

Wollongong Local Planning Panel Assessment Report | 7 June 2022

WLPP No.	Item No. 1
DA No.	DA-2021/1337
Proposal	Residential - Extension of upper floor balcony, extension of roof and installation of awning
Property	Sandon Point Surf Club, 10 Point Street, BULLI
Applicant	Peter Harris
Responsible Team	Development Assessment and Certification – City Centre Planning Team (NL)
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

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

Proposal

The proposal is for alterations and additions to Sandon Point Surf Club including an extension to the first-floor balcony and minor internal alterations.

Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal does not seek to alter the existing use of the building for the surf club (community facility) and is permissible in the zone with development consent.

Consultation

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

RECOMMENDATION

It is recommended that the application be approved in accordance with the draft conditions at Attachment 4.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP Resilience and Hazards 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2021
- Wollongong Community Participation Plan 2019
- Sandon Point and McCauley's Beach Plan of Management.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- First floor balcony extension
- New awning to first floor wrap around balcony. The awning is primarily proposed in order to mitigate wind-blown rain entering the building.
- New storage cupboard on first floor balcony area
- Installation of solar panels

Traffic, parking, access and servicing

- No changes are proposed to access or parking

Use

- No change of use of the building is proposed. The building is currently used for the surf club and related activities and is categorised as a community facility

1.1 BACKGROUND

Pre-lodgement meeting PL-2021/3 was held on 4 February 2021 as a precursor to the current application.

The present surf club was constructed on the site under DA-1973/560 and there have been numerous related approvals including DA-1996/363 for Formalisation Of Accessway To Sandon Pt & Associated Revegetation Works and DA-2008/906 for Alterations and additions to Sandon Point Surf Life Saving Club and use of the top floor as a place of public entertainment, this DA was considered by IHAP on 31 March 2009 and 29 July 2009. There have also been a number of liquor licence applications related to one off events in association with surf club activities.

1.2 SITE DESCRIPTION

The site is located at Sandon Point Surf Club, 10 Point Street, Bulli and the title reference is Lot 103 DP 7813.

The site is located on Sandon Point headland with pedestrian access via a concrete path from an at grade car park to the west located off Blackall Street.

The existing Sandon Point Surf Club is a two-storey building comprised on lower level storage areas and amenities, with the first floor occupied by a function room, amenities, canteen, storage and deck area.

Property constraints

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

- Unstable land.
- Heritage.
- Ecological Sensitive Land - NR Biodiversity.
- Acid Sulfate Soils (Class 5): There are no earthworks proposed and no impacts are expected with regard to acid sulfate soils.
- Coastal geotechnical risk.
- Coastal inundation: The additions are at first floor level and not impacted by coastal inundation.
- Coastal Hazard – reduced foundation capacity: As noted above.

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

1.3 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 between 16/12/21 and 24/1/22. No submissions were received following the notification.



Figure 1: Notification map

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the proposal and has advised that if footings are founded in this bedrock there is no need for supporting geotechnical advice. Conditions of consent are recommended.

Development Engineer

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

Property Officer

Council's Statutory Property and Property Management Officers have reviewed the proposal and have provided conditions of consent.

Heritage Officer

Council's Heritage Officer has provided conditions of consent. Heritage is discussed further at Clause 5.10 of the LEP

Environment Officer

The proposed building works are entirely within the existing building footprint and do not impact on any sensitive areas. Council's Environment Officer has reviewed the proposal and raised a number of concerns which have been satisfactorily addressed.

Contributions Officer

Council's Contributions Officer has concurred with a requested exemption under 15(g) of the contributions plan.

1.4.2 EXTERNAL CONSULTATION

Aboriginal groups

Local Aboriginal groups were included in the notification of the proposal and no submissions were received.

Heritage NSW

The application was referred to Heritage NSW under the National Parks and Wildlife Act 1974 with respect to potential impacts to areas of known Aboriginal heritage significance. They have advised the following:

- Works within the boundary of AHIP C0004686 must comply with the AHIP conditions.
- No harm is permitted to Aboriginal objects or the Sandon Point Aboriginal Place unless that work is covered by a valid AHIP.
- Activities associated with works under this development application, including vehicle access, laydown or stockpiling areas, must be planned to avoid harm to Aboriginal objects and the Sandon Point Aboriginal Place, or comply with the conditions of any applicable and valid AHIP.

These matters are considered to be addressed through conditions of consent regarding construction management.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

N/A

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 Coastal management

The site is located on land to which this policy applies and is identified as being within the Coastal Use and Coastal Environment areas under the maps to this policy.

2.10 Development on land within the coastal environment area

(1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*

- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) *coastal environmental values and natural coastal processes,*
- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

No impacts are expected in regard to the above.

(2) *Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—*

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
Yes
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

2.11 Development on land within the coastal use area

(1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

(iv) *Aboriginal cultural heritage, practices and places,*

(v) *cultural and built environment heritage, and*

The proposal is designed and will be constructed in such a way as to avoid impacts to scenic qualities, Aboriginal heritage, overshadowing, views and the like.

(b) *is satisfied that—*

(i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

Yes

(ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The change to the built form is acceptable in bulk and scale.

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

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Satisfactory.

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

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

The site is identified under the Coastal Zone Management Plan Study as being of medium risk of inundation and high erosion risk and shoreline recession.

The proposal involves additions at first floor level and will sit upon existing footings which have been designed with coastal hazards in mind. The proposal is not considered to pose any additional risk in this regard.

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

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

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

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

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

Is site not identified as potentially contaminated under the land constraints in Intramaps

There is no development history on Council records indicative of any prior land uses that may have resulted in contamination.

The proposal does not involve any significant disturbance of soil or a change of use.

There is nothing to suggest that the land might be contaminated or that further enquiry is warranted, and the land is considered to be a suitable condition for the proposed development.

2.1.2 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.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

The proposed alterations and additions do not alter the categorisation or nature of the approved use of the building as a community facility as defined above and are permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed additions reach a height of approximately 6m which is below the maximum of 9m permitted for the site.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Wollongong,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Sandon Point is a place of Aboriginal Cultural significance. The proposal is not expected to adversely impact on Aboriginal cultural values. There are two other items of heritage significance nearby, the boat sheds and a row of Norfolk Island Pines. No impacts are expected to these items.

The proposal is satisfactory with regard to these objectives.

(2) Requirement for consent Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

Development consent is sought for the proposed works.

(3) When consent not required However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

N/A

- (4) *Effect of proposed development on heritage significance* The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

Satisfactory.

- (5) *Heritage assessment* The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

An Aboriginal Heritage Impact Permit (AHIP) (number C0004686) was issued to Wollongong City Council on 12 April 2019 for ongoing use and maintenance of the Sandon Point Plan of Management area. The AHIP area includes the Sandon Point Surf Club and references certain works permitted under the AHIP at the Surf Club. Conditions of consent are recommended in regard to construction management and compliance with the AHIP.

