

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

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| Panel Reference: | 2017SSH029 |
| DA Number | DA17/1001 |
| LGA | Sutherland Shire |
| Proposed Development | Partial demolition and alterations and additions to North Cronulla Surf Life Saving Club |
| Street Address | 62 Prince Street, Cronulla (Part Lot 1 in DP 17118, Lot 1 and Lots 16-20 in DP 12825) |
| Applicant | North Cronulla Surf Life Saving Club |
| Owner | Sutherland Shire Council |
| Date of DA Lodgement | 2 August 2017 |
| Number of Submissions | Twelve submissions during the initial notification period Two submissions during the re-notification period based on amended plans |
| Recommendation | Approval |
| Regional Development Criteria (Schedule 4A of the EP&A Act 1979) | The development is Council related with a capital investment of more than \$5 million. |
| List of all relevant 4.15 matters | <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19) • State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) • Draft State Environmental Planning Policy (Environment) (draft Environment SEPP) • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) • Sutherland Shire Development Control Plan 2015 (SSDCP 2015) • Section 7.11 / 7.12 Contributions: <ul style="list-style-type: none"> - Section 7.11 Development Contribution Plan 2016 - Section 7.12 Development Contribution Plan 2016 |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> • Recommended conditions of consent – Appendix A • List of public submissions – Appendix B • Statement of Heritage Significance for North Cronulla Surf Club and Dunningham Park – Appendix C • Architectural plans, stormwater plans and supporting documentation – Appendix D |
| Report prepared by | Lauren Franks - Environmental Assessment Officer Sutherland Shire Council |
| Report date | 24 September 2019 |

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

REASON FOR THE REPORT

State Environmental Planning Policy (State and Regional Development) 2011, requires this application to be referred to the Sydney South Planning Panel (SSPP) as the development is proposed on Council land and has a capital investment value of more than \$5 million. The application submitted to Council nominates the value of the project as \$8,509,989.

PROPOSAL

The application is for the partial demolition of existing surf club and alterations and additions to North Cronulla Surf Life Saving Club.

THE SITE

The subject site is located to the north-east of Dunningham Park, which extends along the southern and western side of the building. The existing building occupies 7 lots, with the esplanade extending along the eastern side of the building providing separation with North Cronulla Beach.

MAJOR ISSUES

The main issues identified are as follows:

- Heritage
- Built form including size of equipment store room and commercial floor
- Proposed commercial use/s and permissibility
- External Appearance

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

Development Application No. DA17/1001 for Partial demolition of existing surf club and alterations and additions to North Cronulla Surf Life Saving Club at Part Lot 1 DP 17118, Lot 1 DP 12825, Lot 20 DP 12825, Lot 16 DP 12825, Lot 17 DP 12825, Lot 18 DP 12825, Lot 19 DP 1282562 Prince Street, Cronulla be approved, subject to the conditions contained in Appendix A of the report.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

The proposal entails partial demolition and alterations and additions to the existing Surf Life Saving Club. Demolition of the southern single storey building containing a kiosk and public amenities will occur to allow for construction of a new multi-storey southern wing.

Ground Floor

- New female locker and bathroom and cool room within existing surf club.
- New 470m² equipment store room.
- 76m² kiosk.
- 80m² Council store & lifeguard room.

- Council lifeguard / operations staff lunch area.
- Public amenity facilities in the form of female male toilets and change area and accessible bathrooms.
- 38m² first aid room with accessible bathroom.
- Goods lift & pedestrian lift providing access to commercial area on first floor.
- 30m² commercial waste area and 14m² surf club garbage room.
- Male and female bathrooms and change rooms for patrons utilising surf club pool.
- Pool pump and chemical room.
- Surf club BBQ area and store room.

First Floor

- 350m² internal commercial floor area with attached 98m² balcony area.
- 110m² nippers training room with bar area and attached 45m² balcony area.
- New male, female and accessible toilets for use of the existing function room within surf club.
- 33m² operational room for use by existing surf club.

Second Floor

- New male, female and accessible toilets for use of the existing function room within surf club.
- Provision of an operable roof partially above the terrace.
- New balustrading to balconies.

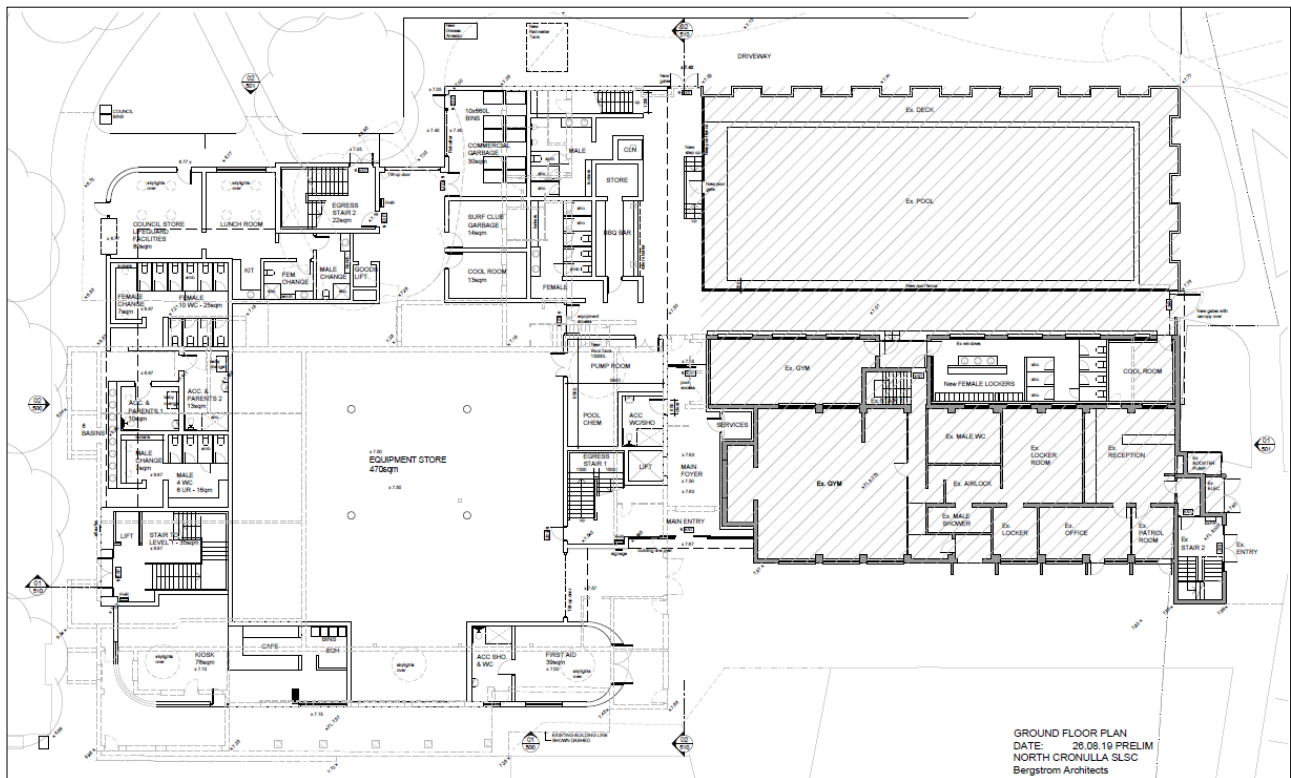
External Works

The proposal includes provision of a driveway extending along the western side of the building to provide vehicle access to delivery and waste trucks to facilitate loading and unloading. This will require the deletion of three public car spaces within Mitchell Road. No on-site parking will be provided.

