

## SOUTHERN REGIONAL PLANNING PANEL

Panel Reference	PPSSTH-417
DA Number	DA-2024/502
Local Government Area	Wollongong City Council
Proposed Development	The DA seeks consent for alterations and additions, and refurbishment to selected areas of the existing club. It includes additional car parking, improvements to existing loading/drop-off area as well as landscaping.
Street Address	Dapto Leagues Club 18 Bong Bong Road, DAPTO NSW 2530
Applicant/Owner	Integrated Projects
Number of Submissions	No submissions were received.
Regional Development Criteria (Section 4.5(b) of the Act and SEPP (Planning Systems) 2021)	<p>The proposal has been referred to the Southern Regional Planning Panel as the consent authority under Section 4.5(b) of the Environmental Planning &amp; Assessment Act 1979 as the proposal is for general development over \$30 million which is defined as Regionally significant development under the SEPP (Planning Systems) 2021 Schedule 6 Section 2.</p> <p>The applicant's EDC estimate for the project is \$47,622,422 (excl GST).</p>
Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>List all of the relevant environmental planning instruments: s4.15(1)(a)(1) –</li> </ul> <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Hazards and Resilience) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> </ul> <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> <li>Wollongong Local Environmental Plan 2009</li> </ul> <p><u>Other policies</u></p> <ul style="list-style-type: none"> <li>Dapto Town Centre Plan 2017-27</li> <li>Wollongong City-Wide Development Contributions Plan</li> <li>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024.</li> </ul> <ul style="list-style-type: none"> <li><b>Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</b> <ul style="list-style-type: none"> <li>N/A</li> </ul> </li> <li><b>Relevant development control plan: s4.15(1)(a)(iii)</b> <p>Wollongong Development Control Plan 2009</p> </li> <li><b>Relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a</b></li> </ul>

	<p><b>developer has offered to enter into under section 7.4: s4.15(1)(a)(iiia)</b></p> <ul style="list-style-type: none"> <li>– N/A</li> <li>• <b>Regulations: s4.15(1)(a)(iv) eg. Regs 6, 61, 62, 63</b> AS 2601 in respect of any demolition. Clause 61</li> <li>• <b>Coastal zone management plan: s4.15(1)(a)(v)</b> There is no Coastal Zone Management Plan currently applicable to the land.</li> </ul>
List documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1 Plans</li> <li>2 Access Report</li> <li>3 Site photographs</li> <li>4 Preliminary Site Investigation</li> <li>5 Environmental Noise Assessment</li> <li>6 Arboricultural Impact Assessment</li> <li>7 BCA/NCC report.</li> <li>8 Construction and Demolition Waste Management Plan</li> <li>9 CPTED Report</li> <li>10 Design Statement</li> <li>11 Environmental Impact Statement</li> <li>12 Flood Impact Assessment</li> <li>13 Geotech Report</li> <li>14 NABERS form</li> <li>15 Plan of Management</li> <li>16 Performance Solution</li> <li>17 Statement of Environmental Effects</li> <li>18 Traffic Impact Assessment</li> <li>19 Waste Management Plan</li> </ol>
Recommendation	DA-2024/502 be approved subject to the conditions contained within <b>Attachment 3.</b>
Report by	Braiden Buttigieg, Development Project Officer

### 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? **Yes**

---

*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*

---

## 1. EXECUTIVE SUMMARY

---

### Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Southern Regional Planning Panel as the consent authority under Section 4.5(b) of the Environmental Planning & Assessment Act 1979 as the proposal is for general development over \$30 million which is defined as Regionally Significant development under the SEPP (Planning Systems) 2021 Schedule 6 Section 2.

### Proposal

The proposal seeks consent for alterations, additions, and refurbishment to selected areas of the existing club. It also includes additional car parking, improvements to existing loading/drop-off area as well as landscaping works.

### Permissibility

The site is zoned E1 Local Centre pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a *registered club* and is permissible in the zone with development consent.

### Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan 2023. No submissions were received following notification.

### Main Issues

The main issues arising from the assessment are:-

- The proposed development is within the vicinity of a number of heritage items listed in schedule 5 of the WLEP 2009. Dapto Railway Station, Stations master's residence, Dapto Hotel and Fairley's building.
- Noise impacts.

### Conclusion

The proposal has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is reflective of the objectives of the E1 Local Centre zone. The development is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009.

