

Response to Applicant's Submission on the draft conditions

Condition No.	Current Draft Condition	Applicant's request I	Council's position
3A(iii)	iii) The replacement of any windows in the existing surf club are to match existing profiles, materials and colours. No aluminium windows to be used in the heritage building.	<p>Add sentence to state: <i>"This condition does not relate to the windows on Level 2 of the eastern elevation as shown on DA-0010Rev. BB – Level 2 Floor Plan."</i></p> <p>The windows on Level 2 eastern side need to be replaced with aluminium windows to address safety standards of existing glazing and water leaking issues. This area of the surf club building is listed as "Little Significance" in the heritage reports (see Section 4.9.1 and Figures 91-95 of the Conservation Management Plan). This area was an addition to the original 1950 building (circa 1968 and then upgraded in 2013). The applicant's heritage consultant has advised that they do not have an issue with replacing these windows with aluminium framed windows to match the new works and that well-designed and detailed windows which relate to the new work would be appropriate in this area.</p> <p>As such the replacement of these particular windows with aluminium windows is considered reasonable and appropriate</p>	<p>Council's Heritage Architect has reviewed the applicant's submission and agrees that the second floor windows are a later addition and of little significance and supports modifying the condition</p> <p>The amended condition shall be: iii) The replacement of any windows in the existing surf club are to match existing profiles, materials and colours. No aluminium windows to be used in the heritage building. This condition does not relate to the windows on Level 2 of the East Elevation (1968's addition) as shown on DA-0010 Rev BB – Level 2-Floor Plan.</p>
3A(viii) 3D(i) 3D(iv)	viii) A Conservation Works and Maintenance Programme following the guidelines of the Conservation Management Plan (policies 34 and 35) shall be prepared by the Heritage Consultant before implementation and must include works to enable the place to remain a viable physical asset and to retain the cultural heritage values. Conservation works and maintenance plans shall include works to be completed immediately (urgent works) and within 12 months, 2 years and 5/10 years. The Maintenance Programme and the	<p>Reword or remove to include reference to existing lease schedule</p> <p>The activities and works outlined in the CMP include works which are required to be carried out by Council (as per existing lease Schedule No 2 Asset Maintenance). The condition requires rewording to acknowledge Council's responsibilities for maintenance with</p>	<p>As the Panel is aware this application is for a development on land owned by Council.</p> <p>The applicant's request is essentially asking the development consent to differentiate what works are to be undertaken by the landlord and which works are to be undertaken by the tenant.</p> <p>This is not the purpose of a development consent. The consent is to ensure that the development as a total is</p>

