

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018SNH064
<b>Application Number</b>	DA2018/1771
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Demolition of the existing surf club building and construction of a new surf club building, including a cafe, restaurant, and function space
<b>Land to be developed (Address)</b>	Lot 104 DP 1066371, 1 Surfview Road MONA VALE NSW 2103
<b>Owner</b>	Northern Beaches Council
<b>Applicant</b>	Northern Beaches Council
<b>Date of Application lodgment</b>	31/10/2018
<b>Number of Submissions</b>	7
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Crown Development with a Capital Investment Value (CIV) of more than \$5 million
<b>List of all relevant s4.15(1) (a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Pittwater Local Environmental Plan 2014</li> <li>• Pittwater 21 Development Control Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Statement of Environmental Effects</li> <li>2. Survey Plan</li> <li>3. Architectural Plans</li> <li>4. Landscape Plan</li> <li>5. Preliminary Geotechnical Investigation</li> <li>6. Waste Management Plan</li> <li>7. Arboricultural Impact Appraisal</li> <li>8. Traffic Impact Assessment</li> <li>9. Access Report</li> <li>10. Fire Safety Statement</li> <li>11. Sustainability Report</li> <li>12. Acoustic Report</li> <li>13. Coastal Engineering Assessment</li> <li>14. Civil DA Report</li> <li>15. BCA Report</li> <li>16. Heritage Impact Statement</li> <li>17. Structural Concept Design</li> <li>18. Acid Sulphate Soil Assessment</li> <li>19. Response to Council Feedback</li> </ol>
<b>Report prepared by</b>	David Kerr, General Manager Planning, Place and Community
<b>Responsible Officer</b>	Sarah McNeilly (Independent Consultant Planner - Watermark Planning Pty Ltd)
<b>Report date</b>	28 January 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive

Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b>	
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? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b>	
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?	<b>Not Applicable</b>
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	<b>Not Applicable</b>
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment?	<b>No</b>

## EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of Development Application (DA2018/1771) from Northern Beaches Council for the demolition of the existing surf club building and construction of a new surf club building, including a cafe, restaurant, and function space at Lot 104 DP 1066371, 1 Surfview Road, Mona Vale.

The overall area of the large lot which sites the existing surf club is 38,110m<sup>2</sup>. The site is irregular in shape and stretches between the northern end of Mona Vale Beach and Surfview Road in Mona Vale. The existing surf club sits centrally on the lot which also includes parking and open space areas.

The subject site is zoned RE1 Public Recreation under the Pittwater Local Environmental Plan 2014 (PLEP 2014). Development for a community facility with restaurant and cafe is a permissible use with development consent.

The proposed development constitutes 'Regional Development' requiring referral to the Sydney North Planning Panel (SNPP) as it has a Capital Investment Value greater than \$5 Million and occupies land owned by Northern Beaches Council. SNPP is the consent authority for application.

The proposed development is a two storey building, sitting essentially within the same footprint as the surf club to be demolished, although minimally greater in width. Alterations to parking and landscaping are also associated with one Cook Pine to be removed and replanted.

The public notification of the application resulted in 7 submissions; 2 in support and 5 supportive but raising concerns regarding disabled accessibility, noise and the coastal environment. The matters raised have been considered and addressed within the report.

Key issues considered in the assessment have included heritage (with the nearby Norfolk Pines listed within Schedule 5 of the PLEP 2014), disabled access, materials, landscape and parking. Through a combination of the provision of additional information from the applicant and conditions of consent, all of the above have been satisfactorily addressed.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is an appropriate development, which will be of benefit to the local community and that it is worthy of support.

Accordingly, it is recommended that the SNPP, as the determining authority, approve the application subject to the conditions detailed in the Recommendation section of the report.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted, and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

- Pittwater LEP 2014 – 5.10 Heritage
- Pittwater DCP – C5.1 Landscaping
- Pittwater DCP – C5.5 Accessibility
- Pittwater DCP – C5.4 Views
- Pittwater DCP – D9.1 Character as viewed from a public place
- Pittwater DCP – D9.3 Building Colours and Materials

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 104 DP 1066371 , 1 Surfview Road MONA VALE NSW 2103
<b>Detailed Site Description:</b>	<p>The subject allotment comprises a large area of public open space on Surfview Road and adjacent the northern end of Mona Vale Beach in Mona Vale. The irregularly shaped allotment has an area of 38,110m<sup>2</sup> and is zoned RE1 Public Recreation.</p> <p>Surrounding allotments consist of further public open space to the north and south including sand dunes, parkland and the Mona Vale Golf Course. Residential properties are the primary use surrounding the open space area with both R2 and R3 zones to the west of the large lot.</p> <p>This application refers to the central area of the lot which is currently occupied by the two storey Mona Vale Surf Club. The clubhouse sits fronting Surfview Road and Apex Park to the west and has immediate access to the beach to the east. It is surrounded by 319 existing parking spaces to the north and south within the Ticket parking zone. Significant Norfolk pine trees line the beachfront and parking area to the north.</p>



## SITE HISTORY

### DA664/10

A development application for alterations and additions to the existing surf club including a café was lodged on 16 November 2010. The application was approved on 3 March 2011.

### Prelodgment meeting

A formal prelodgment meeting was undertaken for the proposed development on 5 April 2018. The conclusion of the Council staff in the prelodgment advice was as follows:

*The proposal is not acceptable and requires redesign prior to submission. In particular, appropriate landscaping is to be provided on the site to help soften the built form. It appears as well that the floor level of the ground floor needs to be raised to the flood planning level, thus further contributing to bulk and scale of the built form. Greater consideration must be given to the urban design outcomes of the proposal to ensure that the built form is sympathetic to the coastal environment and setting as well as public status of the building.*

*It is strongly advised that all recommendations contained within this report, including those coastal recommendations are incorporated into a future design. The requirements contained within the Monna Vale Beach Plan of Management and those must be addressed within any future application. It is understood from the additional information provided following the meeting that it is intended to construct a temporary structure for storage and facilities to the south-west of the proposed construction site while the surf club is being built. Be advised that due to the likely construction timing of the surf club and intended use of the structure, any proposed building of this nature will require development consent. It is therefore advised that this proposed temporary building be included in any future development application.*

*Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.*

The applicant made alterations to the prelodgement plans including:

- Caretakers room has been deleted;
- Additional native vegetation has been incorporated into the scheme;
- Two through-site links have been introduced which incorporate glazed doors and will have allow for views of Monna Vale Beach from the car parking area;
- Five bicycle racks are provided.

## PROPOSED DEVELOPMENT IN DETAIL

The Development Application seeks consent for demolition of the existing surf club and construction of a new 2 storey clubhouse in essentially the same location.

The development proposes a modern take on the traditional surf club building, with the two storey height retained and access and view corridors provided through the new building. Precast concrete with timber look batons, glazing and dark metal cladding are the key construction materials with a contemporary architectural design resulting. The club house will contain public facilities including a café, restaurant, gym, canteen and public bathrooms. The design has maximized views to the beach while retaining a low level and similar envelope, to restrict impacts for the immediate surrounds and residents.