In regards to landscaping, removal of one Norfolk Island Pine tree (Tree 5) in the south-western corner of the building is proposed, with a second Norfolk Island Pine potentially requiring removal due to the driveway (this will be determined by Council's Arborist during the construction phase). Pruning of a further four of these species along the southern side of the building is proposed. No beautification of areas surrounding the building is proposed as the surf club sits on Council land. Should the application be approved, Council's public domain unit will design how they wish the surrounding public spaces to present.

The proposed use of the commercial component on the first floor is unknown. Similarly, the proposed hours of operation of the kiosk on the ground floor has yet to be established.

A site plan is provided below.



2.0 SITE DESCRIPTION AND LOCALITY

The site comprises 7 parcels of land identified as Part Lot 1 in DP17118, Lot 1 and Lots 16-20 in DP12825.

The North Cronulla Surf Life Saving Club fronts North Cronulla Beach. A service road extends in front of the site (east of the surf club). This road is accessed from the carpark on Prince Street and provides vehicular access to the storage areas of the club for service vehicles, but is not open for public use.

The local area is characterised by public recreational space including Dunningham Park and the beach. The Esplanade (pedestrian walkway) on the eastern side of the site extends south from Wanda Beach to Bass and Flinders Point. Cronulla Centre is approximately 285m south-west of the site while Cronulla Train Station is situated 766m south-western of the site.

Beyond Dunningham Park which wraps around the western and southern façade of the surf club is Northies Hotel, located to the south-west and Peryman Square to the south. Beyond Prince Street car park on the northern side of the surf club is high density residential development.

An aerial photo showing the location of the site and surrounds is shown below.



3.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 31 March 2015 regarding this development. A formal letter was issued by Council dated 21 May 2015. The main points contained in this letter include:
 - Contextual analysis is needed to consider sight lines to and from the existing structure, interconnection between the heritage structure and new building. A development which expands upon the existing footprint of the existing single storey structure does not result in justification or a convincing rationale.
 - A Heritage Conservation Management Plan (CMP) is required to inform the design of the addition and the matters concerning the conservation of the heritage building. A Heritage Impact Statement (HIS) is also needed to be prepared outlining how the proposed development will impact on the heritage significance of the existing surf club building;
 - Details of public car parking spaces to be lost are required;
 - Details of the layout of the garbage bin store and loading bay are to be provided;
 - Encroachments of the new driveways and loading area into Dunningham Park is unsatisfactory as it will result in the loss of public land, removal of up to 9 Norfolk Island Pines and the compromising of the children's playground;
 - To improve the bland / stark design presenting to the Park, opening up the brick infills within the fence (replacing these panels with glass) will result in a more aesthetically pleasing line of sight and connection from the public space to the development proposed.
 - The Plan of Management (PoM) will need to be amended to include Dunningham Park given the works will extend into the Park, effectively extending the curtilage of the surf club.
 - Details of the hours of deliveries, fitout of kitchens, transfer of waste and operation of all aspects of the development are required; and

- Provision of an acoustic report is required to address noise emitted from the mechanical plant required, amplified music and patrons on the amenity of surrounding residences.
- The current application was submitted on 02 August 2017.
- The application was placed on exhibition, with the last date for public submissions being 15 September 2017.
- Council Officers met with the Applicant on 21 December 2017 and issued a letter on 9 January 2018 outlining the key areas requiring further attention:
 - A Heritage CMP is required and must be prepared prior to amending the design;
 - Identification of the likely or intended future use/s of the commercial space is required;
 - Reduction in overall mass of the proposed addition to ensure it does not compete with the heritage listed surf club building or adjoining heritage item, Dunningham Park;
 - Reduction in the size of the storage room on the ground floor and commercial space on the first floor;
 - Roof above the commercial space to be lowered;
 - Connection between the existing building and new building to ensure it is recessed and understated;
 - Increase in size of public amenities and Council facilities;
 - Improvement to the relationship between the western elevation and Dunningham Park;
 - Re-organisation of the layout to provide separation between the public toilets and kiosk;
 - Acid sulfate soils investigation to be undertaken where works are more than 2m below the natural ground surface to fulfil Clause 6.1 of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015);
 - Re-configuration and enlargement of Council waste room, commercial waste and further details of waste operation for kiosk; and
 - Acoustic impacts to be addressed due to mechanical plant and exhaust and multiple balconies.
- Following receipt of the Heritage CMP, a further meeting was held with the applicant on 2 May 2018 to discuss Council's expectations of how the design should progress, particularly resolving the design and sizing of the public amenities and Council facilities;
- Various conceptual plans were submitted following this meeting to resolve each floor's layout. Following Council's satisfaction with the layout, the proposal was re-considered by Council's Design Review Forum. Concerns remained with the external fabric of the building with the Forum's comments incorporated into Council's following letter;
- Council issued a 2nd letter dated 15 May 2019 outlining the following concerns:
 - Recommendations made within the updated HIS dated 4 April 2019 have not been fully applied to the design. Sketch plans on how to better address these recommendations are provided reducing the footprint of the 1st and 2nd floor toilets along the western elevation;
 - Skillion roof applied to the addition is out of place. A rectilinear approach is more suitable;
 - The palette of materials and colours needs to be simplified by removing glazed brickwork and 'black' metal cladding;
 - Connection between the new addition and existing building needs to be achieve a more distinct separation. A lighter connection to the existing building at the roof top is also needed;

- The harsh interface created by the building and proposed western driveway needs softening to improve safety and visual appeal;
 - It is highly likely that a food and drink premises will occupy the commercial space and therefore incorporation of a goods lift should be applied to the design as it will affect the ground floor layout; and
 - Provision of an acid sulfate soils investigation report is needed.
- Following submission of various amended plans, a final set of plans were lodged on 20 July 2019.
 - The modified proposal was reconsidered for a 3rd time by the Design Review Forum, this time by Council's Architect who provided comments on behalf of the Forum on 30 August 2019.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to Council to enable an assessment of this application.

5.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 42 of Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

Council notified adjoining and affected owners of the proposal and 12 submissions from 10 properties were received during the 1st notification period. A full list of the locations of those who made submission during the initial notification period, the dates of their letters and the issues raised are contained within **Appendix B** of this report.

