

<b>DA No.</b>	DA-2009/883
<b>Proposal</b>	Refurbishment of North Beach Bathers Pavilion, extension of promenade and associated landscape works
<b>Property</b>	Cliff Road, Wollongong
<b>Applicant</b>	Wollongong City Council
<b>Responsible Team</b>	City Wide Development

## Assessment Report and Recommendation

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### EXECUTIVE SUMMARY

#### Reason for Consideration by Joint Regional Planning Panel

This application is required to be reported to the JRPP in accordance with Clause 13B(2) of State Environmental Planning Policy (Major Development) 2005 as the proposal has a capital investment value of more than \$5 million, Council is the applicant for the development and the development is to be carried out by Council. This report has been prepared by independent planning consultants, Planning Ingenuity Pty Limited.

#### Proposal

The proposed development application seeks approval for the refurbishment of North Beach Bathers Pavilion and associated landscape works.

#### Permissibility

The site is zoned RE1 – Public Recreation pursuant to Wollongong City Centre Local Environmental Plan 2007 (WCCLEP 2007). The proposal involves development works to a *community facility* which is permissible in this zone with development consent. Also, *kiosks* and *restaurants* are permitted with development consent.

#### Consultation

Prior to the application being lodged, Council's Community Engagement Team prepared a DVD of the proposal, distributed feedback forms, conducted a media launch on-site, on-site community display of the scheme and discussion on the proposal, a community forum and exhibition, and neighbourhood forums.

Following lodgement the application was notified in accordance with the requirements of Council's Development Assessment and Compliance Notification Policy for a period of 30 days. Three (3) submissions were received at the conclusion of the notification period which primarily relate to heritage and operational issues.

#### Main Issues

- The existing building is a State listed heritage item, therefore the proposal is integrated development and requires approval under Section 58 of the Heritage Act 1977.
- Shortfall of parking as required under Wollongong City Centre DCP 2007.
- Proposed arrangements for waste storage and collection, servicing and deliveries for cafe/kiosk.
- Coastal hazards and ongoing protection of the building.

#### RECOMMENDATION

It is recommended that a DA-2009/883 be approved subject to conditions contained in Attachment 6.

# ASSESSMENT REPORT

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## 1 Background

North Beach Pavilion was designed in 1938 by Harvey E Gale, Council's long serving Health Inspector. The new dressing pavilion and nearby refreshment kiosk were opened on 12 November 1938. Since completion, alterations that have been documented include:

- Late 1960s – replacement of bench seating in the change areas; new concrete floor slabs in the change areas; replacement of the eastern (timber) flights of stairs with new concrete steps;
- c. 1976 – replacement of sections of the floors in the central pavilion with new concrete slabs.

The Pavilion and the North Beach group of buildings are listed on the State Heritage Register. The subject site is located within the North Beach Precinct and Belmore Basin Heritage Conservation Area.

On 24 June 2009, Council conducted a pre-lodgement meeting (PL-2009/30) relating to the proposed refurbishment and redevelopment of the north Beach Bathers pavilion and associated landscape works, north and south of the Pavilion. Primary issues raised at the pre-lodgement meeting related to compliance with planning provisions, heritage, traffic, landscaping and stormwater.

The current application was lodged on 23 September 2009 and registered as DA-2009/883.

## 2 Site description

The site is located on a levelled terrace between Cliff Road and North Wollongong Beach, adjacent to the intersection of Bourke Street. The site is known as Lot 70 DP 751299, is within the North Beach Precinct, and is Crown Land under the care, control and management of Wollongong City Council.



**Figure 1: Aerial photograph**

Existing on the site is the North Beach Bathers Pavilion, which is a long single storey building (with a storage area below), comprising a central pavilion with high parapets on the eastern and western sides concealing a pitched roof. Open change room wings on both sides have minimal undercover areas and are in a deteriorated state. The North Beach Kiosk and the North Wollongong Surf Club area situated directly north of the Pavilion. Further north, the foreshore reserve extends to Stuart Park which provides passive and active recreational space as well as the main public car park for the North Beach Reserve area.

To the west of the site above the Cliff Road embankment is a small precinct of restaurants and cafes as well as North Beach Novatel. The North Wollongong high density residential area is situated beyond.

To the south the shared cycle/walk way continues through to the former rail cutting.

### 3 Proposal

Council is in receipt of an application for the refurbishment of North Beach Bathers Pavilion and associated landscape works. More specifically, the proposal involves:

- The adaptive re-use of the Bathers Pavilion at North Beach Wollongong;
- A kiosk with an area of 7.9m<sup>2</sup> and an external capacity of 24 patron;
- A cafe with a GFA of 234m<sup>2</sup> with an internal patron capacity of 78 and external capacity of 75 patrons;
- Fitout of lifeguard facilities and amenities;
- New toilet facilities, change rooms and lockers;
- The provision of external surrounding promenade and paths;
- The upgrade and erection of seawalls and retailing walls;
- New garbage facility with adjacent truck layback;
- A new substation;
- Additional parking is proposed to be located at the north Wollongong beach carpark approx 20m N/W of the site (including 11 car parking spaces (including 2 accessible spaces) , 2 motorcycle spaces and bike racks);
- Landscape works, involving:
  - replacement of existing dilapidated crib lock retaining wall to the west of the pavilion with a stone clad wall;
  - widening of existing shared path at North Beach to 6m;
  - Upgrading and improving accessibility of existing heritage pathway from Cliff Road to North Beach with lower riser and wide tread stairs;
  - Removal of existing toilets behind the North Beach Bathers Pavilion and widening of shared pathway to 6.4m;
  - Replacement of existing rock filled reno mattresses and gabions at the grassed embankment, south of the Pavilion, with Triton mattress system or equal;
  - Provision of P2 compliant external lighting for security;
  - Provision of bicycle parking facilities;
  - Provision of historical interpretive structure, south of the Pavilion

Although not lodged as a staged application it is proposed to undertake the works in stages as follows:

Stage A: Remedial and Demolition Works and Construction of Public Amenities and Lifeguards' Section.

Stage B: Construction of café/kiosk, garbage enclosure and new substation kiosk.

Stage C: Construction of Promenade and Upgrading of Seawall.

Stage D: Landscape/ construction of retailing wall and shared path, north of Pavilion.

Stage E: Landscape/ construction of retaining wall and shard path, west of Pavilion.

Stage F: Landscape/ construction of retaining and shared path, south of Pavilion.

#### Proposed Hours of Operation

- |                     |                 |            |
|---------------------|-----------------|------------|
| • Lifeguard patrols | Monday-Saturday | 10am – 5pm |
| • Kiosk             | Monday –Sunday  | 7am-11am   |

		12pm-3pm
• Licensed cafe	Tuesday-Sunday	12pm-12am
• Public Amenities	Monday –Sunday	6am-6pm
	Monday –Sunday	7am-8pm EDST

#### 4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in section 79C(1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C(1) and the significant matters are discussed in further detail further in the report.

##### Section 79C(1) of the Environmental Planning and Assessment Act 1979

##### (a)(i) any environmental planning instrument

###### State Environmental Planning Policies

- SEPP (Major Development) 2005.

Detailed assessment is provided below the table

- SEPP 71 (Coastal Protection).

The subject site is located within the coastal protection zone in accordance with State Environmental Planning Policy No. 71. However, pursuant to Clause 9(2) of WCCLEP, SEPP 71 is not applicable in the City Centre.

###### Regional Environmental Planning Policies

- Illawarra Regional Environmental Plan No. 1 1986 (IREP) – (Deemed SEPP 1 July 2009)

Pursuant to Clause 9(2) of WCCLEP, IREP is not applicable in the City Centre.

###### Local Environmental Planning Policies

- Wollongong City Centre Local Environmental Plan (WCCLEP) 2007

Detailed assessment is provided below the table.

##### (a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

- Draft Wollongong Local Environmental Plan (DWLEP) 2009

Detailed assessment is provided below the table.

##### (a)(iii) any development control plan

- Wollongong City Centre DCP 2007
- Heritage Development Control Plan
- Wollongong City Geotechnical Development Control Plan
- Outdoor Restaurant Policy
- Blue Mile Vision Master Plan 2007
- Wollongong City Foreshore Plan of Management

Detailed assessments are provided below the table.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### (a)(iiiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

### (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

**Clause 92.** The application involves demolition and as such the provisions of AS 2601-1991: The Demolition of Structures apply. The application can be conditioned to address demolition.

The site is located within the 1 kilometre landward boundary that marks the coastal zone and is therefore affected by the NSW Government's Coastal Policy (1997). The nine goals of the policy are:

- *Protecting, rehabilitating and improving the natural environment of the coastal zone.*  
The beaches, frontal sand dunes and undeveloped headlands will be protected and only minor development is proposed primarily for public purposes
- *Recognising and accommodating the natural processes of the coastal zone.*  
The proposal maintains the environment of the coastal region and as outlined in this report will not have unreasonable impacts on the environment.
- *Protecting and enhancing the aesthetic qualities of the coastal zone.*  
The proposal conforms to planning standards including height, setback and scale ensuring that beaches and foreshore spaces are not overshadowed.
- *Protecting and conserving the cultural heritage of the coastal zone.*  
Cultural heritage will be protected and conserved through a variety of planning and management controls. The heritage and scenic values of the building are retained.
- *Providing for ecologically sustainable development and use of resources.*  
The proposal incorporates many energy saving measures and the development is an appropriate adaptive re-use of an existing building.
- *Providing for ecologically sustainable human settlement in the coastal zone.*  
The proposal provides for the sustainable use and development of coastal resources as outlined in this report.
- *Providing for appropriate public access and use.*  
The proposal increases the opportunities for public access to coastal foreshore area.
- *Providing information to enable effective management of the coastal zone.*  
The proposal provides additional facilities for lifeguards a new licensed Café/kiosk and upgraded public amenities.
- *Providing for integrated planning and management of the coastal zone.*  
The proposal does not have a greater impact on the environment than the current Pavilion and is consistent with the site specific plan of management.

Clause 94. Upgrading of existing building. As discussed below Council's building officer has determined that the works do not trigger the requirements of the clause. Notwithstanding, a fire safety schedule will be attached to any approval and the new works will comply with the BCA.