	<p>Conservation Management Plan is to be reviewed every 5 years or when changes to be heritage building are proposed.</p> <p>D. Before Occupation Prior to the issue of any Occupation Certificate the following is to be completed:</p> <p>i) All conservation works stated in the Conservation Management Plan and works shall be completed.</p> <p>iv) The Conservation Works and Maintenance Programme is to be initiated and is to include but is not limited to:</p> <ul style="list-style-type: none"> • cleaning of gutters and downpipes; • inspection of roof cladding/s • termite inspections • servicing of electrical fixtures and fittings • servicing of plumbing fixtures and fittings • servicing of gas fixtures and fittings • checking of fire egress routes, detection and alarms, signage etc • checking compliance with Access to Premises Standards • checking of painted surfaces for deterioration • checking of timber elements for damage and degradation • easing all windows and doors and re-fixing loose mouldings and maintenance of door and window hardware • trimming of mature trees as necessary • Maintenance of garden areas, paving, stairs and ramps; etc. <p>The following program of conservation and repair works are required:</p> <p><u>The following URGENT WORKS shall be completed within the next 12 MONTHS:</u></p> <ul style="list-style-type: none"> • Investigate and remediate damp ingress on the east side of the building • Investigate and remediate corrosion of steel reinforcement within the structure • Investigate and remediate damp ingress over stage • Prepare and implement a programmed maintenance schedule <p><u>The following LONG-TERM WORKS shall be completed within the next 10 YEARS:</u></p> <ul style="list-style-type: none"> • Restore or adapt the swimming pool <p>All works to be done following the detailed design by the Heritage Consultant and the guidelines of the Conservation Management Plan by NBRS, dated 2/05/2019. All works to the heritage building is to be supervised by the nominated Heritage Consultant.</p> <p>A plan for funding to ensure long-term works are completed is</p>	reference to Urgent Works to be completed within next 12 months.	completed to an appropriate standard. Negotiating who pays for what is a private arrangement between the parties and not the role of the consent authority.
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	to be established prior to issue of an Occupation Certificate.		
5A	s.7.12 contributions	<p>Remove condition</p> <p>An exemption from payment of contributions is sought on the basis the NCSLSC is an emergency services facility. There is provision for an exception within the Section 7.12 Plan for “<i>emergency services facilities as defined by SSLEP2015</i>”. This means “<i>a building or place used in connection with the provision of emergency services by an emergency services organisation</i>” which includes, by reference, an “<i>accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989</i>” which covers surf life saving</p>	<p>Council agrees to remove the condition. Council’s Senior Policy Advisor has reviewed the request and provided the following commentary:</p> <p>“The 7.12 Contribution Plan exempts <u><i>Emergency services facilities as defined by SSLEP2015</i></u> from the plan. From SSLEP2015: <i>emergency services facility</i> means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.</p> <p>An emergency services organisation, from SSLEP2015, includes <i>(h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.</i> The State Emergency and Rescue Management Act 1989 includes Surf Life Saving New South Wales.</p> <p>Accordingly, that part of the development that meets the definition of an emergency services facility is exempt from 7.12 Contributions. Is the whole development an <u>emergency service facility</u>? The club would argue that the funds generated from the food & drink venue support the club and I note that the development description is <i>Partial demolition of existing surf club and alterations and additions to North Cronulla Surf Life Saving Club</i>. Hence the predominant use is the club - an emergency services facility. Accordingly, the proposal is exempt from 7.12 contributions. “</p>
7	Design and Construction of Works in Road Reserve (Council Design)	<p>Removal of condition</p> <p>The road reserve works are to be designed and funded by Sutherland Shire Council. The area is outside of the DP lot allocation as per existing lease and outside the club’s responsibility as per existing and draft Plan of Management.</p>	<p>The road frontage works are appropriate given the scale of the development and are directly a result of the proposal. Conditioning them to be undertaken is appropriate.</p> <p>The applicant’s request is essentially asking the development consent to differentiate what works are to be undertaken by the landlord and which works are to be undertaken by the tenant.</p> <p>This is not the purpose of a development consent. The consent is to ensure that the development as a total is completed to an appropriate standard. Negotiating who pays for what is a private arrangement between the parties and not the role of the consent authority.</p>