Due to the substantial changes made to the design, adjoining and affected owners were re-notified of the proposal and 2 submissions were received during the 2nd notification period. These submissions were received from the same property (No. 909/1 Abel Place). The issues raised in these submissions are as follows:

Issue 1: Out of Character – Submission from 1st notification period

Comment: The immediate context surrounding Dunningham Park consists of high density development, primarily in the form of residential flat buildings or mixed use development with commercial premises at ground level and residential units above. Enlargement of the existing surf club will remain relatively moderate in bulk and scale compared to that of surrounding buildings and balanced by existing perimeter planting of mature Norfolk Island Pine trees.

It is accepted that the site in which the surf club exists is zoned RE1 Public Recreation which has one applicable development standard, being a 12m building height control. The proposal complies with this control and through design changes, has considered the objectives of the RE1 Public Recreation zone.

Issue 2: Design / Aesthetics – Submission from 1st notification period

Comment: Concern is raised the proposed addition is not complimentary to the existing heritage listed surf club. Council's Heritage Architect agreed with this sentiment as the proposal as lodged was not supported by a Heritage CMP which was needed to help guide the design to ensure the heritage conservation of the existing building was protected. This has been provided and design changes made to accord with the recommendations within the CMP. Further discussion is within Section 10.2 of this report.

Issue 3: Bulk / Scale – Submission from 1st notification period

Comment: Refer Section 10.3 of this report.

Issue 4: Safety from trucks moving within Dunningham Park – Submission from 1st notification period

Comment: Given the subject land is owned by Council, building works undertaken beyond the building footprint will be at the design and direction of Council's Open Space Asset Unit. Provision of a safety fence will be provided along the western and southern edge of the proposed driveway.

Issue 5: Safety from bottles falling from commercial balcony – Submission from 1st notification period

Comment: Initially, the eastern balcony associated with the first floor commercial space sat directly above and in line with the ground floor. Amended plans have alleviated this risk through reducing the depth and overall size of the eastern balcony. The balcony will now be set back 4m from the ground floor building line below which will minimise the safety risk created from falling bottles.

Issue 6: Kiosk undesirable on southern side (overshadowing) – Submission from 1st notification period

Comment: Initially, the proposal as lodged incorporated both a café and a kiosk. The kiosk has a frontage that was entirely south facing. As the application has modified, the kiosk and café has been incorporated into one commercial use that wraps around the south-eastern corner of the building allowing it to have a joint eastern and southern frontage. By allowing it to partially extend along the southern façade, this activates this building elevation. There are no solar access requirements for commercial uses that the applicant must consider but regardless, the business will receive solar access from early morning hours.

Issue 7: Commercial use unclear – Submission from 1st notification period

Comment: Agreed. The applicant has not been able to confirm what business will fitout the first floor commercial space as no prospective tenant has been identified. Further discussion is detailed within Section 10.1 of this report.

Issue 8: Building footprint expansion (too close to children's playground) – Submission from 1st notification period

Comment: The proposal will see the existing building extending a further 7m west in the south-western corner. A distance of approximately 11m will be maintained between the building and the playground. Initially, the proposal's south-western corner was an unattractive area that saw individual toilets and a waste room open adjacent to the children's playground. Whilst the building footprint at the ground floor has not

been reduced, the design of the building at this level has been improved through placement of the Council's lifeguard lunch room orientated towards this area. Amended plans have also shown that the first floor has been recessed from western and southern edges with windows orientated towards Dunningham Park which will aid a reduction in building bulk when viewed from the playground.

Issue 9: Construction disruption (noise & traffic) – Submission from 1st notification period

Comment: It is inevitable that some noise and traffic disruption will occur during the construction phase. This is temporary and unavoidable. A condition of consent is recommended to restrict noise levels and hours of building and demolition work to within standards.

Issue 10: Inappropriate use of Council land – Submission from 1st and 2nd notification period

Comment: Concern is raised that the proposal is inappropriate for Crown Land. The land on which the surf club exists is not Crown Land but is land owned by Sutherland Shire Council. That aside, the existing southern half of the surf club which contains Council's public amenities and a kiosk are in a dilapidated state. The proposal will rejuvenate the appearance of the immediate precinct and improve public facilities.

Issue 11: Traffic & Parking – Submission from 1st and 2nd notification period

Comment: Refer Section 10.6 of this report.

Issue 12: Loss of Trees – Submission from 1st and 2nd notification period

Comment: Refer Section 10.7 of this report.

Issue 13: Noise – Submission from 1st and 2nd notification period

Comment: Concerns with noise arise from not being aware of how the first floor's commercial use will be used. Whilst the use is unknown at this point in time, a condition of consent has been recommended requiring the fitout of the commercial space to be subject to a development application. Amended plans have been received showing a kitchen included in this space so it is likely that a food and drink premises will wholly / partially occupy this space. Regardless, hours of operation will be assessed separate to this application for the fitout and use of this space and a condition of consent has been imposed to ensure this will occur. Further discussion on noise relating to the surf club is in Section 10.5 of this report.

Issue 14: Increase in anti-social behaviour – Submission from 1st and 2nd notification period

Comment: There is no evidence to substantiate this claim that the proposal will result in an unacceptable increase in anti-social behaviour. Use of the commercial space does not form part of the proposal. Potential increases in crime arising from the use of this space will be assessed as part of a future application. The NSW Police are supportive of the proposal subject to conditions to minimise anti-social behaviour.

Issue 15: Building Servicing – Submission from 2nd notification period

Comment: Concern is raised that the lift to service the commercial space is situated at the front of the building and not the rear where deliveries occur. To address this issue, amended plans have been provided that includes provision of a goods lift. All deliveries will occur from the western service entry.

Issue 16: Stairwell within existing surf club non-compliant with BCA – Submission from 2nd notification period

Comment: Council's Building Surveyor has inspected the surf club and in conjunction with reviewing the submitted Building Code of Australia (BCA) report, has recommended a condition of consent requiring the surf club to be upgraded to fully comply with Sections C, D and E of the BCA.

Information Session

An Information Session was held on 6 September 2017 and 4 people attended. This allowed surrounding neighbours to ask questions surrounding the assessment process and to assist in interpreting plans and documentation to assist in their preparation of a submission should they wish to do so.

Revised Plans

Following submission of numerous concept plans for Council review, the plans were re-notified given the volume of design changes made to the original design. These plans were publicly exhibited in the same way as the original application in accordance with the requirements of SSDCP 2015.

Submission Review Panel (SRP)

As a result of the submissions received, the issues raised were discussed with the Team Leader, Manager and Director, Shire Planning and the application was referred to Council's SRP. The SRP considered the submissions, accepting that issues relating to parking and traffic could not be overcome by the proposal.

6.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone RE1 Public Recreation pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development incorporates community facilities, food and drink premises, kiosks and recreation facilities (indoor), all permissible with consent.

The following Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015)

6.1 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 identifies State and Regionally Significant development in NSW. Schedule 7 of the SEPP identifies this application as regionally significant development as it is a Council DA over \$5 million. Therefore, the application is referred to the Sydney South Planning Panel for determination.

6.2 State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

State Environmental Planning Policy No. 19 – Bushland in Urban Areas aims to protect and preserve bushland within urban areas, recognising these areas have natural heritage value, aesthetic value and are a recreational, educational and scientific resource to the community. This SEPP applies to development on land containing or adjoining bushland that is zoned or reserved for public open space purposes.