The design of the development is appropriate with regard to the controls outlined in the Wollongong DCP 2009. The proposed development has been designed appropriately given the constraints and characteristics of the site and will not result in significant adverse impacts on the amenity of the surrounding area. The development as proposed would not set an undesirable precedent and approval is in the public interest.

### RECOMMENDATION

DA-2024/502 be approved subject to the conditions provided in **Attachment 3**.

## 2. APPLICATION OVERVIEW

---

### 2.1 PLANNING CONTROLS

The following planning controls apply to the development:

#### State Environmental Planning Policies:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

- State Environmental Planning Policy (Transport and Infrastructure) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Dapto Town Centre Plan 2017-27
- Wollongong City-Wide Development Contributions Plan
- Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024.

## 2.2 DETAILED DESCRIPTION OF THE PROPOSAL

The proposed development comprises the following works:

- The demolition of the western side of the existing club including under-croft parking, snooker room and kids play area;
- An extension to the existing ground level of the club to provide a new food and beverage venue with associated alfresco spaces to accommodate additional lounge areas as well as a more flexible sports viewing area to cater for larger and smaller events.
- Internal refurbishment to parts of the existing ground floor to accommodate a larger café area with alfresco space;
- Refurbished reception area in the existing entry, addition to 'the mill food and beverage venue' and renovation to the existing kids play area on ground floor.
- Improved loading dock and Porte cochere from Station Street.
- Activating the Station Street façade to improve natural surveillance and overlooking along this edge.
- Removal of the existing substation and creation of a new through site link between Station Street and Osborne Street to provide better access to the club entry for pedestrian as well as providing a physical link between Station Street and Osborne Street.
- An additional level of parking above the existing on-grade car park.

Architectural plans are provided at **Attachment 1**.

## 2.3 BACKGROUND

### *Development History*

A history of the development site is as follows:

Application Number	Description	Decision	Decision Date
DA/2018/1348	Alterations and additions to existing club	Approved	21-Dec-2018
DA-2018/1348/A	Alterations and additions to existing club Modification A – amend condition 2, 5, 6, 9, 10, 11, 12, 18 and 45 and add condition 3A to allow flexibility to issue separate construction certificates.	Approved	08-Mar-2019
DA-2018/1348/B	Alterations and additions to existing club Modification B – minor changes to external window heights	Approved	11-July-2019
CD-2018/1693	Solar Panels	Approved	25-Oct-2018
CD-2018/1877	Internal alterations to change the existing first floor auditorium to a children's play centre	Approved	28-Nov-2018

CD-2019/415	Refurbishment of existing commercial kitchen and associated cool room	Approval	03-Apr-2019
PL-2023/146	Alterations and additions to the Dapto Leagues Club - Masterplan	Completed	13-Nov-2023

#### *Customer service actions*

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

## 2.4 SITE DESCRIPTION

The existing site is known as 18 Bong Bong Road, Dapto NSW 2530 and is legally described as Lot 1 DP 1277336. It occupies a 1.45ha site on predominantly flat land. Dapto Leagues Club is situated within Dapto Town Centre. It is situated immediately to the east of Dapto train station which provides public transport connections to Wollongong City Centre, via the South Coast Line, and to Sydney CBD via the T4 Eastern Suburbs and Illawarra Line. The site is located within the transport-oriented development mapped area for Dapto and although having generous development standard concessions, the club has elected to go in a different direction while serving its local community.

The site is predominantly surrounded by retail and business premises. This includes;

- **North:** To the north of the site is low-density residential.
- **South:** To the south of the site is a cluster of mixed-use retail, small scale warehouses and commercial services including F45 Fitness Centre, Dapto Trade Centre, Vanessa Lee Dance Academy, Illawarra Denture Clinic and Anglicare Op Shop.
- **East:** To the east of the site is a cluster of mixed-use retail and commercial services including Aldi, Hello Harry Burger Joint, Stepz Fitness Dapto, Borgy's Barber Shop and Amber Café and Restaurant.
- **West:** To the immediate west of the site is Dapto train station and further west is a mixture of light industrial and low density residential (within the general industrial zone) beyond the railway corridor as well as Dapto War Memorial Garden.