The ground floor will include:

- Gym
- Storage
- Canteen
- Male, female and DDA toilets (south)
- Club lockers and bathroom - male and female (north)
- First aid
- Life guard
- Patrol
- Plant area
- Bin area x 2
- Office
- Lift
- Lobby
- Café

The new first floor will include:

- Member lounge with meeting room and kitchen/bar
- Function room
- Circulation area
- Restaurant with kitchen
- Accessible toilet
- Male and female WC
- Lift
- Balcony on east and south elevations

Existing parking will be retained with 3 spaces removed to allow for extension of the building and provision of an extended landscaped area. Five bike racks are proposed to be provided within the site.

Landscaping on the perimeter of the new clubhouse is proposed on the Surfview road frontage, adjacent the proposed café and immediately between the club and the beach.

A Cook Pine on the northern side of the existing club house is proposed to be removed and replanted in an alternate location.

Photo voltaic panels are proposed on the roof top of the building.

Separate, but related to this application, is an exempt development which includes a temporary storage container to be sited to the south of the existing building during construction to allow for continued operation of the surfclub and lifeguard facilities during this time period. This will house toilet facilities, first aid and communications and lifesaving equipment. The temporary container will be removed at the completion of construction and is noted on the DA plans.

The fit-out of the restaurant and café are to be the subject of a separate development application.



## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. Additional information was requested on 20 December 2018 with regard to traffic and parking, urban design and acoustics. Details of these are discussed later in the report and all can be resolved through the information provided to council and/or conditions of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 7 submission/s from:

Name:	Address:
Mr. Cameron Charles Lyndon-James	Po Box 473 MONA VALE NSW 1660
Mrs. Margaret Kerr	13 Orana Road MONA VALE NSW 2103
Bryce Munro	11 Grandview Parade MONA VALE NSW 2103
Mr. David Bostock Mrs. Janice Edith Bostock	1 / 10 - 16 Surfview Road MONA VALE NSW 2103
Mrs. Geraldine Anne Moorman	12 / 19 - 23 Delmar Parade DEE WHY NSW 2099
Anonymous	N/A
Mrs. Marcia Anne Rackham	124 Elimatta Road MONA VALE NSW 2103

Seven submissions were received. Of these, 2 were wholly in support and 5 were in support but raised some issues concerns. The relevant matters raised within the submissions have been considered and addressed as follows:

### 1. Acoustics

There is concern that the noise from the venue will travel to surrounding residences when functions are held. As the premises will be larger and more sought after, the impacts will be greater than existing.

Comment: Council requested an acoustic report be prepared detailing the impact of the proposed development. This report, provided on the 24<sup>th</sup> January 2019, specifically considers impact on neighbouring residences based on the following restrictions:

Capacity: Restaurant - 90 people  
Function Room (with music) – 90 people  
Members Lounge – 60 People  
Café – 70 people

Hours of operation: Restaurant/Function Room/Members Lounge – 7am to 10pm (7 days)  
Café – 7am to 5pm (7 days)

The report finds:

*External noise emissions associated with the operations of the members lounge, function room and restaurant have been assessed in accordance with the NSW Liquor and Gaming Authority criteria. The predicted noise levels demonstrate that the operations of these areas are expected to meet the noise criteria.*

*In addition, the external noise emissions associated with the operations of the proposed café have*

*been assessed. Based on the assessment, the expected noise level at the nearest residential receiver will meet the noise level criteria.*

*The traffic generation noise has also been assessed based on the rates provided in the noted traffic report. Based on the assessment, the noise levels as a result of the additional traffic is anticipated to be insignificant.*

Council's Environmental Health officer has provided support for the proposal based on the findings of the Acoustic report.

## **2. Coastal Impacts**

The new building should be relocated further back from the dune system and coastal hazard zone. Why was clause 5.5(2) "Development within the coastal zone" of the former Pittwater LEP repealed on 2nd April 2018 and no longer applies to the property.

### Comment:

The siting of the new surf club building, within essentially the same building footprint as the existing club, is supported. The design has been arrived at following advice from a Coastal Engineer (see report by Horton Coastal engineering) and in line with the requirements of SEPP (Coastal Management) 2018 and the Coastline Risk Management Policy for Development in Pittwater. Council's coastal and flooding engineers support the development subject to appropriate conditions of consent.

We note that the deletion clause 5.5(2) "Development within the coastal zone" of the PLEP is as a result of the gazettal of the State policy which ensures the same matters are assessed.

## **3. Disabled Access**

Concerns were raised with regard to:

- Inadequate number of disabled bathrooms, considering that they will be used by non-disabled persons as a changeroom and this is to the detriment of dignity and equity of those who truly need to use the space.
- disabled access bathrooms having appropriate dimensions,
- doors within access corridors being appropriate for disabled use and not adversely impacted by wind impacts;
- access within corridor near disabled bathroom and shared handwashing station;

Comment: Conditions of consent will ensure compliance with the BCA. All proposed disabled facilities will comply with the minimum dimensions. It is the applicant's responsibility to ensure that the DDA is also complied with. Council's Urban Design officer has provided the following comment:

*Council acknowledges the provision of the Disabled Access WC labeled 'DDA + Hoist Facility'. However, the applicant notes this will be able to be shared with families and additionally utilized as a baby change facility. There are concerns that access for people with disabilities may be unfairly compromised by the shared use of this room for families and baby change facilities. It is recommended this be addressed by allocating a separate facility for family and baby change facilities, independent of the Disabled Access WC facility to ensure equitable access.*

Accordingly, a condition of consent is proposed to rectify this concern.

## **4. Ladies WC**

It was noted that there are less ladies toilet cubicles than there are male facilities.

Comment: The number of WC facilities has been conditioned to comply with the Building Code of Australia.



## MEDIATION

No mediation has been requested by the objectors.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Approval subject to conditions</b></p> <p><i>The application generally proposes a new two storey surf lifesaving club consisting of club facilities, public amenities and retail components on the ground floor together with a restaurant and function room on the first floor. The proposal is capable of compliance with the BCA with both amendments to the plans (that would be anticipated at CC stage) and, where required, an 'Alternate Solution' through performance based fire engineering to achieve compliance with the Performance Requirements in the BCA. It is accepted that the building would be able to comply with the Performance Requirements of the BCA without major changes to the current design that would require a modification to any consent issued. Therefore, no objections subject to conditions.</i></p> <p><u>Comment:</u> Some limited revisions to the plans will be required at the Construction Certificate stage to ensure compliance with disabled accessibility requirements. In particular the bathroom facilities will be revised with more detailed dimensions available to demonstrate compliance with conditions of consent.</p>
Environmental Health (Acid Sulphate)	<p><b>Approval</b></p> <p><i>The applicant has covered Acid Sulfate Soils in 7.1 (pg. 71) of Compliance with Pittwater LEP as part of the Statement of Environmental Effects.</i></p>
Environmental Health (commercial use)	<p><b>Approval subject to conditions</b></p> <p><i>Environmental Health has initially reviewed the application for the re-construction of Mona Vale Surf Club with regard to the proposed food premises. A noise impact assessment was later provided, and we have reviewed that aspect of the submission and come to the same conclusion: recommendation subject to conditions.</i></p> <p><u>Comment:</u> It is also noted that the fit out of the restaurant and café will be the subject of separate development Applications.</p>
Environmental Health (unsewered lands)	<p><b>Approval subject to conditions</b></p> <p><i>The applicant has given the following information in Statement of Environmental Effects: 5.17: "The full range of utility services infrastructure – electricity, gas, telecommunications, water, <b>sewer</b> and stormwater drainage – are available at or near the site".</i></p> <p><i>SEA doesn't discern the sewer line to the address, on-site inspection revealed sewerage inspection pits.</i></p>