The site is zoned RE1 Public Recreation and as such is subject to the provisions of SEPP 19. Clause 6 requires the consent of Council prior to disturbance of bushland zoned or reserved for public open space purposes and lists matters which Council must be satisfied prior to development consent being granted. The SEPP defines bushland as *'land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristic of the natural vegetation'*.

The land containing the surf club and adjoining Dunningham Park does not contain any bushland remnants. While the land contains numerous Norfolk Island Pine trees and some planting beds containing small and medium sized trees, with the exception of a couple of Banksia trees, these are not bushland remnant vegetation. As such the matters within Clause 6 require no further consideration.

6.3 State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

Whilst recently repealed, State Environmental Planning Policy No. 71 – Coastal Protection applies to the proposal given it was operative at the time of lodgement of the DA. State Environmental Planning Policy (Coastal Management) 2019 (CM SEPP) has replaced SEPP 71. However, pursuant to Clause 21(1) of the CM SEPP, a savings and transitional provision (cl. 21) specifies that the former provisions of SEPP 71 continue to apply to DA's lodged, but not determined, immediately before the commencement of the CM SEPP.

Broadly, SEPP 71 applies to land within the coastal zone across NSW and seeks to protect and preserve Aboriginal cultural heritage, beach environments and beach amenity, native coastal vegetation, rock platforms and marine environment. All foreshore land in Cronulla is identified as being within the coastal zone.

Before granting development consent on any land to which SEPP 71 applies, the consent authority must take into consideration a range of matters. Of relevance to this development include matters relating to the suitability of development given its type, public access to the coastal foreshore, location and design and its relationship with the surrounding area, the conservation and preservation of items of heritage, archaeological or historic significance and the likely impact of coastal processes and coastal hazards on the development. These matters have been considered in the assessment of this application, with a condition of consent recommended which ensures the structural integrity of the building against major storm events is designed to withstand all forces up to and including the 100 year ARI storm event and the line of coastal recession. Public access to the foreshore will not be diminished or impeded by the proposal. Support for the proposal has been received from Council's Heritage Architect and the proposal has been reduced in bulk and scale and amended in design to ensure it positively relates to the adjoining Dunningham Park and public places.

6.4 Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)

The draft Environment SEPP seeks to simplify the NSW planning system and reduce complexity without reducing the rigour of considering matters of State and Regional significance. The draft SEPP was exhibited between October 2017 and January 2018. The SEPP effectively consolidates several SEPPs including SEPP 19, SEPP (Sydney Drinking Water Catchment), and GMREP 2 and remove duplicate considerations across EPI's. Relevant considerations have been taken into account against the in-force EPIs in this report.

6.5 Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015. A compliance table with a summary of the applicable development standards is contained below:

| SUTHERLAND SHIRE LOCAL ENVIRONMENTAL PLAN 2015 | | | |
|--|----------|---|------------|
| CLAUSE | REQUIRED | PROPOSAL | COMPLIANCE |
| cl.4.3 Height of Building | 12m | 12m – Lift overrun is the highest element, with highest roofline situated at a height of approximately 10m. | Yes |

6.6 Sutherland Shire Development Control Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Development Control Plan 2015. A compliance table with a summary of the applicable development standards is contained below

| SUTHERLAND SHIRE DEVELOPMENT CONTROL PLANS 2015 | | | |
|--|--|--|---|
| Chapter 37: Late Night Trading | | | |
| CLAUSE | REQUIRED | PROPOSAL | COMPLIANCE |
| cl.4.3 Base Hours (Low Activity Area) | <u>Non-licenced:</u> Community facilities / restaurant / recreation facilities (indoor) -6am to 10pm | None specified as use of commercial space is unknown. Addressed via a condition. | Yes – Refer Section 8.5 for discussion. |
| Extended Hours (Low Activity Area) | <u>Licenced - Indoor:</u> Community facilities / restaurant / recreation facilities (indoor) -6am to midnight | None specified within Applicant's Statement of Environmental Effects. Addressed via a condition. | Yes – Refer Section 8.5 of report. |

| | | | |
|------------------------|--|--|-------------------|
| | <u>Licenced - Outdoor:</u> Community facilities / restaurant / recreation facilities (indoor) -6am to 10pm | | |
| Loading / unloading | 8am-7pm Monday to Saturday 9am-7pm Sunday and Public Holidays. | None specified within Applicant's Statement of Environmental Effects. Addressed via a condition. | Yes - conditioned |
| Signage | Signage must be permanently erected and placed in clearly visible positioned within the premises, including immediately adjacent the entry / exit doors, requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. | Addressed via condition. | Yes - conditioned |

7.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

NSW Police

In accordance with the *Crime Risk Assessment – Police & SSC Protocol 2010* the application was referred to the NSW Police for comment. NSW Police acknowledged that the proposal *“will result in a slight increase in activity, both in and around the location. Such activity may subsequently increase the risk of crime, along with crime opportunities and potential offenders to the development and its surroundings.”* However, the NSW Police were supportive of the proposal subject to conditions of consent that mitigate against any potential increase in risk of crime.

Design Review Forum (DRF)

The application was referred to DRF on three separate occasions to ensure a supportive position could be reached on the proposal. The following comments were raised at each stage of the assessment process:

28 September 2017

A summary of the comments made on the proposal initially submitted as part of DA include:

- *“The quantum of change seems excessive;*
- *An enclosed commercial space of 700m² seating 330 patrons seems out of scale, especially when function spaces already exist in the heritage building;*

- *Clerestories should be lower than shown, set well below the top of the 1950's building;*
- *The service path at the park side of the building is not supported. Not only does it remove the softer landscape interface provided by the existing vegetation, it sets up a service entry attitude to the park;*
- *The proposal reduces existing large change facilities to fourteen individual toilets, facing outward to the public domain and an adjacent playground. Not only will they be uncomfortable for changing, they create an extremely poor visual interface;*
- *It would be better to visually integrate the SLSC with the park by creating repeating glazed elements in the pool wall; and*
- *The proposed location of the new loading bay will may a poor entry to the heritage building's stair 2 entry."*

28 February 2019

The following key comments on the modified design were received from DRF:

- *"The interface between the perimeter of the building and the park land setting has not been explored in a meaningful way;*
- *A stronger analysis and design argument in support of the design decisions as they specifically relate to the proposal's heritage issues is requires to support the outcomes of the CMP, and more broadly, to the Burra Charter guidelines;*
- *A limited and careful selection of the material palette based on a 'Fit for purpose' material criteria that is appropriate to its environment needs to be considered;*
- *A more simplified, rationalised and refined integration of the new building complex with the heritage facades and its presentation to Dunningham Park is needed;*
- *The skillion roof looks out of place with the general building composition; and*
- *Safety and the practical use of all access driveways should be prepared by the relevant experts."*

30 August 2019

Following further modifications to the design, re-referral to Council's DRF occurred. A response from Council's Architect who sits on this panel provided comments that included:

- *"The revised scheme 'blends the new building forms in a respectful manner with the existing building;*
- *The palette of colours and materials have been reduced from the original 9 selections and limited to a balanced and practical selection that are appropriate for the corrosive environment;*
- *The southern façade fronting Dunningham Park has been rationalised with reduced height and a less 'confused' arrangement of openings and finishes creating a much more refined and significantly less dominant building form;*
- *A small 'imbalance' within the new building form are the higher parapets of the western egress stair 2 and southern lift foyer above the other parapet levels which creates a disconcerting and distracting emphasis on these relatively unimportant elements of the proposal. These should be lowered to match the adjoining parapet heights;*
- *Reconsidered planning of spaces that access the driveway areas has reduced the perceived numerous conflicts of access between vehicles and pedestrians and users of the complex. The safety of these areas is now more apparent and acceptable;*
- *There has been a better resolution in the planning and arrangement of the internal spaces; and*

- *The resultant built form and material quality have achieved an appropriate and acceptable standard for this location and its relationship to the existing heritage building.”*

Heritage Architect

Council's Heritage Architect initially raised concerns with the proposal as no Heritage CMP was prepared at the time of lodgement of DA and had been requested during a pre-lodgement meeting. This CMP was needed to guide and inform the design. Without it, the design had not considered the Heritage significance and values of the surf club and adjoining Dunningham Park. Following submission of a CMP and amended HIS and amended plans, Council's Heritage Architect was supportive of the proposal subject to conditions.

Architect

Council's Architect initially raised concerns with the proposal and required a reduction of the mass of the proposed addition and for a clear relationship to be established with the datums set by the existing heritage building, a reduction in building footprint to the park, a detailed treatment of the public toilets and their interface with the park. These issues have been resolved to the satisfaction of Council's Architect, who is now supportive of the proposal subject to conditions that include the external finishes being consistent with those shown on the 'Finishes Elevation' drawings.

Landscape Architect

Council's Landscape Architect identified concerns with the treatment of the western elevation and harsh appearance of the driveway against the western pool wall. These have been resolved through a reduction in the building footprint within the south-western corner of the building and the first floor being recessed from the ground floor. Subsequently, support for the application have been given subject to conditions of consent.

Aboriginal Heritage Officer

Council's Aboriginal Heritage Officer inspected the site and whilst no aboriginal site and / or objects were identified within the site, a precautionary condition of consent has been recommended that sets out steps should any Aboriginal object be unearthed / exposed during the construction phase.

Building Surveyor

Council's Building Surveyor is supportive of the proposal subject to conditions of consent.

Waste Officer

Council's Waste Officer initially raised concerns with the distance bins would need to be wheeled when put out for collection and the usability of waste collection rooms given their limited size and irregular shape. Amended plans addressed this issue by demonstrating enlargement of bin store rooms and locating them within close proximity to the loading / unloading area at the southern end of the driveway. Subsequently, support for the proposal was given subject to conditions.

Environmental Health Officer

Council's Environmental Health Officer initially requested an acoustic report which took into account all mechanical plants including lifts, mechanical exhausts, pool plants and air conditioning units and potential noise impact to residential receivers from the use of the balconies. Concern was also made that each kiosk had insufficient area for waste storage. An acoustic report was obtained by the Applicant and the design was modified to combine each kiosk into one larger kiosk thereby allowing sufficient area for waste storage.

Each of these issues have been resolved to Council's Environmental Health Officer's satisfaction.

Environmental Scientist

Council's Environmental Scientist initially raised concerns in relation to acid sulfate soils and requested preparation of an acid sulfate soils investigation report. This was undertaken by the Applicant to the satisfaction of Council's Environmental Scientist. Therefore, support for the proposal was given subject to conditions of consent.

Development Engineer

Council's Development Engineer initially requested an amended stormwater plan to include provision of a 20m³ rainwater tank connected to toilets and for the pool top up. This information was submitted to Council's Development Engineer's satisfaction.

Traffic Engineer

Council's Traffic Engineer accepted that there is limited economically viable options to provide parking on site. However, initial concerns were raised that the size of the commercial space (being 709m²) was substantial and didn't have regard for the implications on the immediate area which has a low parking supply and a high competing parking demand. The proposal was amended to delete the loading zone (which resultantly caused deletion of 10 public car spaces) and reduce the commercial space to 448m² which had a reduced impact on parking demand and traffic generation. Subsequently, support for the application was given subject to conditions of consent.

Structural Engineer

Council's Structural Engineer noted that the surf club is in the zone of influence for major storm events. Whilst Council has future plans to provide a seawall along the foreshore, these are preliminary. Subsequently, to protect the structural integrity of the surf club, a condition of consent has been recommended to ensure the proposed addition is designed to withstand all forces up to and including the 100 year storm event and line coastal recession.

Public Assets Engineer

Council's Public Assets Engineer is supportive of the proposal subject to conditions of consent.

Open Space Assets Unit

Council's Open Space Asset Unit is supportive of the proposed subject to conditions of consent that modify the Construction Management Plan so that the material storage area, site office, lunch room and change room doesn't interfere with existing picnic tables, temporary site fencing is outside the tree protection zone (TPZ) of trees within Dunningham Park and temporary storage sheds to the north-east of the building is outside the TPZ of the Norfolk Island Pine tree.

Property Services

Council's Property Officer has not raised any objections to the proposal, noting that new conditions for the 'new' lease agreement will align with the Plan of Management.

Public Safety & Lifeguards

Council's Acting Manager has not raised any objections to the proposal.

Operational Services

Council's Group Manager for Operational Services was initially concerned at the size and shape of the public amenities. Following submission of amended plans that increased the size of public toilets, included provision of change rooms and increased the size of Council's bin store room and lunch room, support for the application was given subject to a condition of consent that required the detail of finishes and material used in public amenities to the satisfaction of Council's Director of Shire Infrastructure prior to issue of a Construction Certificate.

8.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

8.1 Permissibility

Initially, the documentation in support of the design noted that a function centre could be a use likely to occupy the proposed first floor commercial space. A function centre is prohibited in the RE1 Public Recreation zone and is defined within the SSLEP 2015 as:

"Permissible Land Use

a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility."

Within this zone, few land uses exist which are permitted with consent. Whilst the surf club is defined as a community facility, in considering what uses will fit out the commercial floor space on level 1, these are limited to 'food and drink premises', 'kiosks' and 'recreation facilities (indoor)'. In asking the surf club what the intended fit out of this space will be, no definitive response was able to be provided as a tenant/s had yet to be sought. Discussions with the surf club has revealed that the most likely use will be a food and drink premises and therefore, the plans have been modified to include facilities such as a goods lift and kitchen at the rear of the proposed first floor commercial space.

To safeguard against the future use being a function centre, the following conditions of consent is recommended:

"The first floor commercial space is not to be used as a function centre. A function centre is defined within the Sutherland Shire Local Environmental Plan 2015 as a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility."

