

# Wollongong Local Planning Panel Assessment Report | 23 May 2023

<b>WLPP No.</b>	Item No. 1
<b>DA No.</b>	<b>DA-2022/1329</b>
<b>Proposal</b>	Shipping container
<b>Property</b>	Guest Park 17 Princes Highway FAIRY MEADOW
<b>Applicant</b>	Illawarra United Football Representative Football Club
<b>Responsible Team</b>	Development Assessment and Certification - City Centre & Major Development Team (HK)
<b>Prior WLPP meeting</b>	<b>NA</b>

## Assessment Report and Recommendation

### Executive Summary

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#### Reason for consideration by Local Planning Panel

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 Clause 1(a) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the development is on land owned by the Council.

#### Proposal

The proposal is for a shipping container to be used as an ancillary structure for storage, of sporting and/or landscape maintenance equipment for the local football club. The shipping container is a temporary structure for a limited consent period of two years consistent with Councils Sportsgrounds and Sporting Facilities Strategy 2017-2021.

#### Permissibility

The site is zoned RE1 Public Recreation pursuant to The Wollongong Local Environmental Plan 2009. The proposal is categorised as an ancillary structure to an approved **Recreation area** which is a permissible use in the RE1 Public Recreation zone.

#### Consultation

The proposal did not require notification under Councils community participation plan.

#### Main Issues

- The site is impacted by flooding.

#### RECOMMENDATION

It is recommended that the application be approved.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (LEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (DCP) 2009

Other policies & Legislation

- Local Government Act 1993 No 30
  - Community Land Plan of Management for Council Owned Land (2022)
    - Sportsgrounds and Sporting Facilities Strategy 2017-2021

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal is to place a shipping container next to the sports field to provide additional to the local football club. The shipping container will be subject to a limited time consent of two years after which the football club must find a more permanent solution. Proposed conditions of consent will require the storage of goods be at a minimum of RL13.99 metres AHD due to flood level requirements.

The developer will be liable for the removal and remediation of the container and any footings after the two-year period.

The proposal comprises the following:

Use

- Storage for local football club
- Limited time consent of two years.

Site preparation

- None

Works / Construction / building details

- Raised footings may be needed to satisfy flood level requirements and the container may have to be anchored to the site to withstand the forces of flood water and buoyancy.

Traffic, parking and servicing

- No additional parking is required.
- No stormwater drainage system is required.

### 1.3 BACKGROUND

There are numerous consents applying to the land in relation to its uses as a recreation area.

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

## **1.4 SITE DESCRIPTION**

The site is located at Guest Park 17 Princes Highway in Fairy Meadow and the title reference is Lot 102 DP 624706.

The property is owned by Wollongong city council and is categorised as Community land. The lot is irregular in shape, 8.63 Hectares in size and relatively flat. It is bounded by Fairy Meadow public school to the east, residential development to the west and a mix of community facilities, carparks recreational areas and sports grounds to the south and south-east.

The specific area for the development is in the northern sports field adjacent to the existing amenities building and south of the on-site carpark. A new perimeter fence has recently been erected around the northern sports field and separates the car park from the amenities building.

### Property constraints

Council records identify the land as being impacted by the following constraints:

**Flooding:** The site is identified as being within a medium flood risk precinct. Council's Stormwater Officer has reviewed the application in this regard and did not raise any concerns subject to their conditions of consent be followed.

There are no restrictions on the title

## **1.5 SUBMISSIONS**

The application was not required to be notified in accordance with Clause 1.3 of Council's Public Notification and Advertising Procedures.

## **1.6 CONSULTATION**

### **1.6.1 INTERNAL CONSULTATION**

Council's Property, Stormwater, Recreation and Building Facilities officers and have provided referral advice that the proposal is satisfactory subject to conditions of consent.

### **1.6.2 EXTERNAL CONSULTATION**

None required

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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### **2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

No trees are proposed for removal. No further consideration is required.

None applicable.

## 2.1.1 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

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. There are no constraints or past uses that give rise to concerns or the need for further investigation regarding land contamination and the determining authority can be satisfied that clause 4.6 matters are thus satisfied. A specific condition of consent is proposed relating to an unexpected finds protocol.

## 2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Clause 1.4 Definitions

**Recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

**And any ancillary buildings** but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

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

The zoning map identifies the land as being zoned RE1 Public Recreation.

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

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

*Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; **Recreation areas**; Recreation facilities (indoor); Recreation facilities (major); Recreational facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures*

The proposal is categorised as ancillary to the **Recreation area** use as defined below and is permissible in the zone with development consent.

## Part 4 Principal development standards

### Clause 4.3 Height of buildings

The maximum permitted height for the site is 9m

The proposed building height will be between 2.519m to 3.019m. The exact height will be dependent on the applicant's response to the minimum flood storage level conditions. This will require storage to be located 0.5m above the proposed ground level. This could be addressed by either raised footings or higher shelving within the shipping container.

#### Clause 4.4 Floor space ratio

There is no maximum FSR for this zone

Site area: 8.63 Ha or 86300sqm

GFA of Container: 13.87 sqm

#### Clause 5.21 Flood planning

The site is mapped as being located within a flood risk precinct under review. Councils' engineer has determined the development is subject to medium flood risk provisions. The development does not pose a risk to life or property. It does not impact the on efficient evacuation of people or intensify existing evacuation routes. Council's Stormwater Officer has reviewed the application in this regard, providing a satisfactory referral subject to conditions.

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

#### Clause 7.1 Public utility infrastructure

Not applicable for this structure.

#### Clause 7.6 Earthworks

The proposal comprises minor earthworks for footings. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

### **2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

None directly applicable.

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

#### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. The proposal is generally considered to be consistent with the principles of Ecologically Sustainable Development

#### **CHAPTER E7: WASTE MANAGEMENT**

There is no demolition. Waste management during works can be handled by conditions of consent.

#### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within a medium flood risk precinct. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and clause 7.3 of WLEP 2009 and has recommended conditions of consent.

Flooding controls for the development are to be in accordance with WDCP – Chapter E13: Floodplain Management - Schedule 5 – Fairy Cabbage Tree Creek Floodplain. Please note this will require the shipping container to be raised to RL 13.99m AHD, which is approximately 0.5m above existing ground (based on Lidar data).