Internal Referral Body	Comments
Landscape Officer	<p><b>Refusal</b></p> <p><i>The Landscape proposal in its current form fails to satisfy Pittwater DCP21.</i></p> <p><i>The landscape treatment to the western façade is insufficient to meet the controls of C1.1 Landscaping, intended to ensure that the built form is integrated into the natural environment. The proposed built form is dominant along the western elevation and impacts upon the visual and aesthetic significance of the existing heritage Norfolk Island Pines, by interrupting the landscape setting of the Norfolk Island Pines, and not providing future augmentation as required under the Norfolk Island Pine heritage listing.</i></p> <p><i>Pittwater LEP 2015, 5.10 Heritage conservation objectives are to b) conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.</i></p> <p><i>To enable the proposal to integrate, soften the built form, and enhance the heritage value, planting of Norfolk Island Pines along the western frontage is required.</i></p> <p><i>The Landscape Plan provides sufficiently sized garden areas to support Norfolk Island Pines at the north and south ends of the western frontage but none along the west elevation. A total of 2 Norfolk Island Pines along the central western frontage would suffice to provide this softening and enhancement of the heritage.</i></p> <p><i>The proposed pedestrian entrance off Surfview Rd indicates planting within two small garden strips, and redesign of this area to include one larger garden area would support Norfolk Island Pine planting, whilst a loss of one carspace south of this area would provide for Norfolk Island Pine planting. This will enable the proposal to satisfy C1.1 and allow for the “future augmentation plantings” required under the Norfolk Island Pine heritage listing.</i></p> <p><i>The tree that requires removal is a Cooks Pine (Araucaria columnaris) planted by Council in approximately 1993 as a replacement for a Araucaria heterophylla that required removal due to its poor condition. As such I am satisfied that this tree proposed for removal is not heritage listed.</i></p> <p><i>The Landscape Plan proposal provides an extension of the Norfolk Island Pine along the northern café section and this is supported.</i></p> <p><u>Comment:</u>  The key concern of the landscape officer is insufficient landscape treatment of the western face. It is noted in their comments that ample area is provided for such planting. Accordingly, it is proposed to include a condition of consent that requires the planting of 2 x Norfolk Island Pines along the central western frontage. A revised landscape plan would need to be provided prior to the release of the construction certificate. As this will result in the loss of one car space, Council's engineer has been asked to confirm that this condition is appropriate, and has provided their support for the landscape solution.</p>

Internal Referral Body	Comments
NECC (Bushland and Biodiversity)	<p><b>Approval</b></p> <p><i>The demolition and re-construction of the new building within what is predominately the existing footprint will not result in any significant impacts to bushland or biodiversity. Refer to landscape officer's comments for more detail. Referral of Landscape Plans to the Manager of the adjoining Dune Restoration contract works recommended.</i></p> <p><u>Comment:</u>  <i>The plans have been referred to the Manager of Dune Restoration works with no issues raised. The Manager provides the following comment: As the development occurs outside of the footprint of the dune system we do not have any major concerns. Planting adjacent to the dune system is to be consistent with the Mona Vale Surf Club Landscape Package (Arcadia, October 2018)</i></p>
NECC (Coastal Risk Management)	<p><b>Approval Subject to conditions</b></p> <p><u>Coastal Hazards</u>  <i>The subject site is shown as affected by coastal erosion and inundation hazards on Council's coastal hazard identification mapping. As such, the Coastline Risk Management Policy for Development in Pittwater (Appendix 6, P21 DCP) and associated B3.3 Coastline (Beach) Hazard Controls will apply to any development or activities proposed at the site.</i></p> <p><i>A Coastal Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 31 October 2018 (the approved report) has been lodged in support of the development application and satisfactorily addresses the relevant requirements of PLEP 2014, P21 DCP, State Environmental Planning Policy (Coastal Management) 2018 and other matters raised for consideration in the pre-lodgment meeting report.</i></p> <p><u>Coastal Erosion/Recession Hazards</u>  <i>The approved report has confirmed that the proposed surf club building is located landward of the acceptable risk line for development on conventional foundations and no allowance need be made for any undermining of the structure due to coastal erosion subject to conventional structural and geotechnical considerations.</i></p> <p><i>The report also notes that while the proposed pathway and hardstand area extend seaward of the building footprint (and therefore seaward of the acceptable risk line for development on conventional foundations) it would be hard to justify the additional costs of deep piling the structure when compared with the cost of replacement, especially when considering the conservative (100 year) design life proposed for the development. On this basis the extent of the proposed pathway and hardstand is supported subject to construction plans being prepared to incorporate the recommendations included in section 5 of the approved Coastal Risk Management Report.</i></p> <p><u>Coastal Inundation Hazard</u>  <i>The coastal engineer expects some inundation of the SLSC building to occur during severe storms over the life of the development.</i></p> <p><i>Based upon the existing beach slope, dune crest height and taking into consideration sea level rise, a Coastal Planning Level (CPL) of 8.8m AHD has been determined by the coastal engineer for the seaward facing</i></p>