“Use of Commercial Tenancies and Installation of Commercial Signage

This development consent does not grant approval for any use of the commercial tenancies or for any commercial signage. All future uses of the commercial tenancies and installation of signage are subject to separate application (except where a first use or installation of signage is permitted to be carried out as Exempt Development under relevant planning legislation). Hours of operation for the use of the commercial space is subject to a future development application.”

8.2 Heritage

The North Cronulla Surf Club and surrounding Dunningham Park are each separately identified as a local item of environmental heritage under SSLEP 2015. Each item’s statement of significance is detailed within **Appendix C**.

Conservation Management Plan (CMP) and Heritage Impact Statement (HIS) Recommendations

A Heritage CMP has been submitted during the assessment of the application. Council’s Heritage Architect has reviewed the CMP and agrees with the grading of the building’s fabric which identifies the eastern, northern and western facades as being of ‘high significance’ and the kiosk, change rooms, pool and nippers room being of low and moderate significance’.

As the CMP was obtained after the DA was lodged, the original HIS required amendment to ensure it considered recommendations within the CMP. Subsequently, an amended HIS was prepared (dated 4 April 2019) which recommended that the toilet ‘block’ addition on the western elevation on Level 1 and 2 be modified to include a partition wall between the existing external wall and the toilets and recessed infill panels to existing window openings to the interior of the original building. Council’s Heritage Architect supported this recommendation and was also concerned about the toilet ‘blocks’ prominence and unsuccessful integration into the building form. To allow support for this addition, Council’s Heritage Architect recommended the ‘block’ should be reduced in size, have regard to existing window proportions, locations and configurations with wall detailing and finishes to match the existing building. The Applicant’s Architect has amended the design to adhere to this request by reducing the circulation space within the toilets at each level to reduce its size (increasing its setback from the northern building line), and amended the colour scheme and window styles.

The amended HIS also recommends that signage on the northern elevation be retained and conserved. This has been shown on amended plans to the satisfaction of Council’s Heritage Architect.

Design Changes Recommended by Council’s Heritage Architect

In addition to recommendations detailed within the CMP and HIS, Council’s Heritage Architect identified concerns with the connection between the new addition and the existing building. A more distinct separation (at ground and first floor) was needed and a lighter connection to the existing building at the roof top was also needed. Further to this, the mass of the proposed addition needed to be reduced so that it did not compete with the heritage values of the surf club and Dunningham Park. To achieve this, the addition needed to be recessed from the esplanade (eastern elevation) at the first floor to align with the façade of the existing surf club. This would establish a clear relationship with the datums set by the existing building. Council’s Heritage Architect was supportive of the balcony attached to the commercial space on the first floor to extend slightly beyond the existing building façade. These two issues have been addressed on

amended plans with the first floor commercial area recessed from the ground floor along the western, southern and eastern elevations and the introduction of glazing with timber slats to ease glare provided at the connection between the surf club and the addition. Council's Heritage Architect is supportive of these amendments.

8.3 Urban Design

Clause 6.16 of SSLEP 2015 contains certain matters of consideration relating to urban design. These include strengthening enhancing and integrating into the existing character of distinctive locations, neighbourhoods and streetscapes, extent to which recognition has been given to the public domain in the design of the development and the extent to which that design will facilitate improvements to the public domain. These key matters have been given consideration and have been met as follows:

Bulk & Scale

Initially, the proposal's building mass was extensive, in part due to the provision of a 600m² equipment store room on the ground floor and 865m² first floor commercial space. The building mass was also accentuated through provision of a 5m floor to ceiling height within the first floor commercial space. Amended plans have been provided which has reduced the overall building mass with the equipment store room reduced to 470m² and commercial space reduced to 448m². The overall height of the southern addition has been lowered to approximately 4m which allows this portion of the building to noticeably sit below that of the existing surf club.

Along the western elevation, Council's Architect has recommended the following conditions to minimise unnecessary bulk in the south-western corner of the building:

"Design Changes Required

A. Before Construction

The parapet levels of the western egress stair 2 and the southern lift foyer must be lowered to match the height of the adjoining parapet.

The external wall finish to the ground floor commercial garbage room (western and southern walls) and western wall of stair 4 must be amended to be board-formed concrete."

External Finishes

Considerable change to the external finishes has occurred as the building form has evolved. At the direction of DRF in their 2nd meeting, the Applicant has reduced the volume of external materials from 9 to 5, simplifying and streamlining the development. Council's Architect is supportive of this but has advised that the schedule does not specify exact paint and material brands and names. Subsequently, the following condition is recommended:

"Schedule of Finishes – External Material

A full schedule of external materials including brand name, product name and a sample board of each external material is to be submitted to Council prior to issue of any Construction Certification. This information is to be submitted to Council with written approval given by the Director of Shire Planning prior to the issue of a Construction Certificate."

Public Amenities

Existing public amenities are dilapidated. Provision of new public toilets and change rooms will ensure the objectives of Clause 6.16 as the proposal will provide much needed updated public amenities that are well integrated into the building form so that they do not detract from the building's connection with Dunningham Park. Considerable design changes have been made to public amenities since the initial proposal was submitted to Council and have seen provision of separate mens, womens and accessible bathrooms with the inclusion of change room facilities and the introduction of skylights above these areas and the Council store and lunch room. Council's Operational Manager and Environmental Health Officer are supportive of the proposed size and design of these areas subject to the following conditions:

"Schedule of Finishes – Public Amenities

A. Prior to Construction Certificate

A detailed Schedule of Finishes for the fitout of areas to be used for public amenities (including toilets and change rooms) and Council staff amenities (including store rooms, lunch room and associated kitchen and bathrooms, first aid room) and any other area to be provided for general use by the community which is maintained by Council is to be prepared. This information is to be submitted to Council with written approval given by the Director of Shire Infrastructure prior to the issue of a Construction Certificate."

"Design Changes Required

B. Before Construction

The skylights within the public amenities (i.e. male change area, accessible & parents room 1, female change area, Council store, first aid and Council lifeguard lunch room) are to be frosted. Skylights above the equipment store room and kiosk are to also be frosted."

8.4 Plan of Management

In accordance with Cl. 35 of the Local Government Act 1993, community land is required to be used and managed in accordance with a Plan of Management. Council has drafted a Plan of Management however, given substantial design changes have been made to the proposal, areas of the Plan of Management have required amendment. The Plan of Management is in the process of being updated to reflect the amended proposal before being publicly exhibited. The following condition of consent has been recommended to ensure the proposed development ties into the Plan of Management"

"The premises shall operate in accordance with the draft plan of management and once adopted, the final plan of management applicable to the land adopted by Sutherland Shire Council."