The habitable floor level requirement is defined in an industrial/commercial development from the WDCP-Chapter E13:

*In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.*

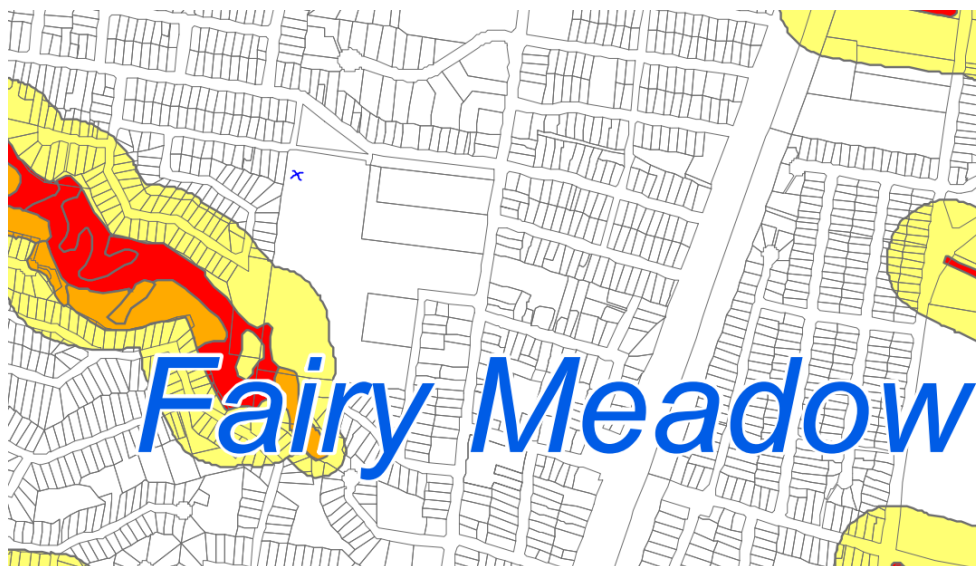
As the proposal is for the storage of sporting and/or landscape maintenance equipment, the objective of WDCP – Chapter E13 is to provide an area above the 1%AEP plus freeboard within the shipping container to store valuable possessions. No floor level requirement has been conditioned, rather a requirement for storage of goods above the 1%AEP plus freeboard.

#### **CHAPTER E14 STORMWATER MANAGEMENT**

No stormwater disposal required, as the application is for a shipping container located in a large public park well away from any lot boundary. Council stormwater officer does not consider it necessary.

#### **CHAPTER E16 – BUSHFIRE MANAGEMENT**

The southern portion of the lot is mapped as being bushfire prone land according to council's draft bushfire mapping. The extent of the mapping is shown below, and the site of the shipping container is indicated by the blue cross. This mapping is not yet endorsed by the fire commissioner and is therefore not a statutory consideration under the EPAA. However, the proposed location of the shipping container is well outside the bushfire prone area. Further, there are no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas. No concerns are raised.



#### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

No trees are proposed for removal. The closest trees are located on the lot boundary to the west, will away from the proposed shipping container. Conditions will require that no construction materials machinery or tools be located within any tree protection zones of those trees.

#### **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

##### **2.3.2 LOCAL GOVERNMENT ACT 1992**

##### Chapter 6 - Part 2 - Division 2 Use and management of community land

Under the Local Government Act 1993 (the Act), Council is required to classify all its land holdings into either "operational" or "community" land. Section 35 of the Local Government Act 1993 provides that a community land can only be used in accordance with:

- the plan of management applying to the area of land and,

- any law permitting the use of the land for a specified propose or otherwise regulating the use of the land and,
- the provisions of Division 2 of Chapter 6 of the Act

#### Section 36(F) Core objectives

Sec 36(F) of the Act specifies the core objectives for land categorised “sportsground” and these core objectives are as follows

- to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- to ensure that such activities are managed having regard to any adverse impact on nearby residences.

The proposal is consistent with these objectives. The storage building is an ancillary structure to be utilised by a football club. The storage building is unlikely to negatively impact upon nearby residences.

#### Community Land Plan of Management for Council Owned Land 2022

The local government act requires consideration of a plan of management. The Community Land Plan of Management for Council Owned Land 2022(POM) applies to the site. Under the POM the site is classified as a ‘sportsground’. The proposal is consistent with *section 2.2.3 sports ground category action plan* of the POM which eeks the expansion of sports ground capacity and renewal of sports ground infrastructure.

This section of the POM in turn requires that the parks be managed with consideration of the *Sportsgrounds and Sporting Facilities Strategy 2017-2021*.

#### Sportsgrounds and Sporting Facilities Strategy 2017-2021

The relevant section of the Sportsgrounds and Sporting Facilities Strategy 2017-2021 is replicated below development application

#### **‘2.2 STORAGE**

*Storage has now become a pressing issue that affects the majority of sports and sportsgrounds. The evolution of participant safety apparel and training aids has placed a significant burden on the storage space available at most sportsgrounds. Some sporting groups have addressed the immediate shortcomings with the installation of shipping containers at some locations, however short term solution is not optimal and not desirable from an aesthetics perspective.*

*Council has imposed a strict condition on storage containers requiring development consents, with the Property and Recreation Division recommending a 2-year restriction for the use of these storage containers. Additional consideration must be given to destruction of the visual amenity of the sportsgrounds, as there may be up to three containers at selected grounds.’*

**Consideration:** The shipping container is accepted by Council on condition it only be on site for two years. A more permanent storage solution will need to be explored after that time. Council officers considered if placing the shipping container on the southern side of the amenities building was a better visual amenity outcome. However, the shipping container will likely need to be placed between the northern side of the existing amenities building between the fence and the car park. This is because the land on the southern side is approximately 10-15cm lower according to Councils LIDAR data. This would result in a worse flooding outcome and may more imposing footings to satisfy the 13.99 RL flood level requirements contributing to a worse visual amenity outcome.

### 2.3.3 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

#### Wollongong City-Wide Development Plan - City Wide

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development.

- The proposed cost of development \$2,200 is less than \$100,000 - contributions do not apply.

*Note: The proposed cost of development\* is calculated in accordance with clause 25J of the EP&A Regulations, however if a separate cost estimate is not provided with the DA, use the cost of works stated on the application.*

### **2.4 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 are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

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

#### **Environmental Planning and Assessment Regulation 2021**

##### 6 Determination of BASIX development

N/A

##### 61 Additional matters that consent authority must consider

N/A

##### 62 Consideration of fire safety

N/A

##### 63 Considerations for erection of temporary structures

N/A

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

The proposal is considered acceptable with regard to the likely impacts.

### **2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE 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 any 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.

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

Notification not required..

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

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

## **3 CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Internal referrals are satisfactory subject to conditions, and notification was not required. It is considered that the proposed development is appropriately given the nature characteristics and use of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to appropriate conditions of consent.

