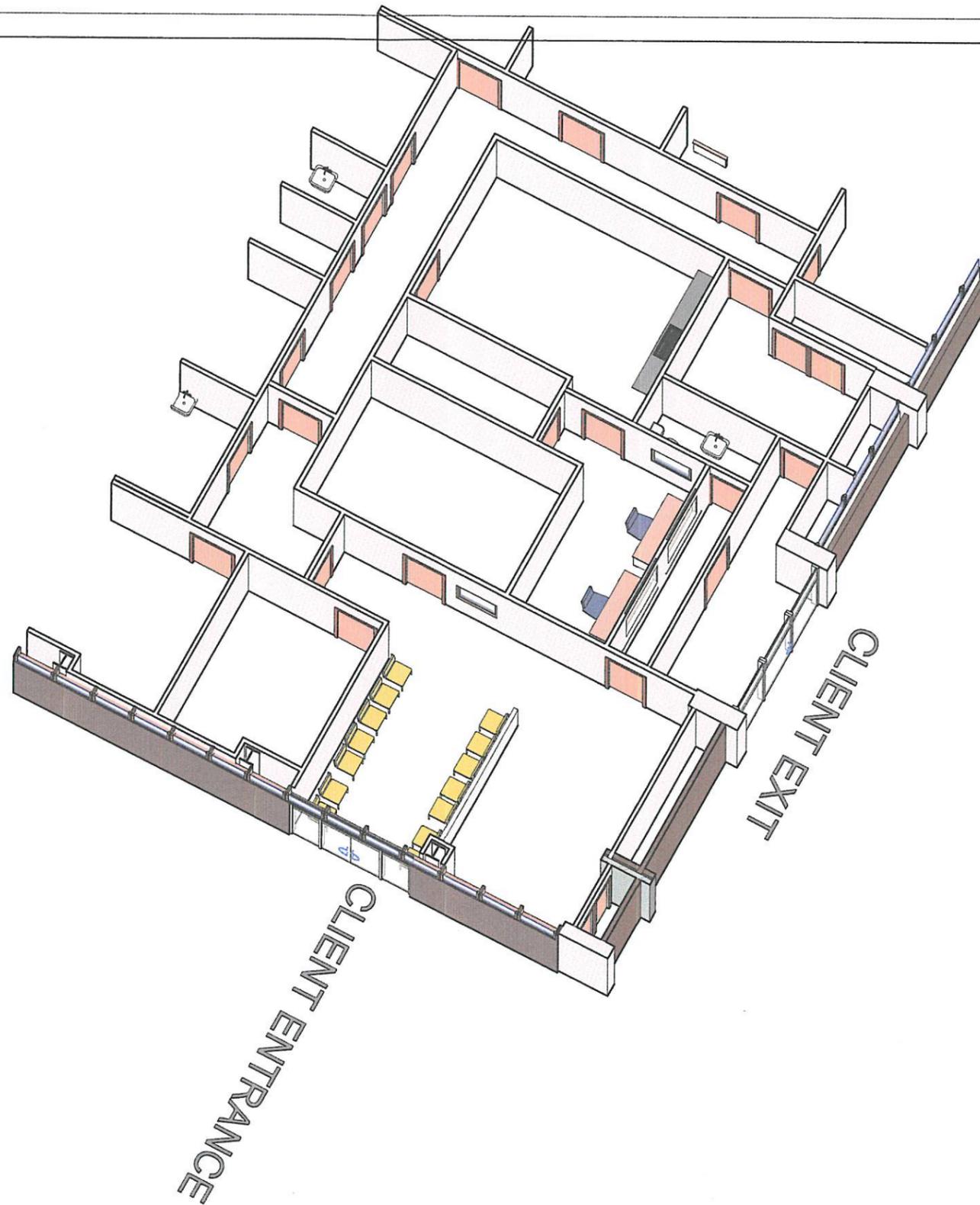
AS PER NEW RESTRICTION IN LIGHTING REQUIREMENTS BASED ON BUILDING CODE OF AUSTRALIA PART J6- ARTIFICIAL LIGHTING REQUIRED
 10 watts PER SQ. M. AREA 295sq.m. = 2950 watts REQUIRED

