

Wollongong Local Planning Panel Assessment Report | 3 August 2021

WLPP No.	Item No. 1
DA No.	DA-2021/300
Proposal	North Beach Surf Club - change of use of first floor to restaurant
Property	Stuart Park, George Hanley Drive, NORTH WOLLONGONG
Applicant	Terry Wetherall – TCW Consulting
Responsible Team	Development Assessment and Certification - City Centre Team (RW)
Prior WLPP meeting	No

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 (1a) of the Local Planning Panels Direction of 30 June 2020, the proposal relates to Crown land under the control and management of Council.

Proposal

The proposal is for the use of the first floor as a restaurant.

Permissibility

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

Consultation

The proposal was notified in accordance with Council's Notification Policy and received three (3) submissions including one (1) letter of support. The issues raised in the submissions are discussed at section 1.3 of the report.

Main Issues

The main issues are maintaining the ongoing use of the surf club, heritage, waste management and parking. These issues have been assessed as satisfactory.

RECOMMENDATION

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

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Coastal Management) 2018
- SEPP 64 - Advertising and Signage

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDGP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2020
- Wollongong Community Participation Plan
- Blue Mile Masterplan
- Wollongong City Foreshore Plan of Management
- Wollongong Coastal Zone Management Plan (CZMP)

1.2 DETAILED DESCRIPTION OF PROPOSAL

Approval is sought to use the first floor of the surf club as a restaurant. No fit-out or building works are proposed (aside from an external waste storage area), noting that no operator is known at this time. The information submitted indicates the restaurant will have capacity for 300 patrons. The restaurant will be the subject of a tender process by the surf club and the end user will be responsible for obtaining any further approval for fit-out works.

The proposed hours of operation are 6am to 12 midnight, 7 days a week.

Access to the first floor is available from the central stairs on the western elevation, in addition to lift access from the ground floor 'foyer west'. There is a large east facing balcony to be constructed under DA-2018/1231/C associated with the proposed restaurant use. The submitted plans form Attachment 2.

1.1 BACKGROUND

The North Wollongong Surf Club building has been associated with North Wollongong Beach since 1936. Over the years it has been extended and altered.

The subject site is part of the wider Stuart Park site, which has an extensive development application history. There have been alterations and additions to the surf club building in the 60's, 70's and 80's. All of the other recent approvals relate to other areas and activities within the wider Stuart Park site.

Recent development applications that specifically relate to the current surf club include DA-2018/1231 (as modified) for substantial alterations and additions. These alterations and additions are currently under construction. DA-2018/1231/C approved the first floor layout as shown below:

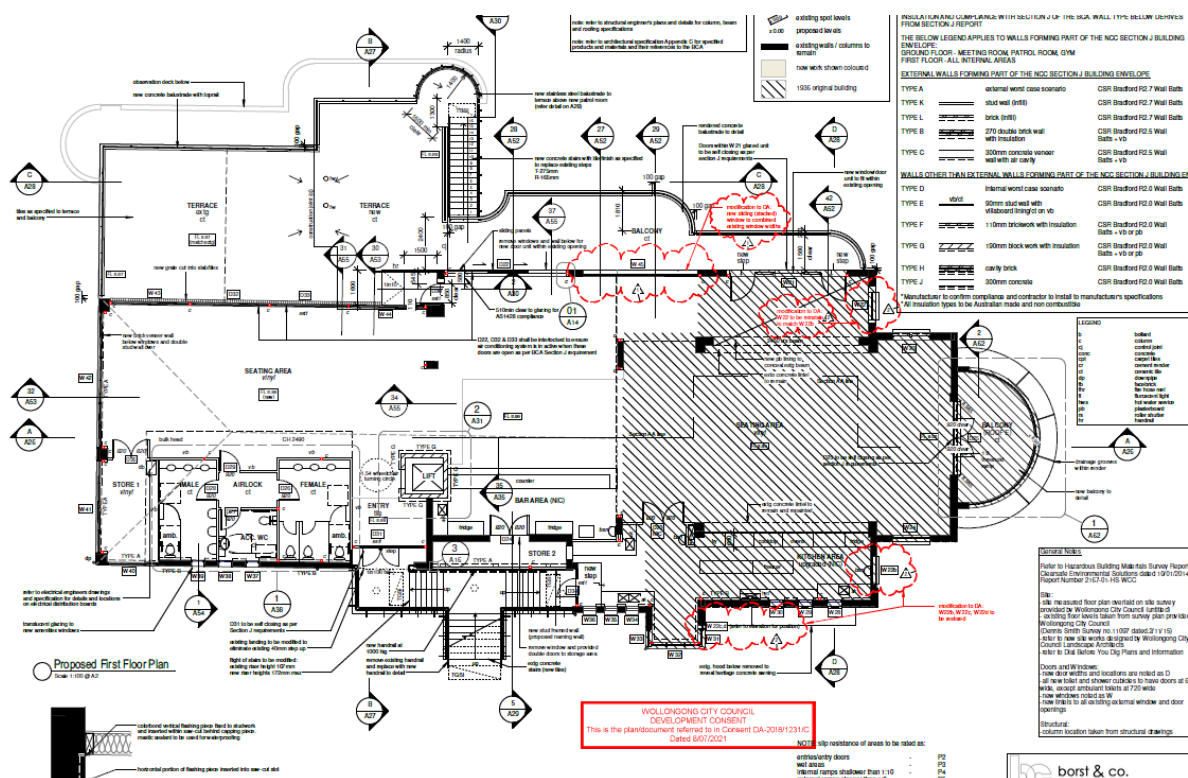


Figure 1: Approved first floor plan under DA-2018/1231/C

Development history relating to the surf club

- DA-1975/115 – Boat shed
- DA-1981/314 – Alterations and additions to club
- DA-1988/766 – Change of use from ladies dressing room to store
- DA-1988/790 Alterations to existing mens change room and conversion of boat shed to radio room and patrol room
- DA-1989/44 – Addition of gear and boat shed
- DA-1991/552 – Two storage rooms
- DA-2010/1441 – Construction of tool and storeroom
- DA-2016/1573 – Demolition of existing roof and construction of new roof
- DA-2018/1231 – Internal and external alterations and additions to North Wollongong Surf Life Saving Club including interim rock armouring and landscape works – Approved 12 September 2019
- Modification B - upper level internal and external modifications including rearrangement of internal areas, extension of balcony and window/door modifications to east elevation – Approved 12 May 2020
- DA-2018/1231/A – rejected
- DA-2018/1231/B. Modification B - upper level internal and external modifications including rearrangement of internal areas, extension of balcony and window/door modifications to east elevation
- DA-2018/1231/C. Modification C – replace three windows with one stacked sliding window and reinstate original windows. Approved 8 July 2021

A pre-lodgement meeting was held regarding the proposed first floor use as a restaurant (PL-2020/169). The main issues discussed at this meeting were:

- Heritage – relationship of the restaurant to the ongoing use as a surf club
- Waste management
- Signage
- Parking and traffic impacts
- Community interest (commercialisation of public space)
- Licence requires surf club to be significant use

DA-2021/300 - Additional information requested

Additional information was requested on 31 May 2021. The applicant was asked to provide information regarding the following:

1. how the proposed restaurant was linked to the ongoing use of the surf club and would allow the club to continue its functions/activities

The applicant submitted a letter on 17 June 2021 detailing the relationship between the surf club and the restaurant and detailing the ongoing use of the surf club. The following points were made in response (summarised):

- The ground floor is capable of running the day-to-day activities of the surf club;
- Members have 24/7 access to the gymnasium;
- The club currently leases out the first floor for a number of activities mainly on weekends but is not available to the general public;
- A suitable restaurant operator will be selected at a later date. The lease arrangements will require surf club memorabilia and the club's history will be reflected in the décor;
- Any future lease will include a clause requiring the premises to be used for surf club events such as presentations for 10 nights during the year (in line with current activity requirements);
- The internal lift provides connectivity between the ground and first floors;
- Rental income from the restaurant will be returned to the club for the purchase of the equipment, running of activities and training to ensure viability of the club into the future.

2. Waste management detail

Information on likely waste generation rates and details of an external waste storage area attached to building have been submitted and are satisfactory.