**Figure 1: Aerial photograph**

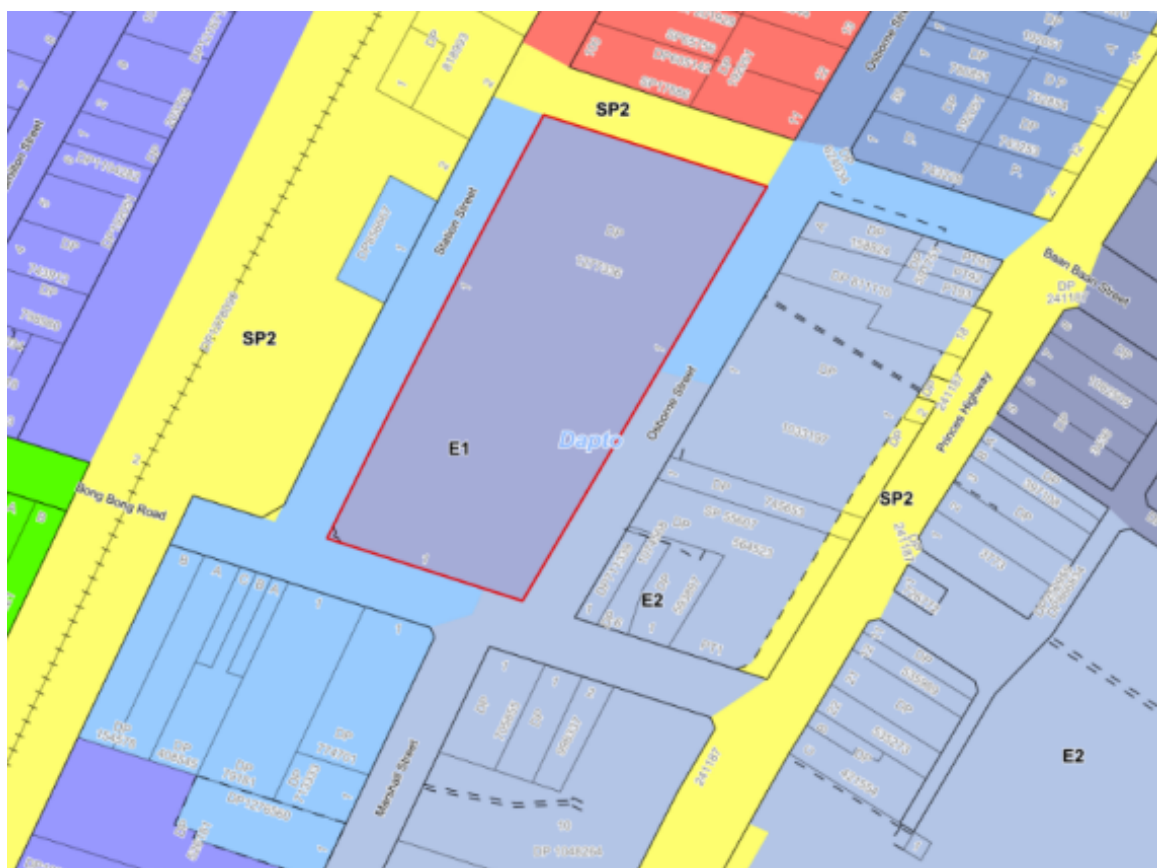


Figure 2: WLEP 2009 Zoning Map



Figure 3: WLEP 2009 Height of Buildings Map



**Figure 4: WLEP 2009 FSR Maps – 2.5:1**

Property constraints

- Acid Sulfate Soils – Class 5
- Flood Risk Precinct – Medium Flood Risk Precinct.

There are no restrictions on the title.

## **2.5 SUBMISSIONS**

The application was exhibited from 24 August 2023 to 7 September 2023 in accordance with Council's Community Participation Plan 2023. No Submissions were received.

## **2.6 CONSULTATION**

### **2.6.1 INTERNAL CONSULTATION**

Details of the proposal were referred to Council's Stormwater, Traffic, Environment, Landscape, SCAT, Health, Heritage and Property Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

#### **Stormwater**

Council's Stormwater Officer has reviewed the application submission and raised no concerns subject to standard conditions

#### **Traffic**

Council's Traffic Officer has assessed the application submission which included a traffic impact assessment and considered it conditionally satisfactory.