Nearby heritage items also include the Boat sheds on the foreshore approximately 60m to the north of the site. Norfolk Island Pines Beach Front Planting adjacent to the car park are also heritage listed. The proposal will not impact on these items.

- (6) *Heritage conservation management plans* The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

See above.

- (7) *Archaeological sites*

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Heritage NSW have been consulted and their recommendations are addressed in the conditions of consent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*

The proposed works are primarily within the existing building footprint and no additional earthworks are required. It is a condition of consent that a Construction Management Plan be prepared and endorsed by Council prior to works commencing which details the construction methodology.

- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

Notification was undertaken to Aboriginal communities and no submissions were received.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

N/A

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

N/A

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

Clause 7.5 Acid Sulfate Soils

The site is identified as being affected by class 5 acid sulphate soils. The proposal does not involve earthworks and no concerns are raised in regard to this clause.

Clause 7.7 Foreshore building line

The site is located within the foreshore building line.

(1) *The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.*

(2) *Development consent must not be granted for development on land in the foreshore area except for the following purposes—*

(a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*

The proposal is for the extension of a building wholly located in the foreshore area.

(b) *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*

(c) *development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).*

(3) *Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—*

(a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*

The objectives of the RE1 zone are addressed above. The proposed additions facilitate the ongoing viability of the surf club and are not expected to have adverse impacts on the foreshore environment and are satisfactory with regard to the zone objectives.

(b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

The additions are not considered to add significantly to the bulk of the building or detract from the amenity of the foreshore.

(c) *the development will not cause environmental harm such as—*

(i) *pollution or siltation of the waterway, or*

(ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or*

(iii) *an adverse effect on drainage patterns, and*

Satisfactory.

(d) *the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and*

Satisfactory.

- (e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

Satisfactory.

- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

Satisfactory.

- (g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.*

Satisfactory.

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

None of relevance to the application.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposal involves installation of photovoltaic panels on the roof.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Access into and within the building is not changed. The new deck area is level with the internal floor level. The proposed development is satisfactory with regard to accessibility with the imposition of conditions.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal does not raise any concerns with regard to safety or security.

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

6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

6.2 Preliminary Construction Traffic Management Plan

A Construction Management Plan is required to be prepared prior to works commencing and to be endorsed by Council staff.

7 Parking demand and servicing requirements

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

The proposal does not result any additional parking demand or alter servicing for the club.

7.2 Disabled Access and Parking

Accessible parking is available in the at grade car park.

7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

N/A

8 Vehicular access

No vehicle access roads are proposed.

9 Loading / unloading facilities and service vehicle manoeuvring

N/A

10 Pedestrian access

Pedestrian access is not altered.

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

The proposal is satisfactory with regard to the principles of CPTED.

CHAPTER E6: LANDSCAPING

No landscaping is proposed or required, and no impacts are expected to existing vegetation.

CHAPTER E7: WASTE MANAGEMENT

Waste management arrangements for the surf club will not change.

CHAPTER E10 ABORIGINAL HERITAGE

See discussion at clause 5.10 of the LEP above.

CHAPTER E11 HERITAGE CONSERVATION

See discussion at clause 5.10 of the LEP above.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

CHAPTER E14 STORMWATER MANAGEMENT

No additional impervious area is proposed and stormwater will be disposed of to the existing stormwater system.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Minor demolition is proposed, and conditions recommended.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Wollongong City-Wide Development Plan - City Wide

Council's Contributions Officer has concurred with a requested exemption under 15(g) of this plan, being works "on behalf of Council for community infrastructure, such as but not limited to libraries, community facilities, child care facilities, recreational areas or facilities and car parks".

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

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

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

N/A

94 Consent authority may require buildings to be upgraded

N/A

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

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

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to adversely impact on the amenity of the locality or nearby development.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

No submissions were received.

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

Plan of Management

The land is owned by Wollongong City Council and the footprint of the surf club is Community land. The surf club area is categorised as General Community Use, surrounding foreshore land is identified as Cultural Significance and the car park and grass area to the west, Park as illustrated at Figure 2 below.



Figure 2: Community land map

Sandon Point and McCauley's Beach Plan of Management

The area is covered by the Sandon Point and McCauley's Beach Plan of Management

The surf club building is situated immediately adjacent to the area shown as Aboriginal Place as shown below



2.5 GENERAL COMMUNITY USE CORE OBJECTIVES (SECTION 36I)

The proposal is satisfactory with regard to the objectives for land categorised as general community use which are as follows:

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

3. EXISTING USES, CONSENTS AND LICENCES

The car park and Sandon Point Surf Club are identified as existing uses on the land.

4. PLAN OF MANAGEMENT AREA VALUES AND THEIR RELATIONSHIP WITH PERMISSIBLE USES/DEVELOPMENTS

The PoM uses the following Values when considering permissible activities/developments and their scale and intensity, management actions and granting leases and licenses throughout the PoM area:

- *Respect for Aboriginal Culture and Heritage*
- *Respect for the Coastal Environment and Biodiversity*
- *Respect for the Open Space and Recreational Uses*

The proposal is not contrary to any of these values.

4.1 PLAN OF MANAGEMENT OBJECTIVES

The Plan of Management has the following objectives:

- *To increase the community's awareness and appreciation of the site's Aboriginal cultural heritage significance and of the continuing importance of the area to Aboriginal people today.*
- *To work with Aboriginal people and groups in managing the area's Aboriginal cultural heritage values and sites and in presenting these, where appropriate, to the community.*
- *To maintain the site as a low-key and less-developed area of coastal open space providing an attractive venue for a range of appropriate leisure and information recreation activities.*
- *To provide for safe, convenient, low-impact and sustainable access to area's beach and foreshore.*
- *To balance the needs of managing and protecting vegetation communities and species legislated as having high conservation value or of conservation significance with maintaining and enhancing the area's scenic values, vantage points and views.*
- *To accommodate appropriate cultural, recreational, social, educational or special use activities.*
- *To maintain the site's accessibility and promote pedestrian and bicycle links to adjacent areas.*
- *To promote and enhance residents, visitors and the community's appreciation and understanding of the areas values.*

The proposal is satisfactory with regard to these objectives.

4.2 PLAN OF MANAGEMENT PERMISSIBLE USES, DEVELOPMENTS, LEASES AND LICENCES

Possible expansion of the Surf Club is identified in table 4 to this section.

6. THREATS TO THE SANDON POINT ABORIGINAL PLACE AND OTHER ABORIGINAL SITES WITHIN THE PLAN OF MANAGEMENT AREA

The area is covered by an existing AHIP and conditions of consent are imposed regarding compliance with this document with regard to construction management. Primary concerns relate to construction vehicle access. The construction will require a crane and concrete pump along with possible smaller vehicles. It is noted that DA-2008/906 required temporary measures be in place for this purpose including a gravel path. Whilst the exact nature and requirements for construction are not yet known as a contractor has yet to be engaged for the work, it is considered similar mitigating measures could be implemented for this application as were undertaken with the previous approval. A Construction Management Plan is to be prepared and endorsed by Council prior to works commencing.