3. Signage

Conditions have been imposed to identify the approved signage envelopes.

Conservation Management Plan (CMP)

A CMP for the building was prepared by Rod Howard and Associates in 2005. This document highlights the significance of the building and its various components and includes conservation policies and recommendations. The CMP is currently being updated.

The submitted Heritage Impact Assessment (HIA) notes that the CMP identifies that any signage should be on the ground floor. However, the HIA concludes that sensitively designed signage in the location proposed should not lead to adverse heritage impacts.

Customer service actions

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

1.2 SITE DESCRIPTION

The site is located at Stuart Park, George Hanley Drive, NORTH WOLLONGONG NSW 2500 and the title reference is Lot 3 DP 1136814 Reserve D580060. The subject site is large, extending from the surf club in the southeast portion, to the Lagoon (waterway and restaurant) in the north and the Illawarra Live Steamers in the west. The site is bordered by North Wollongong Beach to the east.

The property is Crown Land managed by Council and provides a variety of public recreation spaces. The subject building is the North Wollongong Surf Life Saving Club (SLSC), a community facility with the main function of providing beach patrol activities and ancillary uses.

Adjoining development is as follows:

- North: Stuart Park
- East: North Beach
- South: 'Diggies' cafe, North Beach kiosk, Bathers Pavilion, foreshore
- West: residential uses fronting Blacket Street, Novotel North Beach occupies the site to the south-west and there is an at-grade public car park to the north-west. The site directly west has approval under DA-2018/1316 for the construction of a new residential flat building with thirteen (13) apartments and two (2) levels of basement parking. Construction has not commenced.

The property is Crown land under the appointed management of Council. The site is Community land – Park under the Wollongong City Foreshore Plan of Management.

The zoning map and aerial photos of the site form Attachment 1.

Property constraints

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

- Acid sulphate soils.
- Flood affected (flood precinct under review), however Council's Stormwater Engineer has advised that the development site is not flood affected and no concerns have been raised with regard to flooding.
- Local heritage item – see comments from Council's Heritage Officer in section 1.4 below.
- Located within the Coastal zone. The southern portion of the site, including approximately one third of the surf club building is identified as being subject to coastal geotechnical risk, increasing coastal inundation and reduced foundation capacity from 2010 to 2100.
- Bushfire prone land however the closest bushfire prone land is vegetation buffer located a distance of approximately 380m north-west the surf club building. The proposed development is not development for a *special fire protection purpose* and is not integrated development.
- An existing sewer main runs through the site and under the existing surf club building.
- There are no restrictions on the title that would prevent the proposal.

1.3 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 between 29 March 2021 and 13 April 2021. Three (3) submissions were received (including one letter of support) and the issues identified are discussed below. Additional information was submitted following the notification period however given the minor scope of changes proposed the application did not require renotification.



Figure 2: Notification map

Table 1: Submissions

Concern	Comment
1. Inadequate parking	<p>The site does not have any dedicated parking for the surf club and no parking is proposed. The site has public parking available in the vicinity of the site, including a public car park directly opposite the site to the west.</p> <p>A Traffic and Parking Study was submitted with the application and has been assessed by Council's Traffic engineer as acceptable. Customers visiting the restaurant are likely to use the wider recreational area as part of their trip (during the day) and there is adequate available parking at peak periods.</p>
2. Privatisation of public land and building	<p>The proposed use of the first floor for commercial use is within an existing building on Crown land, under the care and control of Council. Using the first floor of the surf club as a restaurant will mean that only paying customers will have access to this space. Currently the first floor of the surf club is used by the surf club, community groups and hired out for functions to support the ongoing operation of the surf club. No general public access to this area is currently available.</p> <p>The surf club has advised that regular (monthly) access to the first floor restaurant for surf club related functions will be built into any future sub-lease agreement with the restaurant operators. A condition is recommended to ensure that this access is included in future lease agreements.</p>

Concern	Comment
3. No justification for another restaurant in this area	This is a commercial issue rather than a consideration under S4.15 of the EP&A Act.
4. Unfairly compete with nearby restaurants	As above
5. Unclear who this would benefit and what the benefits are to be used for	<p>The information submitted with the application identified that leasing the first floor out as a restaurant would provide ongoing funding to assist the continued operation and maintenance of the surf club (as detailed in Part 1.1 of this report).</p> <p>A restaurant in this location would increase the range of food and drink premises in a prime location and would likely to have an economic benefit from added tourist offerings.</p>
6. Undesirable precedent	<p>No detail as to what aspect of the proposal sets an undesirable precedent was outlined in the submission. The proposed restaurant is permitted in the zone, consistent with the relevant Plan of Management and can be conditioned to minimise amenity impacts on the surrounding area. Any future applications for similar proposals would be similarly assessed on their merits.</p>
7. Proposal represents significant policy change without public consultation	<p>Wollongong LEP 2009 permits restaurants with consent in the RE1 Public Recreation zone. The Wollongong City Foreshore Plan of Management identifies that commercial uses are permitted as part of the surf club, as discussed later in this report. Public consultation was involved in developing both of these policies.</p> <p>The current development application was notified in accordance with Council's Community Participation Policy, including to identified heritage groups.</p> <p>The submitted Statement of Environment Effects states that a public meeting to discuss the current development application was held on 16 December 2020 by the surf club at the site. Although this appears limited in scope, the nature of community engagement undertaken prior to lodging the current application is not a matter for consideration for the development application under S4.15 of the EP&A Act.</p> <p>It is acknowledged that proposed commercial use of a community facility may be of wider community interest, particularly given the scale of the restaurant the prominent location, and heritage listing. It is relevant to note that North Beach SLSC is not the first/only surf club within Wollongong LGA with a commercial component (eg café at Bellambi SLSC, albeit on a smaller scale).</p>
8. Not in the public interest	The proposed development has been assessed as satisfactory having regard to the applicable planning

Concern	Comment
	controls and the potential impacts, including traffic, heritage, and amenity impacts. The sub-leasing of the first floor will provide funding for the ongoing operation and activities of the surf club. Subject to appropriate conditions of consent being imposed on any consent granted, the proposal is not considered to be contrary to the public interest.
9. Recommend that the North Beach Surf Club be included in the State listing of the North Beach Precinct	This matter is outside the scope of the current proposal and a matter for the Office of Heritage
10. Recommend that the conservation measures for the original component of the building as identified in DA-2018/1231 continue	The current proposal is not seeking to change the approved conservation measures approved under DA-2018/1231 (as modified).

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Traffic Engineer

Council's Traffic Officer has reviewed the application and given a satisfactory referral. No specific conditions were recommended.

Building Officer

Council's Building Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the recommended conditions in Attachment 3.

Property Officer (Statutory)

Council's Property Officer has reviewed the application and given a satisfactory referral. No specific conditions were recommended.

Property Officer (Management)

Council's Property Officer has reviewed the application and given a satisfactory referral. No specific conditions were recommended however conditions requiring the appropriate lease to be in place for the commercial use has been incorporated into the recommended conditions in Attachment 3.

It is relevant to note that any future commercial agreement that will be entered into between Council and the SLSC for the commercial component of the use will incorporate requirements that will ensure the surf club is the predominant use, and not conflict with or materially adversely affect the lifeguard operations. Also, the revenue raised from the commercial operation must be used to fund its obligations under the lease or otherwise go back into to SLSC operations.

Heritage Officer

The referral comments noted the concerns raised in the submissions regarding privatisation of public space and the transparency of the decision making with regard to the use of a community facility for commercial purposes. This issue links to heritage considerations as it represents a shift in use away from the historic and community related use of the building as a surf club.

Issues relating to waste management have been found satisfactory, noting that the location of a waste storage area attached to the building as proposed was preferred over a possible extension of the existing waste storage area to the north west on Cliff Road. Storage attached to the building was considered to have a lesser visual and amenity impact on the Heritage Area and North Beach Precinct

and be a practical solution. No objections were raised with regard to the design which uses lightweight screening.