### b) the likely impacts of development

#### Context and Setting:

The proposed works will provide general upgrades to an existing community building and provide a continuation and enhancement of the historical use of the building within its setting and complement the surrounding heritage buildings. The location of the Pavilion directly supports community recreation and beachside activities and therefore its context and setting is considered entirely suitable for the proposed works.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Access, Transport and Traffic:

There is no parking on site, with the exception of a single service vehicle space that may be used on a temporary basis only. The existing North Wollongong Beach car park approx 20m N/W of the site currently accommodates 138 car spaces. The proposal will incorporate 11 additional car spaces (including 2 accessible spaces) and 6 motorcycle spaces. Compliance with Council's parking requirements is discussed in section 10 of this report.

The proposed development has been designed in accordance with AS 1428.1 (2001): Design for Access and Mobility. An accessible path of travel from Cliff Road and accessible parking spaces also on Cliff Road will be provided via the shared path on the western side of the pavilion to the pavilion entrance.

Pedestrian access to the Pavilion will be improved through the incorporation of a beachside promenade. The new promenade will remove the potential for pedestrian and cyclist conflict within the shared zone adjoining the pavilion.

The widened shared path to the west of the Pavilion will provide for emergency access for ambulance, fire truck and maintenance vehicles. General public vehicular access will not be permitted and will be conditioned in this regard.

### Public Domain:

For safety purposes, access to the public domain surrounding the development site will be restricted during the construction of the proposed works, however access to the beach or surrounding open space will not be affected. A condition of consent is recommended in this regard. It is also noted in the applicant's SEE that works will be carried out during the winter months when use of the area is less busy.

Once constructed, the proposal will improve the utility of the public domain by providing improved access to the Pavilion and along the shared way. The proposal will also improve life saving facilities and amenities along the beachfront. The visual appearance of the public domain will be improved as a result of the proposed building upgrades which include conservation works and building maintenance.

The proposal will provide enhanced opportunities for use of the building and recreational activities associated with the building and therefore the proposed works will have a positive impact on the public domain.

### Utilities:

The proposal incorporates the provision of a new sub-station to the north of the Surf Life Saving Club to form part of Stage B works.

### Heritage:

The North Beach Bathers Pavilion is part of a group listed under the State Heritage Register as the 'North Beach Precinct', which includes a Kiosk to the north, both completed in 1938.

The following items, including precincts, are listed under Schedule 5 of the WCCLEP:

- North Beach Pavilion (State)
- North Beach Kiosk and residence (State)
- Railway Cuttings and Embankments (Local)
- North Beach Precinct (State)
- Belmore Basin Heritage Conservation Area (Local)

The NSW Heritage Office Inventory has the following listed items:

- North Beach Precinct (State Heritage Register)
- Surf Pavilion (State Heritage Inventory)

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

- Railway Cuttings and Embankments (State Heritage Inventory)
- Belmore Basin (State Heritage Inventory)

The proposal has been designed in accordance with the design guidelines issued by the NSW Heritage Council.

A Statement of Heritage Impact prepared by Conybeare Morrison dated July 2009 was submitted with the application and has been reviewed by Council's Strategic Project Officer – Heritage and found to be satisfactory.

Furthermore, as the subject building is listed on the State Heritage Register the proposal has been assessed by the NSW Department of Planning's Heritage Branch. The proposal was determined by the Heritage Council Approvals Committee on 7 October 2009. The Heritage Council Approvals Committee issued approval on 7 October 2009 under s58 of the Heritage Act 1977 and General Terms of Approval on 16 October 2009. These have been included as conditions of consent.

In terms of aboriginal heritage Comber Consultants undertook an Aboriginal archeological and cultural heritage assessment of the site in 2007 no aboriginal sites or places of significance were found.

### Other land resources:

The proposal is unlikely to have any significant impact upon any valuable land resources including the beach, environmental impact. Environmental impacts of the development are discussed in the context of 'natural hazards' below.

### Water:

Construction works will be subject to sediment and erosion controls to minimise any impacts on water quality. The proposal incorporates water efficient fixtures and low water use toilet facilities. The proposal was referred to both Council's Environment and Stormwater Design Sections for comments and was found to be acceptable.

### Soils:

The proposal is not envisaged to adversely impact on soils and no site contamination issues are raised. The proposal was referred to Council's Environment Section for comment and found to be acceptable.

### Air and Microclimate:

The proposal is not expected to have any significant impact on air or microclimate beyond those typical of standard construction practices. The proposal was referred to Council's Environment Section for comment and found to be acceptable.

### Flora and Fauna:

Arboricultural assessment of 66 trees has been carried out by Urban Tree Management and detailed in a report dated 21 May 2009. This report determines the impacts that the proposed re-construction and alignment of an existing retaining wall will have on specified trees. As a result a number of trees have been identified for removal, retention and transplantation, these have been included in draft conditions.

The application has been reviewed by Council's Landscape Officer and found to be acceptable.

## Section 5A of EP&A Act

Section 5A(1)(a), (b) requires Council to consider whether the proposal has a significant impact on, among other things, endangered ecological communities.

The building site is located adjacent to a number of threatened species, as outlined in the assessment of the threatened species populations, ecological communities and critical habitat in the statement of environmental effects (appendix B of SEE of 00422 for the landscape works).

Section 5A(1)(a) requires Council to take the following matters into consideration:

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

N/A – The species identified are not at risk of or likely to be placed at risk of extinction by the proposal.

*(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*

N/A – The species identified are not an endangered population.

*(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*

*(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*

*(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

N/A – The species identified are not an endangered ecological community

*(d) in relation to the habitat of a threatened species, population or ecological community:*

*(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*

*(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*

*(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*

It is not considered that the proposal will substantially modify the composition of the community, the proposal will not contribute to habitat removal nor result in any increased fragmentation. In addition, the proposal will not place the long term survival of the community at risk.

*(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*

N/A – The community is not identified as critical habitat.

*(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*

N/A – There is no known threat abatement or recovery plan for the community.

*(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The proposal does not constitute a key threatening process as defined by Schedule 3 of the Threatened Species Conservation Act 1995.

Section 5A(1)(b) requires Council to take the following matters into consideration:

any assessment guidelines

In this regard an assessment of the threatened species populations, ecological communities and critical habitat within 2km of the work site has been undertaken as part of the North Beach Precinct Landscape Works “The Blue Mile”. It is concluded that any significant effects of the proposal are unlikely and a species impact statement is not warranted.

The proposal has been referred to Council’s Environment Division, who have found it to be acceptable.

### Waste:

Waste collection is proposed to occur from a new kerbside enclosure to the north of the existing North Beach Kiosk (Diggies Café enclosure). Each commercial lessee will have access to the enclosure and it is to be serviced daily. Each commercial lessee will be required to store its daily garbage within its premise, bins are to be emptied manually (no vehicular access) at close of business each day into the bin enclosure. The enclosure has been designed as a vermin-proof ‘parkland’ structure set into landscaped surrounds with access from Cliff Road.

It is recommended that a condition be attached to any consent requiring the preparation of a Waste Management Plan prior to issue of a Construction Certificate.

The application was referred to Council’s Traffic Section and found to be acceptable.



## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Energy:

The adaptive re-use of the pavilion has been designed to take advantage of the prevailing climate patterns, north-easterly breezes, and natural protection provided by landform from the south and west. ESD initiatives incorporated in the proposal include:

- Non mechanical ventilation;
- Optimal shading of glazing;
- Natural ventilation;
- For space heating, radiant slab heating powered by a gas-fired heating hot water unit;
- High efficiency lighting fixtures;
- Gas hot water;
- Water efficient fixtures;
- Low water toilet facilities;

A Sustainability Report detailing the above initiatives has been prepared for the Pavilion by Umow Lai, Consulting Engineers dated July 2009 and was submitted with the application.

A BCA Report covering Section J Energy Efficiency requirements has also been prepared for the Pavilion by Umow Lai, Consulting Engineers dated July 2009.

### Noise and vibration:

The proposed construction works are not likely to create noise and vibration impacts beyond typical construction practices. In any case, a condition will be imposed to restrict hours permitted for construction and the use of heavy machinery and maintenance of footway access.

The introduction of commercial uses within the Pavilion, including evening trading will likely create additional noise within the precinct. However, the subject building is located within close proximity to a small restaurant and café precinct along Cliff Road and more than 45m from the closest residential property. Furthermore, the café use faces east towards the water rather than toward residential uses and therefore the transfer of noise will be somewhat contained. Operational noise will be required to be addressed within a Management Plan which is recommended as a condition of consent.

### Natural hazards:

In 2007, Cardno Lawson Treloar updated the coastal hazard study for the North Wollongong Coastal Precinct. The study results included specification of design conditions for coastal processes and determination of coastal-erosion hazard extents. Cardno Lawson Treloar have prepared an addendum to the revised study dated 7 July 2009, which was submitted with the current application.

The principle coastal processes which influence the site are wave attack, oceanic inundation (rising sea level), storm erosion and potential long term recession. With regard to rising sea level a 50 year planning period has been recommended which provides for a sea level rise of up to 0.4m in line with recently released draft sea level rise policy by the NSW state government. On this basis, a number of recommendations have been provided by Cardno Lawson Treloar in relation to the specific works. The application and supporting information has also been reviewed by Council's Environment Protection Officer who concurs with the recommendations provided by Cardno. It is recommended that compliance with the recommendations of the consultant report be imposed by conditions of development consent.

### Technological hazards:

The subject building is approximately 60 years old with face brick walls on brick piers. A condition assessment of the concrete slab was carried out by CTI consultants P/L. The assessment concluded that the concrete slabs in most areas have undergone significant chloride exposure and show advanced corrosion. These areas will be rebuilt as part of the proposal.

## **Section 79C(1) of the Environmental Planning and Assessment Act 1979**

A dilapidation report was prepared by E.Morelli Building and Pest Management Solutions. This report has identified that the ceiling of the interior area contains Asbestos. Removal of asbestos will be required to be removed prior to occupation of the building. Handling and disposal of asbestos have been included in draft conditions.

Part of the site is identified as having a low level acid sulphate soils affectation. Whilst soil excavation is required for widening / upgrade of the shared pathway, and removal and replacement of the crib wall, due to the nature of the topography at the site, the risk of exposure to acid sulphate soils is low.

In any case, it is recommended that a condition of consent be imposed requiring a Preliminary Acid Sulphate Soils Assessment be carried out in the event that excavation is required at a depth of greater than 500mm below natural ground level.