There are not expected to be any significant impacts to the locality arising from the proposal. The application is considered appropriate with regard to the zoning and applicable planning controls. No submissions were received following notification and external and internal referrals are satisfactory. The proposal 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 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 and external referrals are satisfactory subject to conditions and no submissions were received. It is considered that the proposed development has been designed suitably given the characteristics of the site and existing building. The proposal is unlikely to result in significant adverse impacts on the amenity of the surrounding area and is considered supportable in its current form.

4 RECOMMENDATION

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

5 ATTACHMENTS

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

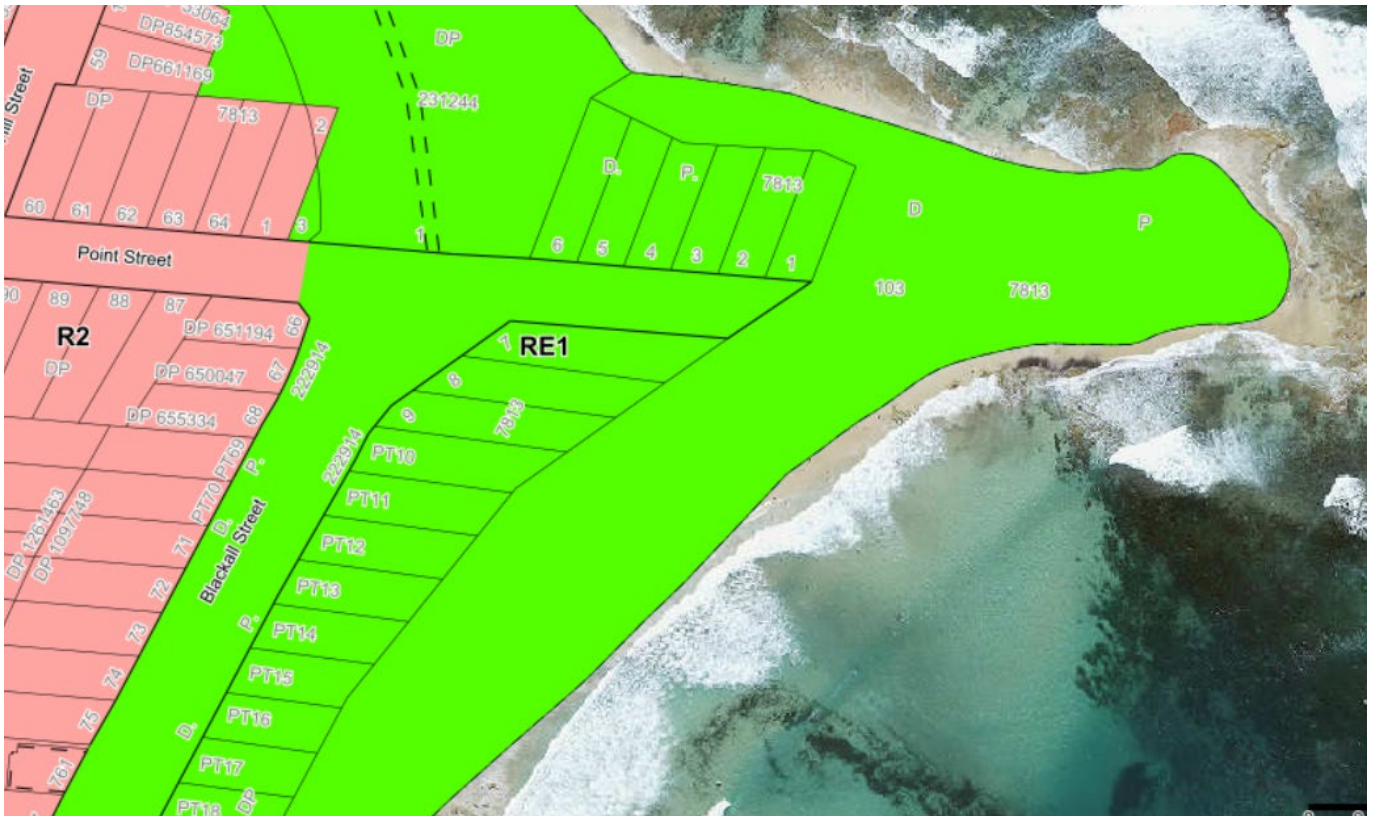
DA-2021/1337

Attachment 1 – Aerial Photograph



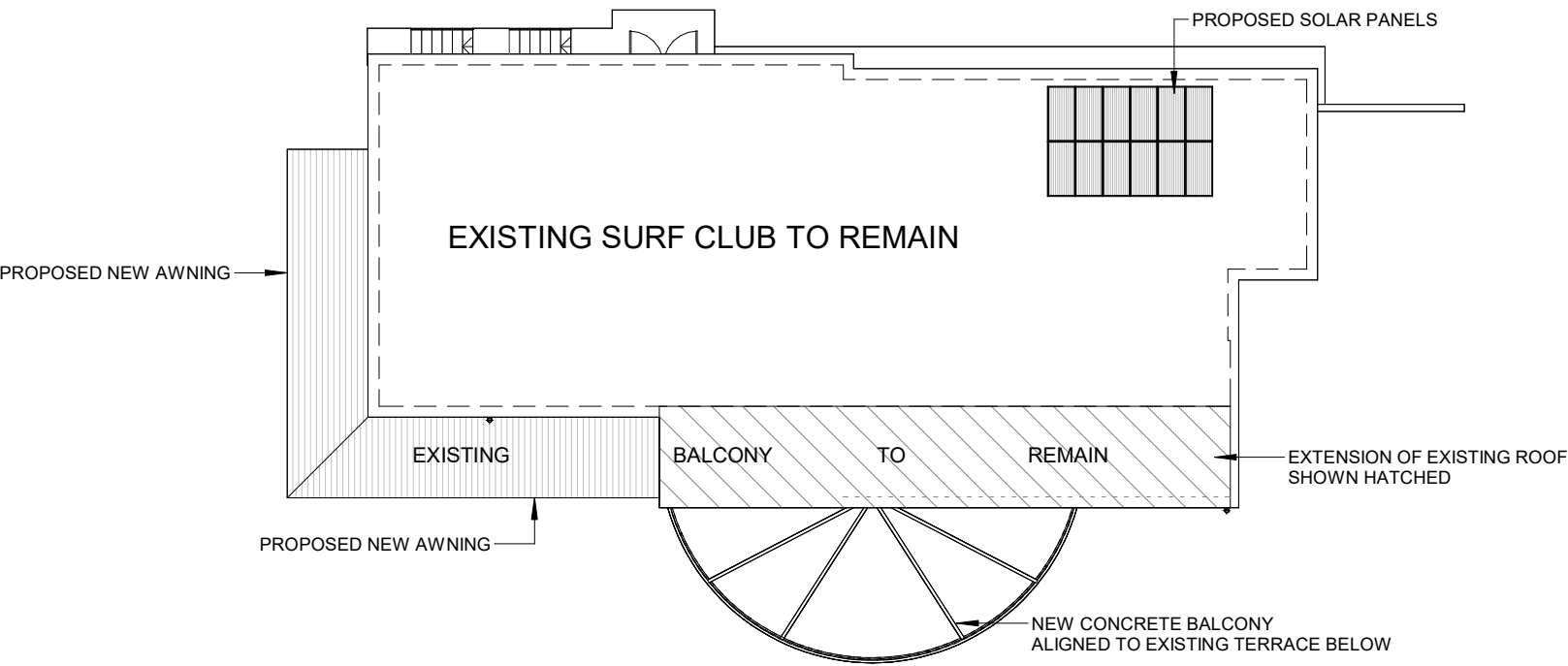
DA-2021/1337

Attachment 2 – WLEP 2009 zoning map



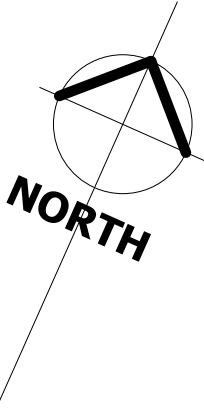
PROPOSED NEW BALCONY & CONSTRUCTION
OF NEW METAL AWNING OVER EXISTING BALCONY

Sheet List	
Sheet Number	Sheet Name
19-170-01A	SITE PLAN