Internal Referral Body	Comments
	<p>ground floor rooms of the proposed building. A slightly lower CPL of 8.3m AHD has been recommended for the landward facing rooms. Due to the inter-connectivity of the ground floor spaces and to avoid confusion in defining the appropriate CPL, a level of 8.8m AHD has been adopted for all ground floor rooms of the proposed SLSC building.</p> <p>Due to the constraints of achieving accessible grades to the building from street levels however the proposed finished floor levels for the ground floor range from 7.5m AHD to 7.8m AHD. As the SLSC building is not a habitable structure, the lower floor levels proposed can be supported subject to all the measures recommended to reduce the risk of inundation damage in Section 6 of the approved report being incorporated into construction plans and engineering specifications.</p> <p>The proposed SLSC building is consequently able to achieve an acceptable level of risk to life and property from coastal erosion and inundation hazards subject to conditions and the implementation of all the recommendations of the approved Coastal Risk Management Report.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018.</b></p> <p><b>12 Development on land within the coastal vulnerability area</b></p> <p>Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</li> <li>(b) the proposed development: <ul style="list-style-type: none"> <li>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and</li> <li>(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</li> <li>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</li> </ul> </li> <li>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</li> </ul> <p><u>Comment:</u>  The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to clause 15 of the CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.</p> <p>As such, it is considered that the application complies with the requirements of State Environmental Planning Policy (Coastal Management) 2018 as they relate to development on land identified as a coastal vulnerability area or land that may be affected by coastal hazards.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	<p><b>Approval subject to conditions</b></p> <p><i>The development is next to the beach and as such no OSD management for the development will be required.</i></p> <p><i>Car parking and access requirements are to be in accordance with Traffic Engineers comments/approval.</i></p> <p><i>Recommend approval subject to conditions.</i></p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p><b>Approval</b></p> <p><i>There is a trapped low point in Surfview Road adjacent to the proposed building footprint. However, the 1% AEP flood event is contained within the road reserve and the proposed building footprint is located outside the adopted Flood Planning Area extent and Probable Maximum Flood extent.</i></p>
Strategic and Place Planning (Heritage Officer)	<p><b>Approval subject to conditions</b></p> <p><u>Discussion of reason for referral</u>  <i>This application has been referred to Heritage as the subject property has been identified as a heritage item</i></p> <p><b>Norfolk Island Pines (<i>Araucaria heterophylla</i>) - Surfview Road, Ocean Beach Reserve</b></p> <p><u>Statement of Significance</u>  <i>The Norfolk Island Pines are a defining feature of our cultural landscape as it is associated with beach holidays and recreation and has provided a distinctive sense of place. The Norfolk Island Pines are a defining and iconic landscape element for Mona Vale Beach, but also for many ocean beaches in Pittwater and along the coast of NSW and southern QLD. The pines are significant for their historic association with early settlement and as local cultural plantings, in some instances dating from the 1930s. The Pines have a high level of visual and aesthetic value.</i></p> <p><u>Physical Description</u>  <i>The Norfolk Island Pines are located in and around the beach carpark between Seabeach Avenue and Surfview Road. The listed pines are located along the beach front, through the centre of the carpark and along its boundary with Surfview Road. There are in excess of 20 pines that range in size from approximately 2 to 10+ metres in height.</i></p> <p><i>Other relevant heritage listings: No</i></p> <p><u>Consideration of Application</u>  <i>The proposal seeks consent for the demolition of the existing Mona Vale Surf Life Saving Club and the construction of a new club building within the same area of the site.</i></p> <p><i>The surf club building is not an item of heritage however the Norfolk Island Pines on the subject property are listed under the Pittwater Local Environmental Plan 2014. The bulk of these are contained within the car park to the north, however there is one located within the cafe area of the current building. Given its size, this Norfolk Island Pine is obviously of a</i></p>



Internal Referral Body	Comments
	<p><i>younger age than the ones in the carpark, so was not part of the original plantings.</i></p> <p><i>The plans indicate the removal of the single Norfolk Island Pine within the existing cafe area and its replacement with a new planting in the car park. Given that this existing pine tree is not part of the original planting and replacement planting is proposed, its removal is considered acceptable on heritage grounds as there will be no nett loss of pine trees on the site. A condition of consent will be imposed requiring the replacement Norfolk Island Pine planting.</i></p> <p><i>With regards to the remaining pine trees, Heritage considers that there is adequate separation between them and the new building and the proposed new works are unlikely to impact upon them or their significance. However, they will need to be protected at all times during demolition and construction works to avoid unintended impacts. In this regards heritage notes the recommended protection measures within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees and dated 9 October 2018. Heritage considers the identified protection measures for trees 4,5,6 and 7 to be adequate. A condition of consent ensuring the heritage listed trees are protected as detailed in the statement will be imposed.</i></p> <p><i>Overall heritage raises no objections to the proposal, subject to the conditions of consent indicated above.</i></p> <p><i>Is a Conservation Management Plan (CMP) Required? No</i>  <i>Has a CMP been provided? No</i>  <i>Is a Heritage Impact Statement required? Yes</i>  <i>Has a Heritage Impact Statement been provided? Yes</i></p>
Traffic Engineer	<p><b>Approval subject to conditions</b></p> <p><i>The proposed development consists of demolition of the existing buildings and reconstruction of a new two storey building. The new building will have a larger building footprint than the existing building and is generally located in the same position. Due to the constraints of the roads and the beach, the general gain in site area is to the south west of the building, within the open grassed area.</i></p> <p><i>The applicant has sufficiently addressed all previously raised concerns.</i></p> <p><i>The parking within the vicinity of the site is deemed to have spare capacity to accommodate the additional parking requirements.</i></p>
Waste Officer (Council Land)	<p><b>Approval subject to conditions</b></p>
Strategic and Place Planning (Urban Design)	<p><b>Approval subject to conditions</b></p> <p><i>The development application can be supported conditional upon minor amendments to address planning and detailing issues outlined below which have not been addressed in the applicant's response. Council will require confirmation that the issues outlined herein will be addressed, or alternatively can be conditioned prior to issue of the Construction Certificate and issue of the Occupation Certificate.</i></p>

Internal Referral Body	Comments
	<p><b>Applicant Response to Council 23.01.2019 – Warren and Mahoney</b></p> <p><b>2. Urban Design</b>  <i>The proposal has been reviewed by an access consultant and the provisions provided in the public amenities corridor are sufficient to service all members of the public equally. A family change room has not been included in the proposal however, accessible amenities, including a hoist, has been provided which will be able to be shared with families. The proposal has made a number of key design moves to define the public amenities entrance to the building.</i></p> <p><b>Council Response</b>  <i>With respect to the review by the applicant's access consultant it is noted the comments state provisions for universal access is 'sufficient'. The plan demonstrates 2.2 – 2.4m wide corridor however it is clear that there is a pinch point at the location of the shared hand wash basin reducing the dimension to approx. 1.6m (measured off a scaled drawing). Whilst 2.4m is sufficient for two passing wheelchairs at either end of the corridor and may meet with the minimum requirements, passing at the pinch point where the shared hand wash basin protrudes into the circulation space would be difficult. It is recommended the planning address this pinch point by recessing the shared hand wash basin into the wall at this point, so as to provide a clear unobstructed passing width to the whole corridor to allow for safe and comfortable travel/passing.</i>  <i>Council acknowledges the provision of the Disabled Access WC labeled 'DDA + Hoist Facility'. However, the applicant notes this will be able to be shared with families and additionally utilised as a baby change facility. There are concerns that access for people with disabilities may be unfairly compromised by the shared use of this room for families and baby change facilities.</i>  <i>It is recommended this be addressed by allocating a separate facility for family and baby change facilities, independent of the Disabled Access WC facility to ensure equitable access.</i></p> <p><b>a. The landscape design has been reconfigured at the pedestrian crossing to both orientate users towards the public amenities entrance and emphasise entry point through delineation of landscape finishes.</b></p> <p><b>Council Response</b>  <i>No Comment.</i></p> <p><b>b. The entries to the amenities corridor are defined by a full height break in the continuous precast facades that face both the beach, and Surfview Road. The width of this corridor has been sized to allow views through to the beach, provide generous circulation, and clearly identify this as a public entry point. Further to this, a wider corridor was explored during the community group consultation process, and concerns were raised regarding safety and wind-tunnelling.</b></p> <p><b>Council Response</b>  <i>No Comment. See comments regards wind tunneling effects in the point below point.</i></p> <p><b>c. When comparing the proposal to the existing arrangement, the public amenities have been reconfigured considerably to provide</b></p>