With regard to signage, an indicative signage envelope is shown on the elevation plan however the details of the sign's materials and design are not yet known. The referral noted that the 2005 Conservation Management Plan (CMP) for the surf club building indicates that signage should be restricted to the ground floor and be small in scale. With regard to these comments, given the restaurant is located on the first floor and the signage envelope is positioned on the part of the building with less (or no) original fabric, the location and scale is considered reasonable.

No specific conditions were recommended.

Environment Officer

Council's Environment Officer has reviewed the application, including an Acoustic Report and a Draft Venue Management Plan and given a satisfactory referral subject to conditions of consent relating to noise, hours of operation, and waste management.

Community Land Management Officer

Council's Community Land Management Officer has reviewed the application and has not raised any concerns with the proposal having regard to the Wollongong City Foreshore Plan of Management, noting the Crown Reserve Purpose is public park which allows commercial operations in a surf club facility consistent with the LEP and the Dedicated Purpose of the Crown Reserve.

1.4.2 EXTERNAL CONSULTATION

Remondis (Council waste contractor)

The application was discussed with Council's waste contractor to understand the preferred waste collection arrangements based on the likely waste generation rates and the waste storage area. Kerbside collection was seen as the best outcome given the likely conflicts a waste vehicle could have with pedestrians/cyclists using the shareway to the west of the surf club building.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Where threshold not triggered

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

The site is not identified as being of high biodiversity value on the Biodiversity Values Map and the only works that are proposed are over existing paved area.

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

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. No earthworks are proposed however the proposal does comprise a change of use. The change of use does not relate to any of the land specified in subclause (4) therefore a

preliminary investigation is not required. No concerns are raised in regard to contamination as relates to the intended use of the land which is considered suitable for the proposed development under clause 7.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Part 2 Development controls for coastal management areas

The site is identified as being within both the Coastal Environment Area and Coastal Use Area. The northern portion of the site is identified as being within the Proximity Area for Coastal Wetlands.

Clause 11 – Development on land in proximity to coastal wetlands or littoral rainforest

The site contains coastal wetlands and the north-western corner of the surf club building is identified as being within the “proximity area for coastal wetlands”, as shown below:



Figure 3: Coastal SEPP map for coastal wetlands and land in proximity to coastal wetlands

As the proposal relates to use of the first floor of the surf club building only, no impacts are anticipated on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland under 1(a) or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland under 1(b).

Division 2 Coastal vulnerability area

Note. At the commencement of this Policy, no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified.

Division 3 Coastal environment area

As the proposal relates to use of the first floor of the surf club building only, no impacts are anticipated on the coastal environment.

Division 4 Coastal use area

The proposal has been considered in relation to this clause and is satisfactory. Visual impacts will be limited to the new waste storage area and signage associated with the use and are considered acceptable. The proposed external garbage area will lead to a minor impact on pedestrian circulation around the surf club building in the short term. However, in the context of the future seawall and path upgrade to the east of the surf club building (under the ISEPP provisions), in the longer term pedestrian

movement will be focused on the east rather than the western side. In this context the minor impact is considered acceptable. Heritage impacts are discussed in Part 1.4 of this report.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

The proposed development is not expected to increase the risk of any coastal hazards noting the proposal relates to the use of the first floor only.

16 Development in coastal zone generally—coastal management programs to be considered

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 31 December 2021.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope as being subject to coastal geotechnical risk, extreme erosion and recession risk by 2050.

Given the coastal hazards are addressed by temporary rock armouring as part of the major alterations and additions approved under DA-2018/1231, and future construction of a new sea wall section at North Beach, no additional impact on the coastal environment is anticipated as a result of the proposed use of the first floor as a restaurant.

Minimal adverse impacts on the development are expected as a result of coastal processes

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING AND SIGNAGE

Approval is sought for a signage envelope for the proposed restaurant on the western elevation of the building, as shown below:

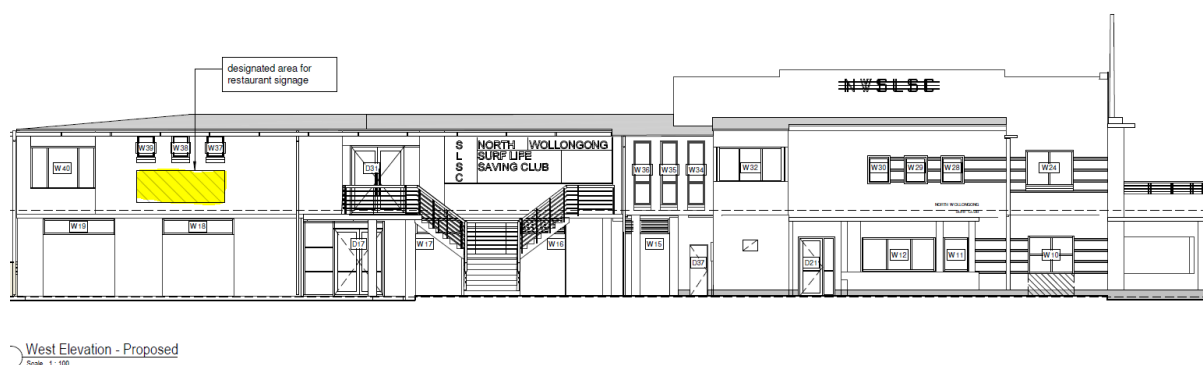


Figure 4: proposed location of signage envelope on western elevation

The proposed signage falls under the definition of 'business identification sign'.

With regard to Clause 8, the proposed signage envelope is considered to be satisfactory with regard to the aims of this policy. Further assessment of the sign details, materiality etc against Schedule 1 will be carried out once the end operator is known.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,
but does not include an educational establishment, hospital, retail premises, place of public worship
or residential accommodation.

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

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

Note—

Food and drink premises are a type of retail premises—see the definition of that term in this
Dictionary.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives. The proposed use of the first floor
provides a compatible use within the North Beach recreation area.

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

2 Permitted without consent

Nil

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

The proposal is categorised as a *restaurant or café* as defined above. *Restaurants or cafes* are
permissible in the zone with development consent. The ground floor remains categorised as a
community facility (North Wollongong Surf Life Saving Club).

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposal does not alter the existing building height.

Clause 4.4 Floor space ratio

No floor space ratio applies (RE1 zone)

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The North Wollongong Surf Lifesaving Club is a local heritage item under Schedule 5 of the WLEP 2009 (Item No. 61035 – ‘North Beach Surf Club’) and is also located within Stuart Park which is also a local heritage item (Item No 6283 - Group of Norfolk Island pines and Canary Island palms).

The site is also in the vicinity of the State Heritage 'North Beach' as shown below:



Figure 5: Plan showing local heritage items and state listed North Beach Precinct (red hatched area)

A Heritage Impacts Assessment prepared by GML Heritage accompanied the application.

The effects of the proposed development on heritage significance have been considered by Council's Heritage officer. The main issues relating to the proposal were the ongoing use of the surf club, waste management and signage.

As outlined in Part 1.1 of this report, information has been submitted outlining how the proposed development will allow for the continuation of the historic use of the surf club. Information was submitted by the applicant detailing the physical connections between the uses, the funding stream and access to the restaurant for the surf club activities. This information is considered adequate to demonstrate that the ongoing use of the surf club will be maintained where a restaurant occupies the first floor of the building.

The provisions of this clause are considered to be satisfied.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

Clause 7.2 Natural resource sensitivity – biodiversity

The location of the surf club building is not identified as being affected by “Natural Resource Sensitivity – Biodiversity” on the Natural Resource Sensitivity – Biodiversity Map.

Areas to the north and south of the North Beach Surf Life Saving Club building are mapped as Natural Resource Sensitivity–Biodiversity. Due to the distance of the proposed works from the areas mapped as Natural Resource Sensitivity–Biodiversity, impacts on the native vegetation in these mapped areas from the proposed development are not expected.

Clause 7.3 Flood planning area

As noted above, Council’s Development Engineer has advised that land is not flood affected.

Clause 7.5 Acid Sulfate Soils

The proposal is mapped as being affected by class 4 and 5 acid sulphate soils. The proposal does not involve ground disturbance and no further requirements apply.

Clause 7.7 Foreshore building line

The site is not located within the “foreshore building line”.