### Safety, Security and Crime Prevention:

Conservation and enhancement of the existing community building will introduce a heightened level of territorial reinforcement to the area. The proposed works enable upgrades in terms of lighting, CCTV, clear directional and identification signage, tactile indicators and improved access arrangements. Introduction of the new beachside promenade for pedestrian use only will reduce pedestrian/cyclist conflicts currently occurring at the narrow shared way path on the Cliff Road side of the pavilion.

Night time use of the area through proposed evening trading of the licensed café will introduce a new level of vibrancy and casual surveillance to the precinct, however will require strict management to ensure adverse safety impacts do not result. There is concern raised with respect to the proposed 12am closing time of the kiosk. It is recommended that the permitted hours of operation be altered to allow use of the outdoor seating area until 10.00pm and evening trading for the entire café until 11pm.

The application has been reviewed by Council's Safe Community Action Team and it is recommended that a condition of development consent be imposed requiring preparation of a Safety Management and Crime Prevention Plan prior to issue of a Construction Certificate.

### Social Impact:

The proposal is likely to have a positive social impact in that it will conserve and upgrade and existing community facility and maintain the historic bathing shed and kiosk usage of a significant heritage item. The proposal will also increase the tourist related functions of the facility by incorporating a café and improving access in and around the building with the inclusion of a beachside promenade.

### Economic Impact:

The proposal will provide an economic benefit by providing short term employment during the conservation and construction stages. The proposal will also provide an on-going enhancement for the North Beach tourist precinct and the future lease of the café and kiosk will assist with offsetting future maintenance and running costs of the public amenities and lifeguard facilities. Furthermore, the commercial components of the facility will provide employment for 8 staff.

### Site Design and Internal Design:

The proposal involves works to an existing building which is appropriate to its function an beachside location. The proposal retains the existing building footprint and the historical bathing shed and kiosk use of the building, and will incorporate expanded public facilities within the building. Existing surf life saving facilities will be upgraded and the public amenity of the Pavilion will be improved through the provision of new parenting rooms, toilets, change rooms and accessible amenities.

The proposed landscape works integrate beach and street access within and around the building and provide an improved accessway along North Beach. The internal layout of the building will encourage a greater level of activity and use of the building and will assist with creating a vibrant community space.

As stated by the NSW Heritage Branch, the proposal represents a design that is 'suitably restrained and sympathetic to the heritage significance of the site'.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Construction:

The development would be subject to standard construction management requirements including restricted hours for construction activities and site management. It has been noted by the applicant that construction will be carried out during the winter months when the beach is sparsely populated.

### Cumulative Impacts:

The proposal will result in enhancement to the appearance, function and access within and around the pavilion and will provide an improved, upgraded and maintained community and tourist facility to further enhance the use of North Beach. The proposal will also enhance the vibrancy and level of casual surveillance to the area during the evening by introducing a café use within the building.

### **c) the suitability of the site for development**

#### Does the proposal fit in the locality?

Yes. The proposed works will upgrade the current condition of the pavilion to enable continued and enhanced public usage of a significant heritage item that is highly appropriate for its beachside location.

#### Are the site attributes conducive to development?

Yes. The site is located within an important recreational and tourist area of Wollongong. The site is entirely appropriate and conducive for continued use as a community and tourist facility at North Beach.

### **d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Council "Development Assessment and Compliance Notification Policy". Three (3) submissions were received which are discussed in section 12 of this report

#### Submissions from public authorities

The Heritage Council Approvals Committee issued approval on 7 October 2009 under s58 of the Heritage Act 1977 and General Terms of Approval on 16 October 2009.

### **e) the public interest**

The application is not expected to have any negative impacts on the environment or the amenity of the locality. The proposed conservation and development works will retain the historic bathing shed and kiosk usage of the item and contribute to enhancing the recreation and tourist importance of the area. The proposal is considered to be in the public interest as it will provide greater access and function of a community facility.

## **5 State Environmental Planning Policy (Major Development) 2005**

This application is required to be reported to the JRPP in accordance with Clause 13B(2) of State Environmental Planning Policy (Major Development) 2005 as the proposal involves has a capital investment value of more than \$5 million, Council is the applicant for development, and the development is to be carried out by Council.

## **6 Wollongong City Centre Local Environmental Plan 2007**

### **Clause 12: Zone objectives and Land Use Table**

The site is zoned RE1 Public Recreation pursuant to WCCLEP 2007. The proposal falls within the definitions of a 'community facility', 'kiosk' and 'restaurant'. Each of these uses are permissible in this zone with development consent.

A '*community facility*' is defined as a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

A '*kiosk*' is defined as a retail premises with a gross floor area not exceeding 10 square metres and that provides food, light refreshments and other small convenience items such as newspapers, films and the like.

The proposed kiosk has a floor area of 7.9m<sup>2</sup> and therefore meets the LEP definition.

A 'restaurant' is defined as a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

The proposed café meets the definition of a restaurant in accordance with the LEP.

As such, the proposal meets the definitions relating to community facilities, a kiosk and restaurant.

The objectives of the REI Public Recreation Zone are as follows:

**“ 1 Objectives of zone**

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.”*

The proposal is considered to be entirely consistent with the zone objectives in that it will retain the existing use of the building for recreational purposes associated with surf life saving and beach activities, it will introduce additional recreational and leisure uses that are highly compatible the surrounding tourist and recreational beach uses, and the proposal incorporates conservation and landscape works to enhance the building's setting, access and visibility within an important natural beach environment.

**Clause 21: Height of Buildings**

The WCCLEP does not set height controls for the subject land.

**Clause 22: Floor Space Ratio**

The WCCLEP does not set floor space ratio controls for the subject land.

**Clause 22B: Design Excellence**

In accordance with Clause 22B, the following matters must be considered and consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The materials used for the new additions are lightweight metal and glass to contrast with and be recessive with, the masonry of the original building. Additions are generally contained within the footprint of the existing building. The proposed new promenade reflects a reproduction of the plinth fenestration at the line of the front boardwalk, so as to maintain the same massing and shading of the existing plinth. A high level of architectural merit and consideration has been given to the redevelopment of the subject building which ultimately achieves a sympathetic, respectful and high quality outcome for the conservation and enhancement of a significant community item.

- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*

The proposed works will involve significant maintenance and conservation to the existing building and will enhance the quality of public facilities within the building. The proposal will improve surf life saving facilities, amenities such as toilets, change rooms and lockers, and provide additional food related services available to the public in association with the recreational uses of the beach precinct. The proposal will also improve access in and around the building by incorporating a new beach side promenade, increasing the width of the shared way and providing an accessible path of travel from the public parking facilities.

- (c) whether the proposed development detrimentally impacts on view corridors,*

No. The proposal does not alter the maximum height or footprint of the building.

- (d) *whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,*

Not applicable.

- (e) *how the proposed development addresses the following matters:*

- (i) *the suitability of the land for development,*

The proposal allows for the continuation of a historical bathing shed and kiosk use closely associated with community and beach related activities. As such the proposal is considered to be suitable for the subject site.

- (ii) *existing and proposed uses and use mix,*

The proposal is appropriate in relation to adjoining land uses.

- (iii) *heritage issues and streetscape constraints,*

The Heritage Council Approvals Committee issued approval on 7 October 2009 under s58 of the Heritage Act 1977 and General Terms of Approval on 16 October 2009.

It is noted that the Heritage Branch consider the proposal is ‘*a notable improvement over previous proposals, being suitably restrained and sympathetic to the heritage significance of the site.*’

- (iv) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

Not applicable.

- (v) *bulk, massing and modulation of buildings,*

The proposal does not add any significant bulk to the existing building.

- (vi) *street frontage heights,*

Not applicable.

- (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

The adaptive re-use of the building is in itself a sustainable design initiative. Overshadowing impacts are minimal given the existing building height will generally be maintained.

- (viii) *the achievement of the principles of ecologically sustainable development,*

The adaptive re-use of the pavilion has been designed to take advantage of the prevailing climate patterns, north-easterly breezes, and natural protection by landform from the south and west. ESD initiatives have been incorporated into the proposal as supported by a Sustainability Report prepared by Umow Lai, Consulting Engineers dated July 2009.

- (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*

The proposal will greatly improve access to and circulation within the building. The provision of a beachside promenade and widening of the existing shared way will reduce conflicts between pedestrians and cyclists.

- (x) *impact on, and any proposed improvements to, the public domain.*

The proposal will provide enhanced opportunities for use of the building and recreational activities within and associated with the building and beach area and therefore the proposed works will have a positive impact on the public domain.

## Clause 22E: Ecologically Sustainable Development

The adaptive re-use of the pavilion has been designed to take advantage of the prevailing climate patterns, north-easterly breezes, and natural protection by landform from the south and west. ESD initiatives incorporated in the proposal include:

- Non mechanical ventilation;
- Optimal shading of glazing;
- Natural ventilation;
- For space heating, radiant slab heating powered by a gas-fired heating hot water unit;
- High efficiency lighting fixtures;
- Gas hot water;
- Water efficient fixtures; and
- Low water toilet facilities.

## Clause 32: Development within the coastal zone

The following matters must be considered by the consent authority:

Clause 32 – Development within the coastal zone		
Matter of Consideration	Comply	Comment
(2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:		
(a) existing public access to and along the coastal foreshore for pedestrians or persons who are less mobile, with a view to:  (i) maintaining existing public access and, where possible, improving that access, and  (ii) identifying opportunities for new public access.	✓	The proposed development will improve public access to the foreshore. Accordingly, the level of accessibility will not be reduced.  Disabled access will comply with AS1428  The proposed beachside promenade is an example of an identified opportunity for new public access in accordance with Clause 32.
(b) the suitability of development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:  (i) the type of the proposed development and any associated land use or activities (including compatibility of any land-based and water-based coastal activities), and	✓	The proposal involves upgrades to an existing building used for community activities directly related to the foreshore. Its location is entirely suitable for the proposed works and the design is appropriate to its location to enable improved use of the building in association with the foreshore. The proposal will not detract from the surrounding area and will improve the building appearance as viewed from the public domain.