## **5 ATTACHMENTS**

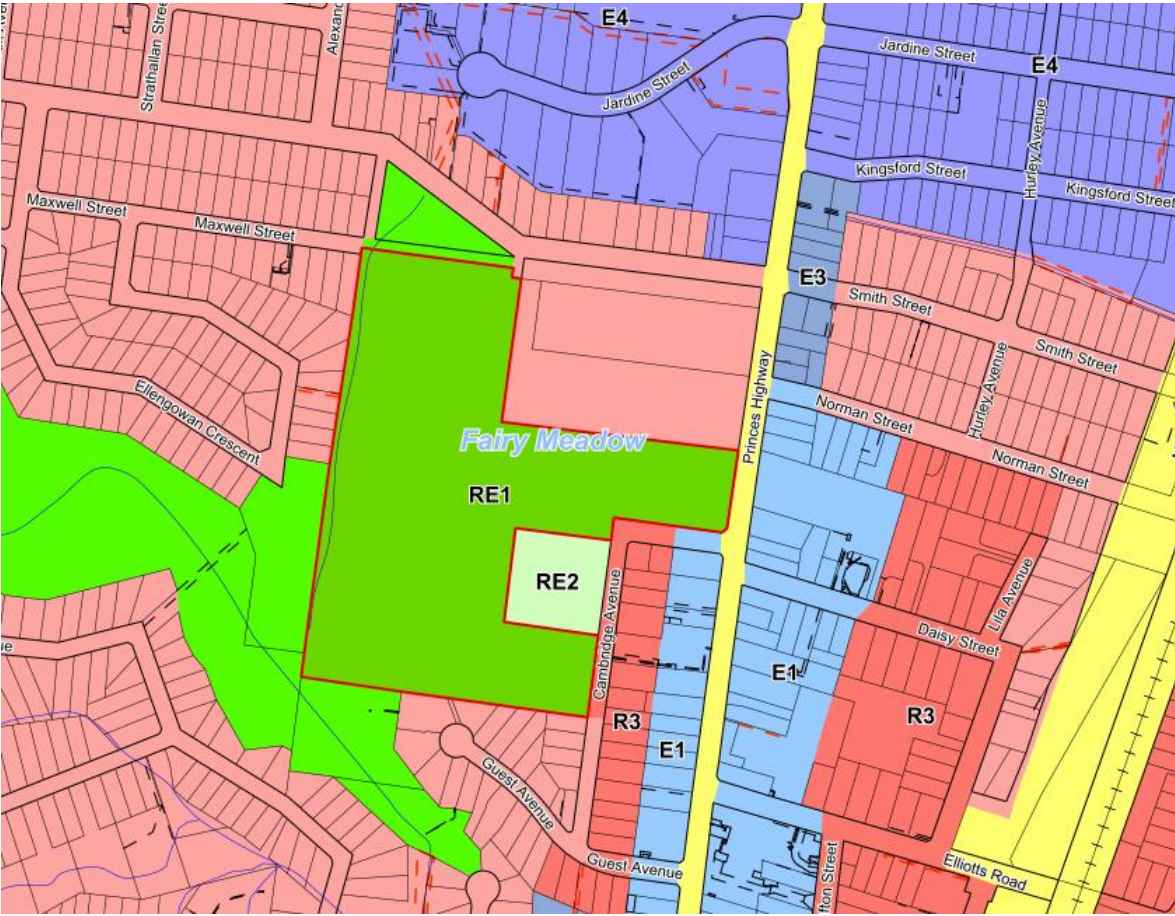
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- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Statement of Environmental Effects
- 4 Plans
- 5 Draft conditions of consent

Attachment 1: Aerial photograph



Attachment 2: Zoning Map





**STATEMENT OF ENVIRONMENTAL EFFECTS  
PROPOSED INSTALLATION OF A SHIPPING CONTAINER  
FOR STORAGE OF MAINTENANCE EQUIPMENT  
Guest Park, Balgownie Road, Fairy Meadow  
(Lot 102 DP 624706)**

Prepared by N Page (BTP, MPIA), Vice President, Illawarra Stingrays  
10 December 2022

**1 The Subject Site and Surrounds**

The subject site is located at the northern part of Guest Park, Fairy Meadow (Lot 102 DP 624706), accessed from Balgownie Road. The site is owned by Wollongong City Council and contains sportsfields and an amenities building, car parks on either side of the northern field. A new perimeter fence to the sportfield has recently been erected. The land is owned by Council and classified as Community Land under the Local Government Act. Council's Generic Plan of Management for sportsgrounds applies.

A Licence for use of the sportsfield and associated facilities has recently been issued by Wollongong City Council to the Illawarra Stingrays FC, a representative football (soccer) club who utilise the sportsfield as the Club's training ground. The Licence becomes effective in March 2023 when the Illawarra Stingrays become responsible for the maintenance of the grounds (rather than Council as is currently the case). The Licenced area is illustrated at Appendix 3.

A residential area is located to the west and north. Fairy Meadow Demonstration Public School is located to the east of the eastern car park. More sporting fields and other sporting amenities (skate park, netball courts, tennis courts) are located further to the south within the Guest Park complex.

Figure 1 is an aerial photographs that shows the location of the subject site and the immediate surrounding area. The insert to Figure 1 shows the indicative location of the proposed shipping container, which is on a grassed area between the existing car park and amenities building (being a distance of 13 metres). The exact location will depend on the accessibility by the transport vehicle for the placement of the shipping container (due to the fence/gate). A photograph of the site of the proposed shipping container is at Figure 2.

With the exception of being flood-affected, the property is not affected by any planning constraints relevant to the proposal. A stormwater asset (running north-south) is mapped west of the car park and amenities building. The proposed shipping container will not be placed on this.



**Figure 1:** Aerial photographs of site showing location of proposed shipping container (in red) within Guest Park and wider locality (top) and detail of siting (bottom)  
(Source: Nearmaps)



**Figure 2:** Photograph of site of proposed shipping container (red arrow)

## 2. The Proposed Development

The development application seeks approval for the installation of a shipping container on the subject site for storage of maintenance equipment for the sportsground (mower/s, whipper snippers, line marking equipment etc). The shipping container is a standard size, having dimensions of 20' x 8' (6.09 x 2.43m) – refer Figure 3 and Appendix 4.

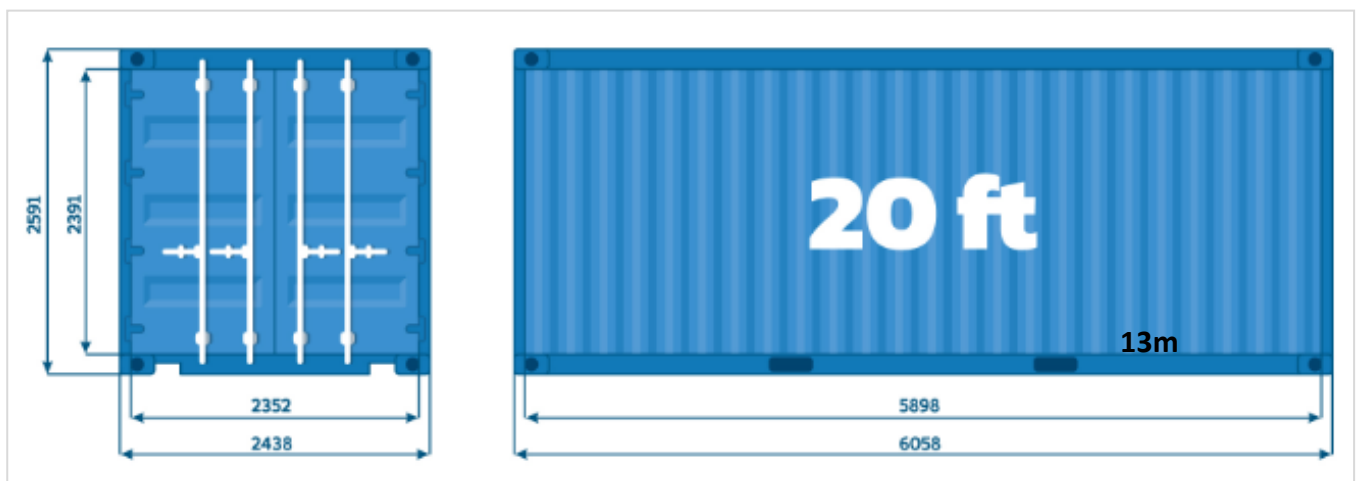
The Illawarra Stingrays Football Club (“The Stingrays”) have recently obtained a licence which includes responsibility for the maintenance of the sportsfield and part of the amenities building, hence the need for the storage of the equipment. The storage room within the existing amenities building is used for sporting gear and there is inadequate room for field maintenance equipment. The Stingrays were successful in obtaining a grant for drainage works which will commence in mid January 2023.