8.5 Hours of Operation / Noise

The Statement of Environmental Effects submitted as part of the DA notes that the hours of operation will be in accordance with the Plan of Management. The Plan of Management is in draft form and does not detail hours of operation however the Applicant's Noise Impact Assessment identifies existing and proposed hours of operation as follows:

| | |
|---|--|
| <i>Nipper room (existing):</i> | |
| <input type="checkbox"/> Monday to Sunday: | Normally used during the day 7 am to 6 pm. |
| <i>Level 2 Terrace (existing):</i> | |
| <input type="checkbox"/> Sunday to Thursday: | 7 am to 10:30 pm; |
| <input type="checkbox"/> Friday and Saturday: | 7 am to 12 am (midnight). |
| <i>Kiosk (existing):</i> | |
| <input type="checkbox"/> Monday to Sunday: | 7 am to 5 pm; |
| <i>New Commercial Space (proposed):</i> | |
| <input type="checkbox"/> Sunday to Thursday: | 6 am to 10:30 pm; |
| <input type="checkbox"/> Friday and Saturday: | 6 am to 12 am (midnight). |

Extract – Environmental Noise Impact Assessment, dated 15 March 2019 and prepared by DK Acoustics Pty Ltd

These hours of operation have been assessed against Chapter 37 Late Night Trading of the SSDCP 2015. Whilst the use of the commercial space on the first floor requires approval via a separate DA pursuant to a recommendation within this report, it is considered acceptable to condition the use of the nipper room, Level 2 terrace (surf club) and kiosk as per the existing hours of operation. The extract above neglects a 2nd existing function room situated on Level 1 of the surf club. It is considered appropriate to grant permission for use of this space with hours of operation similar to that of Level 2's terrace and has been agreed to by Council's Environmental Health Officer. To form a position on the permitted hours of operation on the commercial space is premature without submission of a management plan, details of patron numbers and overall knowledge of how the business will operate. A concern raised in submissions received during the notification period included use of balconies late at night. To minimise noise emanating from the balconies, the following condition has been recommended, with input from Council's Environmental Health Officer:

“Noise Control / Hours of Operation - Design of Operation of Premises

To minimise the impact of noise on the surrounding residents

B. Ongoing - Surf Club

(i) The permitted hours of operation apply to the following areas:

| | |
|---------------------------------------|---|
| <i>Nipper room:</i> | <i>Monday to Sunday, 7am to 6pm</i> |
| <i>Level 1 & 2 Function Room:</i> | <i>Sunday to Thursday, 7am to 10:30pm</i> |
| | <i>Friday to Saturday, 7am to 12am (midnight)</i> |
| <i>Kiosk:</i> | <i>Monday to Sunday, 7am to 5pm</i> |

Note: *Hours of operation for the first floor commercial space will be assessed as part of a separate DA required for approval of the use and signage associated with the business.*

- (ii) All external doors and windows to the existing function rooms and nippers / training room are to be closed from 10.00pm.*
- (iii) There is to be no amplified music on any of the terraces and balconies.*
- (iv) Patrons are to be gradually moved inside from terraces and balconies from 10pm, with no patrons to be within these outside areas after 10.30pm.*

- (v) *The use of the premises and all associated plant and equipment must be operated and maintained in accordance with “A” above.*
- (vi) *Certification from a qualified acoustic engineer shall be provided within 12 weeks of the occupation confirming that the design and operation requirements specified in “A” above are being achieved. The report is to include post validation results.”*

8.6 Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on planning, design and structure of cities and neighbourhoods and aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of crime. Initially, the design incorporated individual toilets in the south-western portion of the site as these would improve safety around public amenities and CPTED. However, this outcome detracted from the aesthetics of the development and given this area of Cronulla is heavily pedestrianised, it was excessive to require public amenities to be provided in this arrangement as opportunities for crime would be minimal. The incorporation of a commercial premises at the first floor that will likely be operating into the evening will increase activity around the development thereby improving on what is an already safe area.

8.7 Parking and Vehicular Access

Deletion of On-Street Parking Spaces

A total of three public car spaces will be removed along Mitchell Road to facilitate a new driveway along the western side of the surf club. No parking will be provided as part of proposal. Provision of a basement to provide parking would be cost inhibitive particularly given the presence of acid sulphate soils and sandy substrate. Given the site is zoned RE1 Public Recreation, Chapter 36 of the SSDCP 2015 does not identify a parking rate applicable to the proposal and therefore the findings of a Traffic Study are relied upon. The Applicant's initial Traffic Assessment submitted with the DA was light in detail and discussed use of the first floor commercial space as being a function centre, capable of accommodating 330 visitors. Given a function centre is prohibited, further traffic advice was sought by the Applicant. The Traffic Study concludes that overall the proposal 'will not be a major traffic generator of traffic' as peak demand for parking from use of the proposal would be in the evening. These sentiments are not agreed to by Council's Traffic Engineer but accepts that parking within Cronulla has reached a point of saturation with demand for parking in the immediate vicinity of the site challenging in its current state.

The amended proposal has significantly reduced the size of the commercial space, deleted a loading bay within Mitchell Road that would require removal of 10 on-street car spaces, no longer proposes a function centre as it is prohibited and includes a smaller kiosk that will likely attract customers who are already visiting the area. For these reasons, it is accepted that limited alternatives or measures can be taken to improve the existing parking situation other than the design changes that have been undertaken. A condition has been recommended requiring improvement works within close vicinity to the site.

Vehicular Access

Provision of a driveway along the western side of the building has been proposed to facilitate a HRV sized truck accessing the service area situated in the south-western corner of the building. This driveway will be appropriately fenced to ensure the safety of children using within Dunningham Park. Conditions of consent have been recommended that require the design of this driveway to be made in consultation with Council's Public Domain Assets Engineers, Arborist and Open Space Assets Unit.

8.8 Servicing – Deliveries and Waste Management

Initially, the development proposed that all waste bins be wheeled along the eastern side (i.e. the esplanade) of the building for placement within a proposed loading zone situated directly north of the building within Mitchell Road. This arrangement would have required deletion of 10 on-street car spaces and was not supported by Council's Traffic Engineer or Waste Officer as this would not be functional due to the distance between bin store rooms and the collection point. To overcome these issues, it was recognised that a driveway along the western side of the development was necessary to service the grease trap so it was recommended that the most ideal outcome would be to delete the loading zone on Mitchell Road and facilitate all deliveries and waste collection via the driveway. To avoid the western side of the building becoming an unsightly 'back-of-house', the Applicant was requested to provide a loading bay / dock at the end of the driveway providing direct access to internal areas of the building, including the commercial waste room and a designated good lift. This would also allow good access to the equipment store room should watercraft and equipment stored off-site be delivered to the premises. The Applicant amended the design to ensure this occurred and has also increased the size of Council's waste / store room and made it regular in shape to allow for ease of access for Council waste operators. In addition, the commercial waste room and surf club waste room have been relocated to be adjacent to the service entry at the end of the driveway. This ensures bins won't be wheeled a long distance for collection. Council's Waste Officer and Operations Manager are supportive of these changes to the design subject to conditions.

8.9 Tree Removal / Landscaping

The proposal includes the removal of one Norfolk Island tree situated in the south-western corner of the existing building and pruning of a further four of these species to the south of the building. Removal and pruning of these trees is supported by Council's Landscape Architect.