Clause 32 – Development within the coastal zone		
Matter of Consideration	Comply	Comment
(ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved.		
(c) the impact of the proposed development on the amenity of the coastal foreshore including: (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore,	✓	The proposed development will improve the amenity of the coastal foreshore through enhanced facilities, access and improved view opportunities from public spaces.  No adverse impacts from overshadowing or view loss are envisaged.
(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected.	✓	The proposed upgrades will positively improve the scenic quality as viewed from the coast through conservation and maintenance works.
(e) how biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal water bodies, and (iv) native animals, fish, plants and marine vegetation, and their habitats, can be conserved.	✓	Given that the bulk of the works are refurbishment of the existing building, the proposal will not significantly impact on any threatened species, populations or ecological communities.
(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise: (i) on the proposed development, and (ii) arising from the proposed development.	✓	The principle coastal processes which influence the site are wave attack, oceanic inundation, storm erosion, and potential long term recession. Recommendations have been provided within the coastal hazard protection study (addendum) carried out by Cardno Lawson Treloar to minimise these impacts.
(g) the cumulative impacts of the proposed development and other development on the coastal catchment.	✓	The proposal is primarily a refurbishment of an existing building and will not give rise to any cumulative impacts on the coastal catchment.
(3) Consent must not be granted to development on land that is wholly or partly within the coastal zone		

Clause 32 – Development within the coastal zone		
Matter of Consideration	Comply	Comment
unless the consent authority is satisfied that:		
(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and	✓	The development will result in improved access to the foreshore.
(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and	✓	Effluent from the development will be disposed of to the existing reticulated system and will not impact on water quality.
(c) the proposed development will not discharge untreated stormwater into the sea, on any beach, estuary, coastal creek or other similar body of water, or a rock platform.	✓	Conditions of consent can be imposed that require appropriate erosion and sediment control measures to be installed prior to the commencement of works and maintained until the site is stabilised to minimise any sediment entering the marine environment. Stormwater will be disposed of via a new drainage design incorporating drainage/absorption pits, interceptor drains, bladder tanks and scour protection..

#### Clause 34: Preservation of trees or vegetation

Arboricultural assessment of 66 trees has been carried out by Urban Tree Management and detailed in a report dated 21 May 2009. This report relates to the whole North Beach Precinct and determines the impacts that the proposed re-construction and alignment of a retaining wall will have on specified trees.

A number of trees have been identified for removal, retention and transplantation, these have been included in draft conditions. The application has been reviewed by Council's Landscape Officer and found to be acceptable.

#### Clause 35: Heritage Conservation

The following items, including precincts, are listed under Schedule 5 of the WCCLEP:

- North Beach Pavilion (State)
- North Beach Kiosk and residence (State)
- Railway Cuttings and Embankments (Local)
- North Beach Precinct (State)
- Belmore Basin heritage Conservation Area (Local)

A Statement of Heritage Impact prepared by Conybeare Morrison dated July 2009 was submitted with the application, has been reviewed by Council's Strategic Project Officer – Heritage and found to be satisfactory.



Furthermore, as the subject building is listed on the State Heritage Register the proposal has been assessed by the NSW Department of Planning's Heritage Branch. The proposal was determined by the Heritage Council Approvals Committee on 7 October 2009. The Heritage Council Approvals Committee issued approval on 7 October 2009 under s58 of the Heritage Act 1977 and General Terms of Approval on 16 October 2009. These have been included as conditions of consent

## **7 Wollongong Draft Local Environmental Plan 2009**

Council's Draft Wollongong Local Environmental Plan 2009 was publicly exhibited from 10 December 2008, with submissions closing 17 April 2009. The Draft LEP relates to the majority of the Wollongong local government area and includes provisions relevant to the site.

### **Clause 1.8: Savings provisions**

Clause 1.8A contains savings provisions which require Council to consider the Draft LEP in its assessment of the application.

#### ***1.8A Savings provision relating to pending development approvals [local]***

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.*

### **Clause 2.3: Zone objectives and landuse table**

The site is proposed to be zoned RE1 Public Recreation pursuant to Draft WLEP 2009. The proposal falls within the definitions of a 'community facility', 'kiosk' and 'restaurant'. Each of these uses are permissible in this zone with development consent.

A 'community facility' is defined as a building or place :

- (a) owned or controlled by a public authority or not for profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community.

A 'kiosk' is defined as a retail premises used for the purpose of selling food, light refreshments and other small convenience items such as newspapers, films and the like .

NB – clause 5.4(6) of the LEP states that 'if development for the purpose of a kiosk is permitted under this Plan, the gross floor area must not exceed 30m<sup>2</sup>.

A 'restaurant' is defined as a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

The proposal meets the above definitions.

The objectives of the RE1 Public Recreation Zone are as follows:

#### **“ 1 Objectives of zone**

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

The proposal is considered to be entirely consistent with the draft zone objectives in that it will retain the existing use of the building for recreational purposes associated with surf life saving and beach activities, it will introduce additional recreational and leisure uses that are highly compatible the surrounding tourist and recreational beach uses, and the proposal incorporates conservation and landscape works to enhance the building's setting, access and visibility within an important natural beach environment. Furthermore, the proposed works will accommodate a wide range of uses for the benefit of the community.

### **Clause 4.3 Height of buildings**

The WDCCLEP does not set height controls for the subject land.

#### **Clause 4.4 Floor space ratio**

The WDCCLEP does not set floor space ratio controls for the subject land.

#### **Clause 5.5 Development within the coastal zone**

These matters are as per clause 32 of WCCLEP and have been considered above.

#### **Clause 5.9 Preservation of trees or vegetation**

These matters are as per clause 34 of WCCLEP and have been considered above.

#### **Clause 5.10 Heritage conservation**

These matters are as per clause 35 of WCCLEP and have been considered above.

### **6.1 Public utility infrastructure**

Adequate water supply, electricity and sewerage are available to the land

### **6.2 Environmentally sensitive land—significant vegetation**

As discussed above an assessment of the threatened species populations, ecological communities and critical habitat within 2km of the work site has been undertaken as part of the North Beach Precinct Landscape Works “The Blue Mile”.

Arboricultural assessment of 66 trees has been carried out by Urban Tree Management and detailed in a report dated 21 May 2009. This report determines the impacts that the proposed re-construction and alignment of an existing retaining wall will have on specified trees. As a result a number of trees have been identified for removal, retention and transplantation, these have been included in draft conditions.

The application has been reviewed by Council’s Landscape Officer and found to be acceptable

### **6.5 Acid sulphate soils**

The site is proposed to be categorised as level 5. The proposal is considered to satisfy the objectives of the section.

## **8 Wollongong City Centre Development Control Plan 2007**

The Wollongong City Centre Development Control Plan 2007 applies to the subject site. The DCP reflects Council’s current planning and urban design objectives and controls for future development within the Wollongong City Centre. Compliance with the DCP’s relevant numerical controls are provided in the following table below:

<b>Wollongong City Centre DCP 2007</b>	
<b>3.3 Safety &amp; Security</b>	
a) ensure that the building design allows for casual surveillance of accessways, entries and driveways	Building entrances are to be retained to the east and west. The proposed increased usage of the building by introducing a kiosk and café as well as the new beachside promenade will increase casual surveillance.
b) Avoid creating blind corners and dark alcoves that provides concealment opportunities in pathways, stairs, hallways and car parks.	All accessways are proposed to be well lit and widened to improve movement through and around building.
c) Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering	Entrances to be retained to the east (North Beach) and west (Cliff Road). Entrance points are clearly defined.
e) Provide adequate lighting of all pedestrian accessways, parking areas and building entries.	All accessways are proposed to be well lit.

f) Provide clear lines of sight and well-lit routes throughout the development.	Proposed works will improve sightlines and lighting within and around the building.	
g) Where a pedestrian pathway is provided from the street, allow for casual surveillance of the path.	Heritage pathway from Cliff Road to building will be improved with new steps and handrail which is visible from Street.	
3.9 Views and view corridors		
a) Exiting views are to be protected to the extent that is practical in the planning and design of development.	The existing building height is to be maintained and therefore does not alter existing views.	
4.1 Pedestrian access and mobility		
a) Main building entry points should be clearly visible from primary street frontages.	No change to main building entrances.	
b) the design of facilities(including car parking requirements) for disabled persons must comply with relevant Australian Standards and Disability Discrimination Act 1992.	The proposal has been reviewed by Council's Building Officer and found to be acceptable. Conditions will be imposed to ensure compliance.	
c) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the GF.	Provided.	
d) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	Provided.	
e) Pedestrian accessways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials tactile surfaces and contrasting colours.	Provided and consistent with the Blue Mile master Plan.	
f) Building entrance levels and footpaths must comply with AS 1428.1.	Complies.	
4.3 Onsite parking		
Restaurant/dining: <ul style="list-style-type: none"><li>• 1 space/ 4 employees</li><li>• 1 space / 6m<sup>2</sup> of GFA or 1 space / 4 seats (whichever is greater); and</li><li>• 1 motor bike space / 25 car spaces or part thereof.</li></ul>	Proposed café/kiosk: <ul style="list-style-type: none"><li>• 8 employees = 2 spaces</li><li>• 234m<sup>2</sup> (GFA) = 39 spaces</li></ul> <p>Total = 41 spaces</p> <ul style="list-style-type: none"><li>• 2 motor bike spaces</li></ul>	9 (in addition to existing spaces within the North Beach public car park) <i>(See Comment below table)</i>  6 <i>(complies)</i>
5.1 Energy Efficiency & Conservation		
All non-residential development Class 5-9 to comply with the Building Code of Australia energy efficiency provisions.	BCA report in relation to Section J – Energy Efficiency submitted with application and found acceptable by Council's Building Officer.	
5.2 Water Conservation		
Water saving methods to be incorporated in design.	A Sustainability Report detailing the above initiatives has been prepared for the Pavilion by Umow Lai, Consulting Engineers	

	<p>dated July 2009 and was submitted with the application.</p> <p>The proposal incorporates:</p> <ul style="list-style-type: none"> <li>• Gas hot water;</li> <li>• Water efficient fixtures;</li> <li>• Low water toilet facilities.</li> </ul>
<b>5.5 Waste &amp; Recycling</b>	
Submission of a waste management plan – construction and operational.	Will be imposed as a CC requirement.