Initial concerns were raised with regard to a variation to bicycle parking, which was not accepted. Amended plans and documentation including secure staff bicycle compound, motorcycle spaces and

bicycle parking for patrons addressed this issue and councils traffic engineer supports the proposal subject to conditions of consent.

### **Environment**

Council's Environment Officer has assessed the application submission and considered it conditionally satisfactory.

*The Report on Detailed Site Investigation (Contamination) Proposed Car Park Upgrade prepared by Douglas Partners dated 17 October 2024 has been sighted.*

*The acoustic report states predictions consider that the perimeter crash barrier (masonry wall) along the entire northern and eastern perimeter of the upper level of the car park is constructed to a minimum height of 1 metre above the finished floor level (FFL) of the upper level.*

*The submitted results of MUSIC modelling show stormwater quality being achieved as per Table 2 of Chapter E15 of WDCP 2009. Covering the roof of the carpark with shading and photovoltaic cells reduces the pollutant load.*

*The hazardous materials assessment report has been sighted and is satisfactory.*

*The Ecologically Sustainable Design (ESD) Report is noted. The Report refers to a Section J NCC 2022 compliance report generated by Partners Energy that has been sighted.*

*The addition of photovoltaic cells above the carpark and information about electric vehicle charging are noted.*

### **Landscape**

Council's Landscape Officer has assessed the application submission and considered it conditionally satisfactory.

### **Safer Community Action Team (SCAT)**

Council's SCAT officer has assessed the application submission and considered it conditionally satisfactory.

### **Health**

Council's Health Officer has assessed the application submission and considered it conditionally satisfactory.

### **Heritage**

Council's Heritage Officer has assessed the application submission and considered it satisfactory with conditions.

### **Design Expert**

Councils design expert has assessed the application and raised some concerns regarding the design noting that it has not been developed with respect to country and was inconsistent with the future desired character of the area. Councils assessing officer is however satisfied that as the club is existing, it still achieves the desired character outcomes. The design has been developed with careful consideration of the local environment and community values. It incorporates elements that reflect historical significance of the area, while also aiming to meet the future needs of the community.

The applicant has spent considerable effort trying to mitigate any perceived bulk and scale to the two-storey car park as shown in the submitted design report. Councils assessing officer is satisfied by the green screening and landscaping around the perimeter. On balance of the improvements to the setting through alterations to the club building, as it fronts the station building, the proposed carpark is acceptable.

There was also some confusion surrounding existing overhead powerlines and whether it is mandatory to move these underground. Clarification was sought with Endeavour Energy, and it was confirmed that this is not a mandatory requirement.

## 2.6.2 EXTERNAL CONSULTATION

### Transport for NSW

The application was referred to Transport for NSW (TfNSW) under section 2.122 of SEPP (Transport and Infrastructure) 2021 as traffic generating development. The Princes Highway is classified as a regional road under TfNSW. Correspondence by TfNSW dated 30 July 2024 indicated no objections and no conditions were recommended.

### Endeavour Energy

The application was referred to Endeavour Energy under section 2.48 of SEPP (Transport and Infrastructure) 2021 as development to be carried out within or immediately adjacent to an easement for electricity purposes. Advice provided dated 10 July 2024 indicates the proposal is conditionally satisfactory.

### Sydney Water

Details of the application submission were referred to Sydney Water for comment under section 78 of the Sydney Water Act 1994. Advice received dated 6 August 2024 indicates the proposal is conditionally satisfactory. Formal requirements will be determined as part of the Section 73 application.

## 3. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION 4.15 ASSESSMENT

---

### 3.1 SECTION 4.15 1(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

#### 3.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

##### Chapter 4 Remediation of land

##### 4.6 Contamination and remediation to be considered in determining development application

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

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

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

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

The audit revealed there are property constraints and/or past uses that give rise to concerns or the need for further investigation regarding land contamination. Details of the application submission were referred to Council's Environment officer with the following advice received:

The existing and proposed car park area has a number of dwellings exposed to potential ACM and other hazardous material. These areas would be disturbed after the demolition of the hard surface to facilitate the new car park.

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

A preliminary site investigation has been prepared by Douglas Partners dated July 2023 and considers the NSW EPA Guidelines for Consultants for Contaminated Site 2021. Additional testing has been undertaken by Douglas Partners and the report dated 17 October 2024 which has been reviewed and considered satisfactory.