The proposed location of the driveway adjoins the western wall. This triggers the removal of numerous mature Banksia and Tuckeroo trees (identified as Trees 10-18 in the Arborist Report) and shrubs. This will expose the western pool wall, increasing the development's bulk when viewed from Dunningham Park and create opportunities for graffiti. Council's Landscape Architect has inspected the site and believes that by pruning Tree 19 (Norfolk Island Pine tree) in the north-western corner of the site, the driveway could be shifted off the western wall slightly to allow a garden bed of approximately 800mm width that could contain climbers that can trail up and onto a trellis which is affixed to each infill wall pockets along the western pool wall. As DRF have continually raised concerns with the western elevation being treated as a 'back of house', provision of a garden along the western pool wall is critical to resolving these issues. The existing garden bed is approximately 3-4m in width with mature Banksia trees however this will require severe pruning if retained therefore a narrower garden is needed. No increase in deletion of on-street parking spaces will occur. Subsequently, the following condition has been recommended by Council's Landscape Architect:

"Landscaping Works

A. Design

- iv) *The removal of the trees and shrubs along the pool boundary to install the service driveway will require a new garden bed to be installed along the new driveway's eastern side. The bed needs to be 800mm wide (widening slightly where the wall articulates inwards towards the pool). Within each articulated element along the western pool wall, a trellis screen is to be affixed to the existing*

brickwork. Immediately in front of each trellis, the area is to be planted out with climbers that can trail up and onto the palisade fence. Shrubs are to be planted within this garden bed along the full length of the driveway at 1m intervals.”

In assessing the termination point of the driveway where it connects the service entry on the western side of the building, Council's Landscape Architect is concerned that the encroachment into Tree 6 (Norfolk Island Pine tree) will be excessive and could prove fatal to the tree's ability to be retained. Subsequently, the following condition is recommended:

“Tree Retention and Protection

A. Before Works

As Tree 6 will have a major incursion into its TPZ due to the building and landscape works, the project arborist shall be present and oversee all excavations that occur within the TPZ of this tree. If during the course of the works it becomes evident that too many structural roots will need to be removed in order to undertake the authorised work, and that the tree will be structurally compromised by the excavation, the works shall cease immediately. The Project Arborist shall immediately contact Council's Tree Management Officer (97100333) and provide a report with photos that explains why the tree requires removal. Removal of the tree shall be at the applicant's expense and the appropriate replacement ratio applied to the removal of this Council asset.”

8.10 Construction Phase

A Construction Management Plan was submitted with the DA indicating that site fencing will pass through the centre of the tree protection zone (TPZ) of Tree 6 (Norfolk Island Pine tree) and a material storage area, site office, lunch room and change room will be located where picnic tables exist and encroach within the TPZ of Tree 19 (Norfolk Island Pine tree). Furthermore, three temporary facilities will be stored on the grass area in the north-eastern corner of the surf club. This location will encroach on the TPZ of Tree 23 (Norfolk Island Pine tree). The disruption to the amenity and trees within Dunningham Park and the Esplanade is not supported. Decisions on where the placement of these facilities will be located is needed in consultation with Council's Public Domain Asset Engineers and Open Space Assets Unit. Subsequently, the following condition has been recommended:

“Approvals Required under Roads Act or Local Government Act

A. Prior to issue of a Construction Certificate

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- *Motorised access through the adjacent public reserve adjacent to the development site;*
- *Frontage works including construction of a driveway, footpath, etc.*
- *Road openings and restoration to provide services to the development.*

- *Work Zones and hoardings. A Work Zone Permit is to be obtained from Council. An updated Construction Management Plan is to be prepared in consultation Council's Open Space Assets Unit and Public Domain Asset Engineers to determine the appropriate location for the storage of materials, temporary fencing and ancillary built elements is to be determined.*
- *Skip bins.*
- *Shoring / anchoring.*
- *Standing of cranes, concrete pumps, etc.*

Note: All Plans and Permits are required to be on site, at all times and may be requested by Council officers at any time.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution."

8.11 Acid Sulfate Soils

The subject site is identified as within 'Class 4' Acid Sulfate Soils Maps and the provisions of Clause 6.1 are applicable. The objectives of this Clause are to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

Within Class 4, the trigger under SSLEP 2015 is works beyond 2m below the natural ground surface or works by which the watertable is likely to be lowered beyond 2m below the natural ground surface. The Applicant obtained a Preliminary Acid Sulfate Soil Assessment Report to ensure the development could satisfy Clause 6.1 of the SSLEP 2015. Due to the development being situated on sand, piling to an approximate depth of 12m is required. The soil samples were taken to a depth of 6m due to boreholes continually collapsing due to the sandy substrate. Whilst Council's Environmental Scientist accepts this level of investigation, the best practice approach in this scenario would be to ensure that piles are screwed or driven into the ground to ensure that no material is brought to the surface. Council's Environmental Scientist has imposed conditions that manage potential acid sulfate soils during the construction phase. Thereby the proposal successfully adheres to the SSLEP 2015.

8.12 Earthworks

The proposal includes earthworks and Clause 6.2 of SSLEP 2015 requires certain matters to be considered in deciding whether to grant consent. These matters include impacts on drainage; future development; quality and source of fill; effect on adjoining properties; destination of excavated material; likely disturbance of relics; impacts on waterways; catchments and sensitive areas and measures to mitigate impacts. The relevant matters have been considered and the application is acceptable.

8.13 Energy Efficiency and Sustainable Building Techniques

Clause 6.15 of SSLEP 2015 contains matters for consideration relating to ecologically sustainable development and energy efficiency and sustainable building techniques. Section J of the BCA relates to energy efficiency. A prescribed condition will appear on the consent requiring compliance with the BCA thereby ensuring the objectives of Clause 6.15 are achieved.

8.14 Archaeological Sensitivity

Council records indicate that the subject site is rated high in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone and given its prominence within a heavily pedestrianised part of Cronulla, the proposal does not warrant an Aboriginal Archaeological Study being undertaken as the site is not in a natural state.

9.0 DEVELOPMENT CONTRIBUTIONS

The proposed development has a value of greater than \$100,000 and is not entitled to an exemption from Section 7.12 Contributions because the Applicant is not made by a Public Authority for services and community infrastructure. In order to provide high quality and diverse public facilities, the proposed development will attract Section 7.12 Contributions in accordance with Council's adopted Section 94A Development Contribution Plan 2016.

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$8,509,989 (the estimated cost of development identified on the development application form). Therefore, the Section 7.12 levy for the proposed development is \$85,099.89.

10.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

11.0 CONCLUSION

The subject land is located within Zone RE1 Public Recreation pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a community facility, is a permissible land use within the zone with development consent.

In response to public exhibition, 12 submissions were received during the 1st notification period while 2 submissions were received during the 2nd notification period. The matters raised in these submissions have been discussed within this report and dealt with by conditions of consent where appropriate.

The alterations and additions are considered to have an acceptable impact on the significance of Dunningham Park and the surf club as determined by Council's Heritage Officer, is supported by Council's Design Review Forum and achieves the development standards and objectives contained within the SSLEP 2015.

The application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application will not result in any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. 17/1001 may be supported for the reasons outlined in this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (LF).