

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	3 August 2021
PANEL MEMBERS	Stephen Davies (Chair), Helena Miller, Scott Lee, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 3 August 2021 opened at 5:00pm and closed at 5:41pm.

MATTER DETERMINED

DA-2021/300 – Lot 3 DP 1136814, Reserve D580060, Stuart Park, George Hanley Drive, North Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the applicant and their representative.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- That the Council's assessment report adequately considers the environmental impacts of the proposal.
- The proposal is suitable for the site and will not result in any unacceptable environmental impacts.
- The Panel supports the on-going Surf Life Saving Club as it is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments. The amendments were made by the Panel to clarify operation and noise conditions.

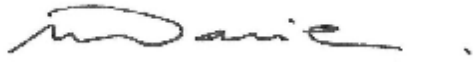
- 2 Fit-out of Restaurant
A separate development application is required for any fit-out works and/or alterations to the building necessary to facilitate the use as a restaurant. Any such application shall include a venue management plan which among other matters shall include specific measures to control noise emanating from the premises and patrons entering and leaving the restaurant.
- 3 Lease/Licence
The North Wollongong Surf Life Saving Club (SLSC) must have the benefit of a lease/licence agreement with Wollongong City Council authorising the restaurant use with such lease/licence being consistent with the conditions of this consent.

- 7 Business Identification Signage
Future signage associated with the restaurant must be limited to the nominated signage envelope indicated on the stamped plans attached to this consent. The detail, design and materials of the sign must be sympathetic to the heritage building and be subject to separate approval once the restaurant operator is known.
- 22 Amplified Music Level
Amplified music within the restaurant shall be limited to background music only and restricted to maximum of 75 dB(A) when measured at three (3) metres from any speakers.
- Delete condition 23 and incorporate it in Condition 2.
- ~~23 Venue Management Plan
The restaurant shall operate as per the venue management plan in controlling noise, and patrons/guests while using surf club/restaurant entering and leaving car park area.~~
- 24 Operational Noise Management Plan
 - There should be no noise producing activity on the site after 12 am (midnight) on any day;
 - Management procedures should be put in place to prevent shouting, swearing, loud speech or other unsociable behaviour occurring on the terrace or when patrons leaving the venue, so far as is reasonably practicable; and
 - There should be no speakers, video screens, or televisions located outside the building, including on the outdoor terrace.
- 25 Acoustic Compliance
 - Within six (6) months of commencement of operation, the Licensee shall engage an accredited acoustic consultant (who shall be a member of the Australian Acoustic Society or the Association of Australian Acoustical Consultants) to measure noise emitted from the premises in accordance with condition 21 stated above and to prepare an acoustic report setting out the results obtained.
 - Noise levels shall be measured between the hours of 10pm and midnight on a day when patronage on the site including outdoor deck is at or close to its maximum as evidenced by historical records kept by the Licensee.
 - A copy of the report shall be furnished to Council for any required action within one month of the date of acoustic testing.

Advisory Note:

The Panel suggests that in the applicant's formulation of the lease/license in Condition 3 they give consideration to inclusion of a space within the building that can be used for on-going community use.

PANEL MEMBERS



Stephen Davies
(Chair)



Helena Miller



Scott Lee



Peter Sarlos
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/300
2	PROPOSED DEVELOPMENT	North Beach Surf Club - change of use of first floor to restaurant
3	STREET ADDRESS	Stuart Park, George Hanley Drive, NORTH WOLLONGONG
4	APPLICANT	Terry Wetherall – TCW Consulting
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 (1a) of the Local Planning Panels Direction of 30 June 2020, the proposal relates to Crown land under the control and management of Council.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64—Advertising and Signage ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Wollongong Local Environment Plan 2009 · Wollongong City Wide Development Contributions Plan · Draft environmental planning instruments: Nil · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: Nil · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 93 Fire safety and other considerations, Clause 168 Fire Safety Schedules · Coastal zone management plan: Wollongong Coastal Zone Management Plan · The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality · The suitability of the site for the development · Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations · The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> · Council assessment report dated 3 August 2021 · Written submissions during public exhibition: Three (3) · Verbal submissions at the public meeting: One (1)
8	SITE INSPECTIONS BY THE PANEL	Virtual site inspection 3 August 2021. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Davies (Chair), Helena Miller, Scott Lee, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Rebecca Welsh
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report