19-170-02A	UPPER FLOOR PLAN
19-170-03A	SE & NW ELEVATIONS
19-170-04A	NE & SW ELEVATIONS
19-170-05A	SECTIONS A, B & C
19-170-06A	DEMOLITION PLAN & SEC D
19-170-07A	SHADOW DIAGRAMS
19-170-08A	PERSPECTIVE VIEWS



SITE PLAN

NEW STORMWATER TO BE CONNECTED
TO EXISTING STORMWATER SYSTEM



Door Schedule					
A	Mark	Location	Frame Type	Height	Width
UPPER FL	D1	EXTERNAL STORE	DOUBLE OPENING	2040	820
UPPER FL: 1					
Grand total: 1					

Window Schedule						
Mark	Location	Window Style	Height	Width	Glazed Area	Comments
W1	BALCONY	LOUVERED	1044	2600	2.71 m²	
Grand total: 1			1044	2600	2.71 m²	

No.	Description	Date
A	DA ISSUE	08.11.21

Sandon Point Surf Club

Point Street Bulli

SITE PLAN

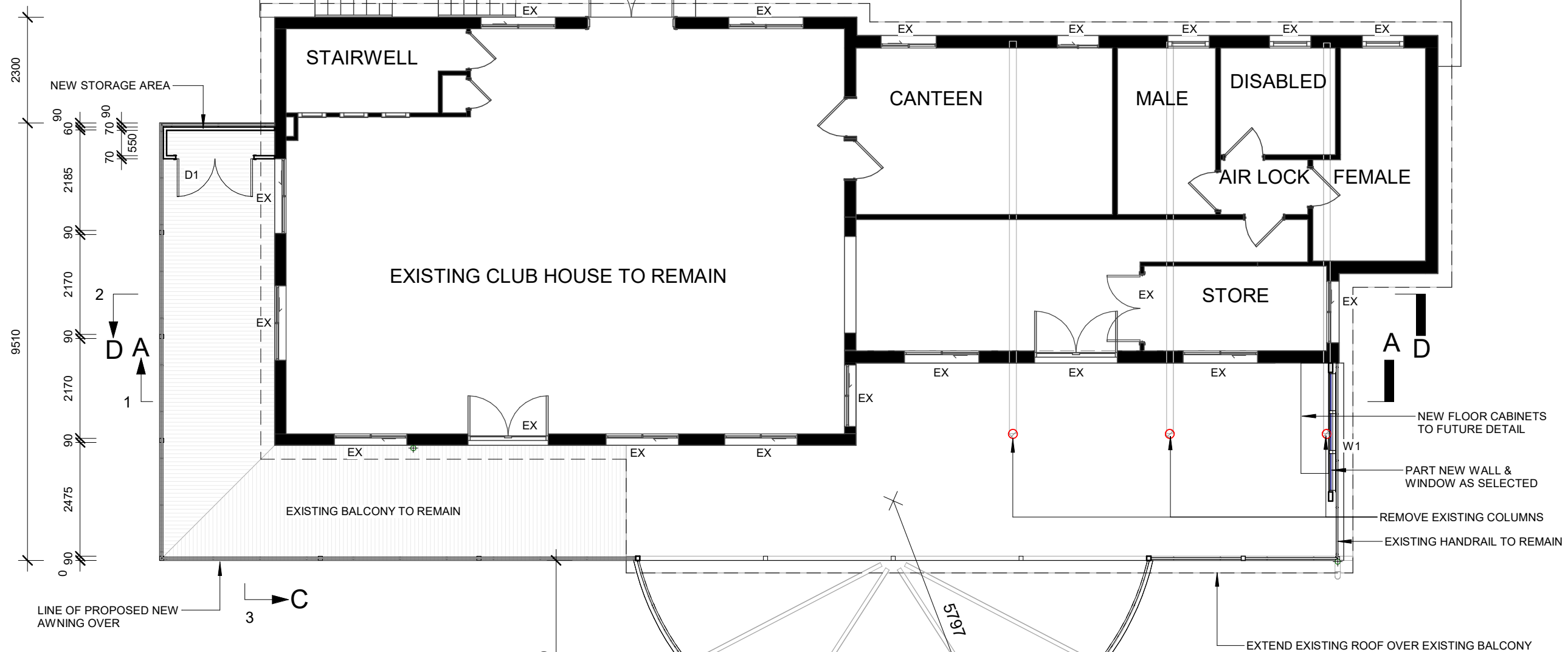
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Date	08.11.21		
Drawn by	PH		
Checked by	Checker	Scale	1 : 200

2500
80 70 2350

8735
OPENING

C

B



5170
7120
1950
200
2600
200
4560

UPPER FLOOR LEVEL

Legend 1

1 : 100

- Existing walls to remain
- EX Existing structure to remain
- OH Eaves Overhang
- RS Metal roofing to match existing
- WB Cladding as selected
- CT Floor tiles as selected

No.	Description	Date
A	DA ISSUE	08.11.21

Sandon Point Surf Club

Point Street Bulli

UPPER FLOOR PLAN

Project number	19-170	19-170-02A
Date	08.11.21	
Drawn by	Author	
Checked by	Checker	Scale
		1 : 100