Council's Environmental Officer has reviewed the documentation and is satisfied section 4.6 matters resolved subject to an unexpected finds protocol condition.

### 3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

#### Chapter 4 Koala habitat protection 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

#### 4.9 Development assessment process—no approved koala plan of management for land

There is no approved koala plan of management applying to the land and as such, Clause 4.9 does not apply to the land.

### 3.1.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

#### Subdivision 2 Development in or adjacent to road corridors and road reservations

#### Section 2.122 Traffic generating development

- (4) Before determining a development application for development to which this section applies, the consent authority must—
- (a) give written notice of the application to TfNSW within 7 days after the application is made, and
  - (b) take into consideration—
    - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and
    - (ii) the accessibility of the site concerned, including—
      - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
      - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
    - (iii) any potential traffic safety, road congestion or parking implications of the development.

**Comment:** TfNSW has reviewed the information and has no objections to the proposed development. TfNSW notes that in determining the application under Part 4 of the Environmental Planning & Assessment Act 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc).

### 2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

#### Chapter 2 State and Regional development

#### Part 2.4 Regionally significant development

Pursuant to section 2.19(1) of SEPP (Planning Systems) 2021 the proposal is development specified in Schedule 6, Section 2 that has an estimated development cost of more than \$30 million and accordingly the application is required to be determined by the Southern Regional Planning Panel pursuant to Section 4.5(b) of the Environmental Planning & Assessment Act, 1979. The proposal is general development with the applicant's EDC estimate for the project is \$47,622,422 (excl GST).

Note: CIV was replaced with Estimated Development Cost (EDC) to estimate development cost on 4 March 2024. Savings and transitional provisions under the Environmental Planning and Assessment Regulation 2021 have the effect that CIV applies for development applications submitted on the NSW Planning Portal before 4 March 2024.

### 3.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Part 1 Preliminary

##### Clause 1.4 Definitions

**Registered Club** means a club that holds a licence under the *Liquor Act 2007*.

The proposal seeks consent for **alterations and additions**, and refurbishment to selected areas of the existing club. It includes additional car parking, improvements to existing loading/drop-off area as well as landscaping.

#### Part 2 Permitted or prohibited development

##### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned E1 Local Centre.

##### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To encourage development that is consistent with the centre's position in the centre's hierarchy.*
- *To encourage development that has a high level of accessibility and amenity and prioritises pedestrians.*
- *To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

It is considered that the proposed registered club is satisfactory with regards to the above objectives for Zone E1 Local Centre. It is considered that the registered club will provide community use that serves the needs of the people who live, work in and visit the local area and provide employment opportunities in an accessible location.

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

*Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); **Registered clubs**; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal is categorised as a **registered club** as described above and is permissible in the zone with development consent. Demolition and works to the carpark are ancillary work to facilitate the proposal and as such is also permissible.

##### Clause 2.7 Demolition requires development consent

Demolition of a building may be carried out only with development consent. Demolition to include the western side of the existing club including the under-croft parking, snooker room and kids play area above the carpark.

## **Part 4 Principal development standards**

### Clause 4.3 Height of buildings

This clause prescribes a maximum height of 20 metres for the Site, as shown on the Height of Buildings Map. The proposed building height is less than the permissible height of 20m as the proposed height is:

- The predominate Club building height is 9.787m.
- The highest point of the building, as measured to the top of the plant, is 15.82m
- The car park structure is 4.543m.

### Clause 4.4 Floor space ratio

Maximum FSR permitted for the site:	2.5:1
Site Area	14581.96m <sup>2</sup>
GFA	5583.3m <sup>2</sup>
FSR proposed:	$5583.3\text{m}^2/14581.96\text{m}^2 = 0.446:1$

The proposed floor space ratio is compliant.

## **Part 5 Miscellaneous provisions**

### Clause 5.10 Heritage conservation

The subject site is within the immediate vicinity of WLEP 2009 heritage items 61021 (former Fairley's Building), 61022 (Dapto Hotel), 61023 (former Crystal clothing factory) and 6435 (Dapto Railway Station). Therefore, application submission was referred Council's Heritage Officer to assess the proposal's compliance with Part 5.10 of WLEP2009. Advice received indicates there are no issues with the proposal.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

This clause seeks to ensure that sufficient infrastructure is available to service development and requires that consent not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

The site is already serviced by electricity, water and sewerage services. It is expected that the existing utility services can be augmented to support the proposed development.