The shipping container will be placed on the existing grassed area between the existing car park and amenities building (being a distance of 13 metres). The exact location will depend on the accessibility by the transport vehicle for the placement of the shipping container (due to the fence/gate). It is intended to be placed in an east-west orientation as indicated on Figure 1, with access doors facing east. The shipping container will be placed as far west as possible to minimise direct visibility and to permit direct pedestrian access to the eastern (usable side) of the amenities building. The shipping container will contain ventilation grills as equipment may include mower fuel and emit odours typical of such equipment.

Excavation for footings is not proposed, and a Construction Certificate is not required. The building is Class 10a structure under the Building Code of Australia.

It is intended that the container will remain in place permanently or until an alternative storage building is constructed (subject to future grant funding and relevant planning approval).

The estimated value of the development is \$2200.



**Figure 3:** Elevation Plan of shipping container showing dimensions  
(Source: <https://www.securecontainer.ca/shipping-container-dimensions/>)

### 3. Section 4.15(1) of the EP&A Act 1979 – Evaluation: Matters for Consideration

#### (a)(i) the provisions of any environmental planning instrument

#### 3.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the SEPP requires consideration of potential land contamination in the assessment of development applications. A desktop review of Council's online application register and historical mapping indicates the land is known to have only been used for sportsground purposes and therefore contamination is unlikely. There are no earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7. A phase 1 contamination assessment is not warranted and the provisions of the SEPP (Clause 7) are met.

#### 3.2 Wollongong Local Environmental Plan (WLEP) 2009

The relevant provisions of WLEP 2009 are addressed in Table 1 below. The table confirms that the proposed development is consistent with the planning instrument.

Table 1: Wollongong Local Environmental Plan (WLEP) 2009		
Clause	Requirement	Compliance
<b>1.4 Definitions</b>	Considered ancillary to 'Recreation area' which means <i>"a place used for outdoor recreation that is normally open to the public, and includes:</i> <i>(a) a children's playground, or</i> <i>(b) an area used for community sporting activities, or</i> <i>(c) a public park, reserve or garden or the like,</i> <i>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)."</i>	✓
<b>2.2 and 2.3 Land Use Zones and Permissibility</b>	The proposed location of the shipping container is within the RE1 Public Recreation zone.  The proposal is categorised as works ancillary to a 'recreation area' as defined above and is permissible in the zone with development consent.  Meets the zone objectives: <ul style="list-style-type: none"> <li>• <i>To enable land to be used for public open space or recreational purposes.</i></li> <li>• <i>To provide a range of recreational settings and activities and compatible land uses.</i></li> <li>• <i>To protect and enhance the natural environment for recreational purposes.</i></li> <li>• <i>To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.</i></li> </ul>	✓
<b>4.3 Height of buildings</b>	Shipping container is 2.591m does not exceed maximum 9m permitted.	✓
<b>5.21 Flood Planning</b>	According to the Fairy and Cabbage Tree Creeks Flood Study (Advisian, 2020) indicates the subject land is flood-affected. However the location of the proposed shipping container is outside the 1% AEP. While this may be within the 'flood planning area' (as defined below), the proposed meets the relevant provision of the WDCP 2009 (refer Table 3) and therefore this clause.  <u>Definitions: (WDCP 2009)</u>  <b>Flood Planning Area:</b> <i>The area where flood related development controls apply. It includes land below the flood planning level (FPL) and may extend to include other areas of land where the high consequences in low probability events require additional flood</i>	Addressed Refer Table 2.

	<p><i>related controls to reduce damages or to not alter the floodway in rarer flood events.</i></p> <p><b>Flood planning levels (FPLs)</b> flood planning level In the Wollongong LGA, the FPL is the level of a 1 % AEP flood event plus 0.5 metres freeboard, unless otherwise stated in an adopted Floodplain Risk Management Study and/or Floodplain Risk Management Plan</p> <p>CI 5.21 (2) Development consent must not be granted to development on land the consent authority considers to be within the <b>flood planning area</b> unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> <li>(a) is compatible with the flood function and behaviour on the land, and</li> <li>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</li> <li>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</li> </ul> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> <li>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</li> <li>(b) the intended design and scale of buildings resulting from the development,</li> <li>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</li> <li>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</li> </ul>	<p>The proposal has considered the relevant flood study and WDCP 2009 controls where flood planning controls are met and/or not relevant, and conform with the relevant flooding objectives.</p> <p>Hence the proposed shipping container is considered to meet these provisions.</p>
<b>7.1 Public utilities infrastructure</b>	No utilities are required for the shipping container. The land is already serviced by sewer, water and electricity.	✓

**3.3 Wollongong Development Control Plan (WDCP) 2009**

WDCP 2009 does not specify requirements for sportsgrounds. Matters of a general nature apply to the development as addressed in Table 2: The table indicates compliance with the development controls.