REVISIONS		
NO.	DATE	ISSUE FOR

NOTES:
 THIS DRAWING IS PRODUCED AS ACCURATELY AS POSSIBLE BASED ON INFORMATION SUPPLIED.
 ALL DUE DILIGENCE AND CARE HAS BEEN TAKEN IN PRODUCING THIS DRAWING. THE AUTHOR DOES NOT ACCEPT ANY LIABILITY OR RISK TAKEN BY THE USE OF OR INTERPRETATION OF THIS DRAWING.
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 THE COPYRIGHT OF THIS DRAWING IS OWNED BY _____ IT SHOULD NOT BE REPRODUCED WITHOUT AUTHORIZATION FROM _____
 SITE MEASUREMENTS MUST BE TAKEN BEFORE COMMENCING CONSTRUCTION AND/OR MANUFACTURE

PROJECT PROPOSED CLINIC FOR DRUG RREHABILITATION
 AUBURN ST. WOLLONGONG, NSW
 TITLE: REFLECTED CEILING PLAN
 DATE 25/05/2018 DWG. NO. DLO-180520-A/RCP REV. NO.
 SCALE 1:100

DLO DRAFTING
 1/324 CROWN ST. WOLLONGONG, NSW 2500
 M. 0412 248 179 dlover134@gmail.com



No.	Description	Date

RICHARD CARBURY

AUBURN ST REHABILITATION CENTRE

3D VIEW1		A105
Project number	DLO-180707	
Date	21/7/2018	
Drawn by	Author	
Checked by	Checker	Scale

Attachment 3: Wollongong Development Control Plan 2009 Assessment.

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 raises no concerns with the principles of Ecologically Sustainable Development.

CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

The development is located in a business zone (B3 Commercial Core) however this chapter applies to any retail, office premises, business premises, bulky goods premises, shop top housing or mixed use developments. The proposed use is best characterised as a medical centre and therefore this chapter is not applicable to the development.

CHAPTER D13 – WOLLONGONG CITY CENTRE

The proposed development involves a change of use and minor building and internal configuration works therefore only the relevant provisions of this chapter are discussed below.

2 Building form

No changes to the external building form.

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.2 Permeability</u>	The site does not have any identified existing/proposed lanes or pedestrian links	N/A
<p><u>3.3 Active street frontages</u></p>  <p>Figure 3.4: Active street frontages</p>	An active street frontage is required under Figure 3.4. The entrance and exit to the premises is via Lowden Square and given the nature of the use, does not provide for clear visibility into the premises. Notwithstanding this, the entrance and exit provide are in clear view from Lowden Square and is considered satisfactory given that no external building works are proposed.	Yes

3.4 Safety and security

The site provides good surveillance of the entrance and exit points and the car parking area. Suitable conditions regarding security measures are recommended.

Safety and security are discussed further in Chapter E2 below.

Yes, subject to conditions

3.5 Awnings

NA

NA

3.6 Vehicular footpath crossings



Figure 3.7: Restrictions on vehicular entries

Figure 3.7 identifies that no additional vehicular entries are permitted from Lowden Square. Vehicle access is proposed via an existing driveway access from Lowden Square.

Yes

3.9 Advertising and signage

No signage is proposed.

NA

4 Access, parking and servicing

Objectives/controls

Comment

Compliance

4.1 General

- a) Facilitate the development of building design excellence appropriate to a regional city;
- b) Require parking and servicing provisions to be contained within development sites to an amount and rate adequate for the economic and sustainable growth of the city centre;
- c) Provide for safe and secure access;
- d) Minimise impacts on city amenity, the public domain and streetscape, and
- e) Ensure that access is provided for the disabled and mobility impaired.

On-site parking and servicing is achieved from the existing Lowden Square driveway access.

Access to the premises for disabled and mobility impaired is proposed from the northern entrance (over Lot 4).

Safe and secure access is provided.

Yes

4.2 Pedestrian access and mobility

Objectives:

- a) To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.
- b) To ensure buildings and places are accessible to people with a disability.

The existing pedestrian access is over Lot 4 which can achieve the requirements for access for people with a disability. Although part of the same site described as 4 Auburn Street, the entrance is achieved by traversing the open car park area on Lot 4 to gain access to the building on Lots 5 and 6. There is no formal right of way for this arrangement so conditions are recommended for Lots 2-6 to be consolidated into a single parcel of land or for formal rights of access to be provided prior to occupation.

The development is capable of meeting these objectives.

Yes, subject to conditions

4.3 Vehicular driveways and manoeuvring areas

Objectives

- a) To minimise the impact of vehicle access points and driveway crossovers on streetscape amenity, pedestrian safety and the quality of the public domain by:
 - i) Designing vehicle access to required safety and traffic management standards;
 - ii) Integrating vehicle access with site planning, streetscape requirements, traffic patterns; and
 - iii) Minimising potential conflict with pedestrians.