Internal Referral Body	Comments
	<p><b><i>improved access and visibility to the beach, and equal access to amenities from both the beach and the park.</i></b></p> <p><b>Council Response</b>  Several submissions from the public, in particular those associated with disability advocacy groups, have clearly pointed out the disabled user experiences of several facilities as a comparative analysis, encouraging the applicant to address the shortcomings, as perceived by disability advocates, in the proposed design. Noting the prevalence of various disability advocacy groups (sports included) that are increasingly patronizing coastal facilities including surf clubs, the comments suggest the basic functions of the surf club should embrace a more generous gesture that facilitates equal access to all users of the facilities.</p> <p>Noting the applicants comment regards community consultation, the increased width of the corridor and the wind tunnelling effects of onshore breezes, consideration of the legislative requirements weighed up against those intermittent days when the wind may have the effect of wind tunnelling, the applicant should prioritise requirements under the Disability Discrimination Act 1992 and relevant standards over the incidences of inclement weather.</p> <p><b><i>d. The northern public entrance is the primary address of the building defines the arrival point to the primary functions of the building. The double height treatment highlights that this building entry provides access to both ground level, and level 1 spaces. By contrast, the entry to the public amenities serves only a ground level function, therefore the design treatment reflects the hierarchy of this entrance in context of the overall scheme.</i></b></p> <p><b>Council Response</b>  No Comment.</p> <p>...</p> <p><b><i>The ground floor café has been designed with operable glazed panels to open up the corner of With respect to the building. Portions of fixed glazing adjacent garden beds allow for operable glazing to pocket behind when opened. The plan has been amended to clarify portions of operable and fixed glazing.</i></b></p> <p><b>Council Response</b>  The sketch drawing submitted with the applicant statement and reports confirms the arrangement of stackable sliding glazed doors to the café which can be supported.</p> <p>...</p> <p><b><i>Where feasible, downpipes will be concealed within the form of the building.</i></b></p> <p><b>Council Response</b>  Where down pipes are exposed they should be designed to be read as part of a holistic design response and able to withstand harsh coastal conditions.</p> <p><b><i>PREVIOUS URBAN DESIGN COMMENTS NOT ADDRESSED IN THIS APPLICANT RESPONSE</i></b></p> <p><b><i>D9.11 Landscaped Area</i></b></p>

Internal Referral Body	Comments
	<p><b>Landscape Planter Beds - Previous Assessment</b>  Careful attention to the detail finishing of the planter beds is required to all the external planters to edges of the building at ground level. Landscape design finishing of these planter beds should ensure there are no sharp projecting edges at ground level that pose potential ankle and foot obstructions particularly given the nature of the vibrant and very active use and movement around the site by adults and particularly children. Preference would be to have these edges chamfered or rounded off to provide a softening of these low edges to planter beds.</p> <p><b>Council Response</b>  This is predominantly a barefoot landscape activity zone for all ages and varying levels of energetic activity.  Design development should carefully consider the finishing of edges and acute geometric corners to the surrounding ground plane landscape treatment of planter beds to address the above activity and reduce incidences of injury caused by sharp acute low datum projecting edges.</p> <p><b>D9.3 Building Colours and Materials</b>  <b>Landscape Planter Beds - Previous Assessment</b>  Reference is made to timber “look” battens for the upper level external façade treatment. It is not a preferred treatment to have the natural material represented by a timber look battering. This serves only to reduce the integrity of the finish of the building, with its natural material palette in the context of the locality and use of the building. Preference is for natural timber aged over time representative of its true natural state.  Council Response Council remains consistent with its previous comments in that timber ‘look’ battens are not supported.</p> <p><u>Comment:</u>  Conditions of consent are proposed to address the issues raised by Council’s Urban design officer including the inclusion of additional Norfolk pines, use of timber as an alternate to “timber look batons’ and the recessing of shared wash basin.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p><b>Approval subject to conditions</b></p> <p>The proposal was referred to Ausgrid. A response was received on 21 December 2018, including one recommended condition of consent, which has been included in the draft determination attached.</p>
NSW Police - Local Command (CPTED)	<p><b>Approval subject to conditions</b></p> <p>A response was received from NSW Police on 3 December 2018. The response comments on a number of CPTED design principles, and includes a series of recommendations, which are included as conditions of consent in the draft determination attached.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and

operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## **State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)**

### **SEPP (Infrastructure) 2007**

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

Council advised Ausgrid of the proposal in a letter dated 20 November 2018. A response was received on 21 December 2018 in support of the proposal, subject to conditions of consent.

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

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for recreation and community purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

### **State Environmental Planning Policy (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### ***12 Development on land within the coastal vulnerability area***

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) if the proposed development comprises the erection of a building or works – the building or works are engineered to withstand current and projected coastal hazards for the design life of the building works, and*
- (b) the proposed development:*
  - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) measures are in place to ensure that there are appropriate responses to, and management of anticipated coastal processes and current and future coastal hazards.*

#### **Comment:**

The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP).



### **13 Development on land within the coastal environment area**

*(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

#### Comment:

The subject site is situated within the coastal environment area. The works are primarily within the existing building envelope, with only a small extension of this space. It is appropriately located and will have a positive and appropriate visual impact on the coastal area. The design includes revegetation and has no impact on public foreshore access, coastal processes and is not within the vicinity of any known Aboriginal heritage sites.

*(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

#### Comment:

The location of the development does not result in a further impact to the processes of the coastline and Mona Vale Beach, public foreshore access, Aboriginal heritage or native vegetation, other than what has been previously established by the existing surf club and neighbouring development.

### **14 Development on land within the coastal use area**

*(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) overshadowing, wind funneling and the loss of views from public places to foreshores,*
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) Aboriginal cultural heritage, practices and places,*
  - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
  - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The development is consistent with the character, bulk and scale of the nearby built and natural environment.

Native foreshore vegetation will be unaffected.

No Aboriginal heritage sites are located within the vicinity of the development and public access to the foreshore is not affected. The development does not result in unreasonable overshadowing to the foreshore area or contributes to the loss of valued public domain views to the foreshore.

**15 Development in coastal zone generally – development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

Comment:

The development has been considered by Council's Coastal engineer as the proposal is supported as appropriate within the coastal zone and they are satisfied that the development is not likely to cause increase risk of coastal hazards on the subject site or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

**Pittwater Local Environmental Plan 2014**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Aims of the PLEP2014

The relevant aims of the Pittwater Local Environmental Plans are achieved with the proposed redevelopment of the surf club being a positive development, consistent with the desired character for Pittwater. The development will be a positive social and community facility, and has been sited and designed to ensure environmental and coastal concerns are adequately considered. Similarly, heritage and landscape considerations have been appropriately incorporated into the design. Proposed conditions of consent are also provided to further ensure consistency with the aims.