<b>Table 2: WDCP 2009 - Relevant Chapters</b>		
<b>Chapter</b>	<b>Comment</b>	<b>Compliance</b>
<b>Chapter A2</b>	<b>Ecologically Sustainable Development</b> The shipping container reuses an existing piece of equipment, can be removed if necessary, does not require utility supply or extensive excavation and does not generate waste.	✓
<b>Chapter D1</b>	<b>Character Statements</b> Guest Park is a district park identified in the character statement for Fairy Meadow. The proposal is low scale and will contribute to the ongoing maintenance of this facility, and is consistent with the desired future character for the suburb.	✓
<b>Chapter E2</b>	<b>Crime Prevention Through Environmental Design</b> The Club will be responsible for the security of the storage facility. Any graffiti will be removed by the Club.	✓
<b>Chapter E14</b>	<b>Stormwater Management</b> The shipping container is only 16m <sup>2</sup> in area and is not anticipated to adversely impact on the stormwater management of the area. The container, while removable, will not be placed on the stormwater asset located on the land.	✓
<b>Chapter E13</b>	<b>Floodplain Management</b> According to the Fairy and Cabbage Tree Creeks Flood Study (Advisian, 2020) published on Council's website the subject land and site is flood-affected.  A Flood Planning Certificate has not been obtained and it is understood from Council's website that the Floodplain Risk Management Study and Plan is under review and Flood Risk Precinct classifications have not yet been determined.  The relevant controls of this Chapter are addressed below based on the existing available information.	Addressed
<b>6.1 DA Assessment Criteria</b>	The proposal is a Recreation Use	✓
<b>6.3 Flood Risk Precinct</b>	Flood Risk Precinct classifications are under review. However, the 2020 Fairy and Cabbage Tree Creeks Flood Study (Advisian, 2020), Volume 2 – Flood Mapping for the 1% and PMF events (Figures 101-1; 12-1; 22-1; 24-1; 29-1 and 38-1) indicates that the proposed site for the shipping container immediately north of the existing amenities building is <u>not</u> impacted in the 1% AEP but <u>is</u> located within the PMF event. The excerpt below is from Figure 29-1 (1% AEP Event Provisional Flood Hazard Risk Management Blockage Factors – Sheet 1) which confirms the above, and that the adjacent affected area is (shown in dark blue) is identified as “generally safe” provisional flood hazard.	✓

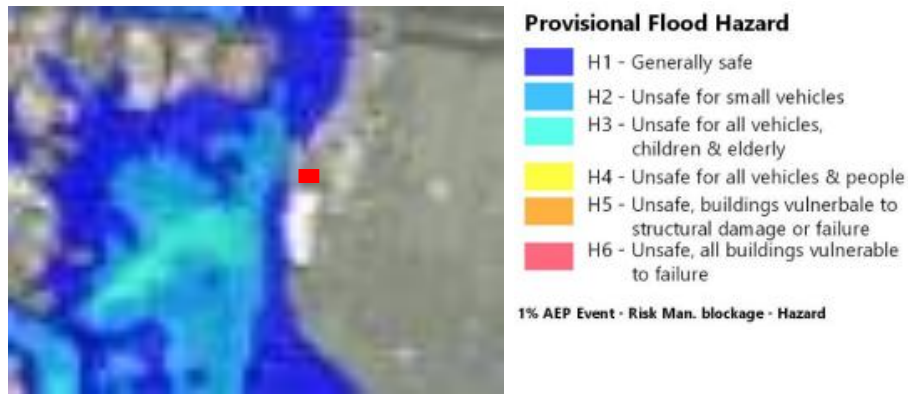


Figure 38-1, while indicating the proposed location is impacted in the PMF, it is also indicated as “generally safe”. In this regard, it is assumed that the proposed shipping container location should be considered “**Low risk**” for the purposes of assessment under this DCP. Even in the PMF, the proposed site for the shipping container has a minimal flood depth of 0.15m (Figure 12-1).

Hence it is anticipated that the shipping container will be located in a Low Flood Precinct classification, and is assumed for this assessment. Preparation of a flood study is not warranted for this scale of development, being a temporary structure.

#### 6.4 Controls

##### 6.4.3 Flood impacts:

*Appendix C:* Applicable Controls are within *Schedule 5 - Fairy Cabbage Tree Creek Floodplains*. As Recreational Use within a Low Flood Risk area, there are no controls/planning considerations relevant to the proposal – refer to column of excerpt from Schedule 5 below.

Summary: Having regard to the extracts from the Fairy and Cabbage Tree Creeks Flood Study (Advisian, 2020), including flood depths and velocity in the 1% ARI (not applicable) and provisional Flood Risk Precinct classification, the subject site is considered to be ‘Low’. Therefore, there are no applicable planning controls for the proposed shipping container under Schedule 5 of the DCP. It is considered that this minor proposal could readily be verified by Council’s Floodplain Management Officers with respect to the relevant LEP and DCP provisions referenced above.

#### SCHEDULE 5: PRESCRIPTIVE CONTR FLOODPLAIN

	Flo						
	Low Flood Risk						
Planning Consideration	Essential Community Facilities	Critical Utilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Non-Urban Concessional Development
Floor Level		3					
Building Components		2					
Structural Soundness		3		2		3	
Flood Affection		2	2		2	2	
Evacuation		2, 4	5	3, 4	4	3, 4	
Management & Design		4, 5	1				
Not Relevant							
Unsuitable Land Use							

No controls – complies

✓

***(a)(iv) the Regulations (prescribed matters)***

Not applicable

***(b)(c)&(e) the likely impacts of the Development, site suitability and public interest***

The proposal is considered appropriate with regards to the zoning of the site and conforms with the planning controls

There are not expected to be adverse environmental impacts on either the natural or built environments. There are also not expected to be any adverse social or economic impacts and/or impacts on the amenity of the in the locality including or adjoining developments. The shipping container is well set back from Balgownie Road and neighbouring residences. The doors will face east to minimise any (unlikely) noise impacts.

The proposed shipping container would be installed adjacent to the existing site facilities (amenities building and car park) at a local Council sportsground. The Illawarra Stingrays is a representative football (soccer) club which intends to store grounds maintenance equipment inside the shipping container for use to meet maintenance responsibilities of an impending licence agreement.

The installation does not involve excavation.

While the property is flood-affected, the proposed location of the container is outside areas of any environmental constraints. No vegetation removal is required.

Flooding impacts have been considered (refer Table 2 above) and are considered acceptable having regard to the flooding controls and site conditions and temporary nature of the development.

The proposal is to use the container in perpetuity, or until such time as a more permanent storage building is erected, which is subject to future funding.