PROJECT ONE DRAFTING
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WEBSITE: www.projectonedrafting.com.au

peter@projectonedrafting.com.au

Legend 1

1 : 100

Existing walls to remain

EXExisting structure to remain

OH Eaves Overhang

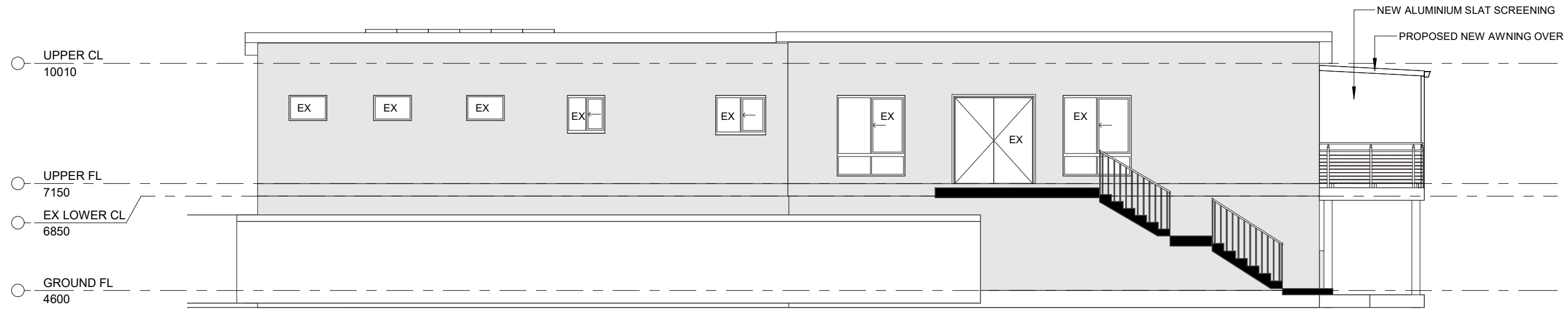
RS Metal roofing to match existing

WB Cladding as selected

CT Floor tiles as selected



SOUTH EAST ELEVATION



NORTH WEST ELEVATION

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No.	Description	Date
A	DA ISSUE	08.11.21

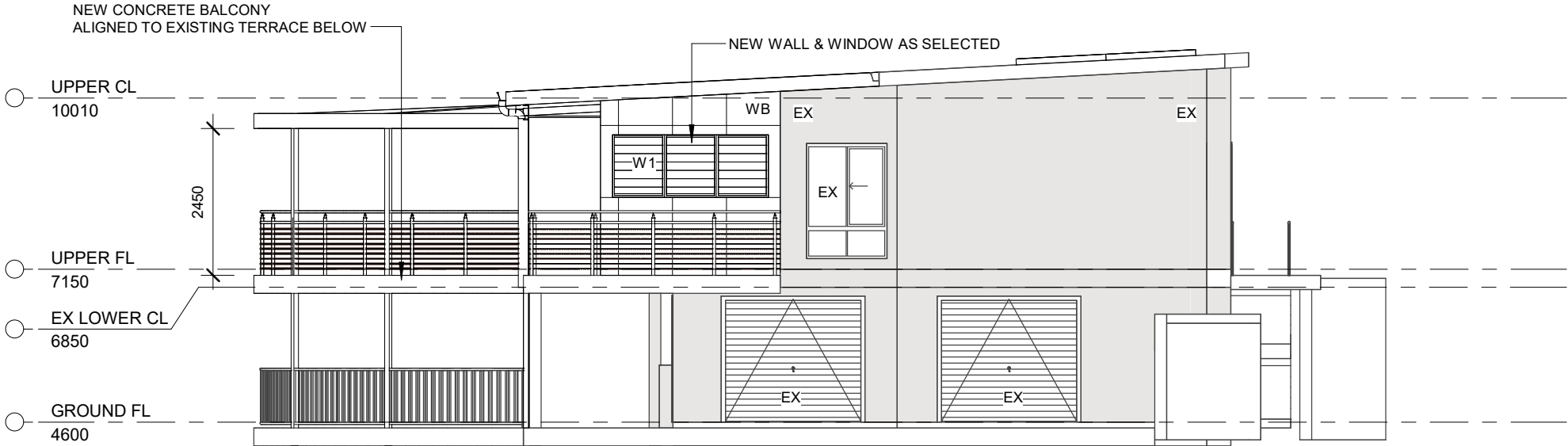
Sandon Point Surf Club

Point Street Bulli

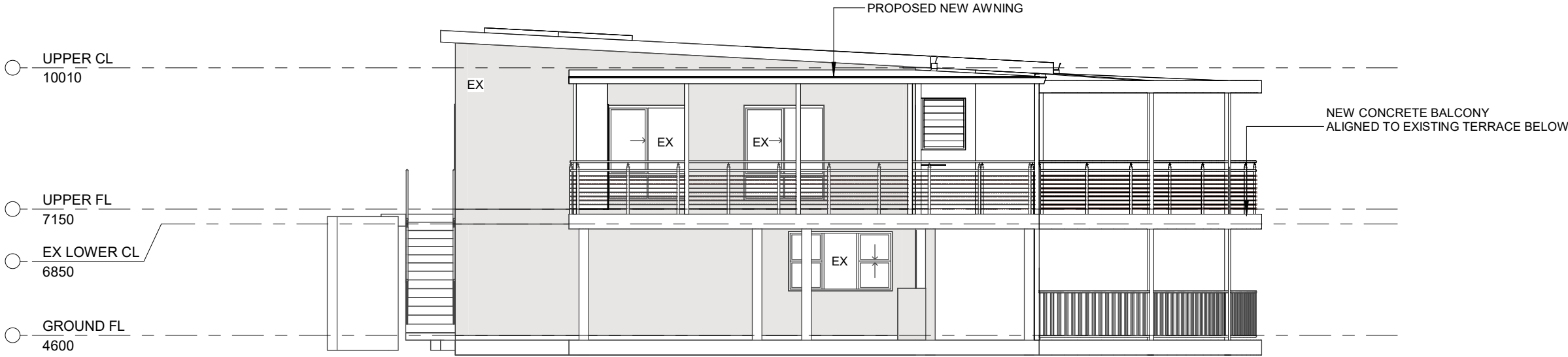
SE & NW ELEVATIONS			
Project number	19-170	19-170-03A	
Date	08.11.21		
Drawn by	Author		
Checked by	Checker	Scale	1 : 100

Legend 1
1 : 100

- Existing walls to remain
- EX Existing structure to remain
- OH Eaves Overhang
- RS Metal roofing to match existing
- WB Cladding as selected
- CT Floor tiles as selected