Objectives of the Zone

The site is zoned RE1 Public Recreation and is a permissible use in the zone. The objectives of the RE1 Public Recreation zone are achieved providing a community facility, which will enhance recreational uses and which adds positively to the surrounding public open space.

Principal Development Standards

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>%Variation</b>	<b>Complies</b>
Height of Buildings:	8.5m	7.973m	N/A	Yes

Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>
1.9A Suspension of covenants, agreements and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes*
4.6 Exceptions to development standards	N/A
5.10 Heritage conservation	Yes*

7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

#### Detailed Assessment

- Height**

*Clause 4.3 (Height of buildings) of PLEP 2014*

A maximum height of 8.5 metres is permissible on the site. The development is well under this control and includes a low line roof. While the height is higher than the existing club house to be demolished, this design is supported and the value in the low level is appreciated as a means to ensure the bulk of the building is minimised. The impacts on residents and the surrounding open space is positive in part due to the design decisions with regard to the height of the development.

- Heritage**

*Clause 5.10 (Heritage conservation) of PLEP 2014*

The site is nominated in Schedule 5 of the LEP as a heritage item due to the Norfolk Island Pines. The development is appropriate when considered with regard to its impact on the existing pines with ample separation provided and appropriate design. The removal of a Cook Pine is also supported, as this is not part of the original planting and it is to be replaced with two Norfolk Island Pines.

### **Pittwater 21 Development Control Plan**

#### Built Form Controls

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
Front building line	Merit	1.8m	N/A	Yes
Rear building line	3m	40m (MHWM)	N/A	Yes
Side building line	3m Darley St	89m	N/A	Yes
	3m Seabeach Ave	160m	N/A	Yes
Building envelope	-	-	N/A	N/A
Landscaped area	-	-	N/A	N/A

#### Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	N/A	N/A

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
<i>B3.3 Coastline (Beach) Hazard</i>	Yes	Yes
<i>B3.6 Contaminated Land and Potentially Contaminated Land</i>	Yes	Yes
<i>B3.11 Flood Prone Land</i>	Yes	Yes
<i>B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)</i>	Yes	Yes
<i>B4.3 Flora and Fauna Habitat Enhancement Category 2 Land</i>	Yes	Yes
<i>B4.22 Preservation of Trees and Bushland Vegetation</i>	Yes	Yes
<i>B5.1 Water Management Plan</i>	Yes	Yes
<i>B5.3 Greywater Reuse</i>	Yes	Yes
<i>B5.4 Stormwater Harvesting</i>	Yes	Yes
<i>B5.5 Rainwater Tanks - Business, Light Industrial and Other Development</i>	Yes	Yes
<i>B5.9 Stormwater Management - Water Quality - Other than Low Density Residential</i>	Yes	Yes
<i>B5.10 Stormwater Discharge into Public Drainage System</i>	Yes	Yes
<i>B5.11 Stormwater Discharge into Waterways and Coastal Areas</i>	Yes	Yes
<i>B5.12 Stormwater Drainage Systems and Natural Watercourses</i>	Yes	Yes
<i>B5.13 Development on Waterfront Land</i>	Yes	Yes
<i>B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)</i>	Yes	Yes
<i>B6.1 Access driveways and Works on the Public Road Reserve</i>	Yes	Yes
<i>B6.2 Internal Driveways</i>	Yes	Yes
<i>B6.3 Off-Street Vehicle Parking Requirements</i>	Yes	Yes
<i>B6.7 Transport and Traffic Management</i>	Yes	Yes
<i>B8.1 Construction and Demolition - Excavation and Landfill</i>	Yes	Yes
<i>B8.2 Construction and Demolition - Erosion and Sediment Management</i>	Yes	Yes
<i>B8.3 Construction and Demolition - Waste Minimisation</i>	Yes	Yes
<i>B8.4 Construction and Demolition - Site Fencing and Security</i>	Yes	Yes
<i>B8.5 Construction and Demolition - Works in the Public Domain</i>	Yes	Yes
<i>B8.6 Construction and Demolition - Traffic Management Plan</i>	Yes	Yes
<i>C5.1 Landscaping</i>	Yes	Yes*
<i>C5.2 Safety and Security</i>	Yes	Yes
<i>C5.4 View Sharing</i>	Yes	Yes*
<i>C5.5 Accessibility</i>	Yes	Yes
<i>C5.7 Energy and Water Conservation</i>	Yes	Yes
<i>C5.8 Waste and Recycling Facilities</i>	Yes	Yes
<i>C5.9 Signage</i>	Yes	Yes
<i>C5.10 Protection of Residential Amenity</i>	Yes	Yes
<i>C5.11 Third Party Signage</i>	Yes	Yes
<i>C5.14 Car/Vehicle/Boat Wash Bays</i>	Yes	Yes
<i>C5.15 Undergrounding of Utility Services</i>	Yes	Yes
<i>C5.16 Building Facades</i>	Yes	Yes
<i>C5.17 Pollution control</i>	Yes	Yes
<i>C5.18 Public Road Reserve - Landscaping and Infrastructure</i>	Yes	Yes

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
<i>C5.19 Food Premises Design Standards</i>	Yes	Yes
<i>C5.20 Liquor Licensing Applications</i>	Yes	Yes*
<i>C5.21 Plant, Equipment Boxes and Lift Over-Run</i>	Yes	Yes
<i>C5.22 Environmental Sustainability</i>	Yes	Yes
<i>D9.1 Character as viewed from a public place</i>	Yes	Yes*
<i>D9.2 Scenic protection - General</i>	Yes	Yes
<i>D9.3 Building colours and materials</i>	Yes	Yes*
<i>D9.6 Front building line</i>	Yes	Yes*
<i>D9.7 Side and rear building line</i>	Yes	Yes*

#### Detailed Assessment

- **Landscaping**

*Clause C5.1 (Landscaping) of P21 DCP*

A condition of consent is proposed to enhance the landscaping on the western frontage to further soften the impact of the development ..This will include 2 additional Norfolk pines.

With the exception of this, the landscape works proposed are supported.

- **View Sharing**

*Clause C5.4 (View sharing) of P21 DCP*

The applicant has adequately considered the principals of Tenacity Consulting v Warringah [2004] NSWLEC 140 in the Statement of Environmental effects. No objections were received on the basis of view loss and the closest residential neighbours are a significant distance of approximately 100 metres.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Comment: It is agreed that the view from Apex Park and neighbouring dwellings is primarily over the surf club and that the Pacific Ocean is not visible due to the level of the ground and existing vegetation. Accordingly, this view is not of great significance.

To the sides of the surf club, from the street front, the Pacific Ocean is visible. This view is of significance but is only available from the street frontage.

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Comment: The views to the side of the surf club of the ocean are available from the street only. These views are blocked by vegetation from Apex Park. No views of significance will be lost from any dwellings as they are sited too far back and beyond existing trees.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly*



valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment: The new building sits essentially in the same footprint as the existing surf club, with some minor variation. The new proposal includes view and pedestrian corridors on the ground floor which enhances the view from the public space adjacent.