Part 8 Local provisions—Wollongong city centre

Not applicable, the site is outside the Wollongong City Centre area.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

No variations to the DCP are sought under the current application.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER C1 – ADVERTISING SIGNAGE AND STRUCTURES

An indicative signage envelope has been shown on the western elevation of the first floor given the heritage status of the building. This signage envelope is located at the northern end of the building, which has been significantly modified over time as compared to the original 1936 portion of the building at the southern end. The location and size of the sign is considered acceptable with regard to the heritage significance of the building and visual impacts.

CHAPTER D1: CHARACTER STATEMENTS

The proposed development is considered to be consistent with the existing and desired future character for the locality as it will indirectly assist in the ongoing operation and activities associated with the surf club (through funding), is consistent with the alterations and additions to the heritage building (DA-2018/1231/C) and will also offer additional recreational opportunities within the Stuart Park and North Beach precinct.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Although no internal works are proposed under the current application, lift access to the first floor and accessible facilities at first floor level are available as approved under DA-2018/1231/C. Council's Building officer has reviewed the proposal and noted that Access to Premises standards is considered at Construction Certificate stage.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposed use of the restaurant will further activate the area at night, providing improved passive surveillance. No significant security and safety concerns are raised, noting that a Draft Venue Management Plan was submitted with the application, intended to accompany a future liquor licence application.

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

6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment (TIA) was submitted with the application to quantify the future parking demand according to the DCP parking rates. This TIA has been reviewed by Council's Traffic Officer who has not raised any concerns subject to conditions of consent. It is noted that the proposed use would generate demand for 31 car parking spaces, utilising the 20% waiver available under Part 7.4 of this chapter applied based on proximity to bus stops and public parking.

Council's Traffic Engineer is satisfied that the proposal can rely on public parking in the local area without exceeding the available capacity during peak hours of operation. It was also noted that the parking demand will be reduced due to 'linked trips' from people visiting the foreshore precinct as well as the restaurants/cafes in the area which lessens the impacts on available parking.

7 Parking demand and servicing requirements

- Restaurant GFA = 41 spaces
- 3 spaces for staff (41 plus 3) = 44 spaces.
- 44 spaces minus 20% = 35 spaces.
- 35 spaces minus the additional 10% car parking reduction based on coastal car parking studies of SLSCs in NSW and Queensland = A requirement for 31 car parking spaces.
- The Traffic and Car Parking Report found that there are 35 public car parking spaces within a short walking distance of the site.

Exemptions

7.4 Waiver or Reduction of Parking Spaces

20% reduction is applicable under this part based on proximity to bus stops and public parking, as identified above.

8 Vehicular access

No change to access arrangements.

9 Loading / unloading facilities and service vehicle manoeuvring

Existing cafes operating in the vicinity utilise the on-street loading zone for waste collection and deliveries, which can be adopted for the additional deliveries/servicing requirements associated with the proposed restaurant.

Waste servicing will occur from the kerb. Consultation with Council's waste contractors has occurred during the assessment who raised concern with waste vehicles entering the site to collect waste due to the conflicts with the highly utilised footpath/shareway west of the surf club. Kerbside collection has been found satisfactory by Council's Traffic Engineer.

10 Pedestrian access

No change to pedestrian access into the site is proposed. In the short term, the proposed waste storage area could arguably interfere with pedestrian movements in the immediate vicinity of the club at the northern end, however these impacts are considered minor given that the main pedestrian flows are along the shareway further west. It is also relevant to note that future seawall upgrades will provide a wider pedestrian promenade along the eastern side of the surf club which will mean the waste enclosure will have a lesser impact in the longer term.

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

Not applicable as no additional car parking for the restaurant use is available or proposed.

CHAPTER E7: WASTE MANAGEMENT

An operational Site Waste Minimisation and Management Plan has been provided in accordance with this chapter. Appendix 2 of this chapter identifies the waste generation rates for cafes/restaurants as being 10L/1.5m² floor area/ day (general waste) and 2L/1.5m² floor area/day (recyclables).

The proposed floor area of the restaurant is 400m². Therefore

= 2666L for general waste (eg 4 x 660L bins)

+ 533L for recyclables (separate bin for paper/cardboard & comingled?)

Suitable waste storage and servicing arrangements have been provided as follows:

- An external waste storage area is proposed at the northern end of the building, adequate for the likely waste generation rates (putrescible and recyclable waste)
- Waste bins will need to be wheeled to the kerbside for collection

CHAPTER E11 HERITAGE CONSERVATION

The provisions of this chapter have been considered by Council's Heritage Division. A Heritage Impact Assessment was submitted with the application. Further discussion regarding the heritage impacts of the proposal are contained in Part 1.4.1 (Heritage referral) and Part 2.1.4 under Clause 5.10 of the Wollongong LEP 2009.

2.3.2 OTHER RELEVANT POLICIES

BLUE MILE MASTERPLAN

The Blue Mile Masterplan was adopted by Council on 19 November 2007 and identifies city foreshore improvements including public infrastructure and recreation and tourism experiences in the foreshore area between Fairy Creek in the north to Wollongong Golf Course to the south. Many of the works programmed under this plan have already been carried out (new seawall, widening of shared path, new promenades and viewing areas, seating, public art, etc).

The subject site is identified within the North Beach precinct of the Blue Mile (area 6) as shown below:

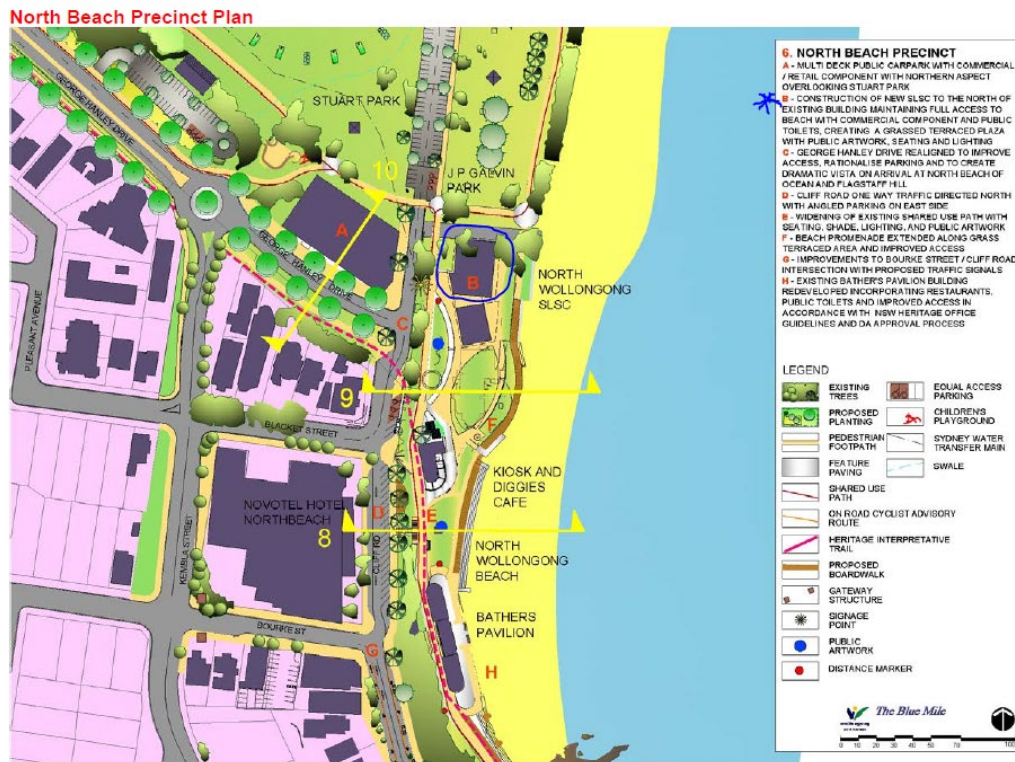


Figure 6: Map of North Beach Precinct identifying 'B' which is the location of a new SLSC to the north of the existing surf club building.

The masterplan identifies that the surf club building should be replaced with a building to the northwest of the existing building's location due to structural issues, as shown in Figure 3 above.