### Onsite parking

The proposed kiosk and café uses generate a parking requirement of 41 spaces. The existing North Beach public car park north of the site provides 138 spaces and the proposal seeks to incorporate a further 9 spaces (including 2 accessible spaces). The proposed parking arrangements are considered acceptable for the following reasons:

- The proposed café is located along a highly accessible and highly utilised accessway and therefore would attract a large proportion of persons utilising parking within the surrounding road network or arriving on foot from surrounding residential development.
- Demand from evening trade to the cafe could easily be accommodated within the existing public car park as beach and park activities would be less likely in the evening and therefore parking demand and conflicts would be much lower.
- It is reasonable consider that lunch time trade to the café would include some persons already within the area or using the beach and park and will not generate a significant increase in parking demand.
- Additional public parking is also a long term priority under the Wollongong City Foreshore Plan of Management and captured within the Blue Mile Master Plan. The Master Plan envisages that the existing North Beach public car park could be developed into a multi level parking facility to serve the beach and surrounding public facilities.
- Part 4.15 of Council's Outdoor Restaurant Policy states that additional car parking is not required for outdoor eating facilities on public land. The proposal includes 75 outdoor seats and therefore technically, this part of the café / kiosk does not required additional parking.
- The application has been reviewed by Council's traffic Engineer and the proposed parking arrangement is considered acceptable.

### Heritage DCP

Technical Policy 97/2 Heritage DCP was adopted by Council on 18 June 2001 and is listed within WCCDCP as a policies applying to the Wollongong City Centre.

The Pavilion is identified as an item of State significance in WCCLEP 2007 and is on the State Heritage Register.

Section 6.3 of the DCP provides some guidelines with regard to adaptive reuse. It states that adaptive re-use is by far preferable to demolition but that the building design elements must not detract from the historically significant features of the heritage item. The proposed development is considered to be sympathetic to the existing building and does not detract from its historically significant features.

The DCP states that often the original use is the best use for a heritage item. The proposal seeks to maintain the historical use of the building for bathing sheds and a kiosk and introduce an additional commercial use which will compliment the overall working function of the community facility.

The site is located within the Belmore Basin Conservation Area however no specific guidelines are included in the DCP and reference is made to relevant plans of management.

## Wollongong City Geotechnical Development Control Plan

The Wollongong City Geotechnical Development Control Plan applies to the subject site. The parcel of land on which the development is proposed is identified as being in an area affected by slope instability. However, this parcel of land extends for more than 600m from the North Wollongong Surf Club in the north to the Belmore Basin break wall in the south. The application has been reviewed by Council's Geotechnical Engineer who has confirmed that there are no slope instability issues affecting the proposed building site and has recommended that appropriate structural design of the development occurs in accordance with the recommendations of the geotechnical report.

### Outdoor Restaurant Policy

The Outdoor Restaurant Policy was adopted by Council on 27 May 2002 and applies to all outdoor seating areas on public land where any food and alcoholic or non-alcoholic refreshments are served to patrons. The policy also allows for outdoor restaurants on all public land including squares; road closures; footpaths as well as widened footpaths; parks and public places provided that they comply with the criteria detailed within the policy.

The following considerations are required in the assessment of the location of an outdoor restaurant:

Outdoor Restaurant Policy Requirements	
The preferred location of an outdoor restaurant is directly adjacent to the respective indoor facility, rather than separated by a pedestrian thoroughfare.	Outdoor areas to kiosk and cafe directly adjoin related indoor use and are not separated by a pedestrian thoroughfare.
Clear access between the pedestrian footway and the respective indoor facility must be provided (for unobstructed access to toilet facilities, pay points, for waiting services, other patrons, etc.).	Can be achieved.
Where possible the outdoor restaurant should visually relate and be visually aligned to the existing features and elements of the street or landscape such as trees, lighting elements, bollards, paving, pavilions, etc.	Outdoor café and kiosk areas directly integrate with the Bathers Pavilion.
Outdoor restaurant areas must be easily accessible from the public footway and must present an open and inviting image to entice participation.	The kiosk and café will be visible from the proposed new beachside promenade and are located along an accessible path of travel from the public car park and cliff Road to the north.
As with any restaurant or eating facilities, the outdoor eating area is subject to the NSW Food Regulation 2001 and Food Safety standards.	To be conditioned.
It is recommended that toilet facilities are made available and it is mandatory where alcohol is served.	Toilets provided within café area and north wing public amenities are available for kiosk patrons.
Only the name or logo of the outdoor restaurant may be placed on the outdoor furniture and may only appear as a minor element on the furniture (tables and chairs).	To be conditioned.
Additional car parking is not required for outdoor eating facilities on public land.	Noted and discussed above.
A separate Outdoor Restaurant Licence must be obtained from Council	To be conditioned.
Any outdoor restaurant intending to serve alcohol requires a separate Licence under the <i>Liquor Act</i> .	To be conditioned.

### Blue Mile Vision Master Plan 2007

The Revitalising Wollongong City Centre Plan (2006) sets a 25 year strategic framework for the city centre to grow into a prosperous, vibrant and attractive regional city. The plan presents an exciting vision for the city centre:

*As a regional city for the Illawarra, Wollongong will be a vibrant centre for jobs, key regional services, cultural activity, entertainment and tourism. Jobs will focus on high growth industries that build the city's strengths in business services, health, education, retail, tourism and cultural activities.*

The city centre foreshore is highlighted as a critical component of that vision and the plan identifies redevelopment of the city foreshore as one of eight civic improvement projects that present major opportunities to achieve the vision for the growth, revitalisation and development of the city centre.

*The foreshore will be a significant destination where locals and tourists celebrate the beautiful natural environment and the heritage port. Pedestrian promenades, cycleways, foreshore parks, outdoor cafes and entertainment facilities will be developed to increase foreshore use and visitation.*

The city centre strategy was endorsed by Wollongong City Council in November 2006, and includes a new Local Environmental Plan (LEP), Development Control Plan (DCP), and Civic Improvement Plan (CIP) which provide the necessary planning context for the development of *The Blue Mile Master Plan*.

The vision statement of the Master Plan is as follows:

*The Blue Mile Master Plan has been guided by the vision statement: the Blue Mile will become a high quality, popular and beautiful open space area that links the city centre to its magnificent foreshore, and provides a substantially enhanced amenity for residents and visitors.*

The principal objectives of the Master Plan are as follows:

- *Establish high quality open space*
- *Improve pedestrian/cycle access to and along the foreshore*
- *Provide high quality facilities of distinctive local design that respond to and enhance the unique natural environment*
- *Provide a range of facilities for families, visitors and local residents*
- *Ensure design proposals maximise the safety of visitors*
- *Improve vehicular access and parking opportunities*
- *Integrate public art into design proposals*

The subject site is located within the North Beach Precinct. The works proposed under the current application are consistent with those works nominated for the North Beach Precinct under the Blue Mile Vision Master Plan. It is noted that the Master Plan does not go to a specific level of detail on built form requirements.

### **Wollongong City Foreshore Plan of Management**

The *Blue Mile Master Plan* process has led to the development of a City Foreshore Plan of Management (POM) which was exhibited for public comment concurrently with the master plan. The POM is necessary under legislation to allow for commercial activities such as lease and licence improvements and to allow for private sector investment. The POM incorporates the key proposals contained within the master plan.

The North Beach Bather Pavilion is listed as one of the facilities to be upgraded as part of the POM.

The existing use of the subject building is defined as follows:

*The pavilion provides accommodation for Council's lifeguards in addition to public change rooms and showers. Toilets are located in a separate building adjacent to the pavilion.*

The POM lists the following future permissible uses:

*Restaurant(s), café(s) operation consistent with the food and beverage outlets on Crown Reserves Policy and appropriate to scale of the redeveloped Bather's Pavilion while maintaining public change rooms and the Council lifeguard rooms.*

*construction maintenance, refurbishment activities to carry out development and or maintenance of the facility, including board way as part of expanding the existing shared way.*

The POM lists the following permissible lease/licences:

*Lease/licence for commercial and / or recreational / community use.*

The proposed works are consistent with the Wollongong City Foreshore Plan of Management for Precinct 6 – North Beach.

## **9 Combined City Wide and City Centre Section 94A Development Contributions Plan July 2008**

The proposal has been assessed against this plan and an exemption applies to the proposal under clause 9(g) of this plan as the application is for the purpose of a community facility.

## **10 Consultation**

Council publicly exhibited draft concept plans for redevelopment of the North Beach Bathers pavilion from 9 June to 6 July 2009. In total 95 submissions were received, most in support of the plan.

- 9 June 2009 Media launch held on-site at the Pavilion
- 13 June 2009 On-site community display of scheme and discussion on the proposal
- 17 June 2009 Community forum held at Council Administration Building
- 20 June 2009 Community exhibition at Thirroul community Centre
- 21 June 2009 On-site community exhibition
- June and July 2009 Neighbourhood Forums

### **Notification Policy**

The current development application was notified in accordance with Council “Development Assessment and Compliance Notification Policy”. Three (3) submissions were received and the main issues identified in the submissions are discussed below:

<b>Name &amp; Address</b>	<b>Concern</b>	<b>Response</b>
A. Conacher	<ul style="list-style-type: none"><li>• There has been insufficient research into some aspects of the building fabric that could be usefully reinterpreted.</li><li>• There has been insufficient consultation with user groups and the public.</li><li>• The promenade in its present form is intrusive and probably unnecessary.</li></ul>	<ul style="list-style-type: none"><li>• The current proposal has been the subject of a Statement of Heritage Impact prepared by Conybeare Morrison dated July 2009 and approved by the Heritage Council Approvals Committee and Council’s heritage officer. The interpretive elements have been found to be acceptable.</li><li>• Consultation carried out to date is considered adequate and has included a media launch held on-site, on-site community display of scheme and discussion on the proposal, a community forum, a community exhibition, an on-site community exhibition, and neighbourhood forums.</li><li>• The proposed new promenade reflects a reproduction of the plinth fenestration at the line of the front boardwalk, so as to maintain the same massing and shading of the existing plinth. It is not agreed that the promenade is intrusive. The</li></ul>