The photo montages provided by the applicant demonstrate a reasonable view loss from all aspects, with existing trees dominant in the view lines.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comment: The minor increase to the height is reasonable and will not create any bulk or scale which is out of character with the location. The proposed height is compliant with the LEP and does not impact any iconic water views. View sharing is enhanced at the street level through the ground floor view corridors proposed. The view loss created by the proposed development is considered acceptable with impacts minor and no residences suffering significant impacts.

- **Accessibility**

*Clause C5.5 (Accessibility) of P21 DCP*

Conditions of consent will be proposed to ensure full compliance with BCA matters. We note that the urban design officer has raised issues relating to disabled access as discussed earlier in the report, which are encompassed within the conditions.

- **Liquor licensing application**

*Clause C5.20 (Liquor licensing applications) of P21 DCP*

The fit out of the restaurant and café are to part of a separate DA. The number of patrons permitted will follow the details provided in the Acoustic report. The liquor license will be a separate application.

- **Character as viewed from a public place**

*Clause D9.1 (Character as viewed from a public place) of P21 DCP*

The development proposed is of a positive design, consistent with a public place, the coastal environment and the large open space area. The view to the building from the immediate area, site street, the beach and the parkland is positive and supported.

- **Building Colours and Materials**

*Clause D9.3 (Building colours and materials) of P21 DCP*

Council's Urban Design officer has stated that the "timber like batons" proposed on the upper level of the development are not supported. Accordingly, a condition of consent is proposed requiring timber to replace this in the construction certificate plans to the satisfaction of Council's Urban design team.

All other materials and colours are considered appropriate for the coastal location.

- **Front Building line**

*Clause D9.6 (Front building line) of P21 DCP*

The front setback is to be considered based on merit. The proposed setback remains similar to that of the existing surf club, but is minimally reduced, being closer to the frontage and existing parking spaces. The large open space area warrants the proposed setback and the siting will not be to the detriment of the streetscape. The surf club will be appropriately separated from other structures with 90° parking outside, Surfview Road and Apex Park opposite. The setback as proposed allow for a good use of the space, positive presentation to the streetscape and is supported on merit, as proposed.

- **Side and rear building line**

*Clause D9.7 (Side and rear building line) of P21 DCP*

The surf club sits on large lot and the side and rear setback of 3 metres are easily achieved.

## **Ocean Beach Plan of Management**

The development is satisfactory when considered against the Mona Vale Beach Plan of Management. The uses sought for the area will be retained. The use of the building as a surf club, restaurant, function room and cafe are permissible, subject to appropriate lease agreements and licensing.

The surf club and surrounding landscaping are noted to be upgraded as a part of the plan. The application currently lodged with Council takes this further, with a new surf club proposed. This is considered to be in line with the objectives of the upgrades to the surf club detailed in the POM. The result will be the fulfilment of the intention of the plan and will be to the benefit of the open space and the community.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- ♦ Environmental Planning and Assessment Act 1979;
- ♦ Environmental Planning and Assessment Regulation 2000;
- ♦ All relevant and draft Environmental Planning Instruments;
- ♦ Pittwater Local Environment Plan 2014;
- ♦ Pittwater 21 Development Control Plan; and
- ♦ Codes and Policies of Council.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- ♦ Consistent with the objectives of the DCP
- ♦ Consistent with the zone objectives of the LEP
- ♦ Consistent with the aims of the LEP
- ♦ Consistent with the objectives of the relevant EPIs
- ♦ Consistent with the objects of the Environmental Planning and Assessment Act 1979

## **RECOMMENDATION**

That the SNPP grant development consent to DA2018/1771 for the demolition of the existing surf club building and construction of a new surf club building, including a cafe, restaurant, and function space on land at Lot 104 DP 1066371, 1 Surfview Road Mona Vale, subject to the following draft conditions of consent:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A.DA.00.001 Rev A – Cover Sheet	15.10.18	Warren and Mahoney
A.DA.00.001 Rev A – Location Plan	15.10.18	Warren and Mahoney
A.DA.02.001 Rev A – Site Analysis Plan	15.10.18	Warren and Mahoney
A.DA.02.002 Rev A – Existing/Demolition Plan	15.10.18	Warren and Mahoney
A.DA.02.003 Rev A – Staging/Temporary Building Plan	15.10.18	Warren and Mahoney
A.DA.02.004 Rev A – Proposed Site Plan	15.10.18	Warren and Mahoney
A.DA.10.001 Rev A – GA – Ground Level	15.10.18	Warren and Mahoney
A.DA.10.002 Rev A – GA – Level 1	15.10.18	Warren and Mahoney
A.DA.11.001 Rev A – Roof Plan	15.10.18	Warren and Mahoney
A.DA.12.001 Rev A – Landscape Plan	15.10.18	Warren and Mahoney
A.DA.20.001 Rev A – North & East Elevations	15.10.18	Warren and Mahoney
A.DA.20.002 Rev A – South & West Elevations	15.10.18	Warren and Mahoney
A.DA.30.001 Rev A – Sections	15.10.18	Warren and Mahoney
A.DA.40.001 Rev A – Material Schedule Sheet 01	15.10.18	Warren and Mahoney
A.DA.50.001 Rev A – Shadow Study Sheet 01	15.10.18	Warren and Mahoney
A.DA.90.001 Rev A – 3D Visualization Sheet 1	15.10.18	Warren and Mahoney
A.DA.90.002 Rev A – 3D Visualization Sheet 2	15.10.18	Warren and Mahoney
A.DA.90.003 Rev A – 3D Visualization Sheet 3	15.10.18	Warren and Mahoney
A.DA.90.002 Rev A – 3D Visualization Sheet 4	15.10.18	Warren and Mahoney
171679_A Sheet 1 of 7	25.08.2017	TSS
171679_A Sheet 2 of 7	25.08.2017	TSS
171679_A Sheet 3 of 7	25.08.2017	TSS
171679_A Sheet 4 of 7	25.08.2017	TSS
171679_A Sheet 5 of 7	25.08.2017	TSS
171679_A Sheet 6 of 7	25.08.2017	TSS
171679_A Sheet 7 of 7	25.08.2017	TSS

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Traffic Impact Assessment	23 January 2019	TTW
Traffic Impact Assessment	30 October 2018	TTW
Noise Impact Assessment	23 January 2019	JHA Consulting Engineers
Construction Management Plan	November 2018	Waste Audit and Consultancy Services
Preliminary Acid Sulfate Soil Assessment	5 November 2019	EIS
Additional Geotechnical Investigation	14 November 2018	JK Geotechnics
Arboricultural Impact Appraisal and Method Statement	9 October 2018	Naturally Trees
Coastal Engineering Advice for Mona Vale SLSC Redevelopment	31 October 2018	Horton Coastal Engineering
BCA Compliance	24 October 2018	Mckenzie Group
Disability Access Report	24 October 2018	Cheung Access
Fire Safety Design	19 October 2018	Wood & Grieve Engineers
Statement of Heritage Impact	17 October 2018	GBA Heritage
Structural Concept Design	30 August 2018	TTW
Sustainability Report	2 August 2018	Northrop
Landscape	October 2018	Arcadia Landscape architects

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
ESK01 Rev 3 – Electrical Services Spatial Requirements	09.08.18	Northrop
HSK01 Rev 5 – Hydraulic Services Spatial Requirements Ground Level	22.10.18	Northrop
HSK02 Rev 5 – Hydraulic Services Spatial Requirements Level 1	22.10.18	Northrop
HSK03 Rev 5 – Hydraulic Services Spatial Requirements Roof Level	22.10.18	Northrop
MSK01 Rev 4 – Mechanical Services Spatial Requirements	14.10.18	Northrop

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Operational Waste Management Plan	24 October 2018	Elephants Foot

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. Compliance with other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW Police	DA 2018/1771	3 December 2018

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

## 3. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under the Standard Instrument and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage.