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

No.	Description	Date
A	DA ISSUE	08.11.21

Sandon Point Surf Club

Point Street Bulli

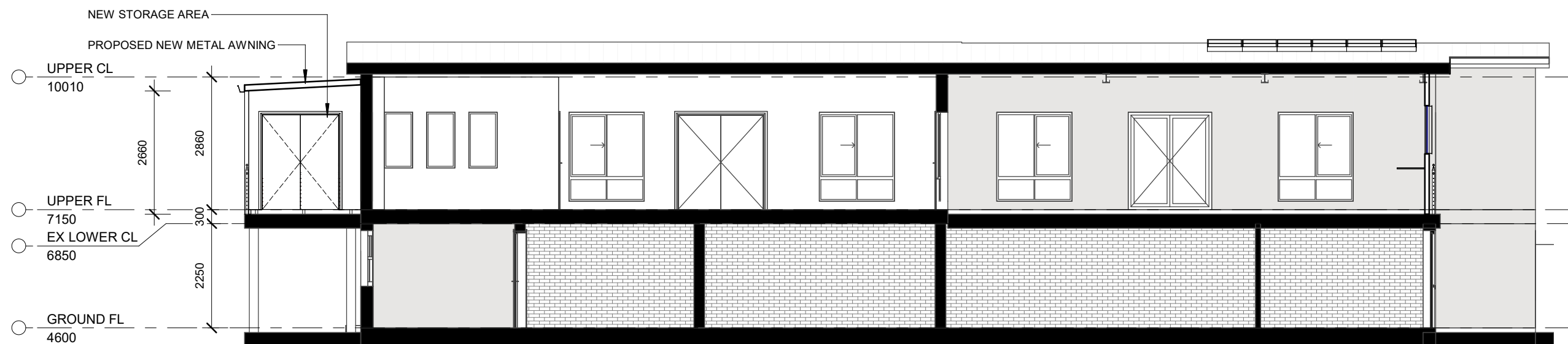
NE & SW ELEVATIONS

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Date	08.11.21	
Drawn by	Author	
Checked by	Checker	Scale
		1 : 100

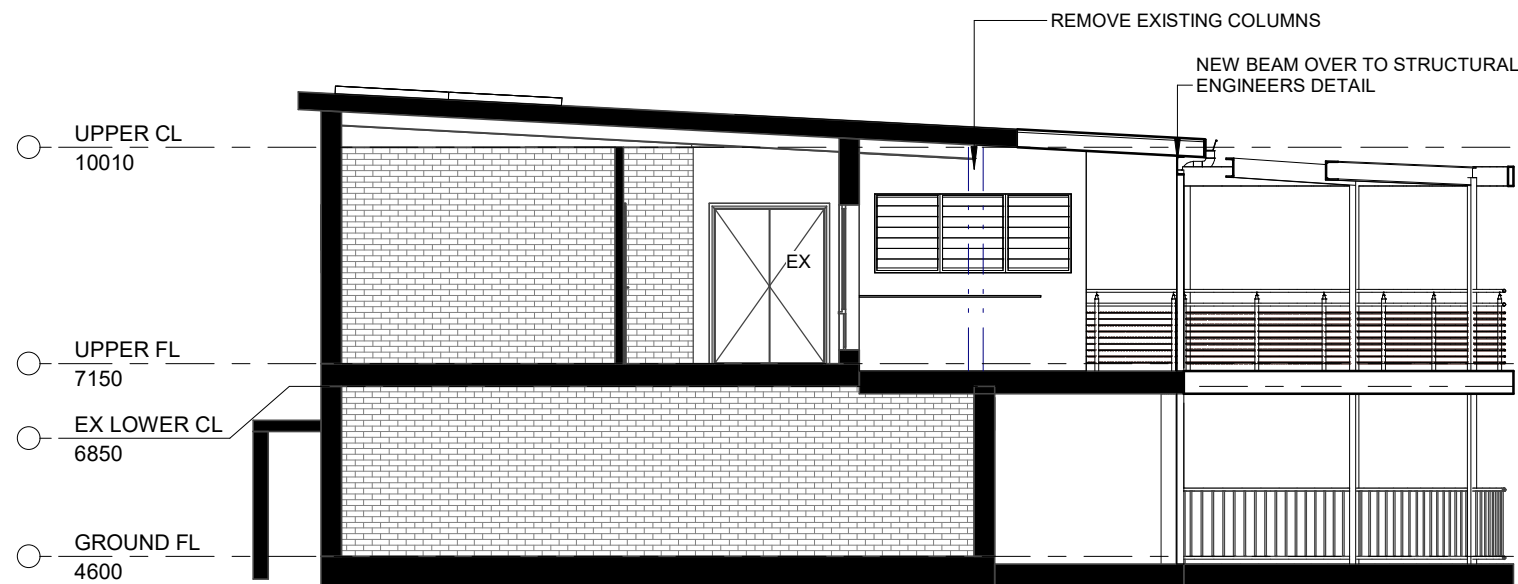
Legend 1

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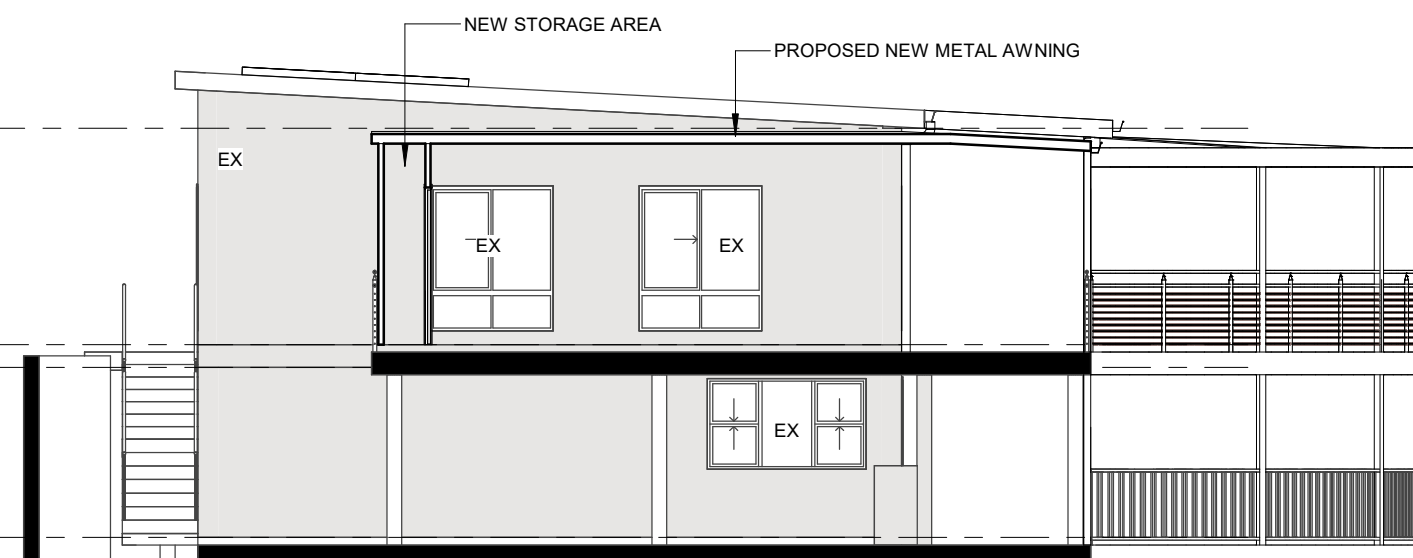
Existing walls to remain
EX Existing structure to remain
OH Eaves Overhang
RS Metal roofing to match existing
WB Cladding as selected
CT Floor tiles as selected