	<ul style="list-style-type: none"> <li>• Glazed roofing needs to be reconsidered.</li> <li>• Some aspects of internal planning (eg. toilets) needs to be reconsidered.</li> <li>• The intended relationship between the new work (minimalist Modernist) and the original style of the building, which is a collection of various decorative styles, is unclear. While there are some interpretative and referential features, the proposal as a whole does not seem to respond sympathetically.</li> <li>• New additions will require high levels of maintenance and repair.</li> </ul>	<p>promenade also improves access and provides opportunity for improved access in accordance with Clause 34 of the LEP.</p> <ul style="list-style-type: none"> <li>• The glazed roofing is considered acceptable and assists with ESD initiatives.</li> <li>• The internal layout is considered acceptable and has been found acceptable in relation to BCA review.</li> <li>• The current proposal has been approved by the Heritage Council Approvals Committee and Council's heritage officer. The interpretive elements have been found to be acceptable. It has also been specifically commented by the Heritage Council that the current proposal is <i>'suitably restrained and sympathetic to the heritage significance of the site.'</i></li> <li>• The proposed conservation works will assist with much needed maintenance. Furthermore, construction of the new seawall and promenade will protect the building from natural hazards such as storm surges and sea level rise.</li> </ul>
R.Knowles	<ul style="list-style-type: none"> <li>• Height non-compliance;</li> <li>• FSR non-compliance</li> <li>• Impacts on solar access;</li> <li>• Traffic and parking congestion;</li> </ul>	<ul style="list-style-type: none"> <li>• There is no nominated height requirement for the subject site. The proposal maintains the maximum roof height to the level of the string course (RL9.57 to the top ledge) as confirmed by the NSW Heritage Branch.</li> <li>• There is no nominated maximum FSR requirement for the subject site. In any case the proposal is generally confined to the existing footprint.</li> <li>• The existing building height is generally maintained. Additional shadows resulting from roof elements to the north and south wing and are minimal.</li> <li>• The proposal will add 9 car spaces to the existing public car park and improve access from the car parking to the building and beach. Additional public parking is also a long term priority under the Wollongong City Foreshore Plan of Management and captured within the Blue Mile Master Plan. General vehicular access will not be permitted with the exception of emergency access.</li> </ul>



	<ul style="list-style-type: none"> <li>• Building protrudes above natural sight line in front of Flagstaff Hill to the Escarpment.</li> <li>• Questions what licensed bar means;</li> <li>• What action will Council take to minimise anti-social behaviour resulting from alcohol consumption, minimise public risk from alcohol (ie. drowning);</li> <li>• Could a licence/ lease agreement be created;</li> <li>• When will demolition of existing surf clubhouse occur to make way for new open space?</li> </ul>	<ul style="list-style-type: none"> <li>• As stated above, the proposal maintains the maximum roof height to the level of the string course (RL9.57 to the top ledge) as confirmed by the NSW Heritage Branch. The scale of the development will remain as existing.</li> <li>• The licensed cafe use is subject to the future lessee being granted a licence from the Liquor Licensing Board.</li> <li>• Council will enforce operational conditions of consent and the café lessee as the licence holder would be responsible for management of alcohol consumption on the premises. Enforcement would also be carried out by the Licensing police and the Office of Liquor Gaming and Racing (OLGA).</li> <li>• The licence is not from Council but the Licensing Board. The rent term of the café would be under a lease agreement with Council.</li> <li>• Not part of the subject application.</li> </ul>
Dr J. Davis	<ul style="list-style-type: none"> <li>• Architectural design and heritage significance</li> </ul>	<p>The proposed development has been the result of several design revisions in consultation with the NSW Heritage Office. The design as proposed is significantly different to the previous proposals.</p> <p>The current proposal is a result of extensive community consultation and heritage design consideration.</p> <p>The application has been reviewed by Council's Heritage Officer and found to be satisfactory.</p> <p>Furthermore, the Heritage Council Approvals Committee issued approval on 7 October 2009 under s58 of the Heritage Act 1977 and General Terms of Approval on 16 October 2009.</p> <p>It is noted that the Heritage Branch consider the proposal is <i>'a notable improvement over previous proposals, being suitably restrained and sympathetic to the heritage significance of the site.'</i></p>

## Internal consultation

### Geotech

The application has been reviewed by Council's Geotechnical Engineer who has confirmed that there are no slope instability issues affecting the site and as such there is no need for any further geotechnical comments.

### Environment

The application has been reviewed by Council's Environmental Protection Officer and found to be satisfactory subject to the following recommendations in relation to the coastal hazard protection study carried out by Conybeare Morrison as detailed in the Statement of Environmental Effects:

- All recommendations stated in the Statement of Environmental Effects report Section 3.4.6 (Coastal Hazard Study) are to be implemented;
- The redevelopment of the North Beach Pavilion and the extension to the seawall over the existing concrete path must be on rock;
- Prior to the redevelopment a geotechnical investigation is required to establish the development is on stable geological formation (solid rock).

Each of the above points will be incorporated as conditions of development consent.

### Stormwater

The application has been reviewed by Council's Stormwater Engineer and found to be satisfactory subject to standard conditions of consent.

### Landscaping

The application has been reviewed by Council's Landscape Architect and found to be satisfactory subject to conditions of consent.

### Traffic

The application has been reviewed by Council's Traffic Engineer and the proposal was found to be satisfactory subject to standard conditions of consent.

### Building

The application has been reviewed by Council's Development Project Officer – Building in relation to BCA compliance and the following comments have been provided:

*The proposal has been assessed in accordance with the provisions, of cl94 and it has been determined that the proposed works do not:*

- Represent more than half the total volume of the building;
- Impact upon a persons ability to egress the building in the event of fire; or
- Promote fire spread from the building to another building nearby.

*Therefore, the provisions of cl94 of the EP&A Regulations 2000 do not apply to this application and the proposal is satisfactory subject to prescribed conditions. However in accordance with clause 168(1) of the EP&A Regulation 2000 as building works are proposed a fire safety schedule is not required to be attached to any consent for change of use. The issue of fire safety schedule will be dealt with at construction certificate stage. This has been contioned.*

### Heritage

The application has been reviewed by Council's Heritage Strategic Project Officer and found to be satisfactory. The following advice has been provided:

*The submitted heritage report and other documentation provides adequate justification for the development. The proposal is considered as a whole to provide a satisfactory re-use of the building and the surrounding landscape works will support the ongoing recreational uses of the foreshore reserve.*

The Heritage Council Approvals Committee issued approval on 7 October 2009 under s58 of the Heritage Act 1977 and General Terms of Approval on 16 October 2009. Council's Heritage Strategic Project Officer has reviewed the GTA's and confirmed that they will provide adequate protection/recording of the significance of the North Beach Precinct and that no further conditions of consent are required.

### SCAT

The application has been reviewed by Council's Safe Community Action Team and the proposal was found to be satisfactory subject to the following recommendations:

- *Ensure arches at sand level to the eastern side of the building are shallow to prevent them being used as shelter, especially late at night after opening hours;*

To be conditioned.

- *CCTV should be installed by the time any section of the pavilion is open;*

To be conditioned.

- *Closing of kiosk for 1 hour in the middle of the day (11am to 12pm) will not improve public amenity if beach goers cannot get a cold or hot drink from 11am to noon. It will also be confusing for visitors who see people / staff inside the kiosk/ café but can't get service. May encourage conflict that is unnecessary;*

This is not a significant concern. Adequate opening hour signage would be appropriate.

- *As the development is within the Blue Mile, which is itself within an Alcohol Free Zone, it is important signs be installed that indicate alcohol cannot be consumed on the beach or outside the building;*

To be conditioned.

- *Retaining walls, especially those along the shared cycle way should be landscaped to reduce likelihood and opportunity for graffiti;*

To be conditioned.

- *Signage symbols should be used rather than English words as much as possible, especially depicting toilet facilities. Clear unambiguous universal signage is essential at the unisex toilets to prevent opportunities for loitering;*

To be conditioned.

- *The management plan needs to include rapid removal of graffiti inside and outside the building as well as rapid repairs to lights.*

To be conditioned.

The above recommendations will be incorporated within a condition of consent and will be required to be added to a revised management plan for the building.

## 10.2 External consultation

### NSW Heritage

As the subject property is listed on the State Heritage Register, the proposal has been assessed by the NSW Department of Planning's Heritage Branch and was approved by the Heritage Council Approvals Committee on 7 October 2009 under s58 of the Heritage Act 1977. General Terms of Approval were issued on 16 October 2009 at attachment 5.

It is noted that the Heritage Branch consider the proposal is '*a notable improvement over previous proposals, being suitably restrained and sympathetic to the heritage significance of the site.*'

## **RECOMMENDATION**

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This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of SEPP (Major Development) 2005,

Wollongong City Centre Local Environmental Plan 2007, Draft Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

It is recommended that DA-2009/883 for the refurbishment of North Beach Bathers Pavilion and associated landscape works at Lot 70 Cliff Road, Wollongong be approved subject to conditions of consent.

## **ATTACHMENTS**

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- 1 Aerial Photograph
- 2 WLEP 1990 Zoning Map
- 3 Draft WLEP 2009 Zoning Map
- 4 General Terms of Approval Heritage Council
- 5 Plans
- 6 Draft Conditions

This aerial photograph shows the coastal region between North Wollongong and Wollongong. The image is overlaid with yellow and blue lines indicating specific lots and boundaries. Labels include 'North Wollongong', 'EAST', and 'Wollongong'. Numerous lot numbers and street names like 'BLAKE STREET' and 'DOORKE STREET' are visible. The ocean is on the right side of the image.



## Attachment 2: WLEP 1990 Zoning Map



Attachment 3: Draft WLEP 2009 Zoning Map



## Attachment 4: General Terms of Approval Heritage Council



1. Mail (Post)  
Heritage NSW 2150  
Locked Mail 8022  
Parramatta NSW 2124  
(0 025 949144) (Heritage)  
Telephone  
gruene.king@planning.nsw.gov.au  
Fax: 06 95853311 ext  
Our Ref: 1618, 5559  
Your Ref:

Telephone: 02 9873 8559  
Facsimile: 02 9873 8559  
heritage@planning.nsw.gov.au  
www.heritage.nsw.gov.au  
Gruene King  
02 9873 8559

Wollongong City Council  
DX 27811  
Wollongong CC

Attention: Pier Porozzo

Dear Pier

### INTEGRATED DEVELOPMENT APPLICATION: NSW HERITAGE COUNCIL GENERAL TERMS OF APPROVAL

RE: NORTH BEACH PRECINCT WOLLONGONG SHR 01737  
Proposed: Refurbishment & redevelopment of North Beach Bathing Pavilion &  
associated landscape works  
IDA Application No. 55/DW/05 referred to the NSW Heritage Council on 30/07/09  
Information received with application: Drawings 4453 A-002, A-014, A-034, A-053,  
A-0673 dated 05/06/09 & 21/05/09, prepared by CM+  
Photomontages dated 21/05/09, prepared by CM+  
Summary of submissions received

At its meeting on 07/10/09, the NSW Heritage Council Approvals Committee, as  
delegate of the Heritage Council of NSW, considered the above integrated  
development application. In accordance with Section 91A of the Environmental  
Planning and Assessment Act 1979, the Heritage Council hereby informs  
Wollongong City Council that the following terms of approval are proposed to be  
granted.