11A(vii)	<p>11. Driveway, Parking, Manoeuvring and Pedestrian Access Areas</p> <p>A. Design</p> <p>The internal driveway profile, parking, manoeuvring areas and associated pedestrian access must be designed in accordance with the approved architectural plans except where modified by the following:</p> <ul style="list-style-type: none"> i) Align with Access and Alignment levels issued by Council's Public Domain Unit. ii) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings. iii) The internal driveway and loading bay must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete. iv) Provide adequate sight distance for the safety of pedestrians using the footpath area. v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the HRV vehicle. vi) The maximum longitudinal grade of the driveway must not exceed 12.5%. vii) Upgrade and provide appropriate transitions from the proposed development to existing Council infrastructure within Dunningham Park and adjacent to North Cronulla Beach in accordance with all versions of AS1428 & AS2890. These transitions must include construction of new footpath / vehicle pavements and 	<p>Removal of condition part 11A (vii)</p> <p>The road reserve works are to be designed and funded by Sutherland Shire Council. The areas of work that fall outside of the DP lot allocation as per existing lease and outside the club's responsibility as per existing and draft Plan of Management. Areas of work that fall within the clubs responsibly will be designed and funded by the surf club.</p>	<p>Again the driveway works within Dunningham park are an essential part of this development. Conditioning them to be undertaken is appropriate and requiring it to be integrated into existing infrastructure within the park is appropriate.</p> <p>Again, the applicant's request is essentially asking the development consent to differentiate what works are to be undertaken by the landlord and which works are to be undertaken be the tenant.</p> <p>This is not the purpose of a development consent. The consent is to ensure that the development as a total is completed to an appropriate standard. Negotiating who pays for what is a private arrangement between the parties and not the role of the consent authority.</p>
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	infrastructure as required to the satisfaction of Council's Public Domain Assets Manager.		
17	Endorsement of Linen Plan of Subdivision for Consolidation		
	<p>20. Landscaping Works</p> <p>A. Design</p> <p>The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following:</p> <ul style="list-style-type: none"> i) The driveway access required for rubbish removal shall be constructed to minimum required dimensions to lessen the impact on the total park area. ii) For the driveway, a material and surface treatment that features recessive colours is to be utilised. iii) Provision of low height pedestrian fencing between the driveway and Dunningham Park. This will need to be designed in consultation with Council's Open Space Assets Unit and Public Domain Assets Engineers, with written approval from these Council's departments obtained. 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. v) Clearly show on plans existing trees to be removed / retained including tree numbering in accordance with the Arborist Report OR provide a separate existing tree plan and schedule. vi) Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected. vii) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not 	<p>Review and modify condition to remove reference to "approved Landscape Plan" and replace with "<i>The applicant and Council should prepare a detailed Landscape Plan outlining required works and responsibilities by each party and should include the following details:</i></p> <p>The application documents do not include a Landscape Plan. As noted Section 1.0 (page 4) of the report to the panel "<i>No beatification 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.</i>"</p> <p>It is appropriate that a Landscape Plan be developed to Council's requirements and to provide details of which party is responsible for the design, construction and maintenance of landscaping.</p>	<p>Council agrees that the there is no landscape plan in the approved suite of documents and the condition should be modified to reflect this. However as detailed above it is not appropriate for the development consent to detail who will be responsible for what works.</p> <p>The first part of the condition should be amended as follows:</p> <p>A. Design</p> <p>A landscape plan must be prepared incorporating the following:</p>

	<p>acceptable.</p> <p>viii) To improve coverage and reduce weeds and maintenance, planting densities in all planting areas including planter boxes must achieve a minimum of 4 plants per square metre.</p> <p>ix) To reduce long term maintenance of planting beds turf species must be native grass such as <i>Zoysia macrantha</i> 'Nara' or Buffalo grass varieties.</p> <p>The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate and written approval is to be obtained by Sutherland Shire Council's Director of Shire Planning.</p> <p>Notes: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.</p> <p>If demolition works are to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.</p> <p>B. Prior to Occupation/Occupation Certificate The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by persons with a minimum AQF Level III certification in Horticulture or Landscape Construction.</p> <p>A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, that all new indigenous plants on the site and within the road reserve are the correct species and that all trees planted within the road reserve are in accordance with the detailed road frontage design where it forms part of the Roads Act Consent.</p>		
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33B(i)	<p>33. Noise Control - Design of Operation of Premises</p> <p>To minimise the impact of noise on the surrounding residents</p> <p>A. Design</p> <p>(i) The premises shall be designed and operated in accordance with the recommendations of the Acoustic Report prepared by DK Acoustics Pty Ltd, dated 1 March 2019 Ref: 190211.</p> <p>(ii) The use of the premises and all associated plant and equipment must be designed and/or located so that the noise emitted does not exceed an LAeq sound pressure of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.</p> <p>B. Ongoing - Surf Club</p> <p>(i) The permitted hours of operation apply to the following areas:</p>	<p>The condition as proposed to be amended reflects the actual and agreed hours of operation for NCSLSC.</p> <p>Require modification of this condition of consent as follows (deletions shown in "strike through" and additions in "bold" and "<i>italicised</i>").</p> <p>i) The permitted hours of operation apply to the following areas</p> <p>Nipper room: Monday to Sunday, 7am to 610pm</p>	<p>Council has recommended the conditions consistent with the applicant's acoustic report (DK Acoustics PTY LTD, p.15).</p> <p>The adopted and draft Plan of Management do not provide a breakdown of hours for each use within the development.</p>