The works approved in DA-2018/1231 (as modified) provide sufficient protection for the building to extend its life, and that the replacement of the building is not proposed in the foreseeable future. The alterations and additions approved under DA-2018/1231 will address the structural problems identified in the building, improve functionality and amenity for the surf club and will also improve the visual amenity and enhance the heritage significance of the site and surrounds. The proposed restaurant is consistent with the plans approved under DA-2018/1231 (as modified).

The Blue Mile Masterplan led to the development of the Wollongong City Foreshore Plan of Management, which is discussed below.

WOLLONGONG CITY FORESHORE PLAN OF MANAGEMENT

The purpose of the Plan of Management (PoM) is to outline to the public how Council plans to manage the foreshore area. The subject site is located in Zone 6: North Beach Precinct of the Wollongong City Foreshore Management Plan, which seeks to conserve the heritage buildings and coastal environment.



Figure 7: Map of existing and possible improvements for North Beach Precinct

Wollongong City Foreshore Plan of Management

Table 6: Existing Uses and Future Permissible Uses for Zone 6 – North Beach and North Beach Car Park

Location	Existing Uses	Existing Licences/Leases	Future Permissible Uses	Permissible Lease/Licence
North Beach Zone 6 Generally	<p>Passive and Active Recreational use. A shared way that follows the Mr Pleasant tramway is used by pedestrians and cyclists.</p> <p>Predominately activities relating to beach visitation and beach safety occur.</p> <p>Occasional Special Community Events such as Surf Life Saving Carnivals or community fun runs are held.</p> <p>Improvements to the natural environment of the area that improve or conserve the ecological features/functions of the foreshore.</p>	<p>Casual, Short Term Licences for various special events.</p> <p>Licences for various "schools" related to recreational use of the foreshore and ocean in a safe manner (ie surf schools or similar, exercise classes)</p> <p>{An example of an existing surf school license at North Beach is the one granted to Taitodynamics Pty Ltd doing business as Tairipi Surf School for 3 years, ending in October 2009 }</p>	<p>General amenity improvements such as construction of public toilets or upgrade to the shared way.</p> <p>The maintenance of general amenity items.</p> <p>Improvements to the natural environment of the area that improve or conserve the ecological features/functions of the foreshore.</p> <p>Activities relating to leisure activities, general recreational use, both formal and informal or educational or non educational, outdoor concerts, festivals or other special events</p>	<p>Short term casual licences for special events/festivals.</p> <p>Short term casual licenses (less than one year) and/or leases up to 5 years for recreational, social, community, educational, cultural, leisure and welfare activities.</p>
North Beach Kiosk and Cafe	Licensed Cafe and Kiosk operation	Lease to North Kiosk Pty Ltd for entire facility that will expire on 30 April 2013.	Cafe, kiosk operation consistent with the food & beverage outlets on Crown Reserves Policy.	Lease/License for commercial operation
North Beach Surf Life Saving Club Building	Surf Life Saving Club Activities including hiring facilities out for special events to raise funds for the club (ie function rooms for hire for birthdays, weddings, etc)	None	<p>Redevelopment of existing surf club building or the new construction of a surf life saving club facility to the north of the current building. The existing building would be demolished and the public beach open space area would be expanded if the new construction option was taken under this POM.</p> <p>Commercial operations in a surf club facility consistent with the LEP and the Dedicated Purpose of the Crown Reserve</p>	Lease/License of a Surf Life Saving Club facility with commercial operations

Figure 8: Excerpt of Table 6 of the PoM identifying existing and future permissible uses.

Table 6 of this PoM identifies that the future permissible uses follows:

Redevelopment of existing surf club building or the new construction of a surf life saving club facility to the north of the current building. The existing building would be demolished and the public beach open space area would be expanded if the new construction option was taken under this POM.

Commercial operations in a surf club facility consistent with the LEP and the Dedicated Purpose of the Crown Reserve

The proposed development seeks approval for the use of the first floor of the building as a restaurant (i.e. commercial purposes) which is consistent with the options for future permissible uses as identified in Table 6.

The dedicated purpose of Lot 3 DP 1136814 where the SLSC is located, is part of reserve number 580060 and the reserve purpose is "park". Council's Community Land Management officer has considered the proposal and has not raised any concerns with regard to the PoM.

2.3.3 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2020

The estimated cost of works is \$0 and a levy is not applicable under this plan as the threshold value is \$100,000.

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

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

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

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

No demolition is proposed under the current application.

93 Fire safety and other considerations

This clause applies as the current application seeks a change in building classification and there is no rebuilding, alteration, enlargement or extension of the building. The proposal has been considered by Council's Building Officer and conditions have been recommended which are included in the recommended conditions in Attachment 3.

94 Consent authority may require buildings to be upgraded

Not applicable as no building works are proposed, although the works approved in DA-2018/1231 (as modified) will address accessibility and are currently underway.

168 Fire Safety Schedules

A Fire Safety Schedule (FSS) must be issued with the development consent for the change of use. The building has a current FSS (ES-2020/17) which will be issued with any consent granted.

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

The impacts of the development centre around impacts on public spaces, heritage issues, and operational impacts (noise, lighting, traffic, parking, waste).

The occupation of the first floor by a separate commercial entity does reduce the wider community use of this space. However, the proposed restaurant will provide funding for the surf club to provide ongoing operational activities and services.

The heritage and operational impacts have been assessed as satisfactory, subject to appropriate conditions of consent.

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

Refer Part 1.3

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The application resulted in a number of submissions being received, including one letter of support. Submissions raising concerns with the proposal identified issues relating to parking, the commercialisation of public land/buildings and transparency of the process. These concerns have been considered in the context of the existing planning policies that allow for this type of commercial use in the RE1 zone and on balance, the proposal is considered acceptable in the circumstances. The proposal is also consistent with the POM.

4 RECOMMENDATION

It is recommended that the development application be approved subject to appropriate conditions of consent outlined in Attachment 3.

5 ATTACHMENTS

- 1 Aerial photos and WLEP zoning map
- 2 Plans
- 3 Draft conditions of consent

Attachment 1: Wollongong LEP 2009 zoning map and Aerial photos



Figure a. WLEP 2009 zoning map



Figure b: Aerial photo



Figure c: Aerial photo (zoomed in)

NORTH WOLLONGONG SURF LIFE SAVING CLUB FIRST FLOOR CHANGE OF USE
for
NORTH WOLLONGONG SURF LIFE SAVING CLUB

STAGE: CHANGE OF USE

DRAWING LIST
ARCHITECTURAL

dwg	description
DA_01	Site Plan
DA_02	First Floor Plan
DA_03	North and West Elevations

Zone: RE1 (Public Recreation)
Classification: 5 (an office building) and 9b (an assembly building)
Acid Sulfate Soils - Classes 3, 4 or 5 identified in the Wollongong Local Environmental Plan 2009-
Acid Sulfate Map