SECTION A



SECTION B



SECTION C



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No.	Description	Date
A	DA ISSUE	08.11.21

Sandon Point Surf Club

Point Street

Bulli

SECTIONS A, B & C

Project number 19-170

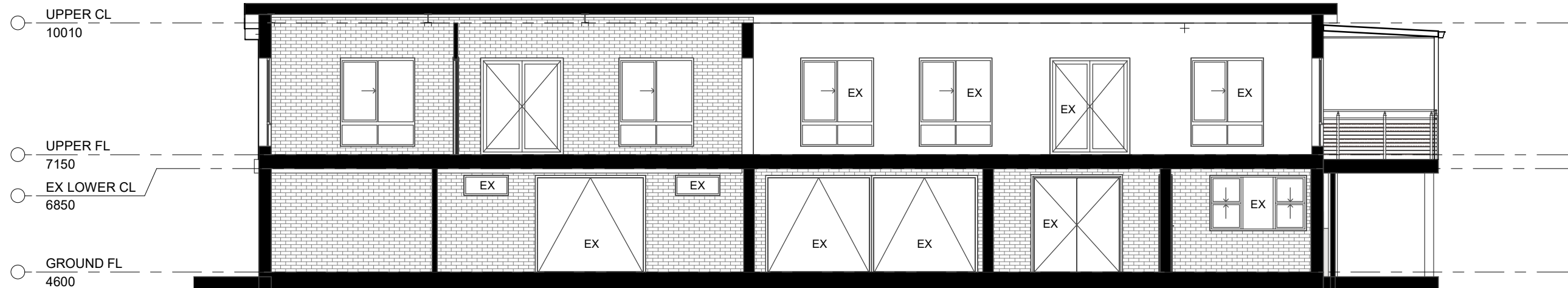
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Drawn by Author

Checked by Checker

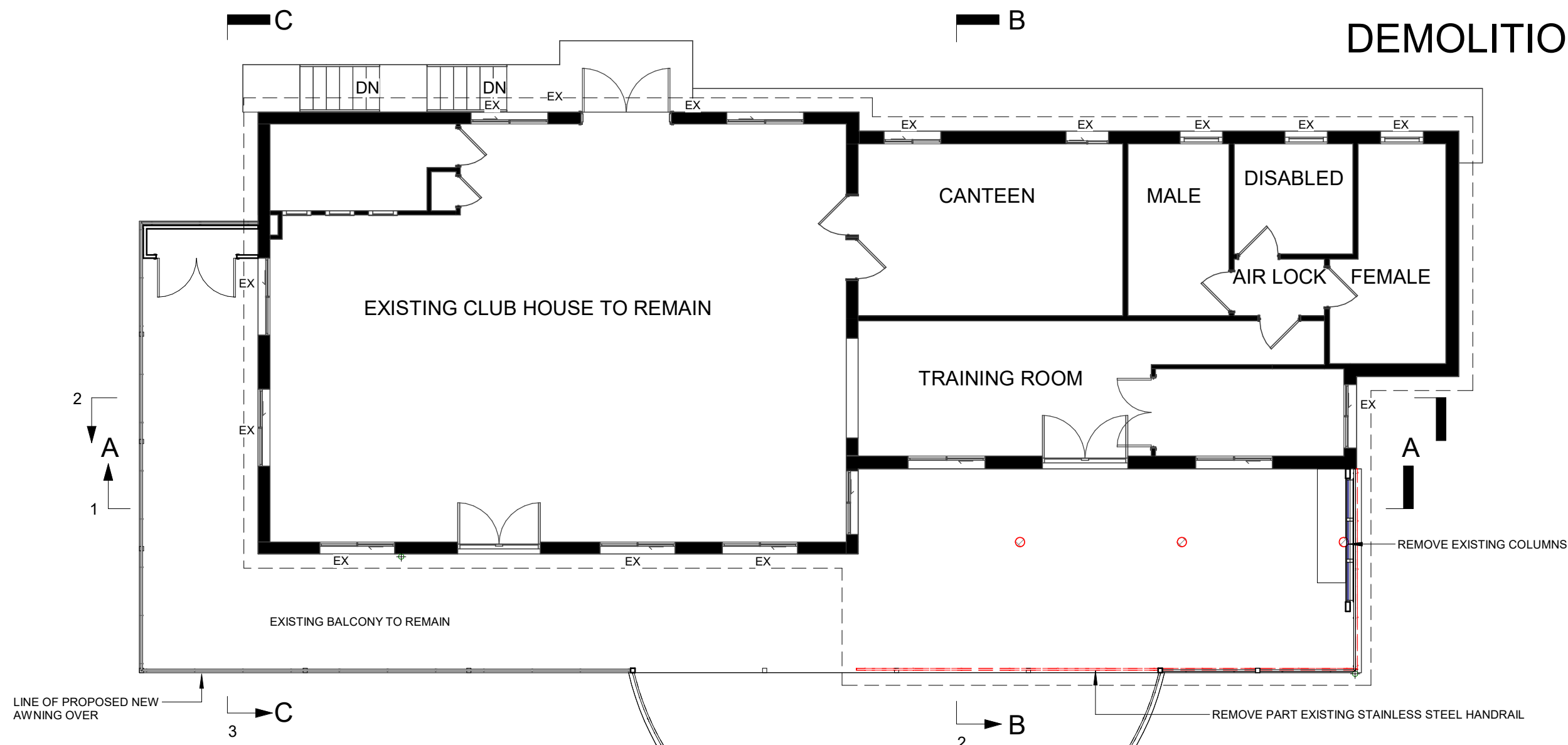
19-170-05A

Scale 1 : 100



SECTION D

DEMOLITION PLAN



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No.	Description	Date
A	DA ISSUE	08.11.21