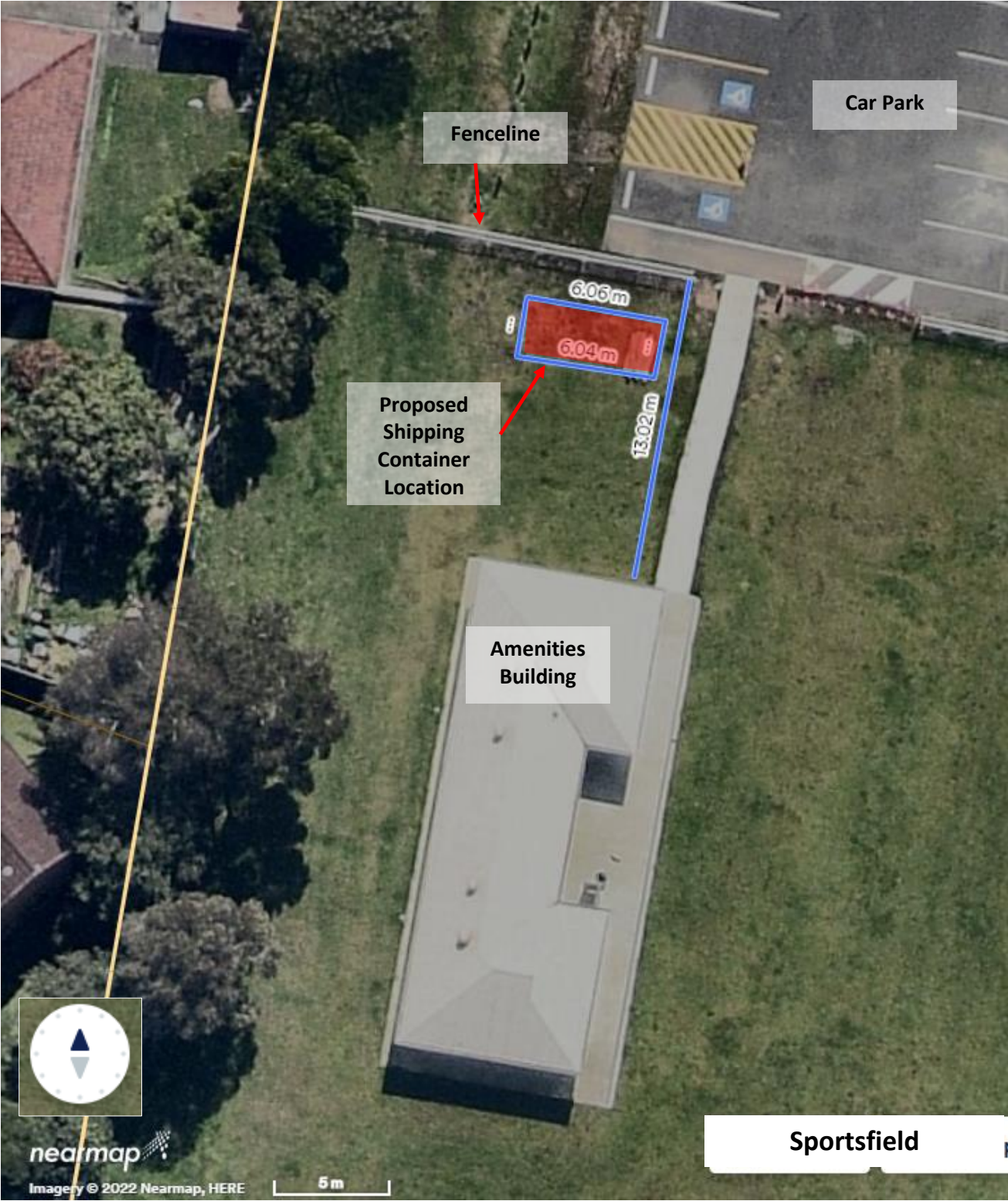
The use of the sportsground for soccer-related activities is consistent with the designation as sportsground in Council's Generic Plan of Management.

The application is therefore considered to be in the public interest and Council' support is sought.

## Appendix 1: Site Plan: Guest Park and Surrounds



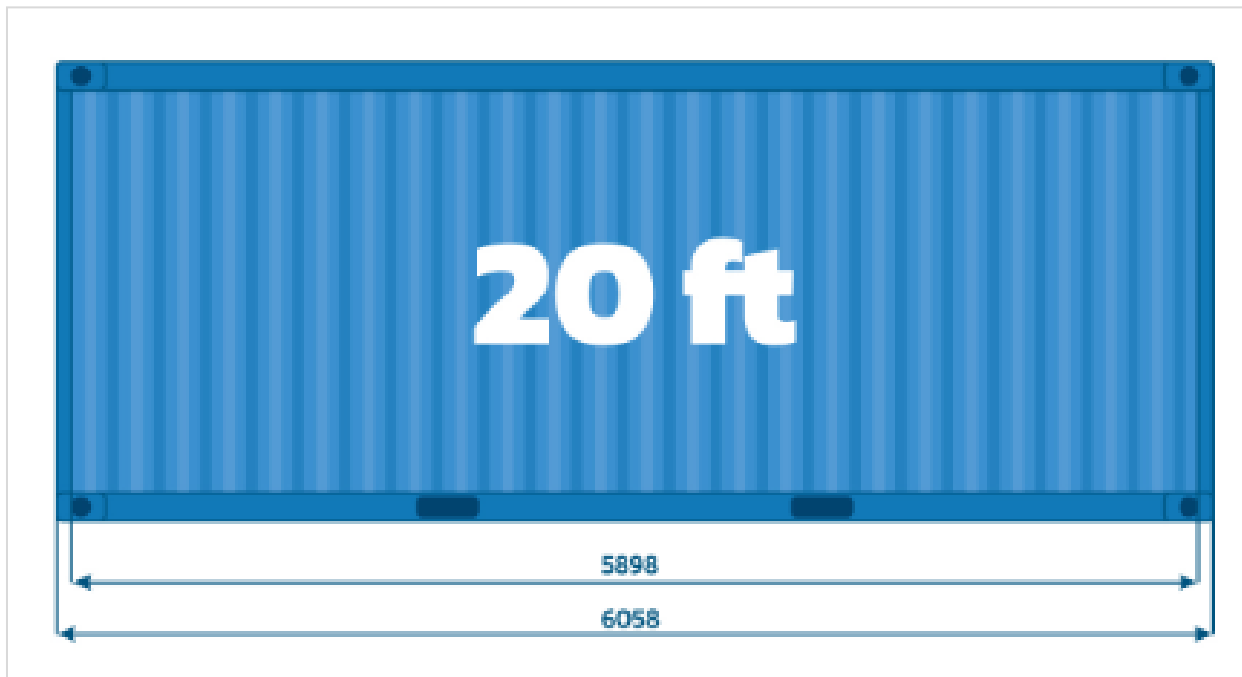
Appendix 2: Detailed Site Plan: Proposed Shipping Container Location



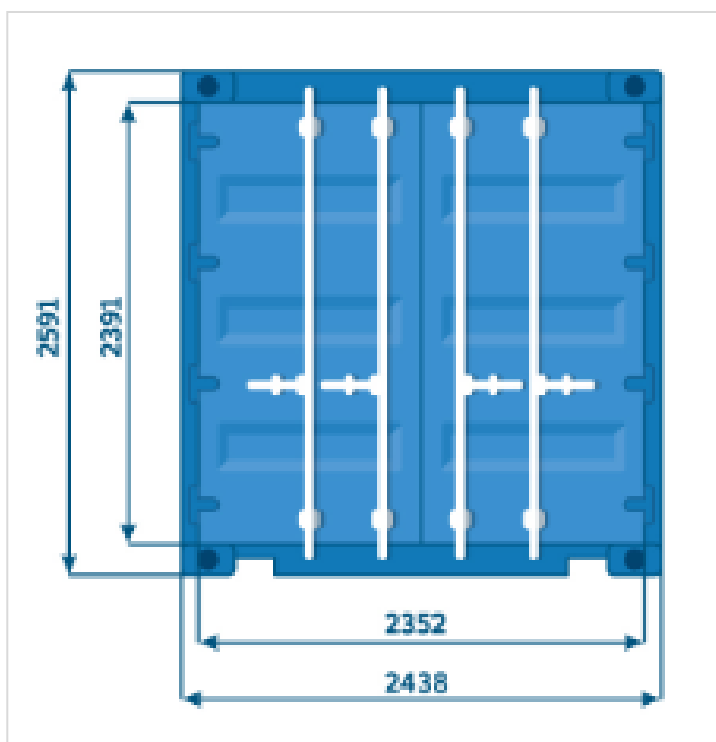
**Appendix 3: Licenced Area: Illawarra Stingrays FC**  
 (Source: Schedule 2 of Licence)