Conditions require approval from the relevant authorities for the connection of electricity, water and sewerage to service the site prior to the commencement of works.

### Clause 7.3 Flood planning area

The subject land is identified as being flood hazard affected. Council's Stormwater Officer has assessed the application submission in this regard against the submitted flood assessment report and has not raised any objections subject to conditions.

### Clause 7.5 Acid Sulfate Soils

The subject site is identified as being affected by Class 5 acid sulphate soils. Council's Environment Officer has considered the application submission and raised no concerns

### Clause 7.6 Earthworks

The proposal involves excavation to facilitate the proposal. The earthworks have been considered and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land. Council's Environment and Stormwater Officer have considered the application submission and have provided satisfactory referrals subject to conditions.

## **2.1 SECTION 4.15(A)(II) ANY PROPOSED INSTRUMENT**

None applicable to the site or proposed development.

### **3.2 SECTION 4.15 1(A)(III) ANY DEVELOPMENT CONTROL PLAN**

#### **3.2.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

A full assessment of the proposal against relevant DCP provisions is provided at **Attachment 2**.

#### **3.2.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN**

The Wollongong City Wide Development Contributions Plan applies to the subject site.

The estimated cost of works is \$47,622,422 and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

##### **Housing and Productivity Contribution**

The Housing and Productivity Contributions case where applicable has been completed in the NSW Planning Portal in accordance with the applicable ministerial planning order.

Given the application increases the floor area by 1,768.4m<sup>2</sup>, a contribution fee of \$67,051.43 applies and will be charged as a condition of consent.

#### **3.2.3 THE DAPTO TOWN CENTRE PLAN 2017-2027**

The proposal has been considered against Councils Dapto Town Centre Plan. It is noted that the subject site is located on Bong Bong Road which provides significant road network link to parts of West Dapto. The following are further noted:

- Dapto has a compromised walking environment – The proposal provides more public seating in a low scale landscaped environment that encourages patrons to sit. One of the plans strategies is for Bong Bong Road to become pedestrian and cycle friendly with comfortable places to walk, cycle, sit and meet. The proposed treatment adjoining the public domain facilitates an improved pedestrian experience in this regard.
- Street trees are required to be provided along the frontage of the proposed works as part of public domain improvements.
- The proposal provides visual connectivity between activities within the Club and street – this is an improvement to the existing situation.
- Outdoor activity is provided on the ground floor plan, lending itself to improved casual surveillance of Station Street / Bong Bong Road.
- The open nature of the screening to Station Street at ground provides for visual permeability, with landscaping providing a pleasant interface.

Overall, the proposal is considered to be consistent with the strategies contained within the Plan and as such contributes to the Dapto Town Centre Plan in a positive way.

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

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

### **3.4 SECTION 4.15 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

#### **2 Savings**

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

2000 Regulation means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

#### **6 Determination of BASIX development**

Not Applicable.

61 Additional matters that consent authority must consider

Conditions are recommended with regard to demolition.

62 Consideration of fire safety

Council's BCA Officer has assessed the application submission which included a BCA Report with regards to NCC matters and returned a satisfactory referral response

63 Considerations for erection of temporary structures

Not Applicable

**3.5 SECTION 4.15 1(B) THE LIKELY IMPACTS OF DEVELOPMENT**

Context and Setting:

A registered club is considered to be in context with the setting of the area as the area is characterised by local centre development. Council can be satisfied that the context and setting of the works are appropriate. The alterations and additions have minimal impact on the existing scale of the club. The proposal has been assessed with regard to amenity impacts from the development, the zoning, permissible height and FSR for the land, and the existing and future character of the area, and is compatible with the local area.

Access, Transport and Traffic:

The proposal has been assessed by Council's Traffic Officer as satisfactory. There has been an oversupply to on-site parking which does not adversely impact on the locality. The floor area increase is not expected to result in significant demand for parking or a significant increase in vehicular movements impacting the local road network.

Public Domain:

Some upgrading works to the public domain are required by conditions of consent. The proposal is expected to have a positive impact on the public domain.

Utilities:

The proposal would not be envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

The proposed development is within the vicinity of a number of heritage items listed in the Schedule 5 of the LEP.