	<p>Nipper room: Monday to Sunday, 7am to 6pm Level 1 & 2 Function Room: Sunday to Thursday, 7am to 10:30pm Friday to Saturday, 7am to 12am (midnight) Kiosk: Monday to Sunday, 7am to 5pm 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.</p> <p>(ii) All external doors and windows to the existing function rooms and nippers / training room are to be closed from 10.00pm.</p> <p>(iii) There is to be no amplified music on any of the terraces and balconies.</p> <p>(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.</p> <p>(v) The use of the premises and all associated plant and equipment must be operated and maintained in accordance with "A" above."</p> <p>(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.</p> <p>C. Ongoing - Surf Club & Commercial Premises <u>Waste</u></p> <p>(i) To minimise the noise impact of the development on the surrounding environment, the collection of goods including garbage and recycling waste from the premises must not take place between the hours of 10.00pm and 8.00am Monday to Saturday or before 9.00am Sunday and Public Holidays.</p> <p>(ii) Owners and operators must at all times display at all staff exits and in the garbage storage area, clearly visible and legible signs in the form of or like "Bottles and cans are NOT to be collected by waste operators after 10pm or before 8am (9am Sunday/Public Holidays). Movement of other waste from inside to outside the premises, after 10pm must occur quietly. <u>Delivery/Collection of Goods</u> To minimise the noise impact of the development on the surrounding environment, loading or unloading of goods and materials from the premises must not take place between the hours of 7pm and 8am Monday to Saturday or before 9am on Sunday and Public Holidays.</p>	<p>Level 1 & 2 Function Room: Sunday to Thursday, 7am to 10:30pm Friday to Saturday, 7am to 12am (midnight)</p> <p>Kiosk: Monday to Sunday, 7am to 5 6pm</p> <p>Lifesaving, Administration and Member Services Monday to Sunday, 5am to 10:00pm</p>	
34A	<p>34. Dilapidation Report - Adjoining Properties A. Before Works To assist in the resolution of any future disputes about damage to property adjoining the development, prior to commencement of any work on-site, the applicant or principal</p>	<p>Review and modify condition to reduce extent of structures required to be included in dilapidation report. Modify wording to require Council as owner of property to prepare dilapidation report.</p>	<p>The extent of the structures to be surveyed is appropriate given the scale of development.</p> <p>Again the applicant is asking the development consent to differentiate what works are to be undertaken by the landlord and which works are to be undertaken by the tenant.</p>

	<p>contractor must provide dilapidation report/s on the Esplanade footpath (eastern side of building), lifeguard tower, sandstone blocks forming a circle in Dunningham Park, children's playground, sea wall, Prince Street carpark and ancillary structures etc. The report/s must be provided to the Principal Certifying Authority and to Sutherland Shire Council that are the subject of the report.</p> <p>The report/s must be prepared by a suitably qualified and experienced person, such as a Structural Engineer.</p>	<p>The extent of structures required to be assessed as part of the dilapidation report is extensive and beyond the envelope (and buffer) of the proposed works. Dilapidation reports are a council responsibility as per Lease Schedule No 2 Asset Maintenance</p>	<p>This is not the purpose of a development consent.</p>
45(i)	Hours of Operation	<p>Remove condition</p> <p>This condition is a repeat of Condition 33B(i)</p>	Agreed