1. All work shall be in accordance with:  
Drawings 4453 A-01 to A-06 dated 05/06/09 & 21/05/09, prepared by CM+  
and the S&EE and S&L dated July 2009, prepared by CM+.
2. Detailed drawings of the proposed openings in fabric of high significance  
shall be submitted for Heritage Branch approval with the subsequent S&E  
application.
3. Details of street furniture and an interpretation plan shall be submitted for  
Heritage Branch approval with the subsequent S&E application.
4. A signage strategy shall be submitted for approval by the Heritage  
Branch as part of the S&E application. Particular attention shall be placed  
upon limiting signage attached to, and in the immediate vicinity of, the  
pavilion building.

5. An Archaeological Assessment of the subject area shall be undertaken by  
qualified professionals and submitted for Heritage Branch approval with  
the S&E application.
6. An archival photographic recording shall be undertaken of the North  
Beach Precinct before, during and upon completion of works. Recording  
shall be undertaken in accordance with the relevant Heritage Branch  
guidelines.
7. The North Beach Precinct CMP shall be updated and submitted to the  
Heritage Council for endorsement no later than six (6) months after the  
completion of works.
8. An application under section 60 of the NSW Heritage Act must be  
submitted and approved by the Heritage Council prior to work  
commencing. All detail design including the operable windows and their  
framing on the façade shall be submitted for approval. All columns  
adjacent to existing fabric should be spaced at least 100 mm from the  
existing fabric.

If you have any questions regarding the above matter please contact Gruene King at  
the Heritage Branch, Department of Planning on (02) 9873 8559.

Yours sincerely

Petula Santos  
Director  
Heritage Branch  
Department of Planning



**Attachment 5: Plans**

## **Attachment 6: Draft Conditions**

### **Integrated conditions**

A permit is attached pursuant to Section 91A of the Environmental Planning and Assessment Act 1979 from the Heritage Council.

Conditions which the Heritage Council imposed as part of this Integrated Development Consent are:

1. All work shall be in accordance with; Drawings 4493 A-01 to A-06 dated 05/06/09 & 21/05/09, prepared by CM+, and the SoEE and SoHI dated July 2009, prepared by CM+
2. Detailed drawings of the proposed openings in fabric of high significance shall be submitted for Heritage Branch approval with the subsequent S60 application.
3. Details of street furniture and an interpretation plan shall be submitted for Heritage Branch approval with the subsequent S60 application.
4. A signage strategy shall be submitted for approval by the Heritage Branch as part of the S60 application. Particular attention shall be placed upon limiting signage attached to, and in the immediate vicinity of, the pavilion building.
5. An Archaeological Assessment of the subject area shall be undertaken by qualified professionals and submitted for Heritage Branch approval with the S60 application.
6. An archival photographic recording shall be undertaken of the North Beach Precinct before, during and upon completion of works. Recording shall be undertaken in accordance with the relevant Heritage Branch guidelines.
7. The North Beach Precinct CMP shall be updated and submitted to the Heritage Council for endorsement no later than six (6) months after the completion of works.
8. An application under section 60 of the NSW Heritage Act must be submitted and approved by the Heritage Council prior to work commencing. All detail design including the operable windows and their framing on the façade shall be submitted for approval. All columns adjacent to existing fabric should be spaced at least 100 mm from the existing fabric.

### **General Matters**

#### **1) Capacities**

The capacity of the café is limited to the following:

- A maximum of 75 persons within the outdoor seating area;
- A maximum of 78 persons within the indoor seating area.

#### **2) Parking**

The development must provide an additional 9 (including 2 accessible spaces) car parking spaces which must be added to the existing 138 space carpark at the existing North Beach public car park.

#### **3) Security management plan**

The security management plan must include rapid removal of graffiti inside and outside the building as well as rapid repairs to lights

#### **4) Signage**

Only the name or logo of the outdoor restaurant may be placed on the outdoor furniture and may only appear as a minor element on the furniture (tables and chairs).

5) **Outdoor Restaurant Licence**

A separate Outdoor Restaurant Licence must be obtained from Council

6) **Liquor licence**

Any outdoor restaurant intending to serve alcohol requires a separate Licence under the *Liquor Act*.

7) **Arches at sand level**

The arches at sand level to the eastern side of the building must be shallow to prevent them being used as shelter, especially late at night after opening hours

8) **Trees to be removed**

The developer has permission to remove Trees No. 29, 30, 31, 32, 33, 34, 35, 43, 44, 45, 48, 51, 53, 77, 78, 81, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92 as indicated on the submitted arborist report, dated 21<sup>st</sup> May 2009. No other trees or vegetation shall be removed without the prior written approval of council.

9) **Trees to be retained**

The developer must retain Trees No. 36, 37, 38, 39, 40, 46, 47, 49, 50, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 79, 80, 87, 93 as indicated on the submitted arborist report, dated 21<sup>st</sup> May 2009.

10) **Arborist recommendations**

The developer must carry out all recommendations as indicated on the submitted Arborist's Report, Urban Tree Management, dated 21<sup>st</sup> May 2009.

11) **Tree to be transplanted**

The developer has permission to transplant Tree No. 43 *Dracaena draco* as per the transplantation method in Part C Urban Tree Management arborist report dated 21 May 2009. No other trees or vegetation shall be transplanted without the prior written approval of council.

12) **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.

13) **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

14) **Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

15) **Separate Consent Required for Advertising Signage**

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not “complying or exempt development”, under Wollongong Development Control Plan No 1 – Complying Development or Wollongong Development Control Plan No 2. – Exempt Development.

16) **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

17) **Smoke-free Environment Act 2000**

This consent does not imply or confer compliance with the requirements of the *Smoke-free Environment Act 2000*. It is the responsibility of the applicant to guarantee compliance with this Act.

**Prior to the Issue of the Construction Certificate**

18) **Security and noise management plan**

A security and noise management plan must be submitted prior to the issue of a Construction Certificate

19) **Waste Management Plan**

Waste Management Plan (construction and operational) must be submitted prior to the issue of a construction certificate

20) **Additional Bicycle Parking**

An additional 5 bicycle racks shall be provided on the northern end of the Bathers Pavilion. This requirement shall be reflected on the Construction Certificate plans.

21) **Security Bicycle Parking**

The security level of the bicycle parking is to be is to comply with the most current version of Austroads Part 14. This requirement shall be reflected on the Construction Certificate plans.

22) **Stormwater Details**

Details of the proposed alterations to the existing stormwater pits/pipelines, proposed pits/pipelines and dish drains shall be provided in conjunction with the detailed drainage design for the site. These requirements shall be reflected on the Construction certificate plans and supporting documentation.

23) **Tank Overflows**

Overflows from the water storage tanks must be connected to the existing Council stormwater system draining to the ocean. This requirement shall be reflected on the Construction Certificate plans.

24) **Absorption Trench**

Any stormwater from the development which is proposed to discharge to an absorption trench system must be designed strictly in accordance with Council's 'Domestic Stormwater Drainage Systems' fact sheet. This requirement shall be reflected on the Construction Certificate plans.

25) **Scour Protection**

All stormwater outlets and overland flow paths must incorporate appropriate scour/erosion protection measures. The final details of the proposed scour protection measures shall be reflected on Construction Certificate plans.

26) **Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.

27) **Integral Energy Requirements**

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

**Note:** Applications should be made to Customer Connections – South Coast, Integral Energy PO Box 6366, Blacktown 2148.

28) **Disabled Access and Facilities**

The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) - Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

29) The disabled access ramp(s) shall comply with Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

30) Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) – Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

31) The main entry point to the building shall be in accordance with Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.

32) **Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)**

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for

Works on Roads and the RTA Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a) proposed ingress and egress points for vehicles to/from the construction site;
- b) proposed protection of pedestrians, adjacent to the construction site;
- c) proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e) proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f) proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g) proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. - "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h) proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- i) proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

**Note:** Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

- 33) Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

34) **Property/Licence Agreements**

Prior to the issue of the Construction Certificate, the applicant must enter into an appropriate licence arrangement with Council. An application for a licence must be made to Council's Property Division for determination at least 50 days prior to the proposed commencement date of the use so that it may be advertised and assessed in accordance with the Local Government Act 1993/Crown Lands Act.

- 35) The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a) relocation or removal of the bin recycling station outside of the canopy of Tree 25;
  - b) transplanting of the following tree species: *Dracaena draco* Tree 43;
  - c) retention of trees numbered 36, 37, 38, 39, 40, 46, 47, 49, 50, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 79, 80, 87, 93;
  - d) planting of endemic plant species typical of the Illawarra Region as listed in the proposed plant list on the Masterplan dated 17.07.09;
  - e) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
  - f) the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
  - g) the pavement treatment of the two proposed showers to be consistent with each other and the existing shower located adjacent to the Surf Life Saving Club

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate or commencement of the development.

- 36) The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

37) **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- b) Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c) Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

38) **Asbestos Management Report**

The submission of a report, prepared by a suitably qualified and experienced asbestos consultant, which indicates the exact nature and extent of asbestos material contained within the site and the proposed remediation measures to be adopted for the removal of the asbestos material from the site to a NSW Environmental Protection Authority registered waste disposal site. This report shall be submitted to the Principal Certifying Authority for its separate approval prior to the issue of the Construction Certificate.

39) **Design and Construction of Food Premises Food Safety Standard**

The submission of documentary evidence to the Principal Certifying Authority confirming that the proposed food premises complies with Council's Food Premises Code prior to the issue of the Construction Certificate.

40) **Plant and Equipment - Noise Emission Levels**

The operating noise level ( $L_{Aeq (15min)}$ ) of the plant and equipment shall not exceed 5dB(A) above the background noise level ( $L_{A90 (15min)}$ ) when measured at the boundaries of the site. An acoustic engineer's report is to be obtained detailing the measures required to ensure compliance with this condition of consent. This report is to be submitted to the Principal Certifying Authority, prior to the release of the Construction Certificate. The approved noise attenuation measures are to be implemented, prior to the issue of any Occupation Certificate.

