

Wollongong Local Planning Panel Assessment Report | 5 December 2018

WLPP No.	Late Item - Item No. 1
DA No.	DA-2018/1309
Proposal	Placement of storage container for use as storage of training gear
Property	Lot 5 DP 240541 Bellambi Oval, Murray Road East Corrimal Lot 202 DP 240541 Bott Drive Bellambi
Applicant	Tarrawanna Senior Soccer Club
Responsible Team	Development Assessment and Certification – City Centre Team (AS)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1) (a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal involves a conflict of interest being development for which the landowner is Council. None of the exemptions in Schedule 2(1) apply.

Proposal

The proposal is for installation of a 20' x 8' (6.09 x 2.43m) shipping container on Council's sportsground. The proponent is a soccer club which proposes to use the container to store training gear. The container will be accessed on senior training nights, which is estimated to occur two nights a week. Permanent use/installation of the container is proposed.

Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a works associated with an 'outdoor recreation area' and is permissible in the zone with development consent.

Consultation

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

Main Issues

Nil

RECOMMENDATION

It is recommended that DA-2018/1309 is approved subject to draft conditions of consent in Attachment 3.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Coastal Management) 2018

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Installation of 20' x 8' shipping container in the car park at Bellambi Oval, approximately 4.5m east of the shared bike path near Bott Drive. The shipping container was initially proposed to be oriented with longest sides to the east and west, however this was considered by Council to adversely impact upon site lines from Bott Drive. A revised plan has been submitted and is the subject of this report, placing the longest sides north and south.
- Use of the shipping container by Tarrawanna Blueys Soccer Club for storage of soccer training gear. The Club indicates the gear will be used twice a week, on senior training evenings.

Excavation for footings is not proposed, and a Construction Certificate is not required.

The building is Class 10a structure under the Building Code of Australia.

1.1 BACKGROUND

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.2 SITE DESCRIPTION

The site is located at Council's Bellambi Oval sportsground and the title reference is Lot 202 DP 716326 and Lot 5 DP 240541. The site plan shows the shipping container would be installed in the car parking area of Lot 5, adjoining the boundary with Lot 202. The shipping container location is approximately 4.5m east of the bike path near Bott Drive and approximately 28m from the nearest dwelling and 20m from the nearest outbuilding.

The land is owned by Council and classified as Community Land under the Local Government Act. Council's Generic Plan of Management for sportsgrounds applies.

Property constraints

The shipping container would occupy a small area of the allotments, which are sized 12.72 hectares (Lot 5) and 4138m² (Lot 202). Many of the recorded constraints apply to other parts of the allotments and not the shipping container location.

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

- Acid sulfate soils class 4 in the location of the shipping container. No earthworks are proposed and no concerns are raised in this regard.
- Flooding: Areas of low and medium risk occur to the south of the proposed shipping container location. Council's development engineer has reviewed the application and advised they have no concerns.
- Bushfire: Areas of classified vegetation are situated to the south, south-east and south-west of the shipping container location. Council's bushfire officer has reviewed the application and advised they have no concerns.
- Heritage: The allotment contains 'Bellambi Lake and Sandpit Point', an item of local environmental heritage, although this is removed from the proposed shipping container location. Council's heritage officer has reviewed the application and advised they have no objection.
- Coastal Hazard(s): The land is located within the Coastal zone but not identified as subject to coastal hazards
- Ecological Sensitive Land - NR Biodiversity. Council's mapping indicates that a very small portion of the land is mapped as habitat area for the (high). The primary affectation lies within the bush area to the south of the site of the container in a cleared area.

There are no restrictions on the title.

1.3 SUBMISSIONS

The application was notified between 1 and 15 November 2018 in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Development Engineering Officer

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be satisfactory. Conditions of consent were recommended and are included in the consent.

Environment Officer

Council's Environment Officer has reviewed the application and advised they have no objection. No conditions of consent were recommended.

Heritage Officer

Lot 5 DP 240541 partly contains 'Bellambi Lake and Sandspit Point', an item of local environmental heritage listed in WLEP 2009. The proposed shipping container location is approximately 20m from this item. Council's heritage officer has considered potential impacts upon the item and also aboriginal heritage including Bellambi Point Aboriginal Place. They advise that a search of the AHIMS database shows there are no known Aboriginal sites in the vicinity of the proposed shipping container.

The orientation of the shipping container was altered as requested by Council's heritage officer. No conditions of consent were recommended.