Sandon Point Surf Club

Point Street Bulli

DEMOLITION PLAN & SEC D

Project number 19-170

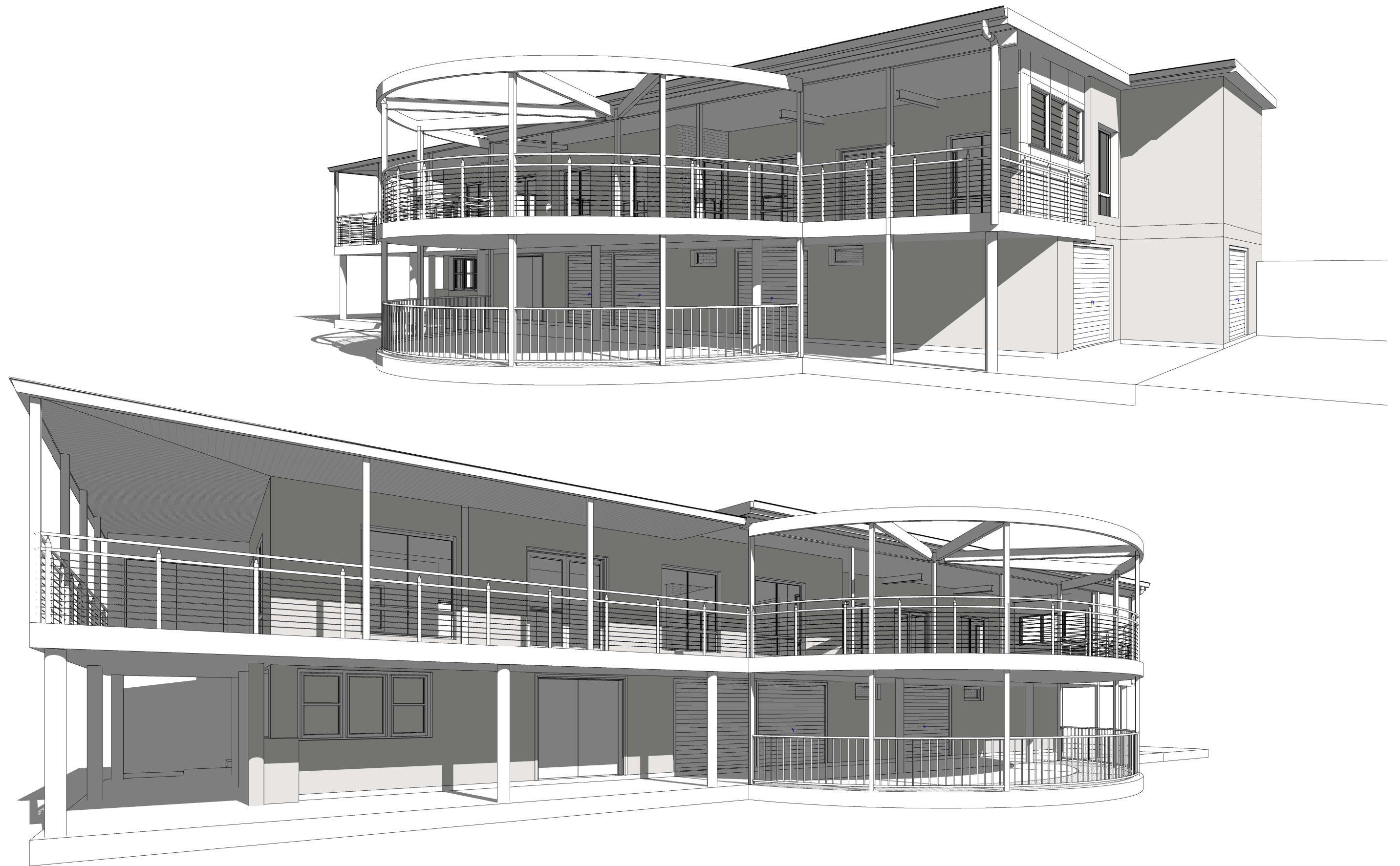
Date 08.11.21

Drawn by Author

Checked by Checker

19-170-06A

Scale 1 : 100



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peter@projectonedrafting.com.au

No.	Description	Date
1 A	DA ISSUE	08.11.21

Sandon Point Surf Club

Point Street Bulli

PERSPECTIVE VIEWS

Project number 19-170

Date 08.11.21

Drawn by Author

Checked by Checker

19-170-08A

Scale

Attachment 4 - Draft conditions

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans:
Site Plan 19-170-01A-A dated 8 November 2021 prepared by Project One Drafting
Upper Floor Plan 19-170-02A-A dated 8 November 2021 prepared by Project One Drafting
SE & NW Elevations 19-170-03A-A dated 8 November 2021 prepared by Project One Drafting
NE & SW Elevations 19-170-04A-A dated 8 November 2021 prepared by Project One Drafting
Sections A, B & C 19-170-05A-A dated 8 November 2021 prepared by Project One Drafting
Demolition & Section D 19-170-06A-A dated 8 November 2021 prepared by Project One Drafting
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 **Geotechnical**
Foundation systems are to be designed for Class P soils with all footings for the additions to be founded within the underlying weathered bedrock or as recommended by a geotechnical consultant. Other foundation systems may be acceptable if supported by appropriate geotechnical advice.
- 3 **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.
- 4 **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.
- 5 **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.

Prior to the Issue of the Construction Certificate

- 6 **Heritage –Construction Management Plan**
The applicant is required to prepare a Construction Management Plan that addresses controls for Management Area 3 of the Sandon Point Plan of Management and associated Aboriginal Heritage Impact Permit (AHIP) (No C0004686) including identifying appropriate vehicle access, stockpiling or laydown areas and the types of equipment required to ensure there is no ground disturbance during construction. The Construction Management Plan must be provided to Council's Heritage Staff for separate written approval prior to the release of Construction Certificate. The Construction Management Plan should also detail how public access to the

foreshore, public safety, access to public amenities and surf club facilities and services will be managed during construction.

7 **Fire Safety Schedule**

When issuing a Construction Certificate, a PC 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.

8 **Schedule of External Building Materials/Finishes**

The final details of the proposed external treatment/appearance of the development including a schedule of building materials and external finishes shall be submitted for the separate approval of Wollongong City Council Heritage Officers, prior to the release of the Construction Certificate.

Prior to the Commencement of Works

9 **Aboriginal Cultural Heritage Induction**

Aboriginal cultural heritage induction must be included with the Sandon Point induction package for all staff involved in works on the site. The induction should include information about types of Aboriginal objects previously found within the area and procedures for unanticipated human remains discovery.

10 **Heritage – Notification of Registered Aboriginal Parties**

Prior to works commencing, the Sandon Point Joint Management Partners are to be notified via letter or email of the proposed works to be undertaken.

11 **Appointment of PC**

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

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

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

12 **Sign – Supervisor Contact Details**

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

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

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

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

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

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

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

During Demolition, Excavation or Construction

14 Heritage – AHIP

The works must be carried out in strict accordance with the conditions set out in the AHIP No C0004686 issued to Wollongong City Council by the Office of the Environment and Heritage.

15 Heritage – Ground Disturbance and Impacts

This consent does not authorise any ground disturbance during the construction of the proposed development. This approval does not provide consent to impact any Aboriginal Objects or the Sandon Point Aboriginal Place.

16 Heritage – Site Officer

An Aboriginal Site Officer is required to be present during the induction and construction phases of the external awning to ensure all works are undertaken in line with the AHIP Requirements and Construction Management Plan

17 Heritage – Unexpected Finds of Aboriginal Cultural Heritage

If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must ensure:

- No further harm is undertaken to the object(s).
- Immediately cease all work at the particular location.
- Secure the area so as to avoid further harm to the Aboriginal object(s)
- Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location.
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm cannot be avoided, an AHIP under the NSW National Parks and Wildlife Act 1974 will be required prior to recommencing.

Wollongong City Council's Heritage Staff should also be notified by calling 4227 7111.

18 Restricted Hours of Construction Work

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

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

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

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

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

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

19

Provision of Waste Receptacle

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