Vehicle access to the site is available from Lowden Square and existing car parking is available. The submitted site plan shows pedestrian markings to delineate pedestrian paths and minimise conflict with vehicles within the site.

Yes

4.4 On-site parking

Adequate parking has been provided for the proposed use, noting that change of use applications within the B3 Commercial Core zone do not require the provision of additional parking under Chapter E3.

Refer discussion in E3

Yes

4.5 Site facilities and services

The building is serviced by the major utilities and the proposal is not expected to result in any need to augment these services.

Capable of being conditioned given that site is already serviced.

Yes, subject to conditions.

5 Environmental management

Objectives/controls

Comment

Compliance

5.6 Waste and recycling

Waste will be stored within the premises and collection is proposed from Lowden Square.

Yes, subject to conditions

Capable of being conditioned for appropriate waste management for medical waste, etc.

6 Residential development standards

The proposal does not include a residential component.

7 Planning controls for special areas

The site is not identified as being located within a special area. However, the site adjoins Wollongong Railway Station which is a listed Heritage Item under Schedule 5 of WLEP 2009 (Wollongong Railway Station Group Lowden Square - State item No. 6382). Under Part 7.1, for sites in the vicinity of a heritage item, an assessment of the impact of the proposal on the setting of the heritage item is to be undertaken having regard to the general principles outlined. These principles have been considered, and as no external building work is proposed, issues such as scale, architectural form, materials and finishes, curtilage and infill development are not relevant. One of the principles required to be considered is 'Use', however this relates to the use of a heritage building rather than a use within the vicinity of a heritage item. The proposed use is not considered to compromise the heritage significance of this item.

8 Works in the public domain

None proposed or required.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The existing pedestrian access to the premises is on the northern elevation of the building, fronting the car parking area. The existing entrance is identified as being compliant with BCA requirements. Suitable conditions of consent are recommended to meet the relevant standards for accessible entry and access within the building. Although existing accessible toilet facilities are shown on the submitted floor plan, the development also proposes a new toilet which does not appear to be accessible (adjacent to the dosing room). This can be conditioned to be accessible as it appears the main toilet facility for patients.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The provisions of this chapter do not generally apply to change of use developments; however Part 2 identifies a number of uses that the chapter does apply to, which includes methadone clinics which forms part of the intended use.

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	No details of lighting have been provided. The hours of operation include opening times of 6am Monday to Friday and 7am on weekends. At some times of the year, the early morning hours could be dark, necessitating some form of external lighting. This is capable of being conditioned should approval be granted.	Capable of being conditioned.
<u>3.2 Natural surveillance and sightlines</u> Avoid blind, sharp corners on paths, stairs or corridors	The site fronts Lowden Square (refer Site Plan in Attachment 2 and aerial photo in Attachment 1). Lowden Square is RailCorp Land used for car	Yes

	<p>parking, taxi stands and bus stops as well as pedestrian and vehicle access to Wollongong Railway Station.</p> <p>There are no landscaped areas that provide concealment opportunities.</p> <p>The site achieves good casual surveillance the building entrance and exit points and car parking area. Management and security measures are capable of being conditioned to enhance the natural surveillance to this area.</p>	
<u>3.3 Signage</u>	No signage is proposed.	NA
<u>3.4 Building design</u>	No external alterations are proposed to the existing building. The entrance and exit points to the building are visible from the public domain.	Yes
<u>3.5 Landscaping</u>	No existing landscaping and no landscaping proposed.	NA
<u>3.6 Public open space and parks.</u>	NA	NA
<u>3.7 Community facilities and public amenities</u>	NA	NA
<u>3.8 Bus stops and taxi ranks</u>	NA	NA

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

Medical Centres

	Rate	Calculation	Required	Provided	Compliance
<i>Car parking</i>	4 per consulting room <u>plus</u> 1 per 3 employees	1 x consulting room = 4 spaces 4 employees = 2 spaces	6	8	yes
<i>Bicycle parking</i>	1 per medical centre		1	1	yes
<i>Motorbike</i>	1 per 25 car spaces	1	1	1	Yes As excess parking provided, a motorbike could utilise

Exemptions

7.4 Waiver or Reduction of Parking Spaces

This part provides Council with discretion to waive or reduce the minimum number of car spaces required for a site if this can be justified in a car parking and traffic impact assessment (a maximum 30% reduction in B3 Commercial Core zone). Although adequate parking is provided, it is noted that under this part, given the site's proximity to Wollongong's main public transport node, a 30% reduction to 4.2 car spaces (=5) would apply.