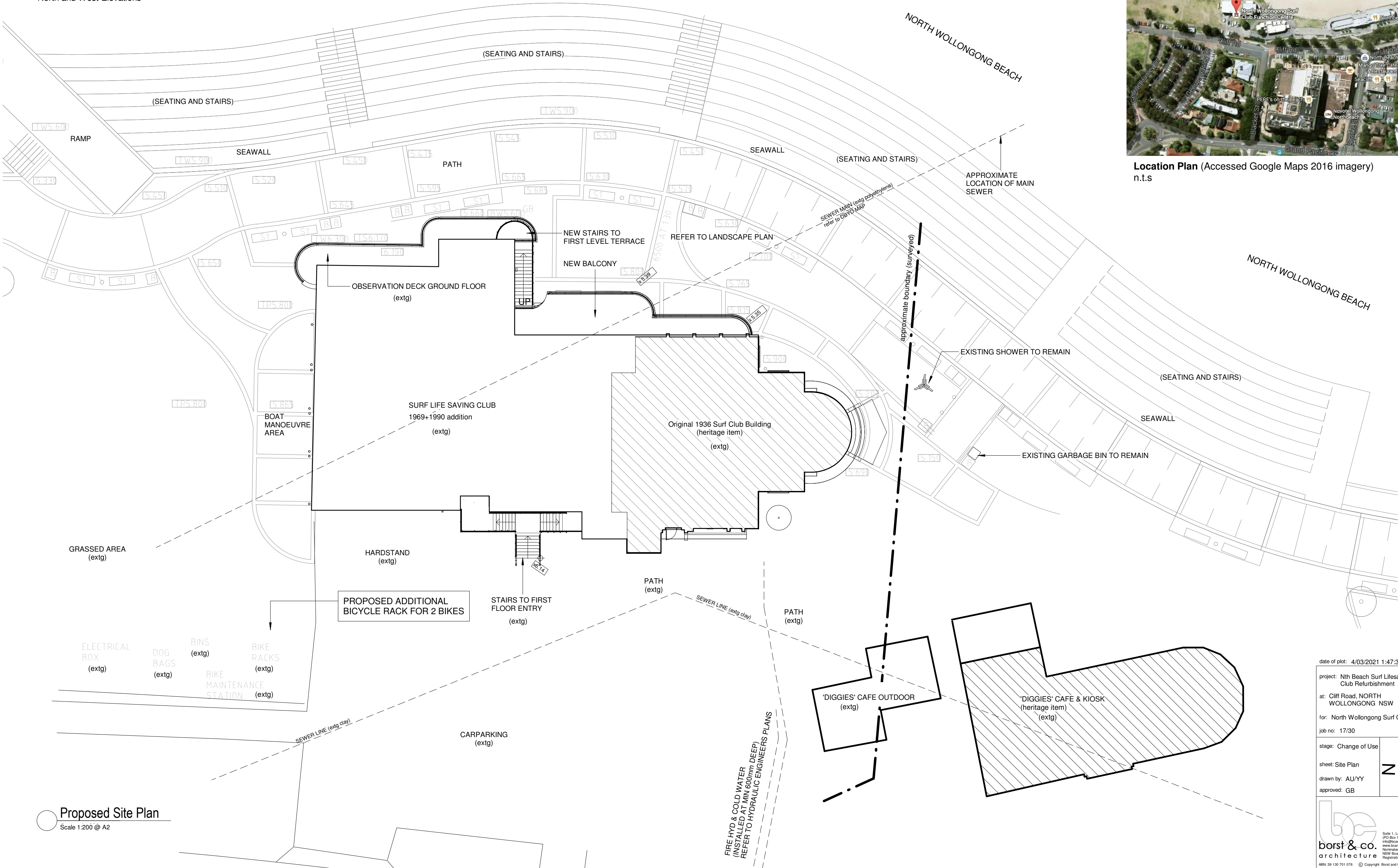
LEGEND:
SHADING DENOTES HERITAGE ITEMS
-STATE LISTED KIOSK
-LOCAL LISTED SURF CLUB

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-Verify dimensions on site where appropriate.
-Refer discrepancies to Architect before proceeding.
-To be read in conjunction with other drawings in the set, consultants drawings and project specifications.

REVISION	Date	Description
No.		



Location Plan (Accessed Google Maps 2016 imagery)
n.t.s



Proposed Site Plan
Scale 1:200 @ A2

date of plot: 4/03/2021 1:47:39 PM

project: Nth Beach Surf Lifesaving Club Refurbishment

at: Cliff Road, NORTH WOLLONGONG NSW

for: North Wollongong Surf Club

job no: 17/30

stage: Change of Use

sheet: Site Plan

drawn by: AU/YY

approved: GB

borst & co.
architecture

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www.borstarchitecture.com.au
Nominated Architect: G Borst
NSW Board of Architects
Registration No. 4898

ABN: 39 130 701 076 © Copyright Borst and Co Architecture Pty Ltd

scale: 1 : 200

dwg: DA_01

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consultants drawings and project specifications.

REVISION	No.	Date	Description

note: due to the heritage nature of the building and the history of its construction phases, the building is not square

this plan is for a change of use application only

LEGEND:

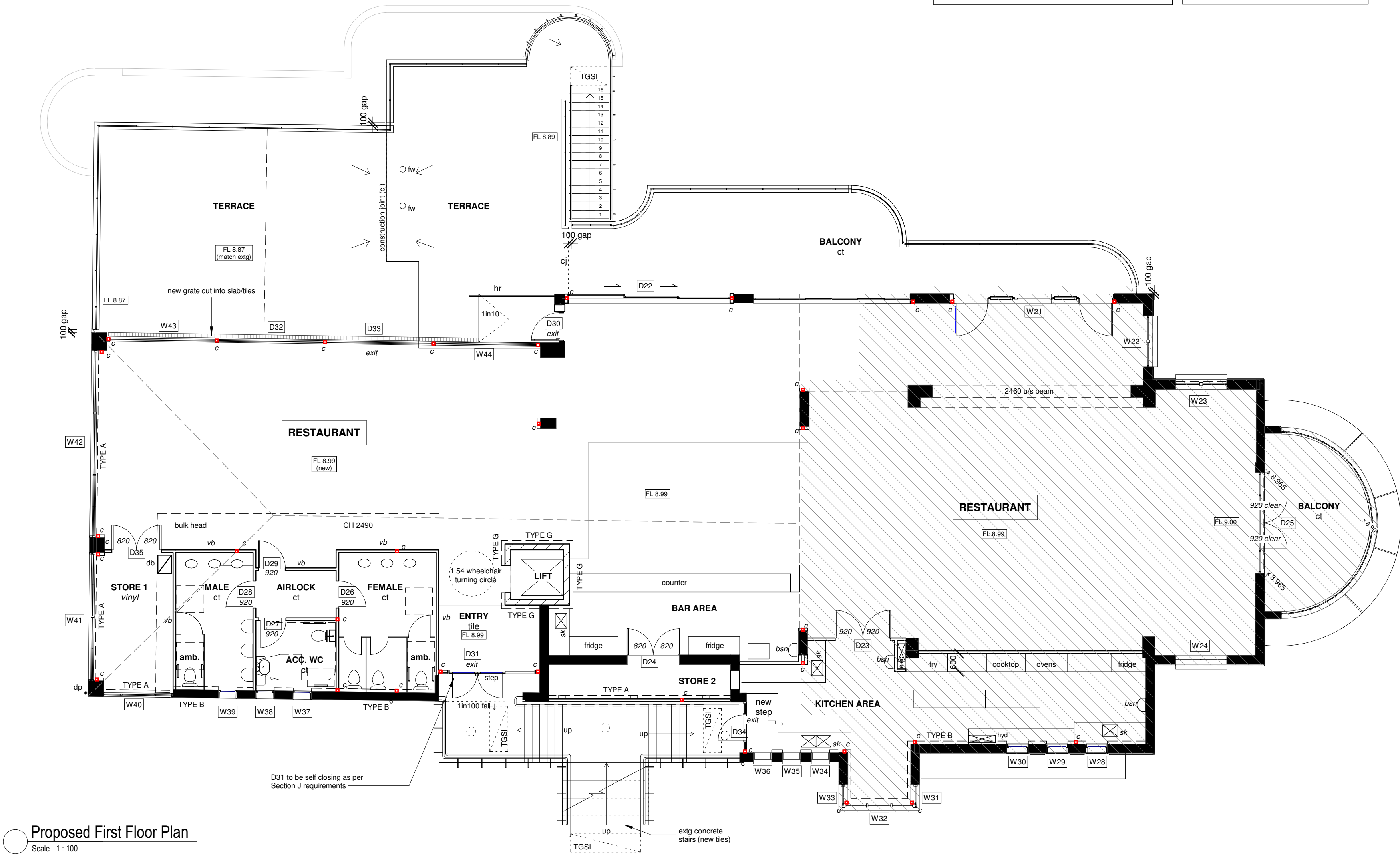
> 0.00

x 0.00

1936 original building

existing spot levels

proposed levels



Proposed First Floor Plan
Scale 1:100

date of plot: 4/03/2021 1:47:40 PM

project: Nth Beach Surf Lifesaving Club Refurbishment

at: Cliff Road, NORTH WOLLONGONG NSW

for: North Wollongong Surf Club

job no: 17/30

stage: Change of Use

sheet: First Floor Plan

drawn by: AU

approved: GB

borst & co.
architecture

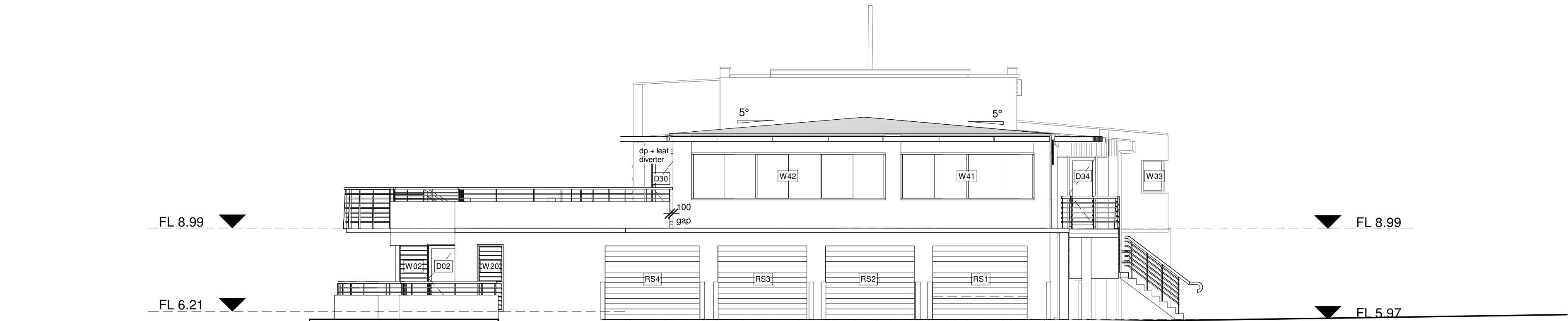
Suite 1, Level 1 & 8 Regent St
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Nominated Architect: G Borst
NSW Board of Architects
Registration No. 4898

scale: 1:100

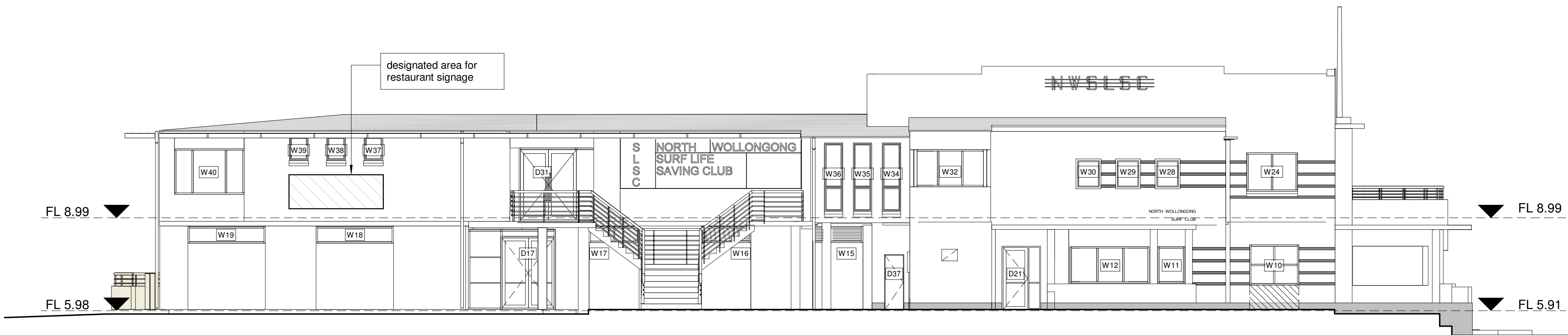
dwg: DA_02

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REVISION	No.	Date	Description



North Elevation Proposed
Scale 1 : 100



West Elevation - Proposed
Scale 1 : 100

date of plot: 4/03/2021 1:47:46 PM

project: Nth Beach Surf Lifesaving Club Refurbishment

at: Cliff Road, NORTH WOLLONGONG NSW

for: North Wollongong Surf Club

job no: 17/30

stage: Change of Use

sheet: North and West Elevation

drawn by: YY

approved: GB

note: due to the heritage nature of the building and the history of its construction phases, the building is not square

note: refer to structural engineer's plans and details for column, beam and roofing specifications

note: refer to architectural specification Appendix C for specified products and materials and their references to the BCA

LEGEND:

existing spot levels
proposed levels

existing walls / columns to remain

new work shown coloured

1936 original building

LEGEND

b. bollard
c. column
cj. control joint
conc. concrete
cpt. carpet tiles
cr. cement render
ct. ceramic tile
dp. downpipe
fb. facebrick
fhr. fire hose reel
fl. fluorescent light
hws. hot water service
pt. paint finish*
pb. plasterboard**
rs. roller shutter
vb. villaboard**

* patch and rectify damages, ready for final paint finish
** final paint finish to new plasterboard or villaboard linings

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REVISION	No.	Date	Description

General Notes

Refer to Hazardous Building Materials Survey Report by Clearsafe Environmental Solutions dated 10/01/2014, Report Number 2167-01-HS-WCC

Site:

- site measured floor plan overlaid on site survey provided by Wollongong City Council (untitled)
- existing floor levels taken from survey plan provided by Wollongong City Council (Dennis Smith Survey no.11097 dated.2/11/15)
- refer to new site works designed by Wollongong City Council Landscape Architects
- refer to Dial Before You Dig Plans and Information

Doors and Windows:

- new door widths and locations are noted as D
- all new toilet and shower cubicles to have doors at 600 wide, except ambulant toilets at 720 wide
- new windows noted as W
- new lintels to all existing external window and door openings

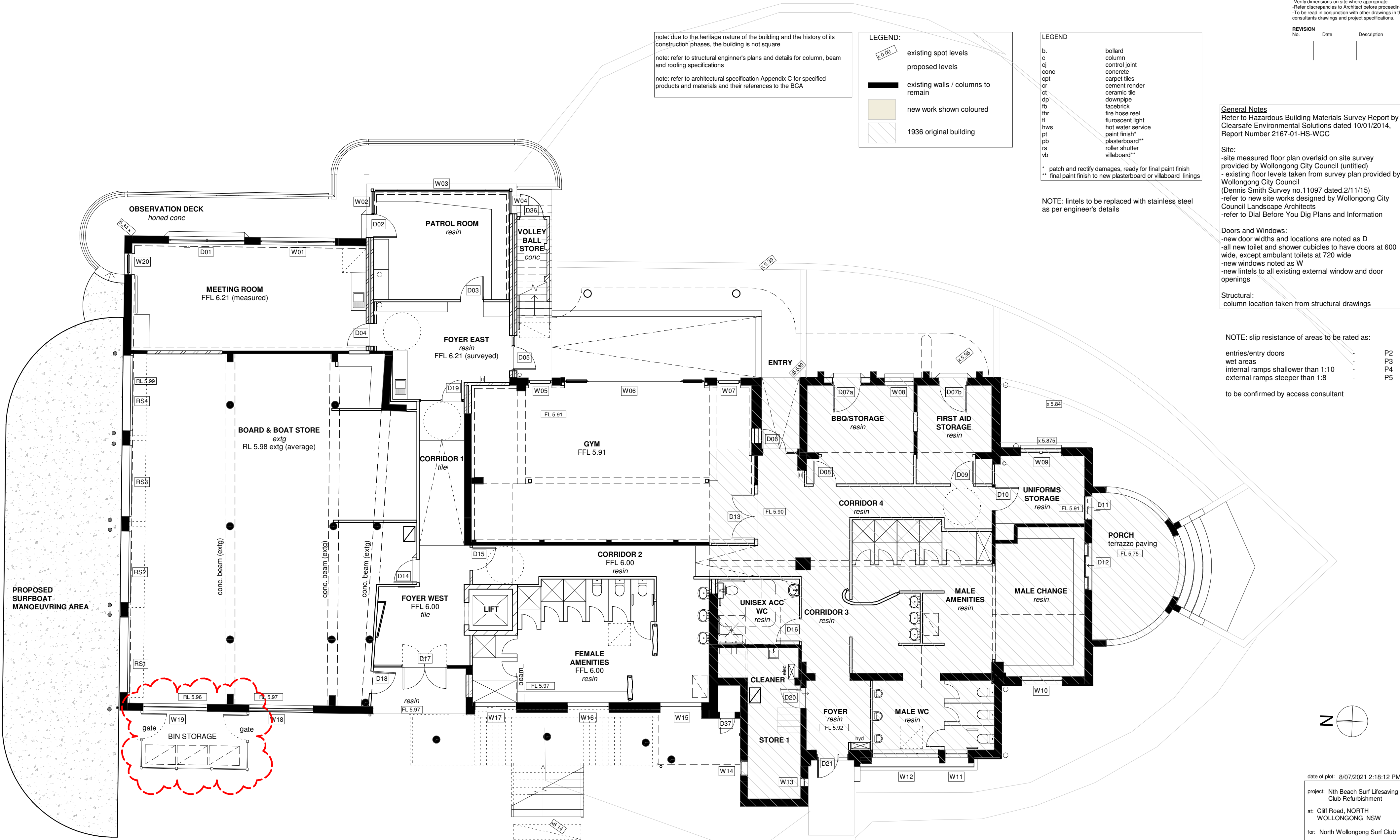
Structural:

- column location taken from structural drawings

NOTE: slip resistance of areas to be rated as:

entries/entry doors - P2
wet areas - P3
internal ramps shallower than 1:10 - P4
external ramps steeper than 1:8 - P5

to be confirmed by access consultant



BIN LOCATION PLAN
Proposed Ground Floor Plan

Scale 1:100

date of plot: 8/07/2021 2:18:12 PM

project: Nth Beach Surf Lifesaving Club Refurbishment

at: Cliff Road, NORTH WOLLONGONG NSW

for: North Wollongong Surf Club

job no: 17/30

stage: Change of Use

sheet: Bin Location Plan (Ground Floor)

drawn by: AU/YY

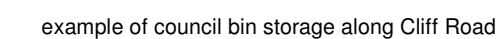
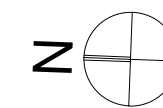
approved: GB

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www.borstarchitecture.com.au
Nominated Architect: G Borst
NSW Board of Architects
Registration No. 4898

scale: As indicated

dwg: DA_05

REVISION		
No.	Date	Description



project: Nth Beach Surf Lifesaving
Club Refurbishment

at: Cliff Road, NORTH
WOLLONGONG NSW

for: North Wollongong Surf Club

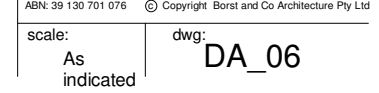
job no: 16-10

stage: Change of Use

sheet: Bin Storage Details

drawn by: YY

approved: GB



ABN: 39 130 701 076		© Copyright Borst and Co Architecture Pty Ltd	
scale:		dwg:	DA_06
As indicated			

Attachment 3: Recommended Conditions

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing DA_01, DA_02 and DA_04 dated 4 March 2021 and DA_05 and DA_06 dated 8 July 2021 prepared by borst & co. architecture 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 **Fit-out of Restaurant**

Separate approval is required for any fit-out works and/or alterations to the building necessary to facilitate the use as a restaurant.

3 **Lease/Licence**

The North Wollongong Surf Life Saving Club (SLSC) must have the benefit of a lease/licence agreement with Wollongong City Council authorising the restaurant use.

4 **North Wollongong Surf Life Saving Club (SLSC) Responsible for Fit-out**

The North Wollongong SLSC shall be responsible for any new alterations and fit-out including structural and all ongoing maintenance, repairs and replacement and is to respond to directions from Council Officers on any maintenance, repairs and/or replacement. The SLSC will also be responsible at their cost of any services upgrades (ie electrical) required for the change of use or changes to the current fire standards of the building due to the change of use.

5 **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.

6 **Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

7 **Advertising Signage**

Future signage associated with the restaurant must be limited to the nominated signage envelope indicated on the stamped plans attached to this consent. The detail, design and materials of the sign must be sympathetic to the heritage building and be subject to separate approval once the restaurant operator is known.

8 **Occupation Certificate**

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

9 **Number of Persons Accommodated**

The number of persons accommodated during the use of the premises shall be limited to the following:

Room/Area	Number of People
1 st Floor Level - Restaurant	300 (including Staff)

TOTAL CAPACITY (1st Floor Level)	300
--	------------

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

Prior to the Commencement of Works

10 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the PC for the work; and
- c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

11 Works in Road Reserve - Minor Works

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

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

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

During Demolition, Excavation or Construction

12 Mechanical Plants and Exhaust Ventilation System

No mechanical plant or exhaust ventilation is approved by this consent. Where these systems are required to be provided for the restaurant as part of a separate application for fit-out works, the location and design of services must sensitively respond to the heritage constraints of the site as well as the following requirements:

- a **Mechanical Exhaust**
Mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS 4674:2004, AS 1668.2:1991 and the grease filters to comply with AS 1530.1.
- b **Outdoor Air Conditioning or Refrigeration Units**
The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

Prior to the Issue of the Occupation Certificate

13 Egress

Prior to the issue of an Occupation Certificate:

- a Exit doors serving the restaurant, including doors in a path of travel to an exit, must comply with Part D2.21, D2.20 and D2.19 of the National Construction Code Series Volume 1 (BCA).

- b Exit travel distances must comply with Part D1.4 of the National Construction Code Series Volume 1 (BCA).

14 **BCA Upgrade Works - Report**

Prior to the issue of an Occupation Certificate, all recommendations and considerations contained in National Construction Code Series (BCA) Compliance Assessment Report prepared by Accredited Building Certifiers dated 10 March 2021, must be complete/implemented to the satisfaction of the Registered Certifier.

15 **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.

Operational Phases of the Development/Use of the Site

16 **Hours of Operation**

The hours of operation shall be restricted from 6:00am to 12am (midnight) seven (7) days a week.

17 **Use of First Floor by Surf Club**

The first floor restaurant must be made available to the surf club for surf club events (such as presentations) for a minimum of ten (10) nights per annum.

18 **Lift Access**

Lift access to the restaurant from the western foyer must be available at all times.

19 **Storage of Goods and Materials**

All goods, materials and equipment including cool rooms/food storage shall be stored wholly within the building and no part of the land shall be used for purposes of storage.

20 **Waste Management**

Waste must be separated into general and recyclable waste and disposed of into commercial waste receptacles in the nominated waste storage area. No waste shall be placed externally to the bins.

21 **Noise Restrictions**

Gaming and Liquor NSW Noise Control criteria is applicable for this consent and they are:

- a The LA(10) noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5 dB(A) between 7.00 am to midnight at the boundary of any affected residence.
- b The LA(10) noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) between midnight and 7.00 am at the boundary of any affected residence.
- c Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7.00 am as the development consent permits.
- d The truck deliveries and services are restricted to daytime only i.e. 7.00 am to 6.00 pm (Mon-Fri) and 8.00 am to 6.00 pm on (Sat – Sun).
- e Empty glass bottle bins must be emptied only during the daytime.

22 **Amplified Music Level**

The any background music played in the restaurant is restricted to maximum of 75 dB(A) when measured at three (3) metres from any speakers. This is in keeping with background music typical of restaurants to accompany dining guests. No live music is permitted in the restaurant.

23 **Venue Management Plan**

The restaurant shall operate as per the venue management plan in controlling noise and patrons/guests while using surf club/restaurant entering and leaving car park area.

24

Operational Noise Management Plan

- There should be no noise producing activity on the site after 12 am (midnight) on any day;
- Management procedures should be put in place to prevent shouting, swearing, loud speech or other unsociable behaviour occurring on the terrace or when patrons leaving the venue, so far as is reasonably practicable; and
- There should be no speakers, video screens, or televisions located outside the building.

25

Acoustic Compliance

Within six (6) months of commencement of operation, the Licensee shall engage an accredited acoustic consultant (who shall be a member of the Australian Acoustic Society or the Association of Australian Acoustical Consultants) to measure noise emitted from the premises in accordance with the conditions (give the consent numbers) stated above and to prepare an acoustic report setting out the results obtained.

Noise levels shall be measured between the hours of 10pm and midnight on a day when patronage on the site including outdoor deck is at or close to its maximum as evidenced by historical records kept by the Licensee.