**Appendix 4: Plans (Elevations) of Typical 20 Foot Shipping Container**  
(Source: <https://www.securecontainer.ca/shipping-container-dimensions/>)



Long Side Elevation (North and South)

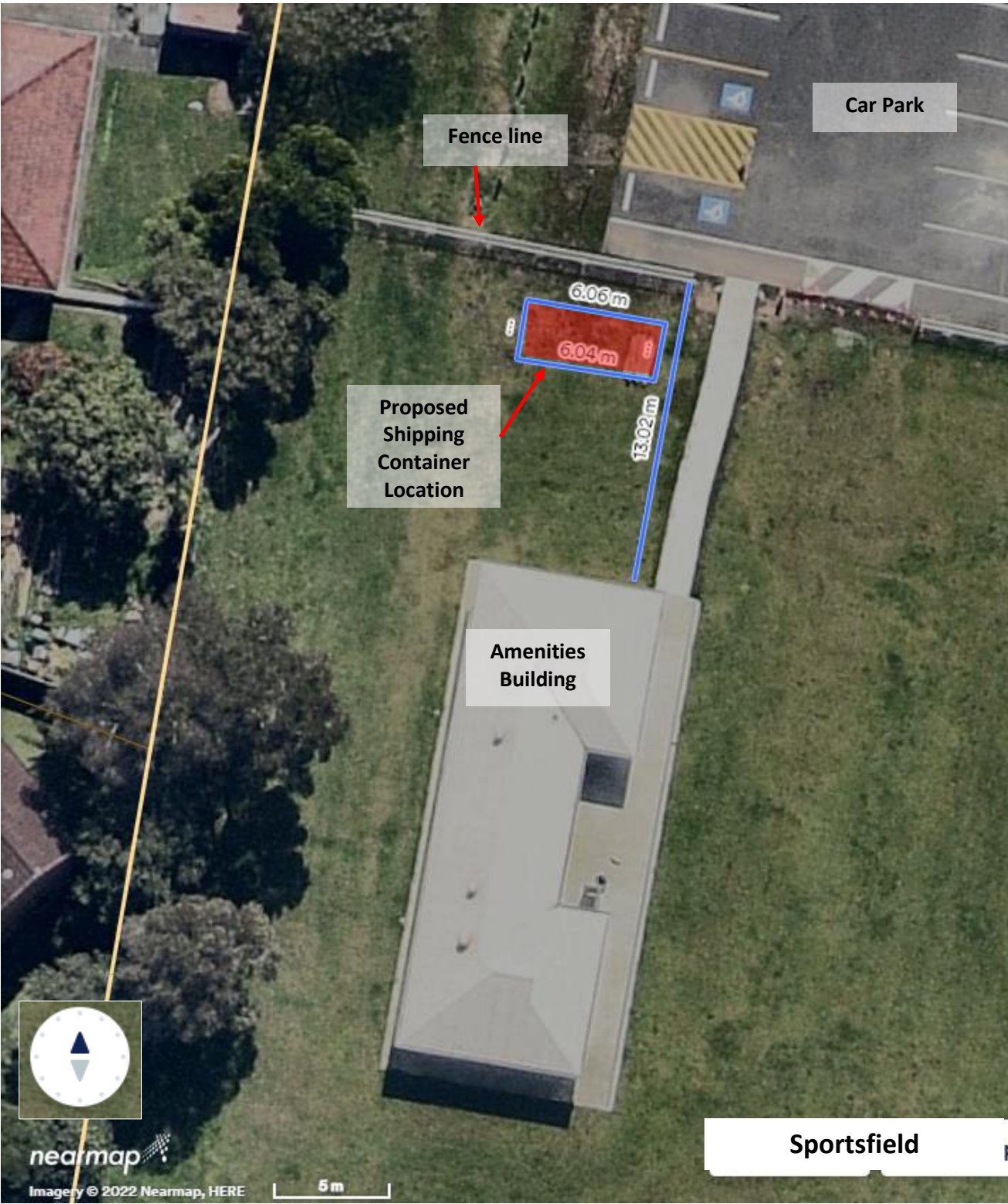


Short side elevation (including doors, eastern elevation)