7.5 Car Parking Credits for Existing Development

It is noted that under this part, a change of use within the B3 Commercial Core zone in the Wollongong City Centre, the provision of additional car parking is not required. The submitted plans indicate a total number of eight (8) car spaces may be available within the site, shared among the existing tenancies.

The allocation of the car spaces as shown on the site plan (Attachment 2) could be improved in terms of an accessible car space provided closer to the entrance to the premises (identified as car space 19) and allocating car space 20 and 21 to the site (Unit 5) as they are directly adjacent to the entrance. This is capable of being conditioned if necessary.

CHAPTER E7: WASTE MANAGEMENT

As minimal construction work is proposed, the appropriate management and disposal of construction waste is capable of being suitably conditioned. Waste generated from the ongoing use involves biological, contaminated medical waste and needles, recyclable office waste and general waste. Biological and medical waste will be stored within the premises and collected by specialised waste contractors. This is capable of being conditioned where consent is granted.

Attachment 4 – Recommended conditions

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on:

Site Plan DLO-180520-A/SP-1 dated 24 October 2018 prepared by DLO Drafting

Demolition Plan DLO-180520-A dated 25 May 2018 prepared by DLO Drafting

Layout Plan DLO-180520-A dated 25 May 2018 prepared by DLO Drafting

Reflected Ceiling Plan DLO-180520-A/RCP dated 25 May 2018 prepared by DLO Drafting

Sections DLO-180707- A103 dated 21 July 2018 prepared by DLO Drafting & Design

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 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.
- 4 **Access to Premise Standards**
Access for people with disabilities must be provided as required by and in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standards) and AS1428.1.
- 5 **Disability Discrimination Act 1992**
This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 6 **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.
- 7 **Maintenance of Access to Adjoining Properties**
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

8 Occupation Certificate

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

Prior to the Issue of the Construction Certificate

9 Building Upgrade Requirements

Pursuant to Section 4.15(1)(e) of the Environmental and Planning and Assessment Act, 1979 and Clause 94 of the Environmental and Planning and Assessment Regulation, 2000, the unit to operate as a drug and rehabilitation centre is subject to the following building upgrade requirements:

- a The dimensions of required exit doors, path of travel to exit doors; discharge from exit doors; operation of required exit doors and doors in the path of travel throughout the unit to an exit door are to be compliant with D1.2, D1.4, D1.5, D1.6, D1.10, D2.19, D2.20 and D2.21 of the National Construction Code Series – Building Code of Australia – Vol 1 (BCA).
- b Install hose reel system where required by and compliant with the provisions of E1.4 of the BCA and AS2441.
- c Provide portable fire extinguishers where required by and compliant with the provisions of E1.6 of the BCA and AS2444.
- d Install emergency lighting where required by and compliant with the provisions of E4.2 and E4.4 of the National Construction Code Series- Building Code of Australia (Vol 1)(BCA) and AS2293.1.
- e Install exit signage where required by and compliant with the provisions of E4.5, E4.6 and E4.8 of the BCA and AS2293.1.
- f Provide fire protection as required by and compliant with C3.2 and C3.4 of the BCA to openings exposed to the fire source feature of a side/rear boundary and being located in fire resistant external walls.
- g Provide sanitary toilet facilities to serve the population ground level unit compliant with F2.2, F2.3 and F2.4 of the BCA.
- h Provide light and ventilation to the ground floor level of the building as required by and compliant with Part F4 of the BCA.

This condition may be addressed through compliance with the deem-to-satisfy requirements of the National Construction Code Series - Building Code of Australia (Vol 1), or a formulated alternative solution satisfying the requirements of clause A0.5 and prepared in accordance with A0.8, A0.9 and A0.10 of the National Construction Code Series- Building Code of Australia (Vol 1).

Design details are to be submitted to the appointed certifying authority 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.

11 Present Plans to Sydney Water

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

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

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

12 Endeavour Energy Requirements

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

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

13 Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

14 Toilet facilities for disabled persons

Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2009) – Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

15 Security systems

The submission of final design details of proposed security systems to be installed within the development to the Principal Certifying Authority, prior to the release of the Construction Certificate.