Property Officer

The land is owned by Council and Council's Property officer was invited to comment. To date, no response has been received. It is noted the proposal is consistent with Council's Generic Plan of Management.

Recreation Officer

Council's Recreation Officer has reviewed the application and advised they have no objection. No conditions of consent were recommended.

1.4.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

4.14 of the Act Consultation and development consent—certain bush fire prone land

See discussion at chapter E16 below.

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

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

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

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The allotments are situated within areas mapped as 'proximity area for coastal wetlands' and 'coastal environment area'.

The proposal is considered satisfactory with regard to matters for consideration in both of the areas, namely;

Division 2 clause 11 applies to proximity areas for coastal wetlands. Consent must not be granted unless the consent authority has considered matters set out in subclause 1. These matters include biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. The development application involves installation of a shipping container only, with no ground penetration or other construction. All matters detailed in subclause 1 are considered satisfactory

Division 3 clause 13 applies to coastal environment areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on vegetation, marine life and water quality, vegetation, Aboriginal heritage and community access. The development application involves installation of a shipping container only, with no ground penetration or other construction proposed. All matters detailed in subclause 1 and 2 are considered satisfactory.

Division 5 includes general provisions for development in the coastal zone. These matters are considered satisfactory as the proposed development is unlikely to cause increased risk of coastal hazards on the surrounding environment.

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 Lot 202 DP 716326 and part Lot 5 DP 240541 as being zoned RE1 Public Recreation. The proposed location of the shipping container is within the RE1 zone.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

Zone RE1 Public Recreation

1 Objectives of zone

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

The proposal is satisfactory with regard to the above objectives.

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

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

The proposal is categorised as works ancillary to a 'recreation area' as defined below and is permissible in the zone with development consent.

Clause 1.4 Definitions

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or*
 - (b) an area used for community sporting activities, or*
 - (c) a public park, reserve or garden or the like,*
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 2.59m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

The proposal does not comprise any gross floor area.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

Lot 5 DP 240541 partly contains item 6204 'Bellambi Lake and Sandspit Point', a landscape item of local environmental heritage. The shipping container is not proposed in this location.

Council's heritage officer also considered potential impacts on Aboriginal heritage and concluded no impacts were anticipated. It was noted an AHIMS search did not indicate any areas of significance in the proposed container location.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

No utilities are required for the shipping container. The sportsground is serviced with water, power and sewer.

Clause 7.2 Natural resource sensitivity – biodiversity

Part of Lot 5 DP 240541 is identified as 'Natural Resource Sensitivity – Biodiversity', (Black Bittern) however the shipping container is not located within this area. Council's environment officer has reviewed the application and matters under this clause. No objection was raised and no conditions of consent were recommended.

Clause 7.3 Flood planning area

Part of Lot 5 DP 240541 is identified as flood affected low and medium risk. Where the shipping container would be installed is outside this area. Council's Development Engineer has assessed the application and has not raised any concerns. No conditions of consent have been recommended.

Clause 7.5 Acid Sulfate Soils

The shipping container would be situated within an area of Class 4 acid sulfate soils. No footings or earthworks are proposed and Council has no concerns regarding potential soil or water quality impacts.

Clause 7.7 Foreshore building line

Both allotments are situated within the foreshore building line, including the proposed shipping container location. Erection of the proposed shipping container is consistent with matters for consideration specified in subclause (3).

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

WDCP 2009 does not specify requirements for sportsgrounds. Matters of a general nature apply to the development as follows:

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into each chapter of the DCP. Broadly, the shipping container is acceptable as it reuses an existing piece of equipment, can be removed if necessary, does not require utility supply or extensive excavation and does not generate waste.

CHAPTER D1 – CHARACTER STATEMENTS

The site is on the border of Bellambi and East Corrimal. The proposal is consistent with the existing and desired future character for each locality.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The applicant will be responsible for maintaining a secure storage facility. Conditions of consent are recommended regarding graffiti removal and which direction the doors should face.

CHAPTER E10 ABORIGINAL HERITAGE

Council's heritage officer has considered the potential for impacts on nearby areas of Aboriginal significance and concluded the shipping container is unlikely to disturb any areas.

CHAPTER E11 HERITAGE CONSERVATION

Council's heritage officer has considered the potential for impacts on nearby heritage items and advised no impacts are expected.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The proposal is located outside of mapped flood prone areas. Council's development engineer has advised the proposal is acceptable.