- Heritage item #6435 Dapto Railway Station (which curtilage includes the building of the station, the railway in that section, and the adjacent park)
- Heritage item #6335 Station's master's residence
- Heritage item #61022 Dapto Hotel
- Heritage item #61021 Fairley's building

Details of the application were referred to Council's Heritage Officer for comment. Advice received is that the proposed development is considered satisfactory and will not impact negatively on local heritage items.

Other land resources:

The proposal would not be envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which could be readily extended to meet the requirements of the proposed development.

The proposal would not be envisaged to have unreasonable water consumption.

Soils:

The soil profile is acceptable for the construction of the proposed development.

<p><u>Air and Microclimate:</u></p> <p>The proposal would not be expected to result in negative impact on air or microclimate.</p>
<p><u>Flora and Fauna:</u></p> <p>Proposed landscaping works and tree removal works are conditionally satisfactory.</p> <p>The applicant must address the street frontage by installing street tree planting. The number and species for this development are;</p> <ul style="list-style-type: none"> <li>• Six Callistemon Saligna 100 litre container size between the edge of Osbourne Street paved footpath entrance to Dapto Leagues Club and the Baan Baan St / Osbourne St corner. These species will not impact overhead services and underground services.</li> <li>• Seven Waterhousia floribunda 100 litre container size. The species will provide similar shade to those suggested but do not impact council footpath and road assets as Lophostemon do.</li> <li>• Six Callistemon Saligna 100 litre container size between the edge of Station Street paved footpath entrance to Dapto Leagues Club and the Baan Baan St / Station Street corner. These species will not impact overhead services and underground services.</li> </ul>
<p><u>Waste:</u></p> <p>A condition will be attached to any consent granted that an appropriate waste bin be in place for any waste generated during the construction.</p>
<p><u>Energy:</u></p> <p>The proposal would not be expected to have unreasonable energy consumption.</p>
<p><u>Noise and vibration:</u></p> <p>Conditions are proposed to minimise nuisance during any construction, demolition, or works.</p>
<p><u>Natural hazards:</u></p> <p>Council records list the site as flood affected, however there are no natural hazards affecting the site that would prevent the proposal.</p>
<p><u>Technological hazards:</u></p> <p>Council records list the site as acid sulphate soil affected, however there are no technological hazards affecting the site that would prevent the proposal.</p>
<p><u>Safety, Security and Crime Prevention:</u></p> <p>The proposal would not be envisaged to result in any greater opportunities for criminal or antisocial behaviour. Councils SCAT Officer is otherwise satisfied.</p>
<p><u>Social Impact:</u></p> <p>The proposed alterations and additions are not expected to have an adverse social impact.</p>
<p><u>Economic Impact:</u></p> <p>The proposal would not be envisaged to result in negative economic impacts.</p>
<p><u>Site Design and Internal Design:</u></p> <p>The application does not result in any departures from development standards or councils' development control plans as outlined above.</p> <p>A condition will be attached to any consent granted that all works are to be in compliance with Building Code of Australia.</p>
<p><u>Construction:</u></p> <p>Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.</p>
<p><u>Cumulative Impacts:</u></p>

The proposal is not expected to have cumulative impacts.
--

### **3.6 SECTION 4.15 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The proposal was exhibited in accordance with Council's Community Participation Plan 2023. No submissions were received.

Submissions from public authorities

There were no objections from public authorities.

### **3.8 SECTION 4.15 1(E) THE PUBLIC INTEREST**

The proposed development is considered appropriate with consideration to the zoning and the future desired character of the area. Approval of the proposed development is considered to be in the public interest.

## **4. CONCLUSION**

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is reflective of the objectives of the E1 Local Centre zone of the WLEP 2009.

While it is noted that the site is located within the transport-oriented mapped area for Dapto, which has generous development standard concessions for height and FSR, the club has elected to go in a different direction while serving its local community. The design of the development is appropriate with regard to the controls outlined in the Wollongong DCP 2009.

The proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

## **5. RECOMMENDATION**

DA-2024/502 be approved pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 3**.

## **6. ATTACHMENTS**

- |   |                                |
|---|--------------------------------|
| 1 | Architectural Plans            |
| 2 | Wollongong DCP 2009 Assessment |
| 3 | Draft conditions               |

**Issue of this letter is authorised by**

**Braiden Buttigieg**

Development Project Officer

Wollongong City Council

Direct Line: 4227 7111