41) **Noise Impact Assessment Report**

The submission of an environmental noise impact assessment report, prepared by a suitably qualified and experienced environmental noise consultant, to the Principal Certifying Authority prior to the release of the Construction Certificate. This report shall specifically address the following matters:

1. Satisfy Council that the premises shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.
2. Satisfy Council that the building shall be operated so that noise generated from amplified music or sound systems does not exceed an  $L_{Aeq}$  sound pressure level of 5dB above the ambient background noise level in any octave band, from 31.5Hz to 8kHz centre frequencies inclusive when measured at the most affected point on or within any residential property boundary between the hours of 8.00am and 12.00 Midnight. Between the hours of 12.00 Midnight and 8.00am noise emitted shall not be audible within any residential sole occupancy unit with its windows or doors open or closed.  
Note: the method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.
3. Identify any building works that would be required to satisfy the points above.

**Prior to the Commencement of Works**

42) **Engineering Plans and Specifications - Retaining Wall Structures**

The submission of engineering plans and supporting documentation of all proposed retaining walls to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a) the proposed method of subsurface and surface drainage, including water disposal.

43) **Geotechnical investigation**

Prior to the redevelopment a geotechnical investigation is required to establish the development is on stable geological formation (solid rock).

44) **Depth and location of services**

The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained.



45) **Provision of common tap(s)**

The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.

46) **Appointment of Principal Certifying Authority**

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

- a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed (if Council is nominated as the PCA please use the attached form) and
- b) notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

47) **Sign – Supervisor Contact Details**

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

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

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

48) **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

49) **Consultation with NSW WorkCover Authority**

Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

50) **Consultation with NSW WorkCover Authority – Prior to Asbestos Removal**

The applicant or appointed contractor is to give NSW WorkCover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.

51) **Waste Management**

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

52) **Certification of Structural Adequacy - Building Walls/Structure**

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300 mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the Principal Certifying Authority is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

53) **Heritage - Archival Recording**

Prior to any works commencing on site the developer must ensure that archival recording is undertaken for any building and or area proposed to be demolished or altered in any way. Archival recording must be carried out according to the NSW Heritage Office document 'How to Prepare Archival Records of Heritage Item' - Part 11 Minimum Requirements for Archival Recording. The archival record must be signed-off by a suitably qualified heritage consultant and forwarded to the Principal Certifying Authority prior to commencement of any works on site. A copy of the final record shall be forwarded to Council for inclusion in the local studies collection of Wollongong Library.

54) **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

55) **Site Management Program – Sediment and Erosion Control Measures**

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

56) **Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

57) **Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

58) **Sediment Traps**

Sediment traps must be installed on-site around all affected stormwater inlets and drainage lines in accordance with Council's Guidelines. All sediment control measures must be maintained until the site has been rehabilitated (ie turf installed or grass cover established).

59) **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

## **During Demolition, Excavation or Construction**

### **60) Access to North Beach**

Access to North Beach must not be restricted for the duration of construction works

### **61) Foundation material for seawall**

The redevelopment of the North Beach Pavilion and the extension to the seawall over the existing concrete path must be on rock

### **62) Coastal hazard protection**

The following coastal hazard protection recommendations in the Statement of Environmental Effects report Section 3.4.6 (Coastal Hazard Study) by Conybeare Morrison International must be implemented:

- All structures adjoining the beach which are constructed as part of the redevelopment be founded on underlying rock. The vertical level of the underlying rock platform varies along the beach but is typically between 0.4m AHD to 0.8m AHD.
- A new crib-wall structure is not recommended in the coastal zone. Considering beach amenity and future storm erosion, the volume of sand into the future on North Beach is likely to be sufficient that waves are likely to only impact on the wall during events of similar magnitude to the design storm. Therefore it is envisaged that a vertical wall will not negatively impact on beach amenity by reducing sand volumes of the normal sub-aerial beach. Considering wave overtopping, a sloping composite revetment will have significantly lower overtopping volumes and hence lower impact forces on walls and doors of the Pavilion and surf club. With a sloping composite seawall the required vertical level for electrical circuitry will also be lower.
- For a new seawall, a vertical wall should be founded on rock. A sloping wall should be founded on rock or have sufficient scour protection to allow scour to -1.5m AHD.
- In planning for future development or capital works, it is necessary to consider potential sea level rise. An allowance for potential sea level rise that is appropriate for specified works should be considered in conjunction with the present 100-years ARI hazard extents and 100-years ARI design parameters. The recently released draft sea level rise policy by the NSW Government recommends sea-level rise allowances of 0.4m for 2050, and 0.9 for 2100. From the development of the North Beach area between the Pavilion and the surf club, it is recommended that a 50-year planning period be adopted.
- External doors and walls should be strengthened to withstand wave forces of 8kN/m for the Pavilion and 11kN/m for the surf club.
- Electrical circuits should be located above 6.7m AHD in the Pavilion and 6.56m AHD in the surf club.

### **63) Acid sulphate soils**

For any excavation on the site greater than 500mm below natural ground level, an assessment of the presence of acid sulphate soils is required. In this case, a qualified Environmental Consultant is to collect soil samples and have them analysed by NATA certified laboratory to determine its acid generation and acid neutralisation capacity. A copy of the report must be provided to Council's Environment Officer for review, prior to works continuing

### **64) Pavement and furniture treatment**

Pavement and furniture to be consistent with other Blue Mile stages of work and as endorsed in the Blue Mile masterplan.

65) **Retaining wall landscaping**

Retaining walls, especially those along the shared cycle way must be landscaped to reduce likelihood and opportunity for graffiti

66) **Signage symbols**

Signage symbols should be used rather than English words as much as possible, especially depicting toilet facilities. Clear unambiguous universal signage is essential at the unisex toilets to prevent opportunities for loitering

Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- a) entrance;
- b) lift or bank of lifts; and
- c) sanitary facility.

67) **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a permit from and arrange inspections with Council's Regulation and Enforcement Division.

68) **No Adverse Run-off Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

69) **Re-direction or Treatment of Stormwater Run-off**

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

70) **Branch or Root Pruning in accordance with Australian Standard**

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS373 (1996).

71) **Copy of Consent to be in Possession of Person carrying out Tree Removal**

The developer must ensure that any person carrying out tree removal is in possession of this development consent, in respect to the trees which have been given approval to be removed in accordance with this consent.

72) **Restricted Hours of Work (not domestic residential scale)**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to 1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

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

- a) the variation in hours required;
- b) the reason for that variation;

- c) the type of work and machinery to be used.

**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. Developers must note that EPA Environmental Noise manual restricts use of power tools (electronic or pneumatic) to between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on Saturdays.

- 73) The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.
- 74) The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

75) **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a) Does not spill onto the road pavement and
- b) is not placed in drainage lines or watercourses and cannot be washed into these areas.
- 76) Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.
- 77) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

**Prior to the Issue of the Occupation Certificate**

78) **Parking**

An additional 9 (including 2 accessible spaces) car parking spaces must be added to the existing 138 space carpark at the existing North Beach public car park.

79) **CCTV**

CCTV must be installed and operating prior to occupation of the building

80) **Signage alcohol consumption**

Signs must be installed that clearly indicate alcohol cannot be consumed on the beach or outside the building

81) **Drainage within Council Land WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the drainage infrastructure works within Council land has been undertaken in accordance with the approved plans. In addition, full works-as-executed plan, prepared and signed by a Registered Surveyor must be submitted. This plan must include the location and levels of the drainage lines, structures and finished surface levels. This information must be submitted to Wollongong City Council's Manager Design and Technical Services prior to the issue of the final Occupation Certificate.

82) **Implementation of environmental noise impact assessment report**

The findings and recommendations of the environmental noise impact assessment report shall be implemented prior to the issue of an Occupation Certificate

83) **Section 73 certificate**

A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

84) **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.

85) **Access Certification**

Prior to the occupation of the building, the Principal Certifying Authority must ensure that a certificate from an “accredited access consultant” has been issued certifying that the building complies with the requirements of AS 1428.1.

86) **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.

87) **Food Premises**

Ensure that the food business, before the food business commences any food handling operations, notify the appropriate enforcement agency (ie NSW Health) for the following information:

- a) contact details for the food business, including the name of the food business and the name and business address of the proprietor of the food business;
- b) the nature of the food business; and
- c) the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

88) **Food Safety**

The developer/food business shall comply with the NSW Food Act, NSW Food Regulation and Food Safety Standards.

89) **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

- 90) The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, ten (10) 25 litre container mature plant stock shall be placed in an appropriate location on the site.

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

91) **Vehicular access**

General vehicular access is not permitted to the subject development with the exception of emergency access for ambulance, fire truck and maintenance vehicles.

92) **Amenity of the neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products

93) **Restricted Hours of Operation**

The hours of operation for the development shall be restricted to:

Lifeguard patrols	Monday-Saturday	10am – 5pm
Kiosk	Monday –Sunday	7am-3pm
Licensed cafe	Tuesday-Sunday	12pm-11.00pm (indoor) Trading 12pm -10.00pm (outdoor) Trading 11pm-12.00am (cleaning only)
Public Amenities	Monday –Sunday	6am-6pm
	Monday –Sunday	7am-8pm EDST

Any alteration to the approved hours of operation will require separate Council approval.

94) **Storage of Goods and Materials**

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

95) **Fire Safety Measures**

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

96) **Food Premises**

The premises are to comply with the relevant provisions of the Food Act 2003, Food Regulations 2001 and Council's "Code for Food Premises".

97) **Exposed Food**

All food exposed for sale shall be protected from contamination by droplet infection from customers breath, handling, smoking or from flies or dust by means of adequate barriers in compliance with Food Regulation 2001, Food Safety Standard 3.2.2 "Food Safety Practices".

98) **Noise Monitoring**

The applicant must prepare a noise monitoring program to assess ongoing compliance with the conditions specifying noise limits for the construction and operational phases of the development.

99) **Access to Exits**

Unobstructed access shall be provided and maintained to all exits at all times.

**The reason for this condition is to ensure the safety of the patrons and staff**

100) **Liquor Act**

The provisions of Clause 104 of the Liquor Act of 1982 must be complied with in respect to quiet and good order of neighbourhood.

**The reason for this condition is to ensure that the quiet and good order of the neighbourhood is maintained.**

## **Reasons**

The reasons for the imposition of the conditions are:

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