CHAPTER E14 STORMWATER MANAGEMENT

Council's development engineer has advised they have no objection. No conditions of consent have been recommended.

CHAPTER E16 BUSHFIRE MANAGEMENT

There are areas of mapped bushfire hazard vegetation to the south, south east and southwest of the shipping container location. Council's calculation of the bushfire hazard is BAL-19 and therefore referral to the Rural Fire Service is not necessary.

Council's bushfire officer has advised that the revised orientation is acceptable. The shipping container is located more than 10m from a residential building and therefore does not itself need to meet residential building standards. Conditions of consent are recommended in order to minimise the impacts of a potential bushfire on the shipping container.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is below the threshold for contributions.

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

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

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

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

Not applicable

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

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

The proposed shipping container would be installed in part of an outdoor car park at a local Council sportsground. The proponent is a local soccer club which intends to store soccer training gear inside the shipping container, for use twice a week. The proposed location of the container is outside areas

of environmental constraints and the installation does not involve excavation for footings. No vegetation removal is required.

The proposal is to use the container in perpetuity, however conditions could be imposed for a time limited/temporary consent if that was considered appropriate.

The use of the sportsground for soccer-related activities is consistent with the designation as sportsground in Council's Generic Plan of Management.

The proposal was publicly exhibited and no submissions have been received.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

No submissions have been received.

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

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

3 RECOMMENDATION

This application has been assessed as satisfactory having regard to Section 54.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Internal referrals are satisfactory and no submissions were received. There being no outstanding issues, it is considered that the proposed development is appropriate 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 development application DA-2018/1309 be approved subject to appropriate conditions of consent at Attachment 3.

5 ATTACHMENTS

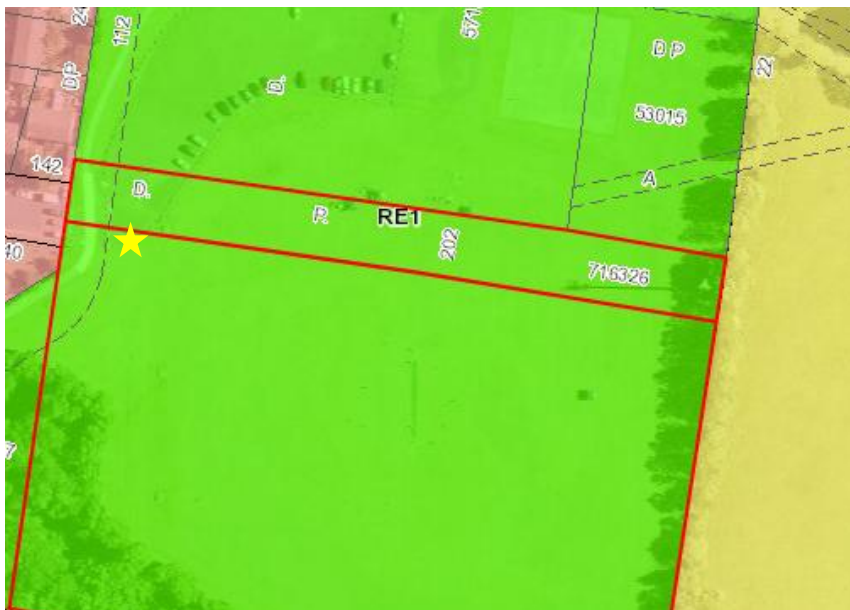
- 1 Aerial map and WLEP zoning map
- 2 Proposed plans
- 3 Draft conditions of consent

DA-2018/1309 Lot 202 Bott Drive and Bellambi Oval East Corrmal

Attachment 1 Aerial map and WLEP 2009 zoning map



Aerial map (2018)