16 Lighting

- a External lighting is required to be installed in accordance with the relevant Australian Standards to achieve low glare/high uniformity lighting levels over the entrance and exit points and the car park.
- b The lighting must be adequate to support CCTV cameras and images.
- c The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

Details demonstrating compliance with this requirement are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

Prior to the Commencement of Works

17 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.

18 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.

19 Structural Engineer's Details

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

20 Requirements to Use Flood Compatible Materials

Any portion of the building or structure below RL 18.22 metres, AHD should be built from flood compatible materials. This requirement shall be reflected on the plans and supporting documentation issued for construction.

21 Storage of Materials/Equipment

An area shall be provided within the development to store materials/equipment susceptible to damage when inundated above the 1 in 100 year flood level plus 0.5m freeboard being RL 18.22m AHD.

22 Flood Compatible Materials – Electrical

All power service (metering) equipment, power outlets, switches etc. shall be located above RL 18.22 metres AHD. All electrical wiring installed below this level 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 18.22 metres AHD should be capable of disconnection by a single plug and socket assembly.

23 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.

24 Protection of Public Infrastructure

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

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

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

During Demolition, Excavation or Construction

25 Restricted Hours of Construction Work

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

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

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

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

26 Waste Management

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

27 Demolition Works

The demolition of the existing structures as indicated on the approved plans shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

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

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

Prior to the Issue of the Occupation Certificate

29 Building Upgrade Works

All building upgrade works prescribed by this consent are to be completed prior to the release of the occupation certificate.

30 Fire Safety Signage

Prior to the issue of occupation certificate, display in a prominent location of the building the current fire safety schedule and fire safety certificate, in accordance with Part 9 of the *Environmental Planning and Assessment Regulation, 2000*.

31 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.

- 32 **Lot Consolidation**
Lots 2-6, Sec 2 DP 979169 must be consolidated into one single allotment prior to issue of an Occupation Certificate. Documentary evidence that this has been carried out must be submitted to Council's satisfaction prior to issue of an Occupation Certificate.
- 33 **Licence with NSW Department of Health**
The premises must have a current licence from NSW Health for the use of the premises, including a licence to dose methadone from the subject site. The relevant licence/s must be in place prior to the use commencing.
- 34 **CCTV**
CCTV cameras must be installed to monitor the entrance and exit points, the footpath immediately adjacent to the premises and car park area at all times and be in place prior to issue of an Occupation Certificate. Signage identifying that CCTV cameras are in use must be placed in a suitable location.
- 35 **Cessation of Development Consent**
Consent shall cease in the event that the agreement between RailCorp and Council is terminated or in the event that vehicular access over Lot 1 DP 1001500 is denied by RailCorp (and/or any future owner of Lot 1 DP 1001500).

Written confirmation from the applicant and landowner (the subject of this consent) accepting the above must be submitted to Council and RailCorp prior to issue of an Occupation Certificate.

Operational Phases of the Development/Use of the Site

- 36 **Display of Fire Safety Signage**
At all times prominently display within the building the current fire safety schedule and fire safety certificate/statement.
- 37 **Restricted Hours of Operation**
The hours of operation for the development shall be restricted to 6am to 1.15pm Monday to Friday and 7am to 11am on Saturdays, Sundays and Public Holidays.

Any alteration to the approved hours of operation will require separate Council approval.
- 38 **Early Morning Patient Treatment**
The operators must implement a procedure that non-working patients are only treated from 7am onwards, whereby only patients who are working receive a service in the earliest hours of operation permitted under this consent. Written advice from the operator that this procedure is in place must be provided to Council's satisfaction prior to issue of the Occupation Certificate.
- 39 **Security Personnel**
A security officer must be present between 5.30am to 9.30am Mondays to Fridays to minimise noise and potential amenity impacts associated with the use.
- 40 **Clinical Waste**
Clinical waste, waste containers and storage areas must be managed to comply with the NSW "Waste Minimisation Act and Management Act" and the NSW Health Department "Waste Management Guidelines for Health Care Facilities".
- 41 **Operate in Accordance with Relevant Standards**
The methadone clinic component of the use must operate in accordance with the applicable guidelines, policies and standards relevant, including (but not limited to) the NSW Methadone Clinic Accreditation Standards and the 'NSW Clinical Guidelines: Treatment of Opioid Dependence – 2018' (NSW Ministry of Health, 2018).
- 42 **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.

43 Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition, at all times.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.