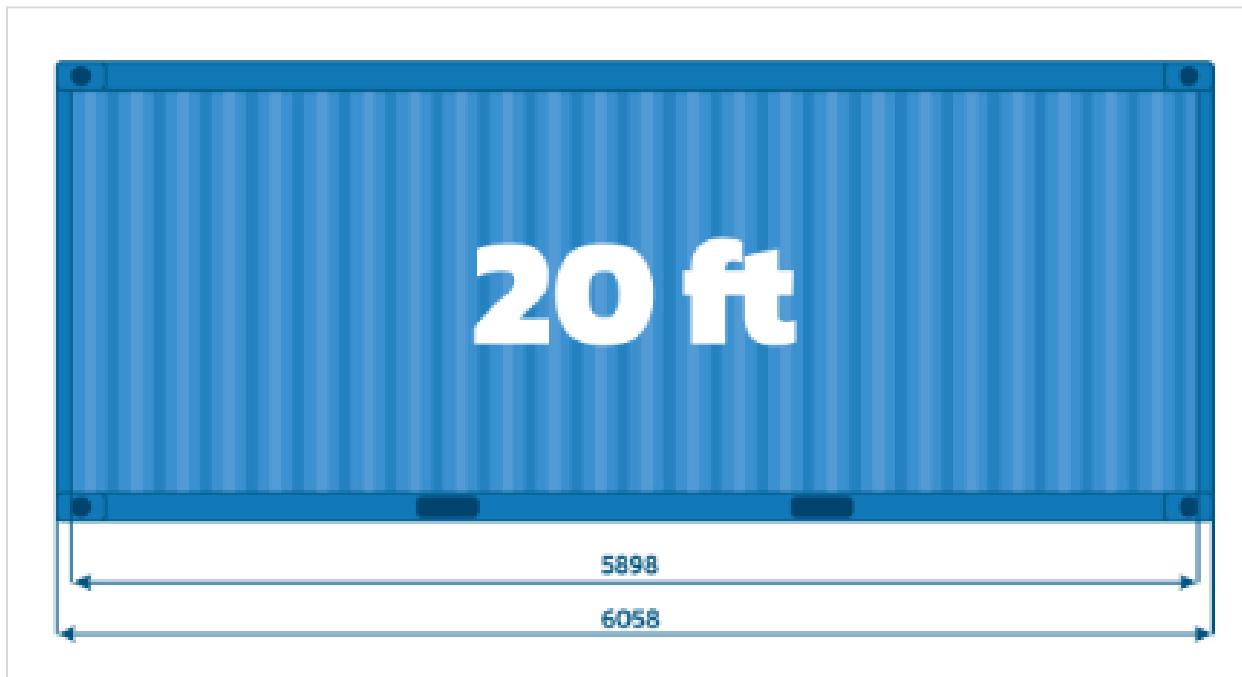
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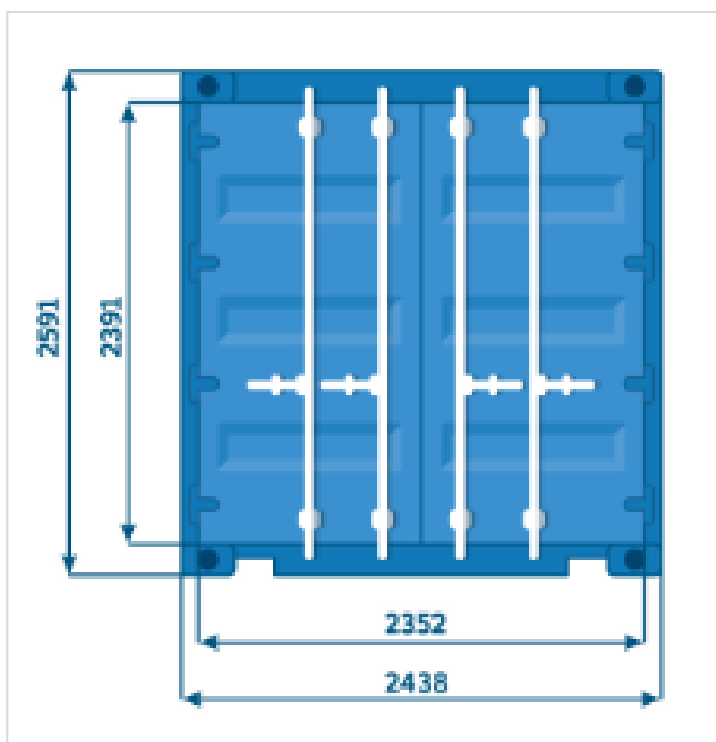
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Long Side Elevation (North and South)



Short side elevation (including doors, eastern elevation)

## Attachment 5 – Draft Conditions

### DRAFT CONDITIONS FOR: DA-2022/1329

Consent has been granted subject to the following conditions:

1. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Page No	Revision No	Plan Title	Drawn By	Dated
8		Appendix 1: Site Plan: Guest Park and Surrounds	nearmap	2022
9		Appendix 2: Detailed Site Plan: Proposed Shipping Container Location	nearmap	2022
11		Appendix 4: Plans (Elevations) of Typical 20 Foot Shipping Container	securecontainer	

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

### General Conditions

2. **Limited Consent Period**

Consent for the shipping contained is limited to two (2) years from the date of the approval. The shipping container must be removed after that time. The purpose of this condition is to keep the development consistent with Council's Sportsground and Sporting Facilities Strategy and to allow the club to investigate a more permanent storage solution.

3. **Developer Responsible for all Maintenance, Demolition, Remediation and Costs**

- The licensee/developer will be responsible for all maintenance and costs associated with the structure including its removal and lawful disposal.
- The licensee/developer is liable for any damage or theft that may occur in relation to the shipping container.
- The licensee/developer is also responsible for remediation of the site back to its previous state prior to the development and any costs associated with that remediation.

4. **Compliance with the Building Code of Australia (BCA)**

Building work must be carried out in accordance with the requirements of the BCA.

5. **Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans

and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**6. Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

**Before the Issue of a Construction Certificate**

**7. Bonds**

The developer will be responsible for the removal and lawful disposal (including any costs) of the shipping container, any associated footings or the like and remediation of the site back to its previous state prior to the development.

Prior to the issue of the Construction Certificate the developer must enter into negotiations with Council property and recreation division regarding the payment of any bonds that may be required to be paid to Council for the purpose of:

- a. Damage to Council-owned land, property, grounds or assets caused by the development.
- b. Failure to remediate Council property, grounds, or assets to its previous state before the development.
- c. Failure to remove the shipping container and any associated footings or the like at the end of the two-year consent period.

Written evidence that states that these negotiations and the payment of any bonds have been resolved to Wollongong City Council's satisfaction, supplied by Wollongong City Council's Property (Recreation) Division must be provided to the Certifier before the issue of the Construction Certificate.

**8. Licence Agreement with Wollongong City Council**

The license agreement may need to be amended at the Licensee's cost to reflect the new structures noting the requirements of condition 3 of this consent. Written evidence supplied by Wollongong City Council's Property (Management) Division that states that the license and maintenance issues have either been resolved to Wollongong City Council's satisfaction, or that altering the current agreement is not required, must be provided to the Certifier before the issue of the Construction Certificate.

**9. Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a. The storage of goods must be at a minimum of RL 13.99 metres AHD. This may require footings, the construction of shelving and/or an elevated internal platform within the shipping container.
- b. Any portion of the building or structure below RL 13.99 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- c. To ensure that the shipping container does not become buoyant or create a risk in the event of a flood, the proposed shipping container and any proposed anchoring / footing system (if required) shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100-year flood level plus freeboard being RL 13.99 metres AHD.

**10. Site Filling**

No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Construction Certificate plans.

**11. Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

**Before the Commencement of Building Work**

**12. Appointment of Principal Certifier**

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days notice is required).

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

**13. Signs On Site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**14. Structural Engineer's Details**

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

**15. Enclosure of the Site**

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

**16. Tree Protection**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).

Tree Protection Zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

**17. Erosion and Sediment Control Plan**

Before the issue of a Construction Certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- a. Council's development control plan,
- b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and
- c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

**18. Waste Management Plan**

Before the issue of a Construction Certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- a. Council's Waste Management Development Control Plan.

**OR**

- b. details the following:
  - i. the contact details of the person(s) removing the waste.
  - ii. an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill.
  - iii. the address of the disposal location(s) where the waste is to be taken.

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**While Building Work is Being Carried Out**

**19. Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels as per the approved plans under this consent. All levels shall relate to Australian Height Datum.

**20. Hours of Work**

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

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

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;

- e. supervisor contact number; and
- f. any proposed measures required to mitigate the impacts of the works

**Note:** The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

#### **Before the Issue of an Occupation Certificate**

##### **21. Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard, being RL 13.99 metres AHD or greater.

#### **Reasons**

The reasons for the imposition of the conditions are:

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