WLEP 2009 Zoning Map - Zone RE1 Public Recreation

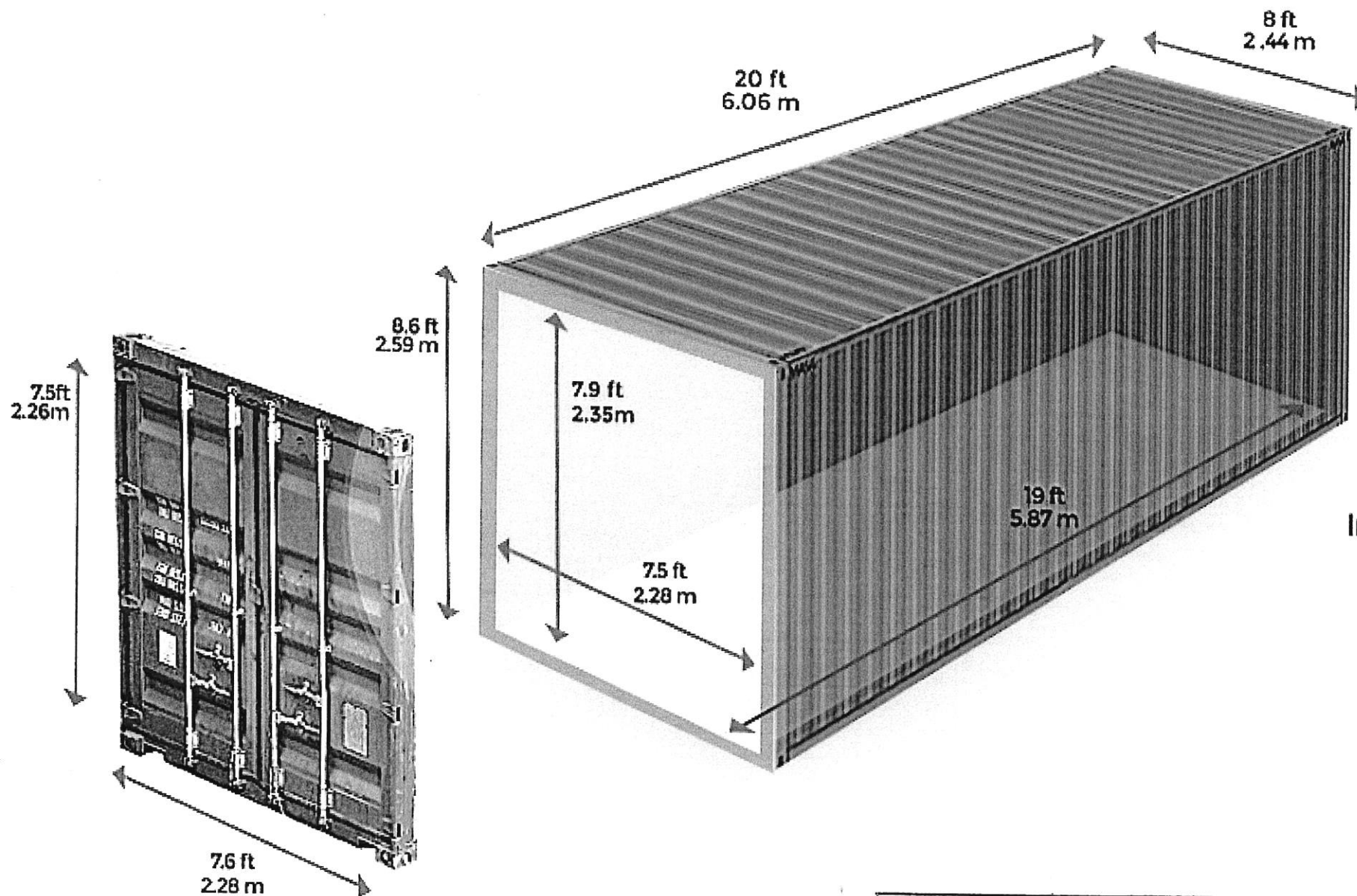


Lot 5 DP 240541 location of 20 ' Container

This automated map was produced using ESRI Australia's:



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Internal Floor area
150 sq ft
32.58 sqm

Tare Weight
2.44 tons

SHIPPING CONTAINER	DATE 1.10.2018
DRAWN BY D NAYLOR	SCALE 1:50

Attachment 3 Draft conditions of consent

Approved Plans and Specifications

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on
 - Location plan dated 26 November 2018, no author
 - Shipping container details dated 1 October 2018 prepared by David Naylorand 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) **Orientation of door**
The shipping container door shall be placed facing east, to limit noise and visual intrusion on nearby residential properties

Prior to the Commencement of Works

- 3) **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.

Operational Phases of the Development/Use of the Site

- 4) **Graffiti removal**
Any graffiti shall be removed by the Tarrawanna Blueys Soccer Club within 48 hours of its application.
- 5) **Bushfire protection – door seals**
The applicant should ensure that the shipping container doors are well maintained and the seals are tight fitting and in good order so as to prevent the entry of embers into the container.
- 6) **Bushfire protection – debris management**
The area immediately adjacent to the shipping container, in particular the doors, shall be kept free of the build-up of fuel such as leaves and other debris.