## 4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) 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
  - (iii) stating that unauthorised entry to the work site is prohibited.

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

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:



- (i) protect and support the adjoining premises from possible damage from the excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

## 5. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday, No work on Sundays and Public Holidays.
 Demolition and excavation works are restricted to:
  - 8.00am to 5.00 pm Monday to Friday only.
 (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).
- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any

- fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition.

Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## **6. Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

Reason: To ensure pedestrian safety and continued efficient network operation.

## **FEES / CHARGES / CONTRIBUTIONS**

### **7. Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **8. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by JK Geotechnics (89092Rrp2) dated 14 November 2018 are to be

incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **9. Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Part B5 Water Management of Pittwater 21 Development Control Plan.

A certificate is to be provided to the Principal Certifying Authority with the Construction Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a Corporate member and has appropriate experience and competence in the related field that the existing approved system can accommodate the additional flows or provide drainage plans demonstrating compliance with Council's requirements.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

#### **10. Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

#### **11. Plans of Mechanical ventilation**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

#### **12. Minimum Ground Floor Level - Oceanic Inundation**

The ground floor levels of new development shall be in accordance with the Ground Floor Level Plan (Drawing No. A.DA.10.001 Revision A).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure potential impacts of coastal inundation are minimised.

#### **13. Flood Compatible Materials**

All structural elements below the coastline planning level of 8.8m AHD as defined in the approved Coastal Risk Management Report shall be comprised of flood compatible materials.

Reason: To ensure potential impact of coastal inundation is minimised

**14. Certification of Structural Design**

A civil or structural engineer who is a registered professional engineer with chartered professional status (CP Eng) shall certify using Form No.2 of the Coastline Risk Management Policy for Development in Pittwater (Appendix 6 of P21 DCP) that all coastal risk management recommendations have been designed in accordance with the approved Coastal Risk Management Report prepared by Horton Coastal Engineering, dated 31 October 2018, and shall submit the executed form to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure coastal risk management requirements are designed in accordance with the approved Coastline Risk Management Report and by an appropriately qualified professional engineer.

**15. Compliance with Coastal Risk Management Report**

The development is to comply with all recommendations of the approved Coastal Risk Management Report prepared by Horton Coastal Engineering Pty Ltd, dated 31 October 2018, particularly those measures dealing with erosion/recession hazards in Section 5 and those measures dealing with oceanic inundation hazards in Section 6. These recommendations are to be incorporated into construction plans and specifications and maintained over the life of the development.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure risk associated with coastal hazards is managed appropriately

**16. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

**17. Proximity to Existing Network Assets - Underground cables**

There are existing underground electricity network assets in on site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Reason: To ensure safety of Ausgrid's assets within the vicinity of the site.

**18. Construction Traffic Management Plan.**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the certifying authority prior to issue of any Construction Certificate.

The CTMP must address following:-

- (a) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (b) The proposed order in which works on the site will be undertaken, and the method

- statements on how various stages of construction will be undertaken;
- (c) Make provision for all construction materials to be stored on site, at all times;
  - (d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
  - (e) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
  - (f) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
  - (g) Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
  - (h) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
  - (i) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
  - (j) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
  - (k) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
  - (l) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
  - (m) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - (n) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
  - (o) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
  - (p) Proposed protection for Council and adjoining properties;
  - (q) The location and operation of any on site crane; and
  - (r) The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.



**19. Pre-Dilapidation Report**

The applicant is to engage a suitably qualified person to prepare a pre-dilapidation report of all truck routes to and from the site. This is to be submitted to and approved by Council's Traffic Engineer prior to any works commencing.

Reason: To ensure the assets along the truck routes are assessed prior to any work related damage.

**20. Landscaping**

Planting of 2 additional Norfolk Island Pines (*araucaria heterophylla*) along the central western frontage is required. These are to be located within the small garden strips proposed on either side of the pedestrian crossing off Surfview Rd. A redesign of these areas to provide larger gardens to support the inclusion of one Norfolk Island Pine on each side of the crossing is required. One car space adjacent to the western façade of the building may be lost to accommodate this change. A revised landscape plan is to be provided with the construction certificate.

Reason: To ensure the western façade of the proposed building is adequately integrated into the natural environment.

**21. Enhanced accessibility**

The shared hand wash basin into the wall adjacent the disabled bathroom on the ground floor is to be fully recessed, so as to provide a clear unobstructed passing width to the whole corridor to allow for safe and comfortable travel/passing.

Reason: To ensure equitable access for persons with a disability.

**22. Additional change facilities**

A separate facility for family and baby change facilities, independent of the Disabled Access WC facility is to be provided to ensure equitable access. No increase to the approved floor area is to be included, and the separate family facility should be located in immediate proximity to the existing ground floor WC facilities.

Reason: To ensure equitable access for persons with a disability.

**23. External services**

Exposed down pipes shall be designed to be read as part of a holistic design response and able to withstand harsh coastal conditions. The detail of the down pipes are required prior to issue of the Construction Certificate.

Reason: To ensure preservation of beach amenity and dune systems

**24. Edges of planter beds**

Detail finishing of the planter beds to include edges that are to be chamfered or rounded off to provide a softening of these low edges to planter beds. Details are to be provided on the Construction Certificate Plans.

Reason: To ensure safety given the active and barefoot use and movement around the site by adults and particularly children.

**25. External Finishes**

The "timber look batons" noted on the development plans are to be replaced with natural timber aged over time representative of its true natural state. Details are to be provided on the Construction Certificate Plans.

Reason: To ensure appropriate materials to maintain the desired character of the coastal location.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 26. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to Council prior to any works being finalized.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

### 27. Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

### 28. Protection of Heritage Listed Trees

The adjoining heritage listed Norfolk Island Pine trees identified as 4,5,6 and 7 within the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees and dated 9 October 2018 are to be protected throughout demolition and construction works. They are to be protected as recommended in the Arboricultural Impact Appraisal and Method Statement.

Reason: To avoid unintended impacts to the heritage listed trees during demolition and construction works.

### 29. Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan

Reason: To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided.

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 30. Geotechnical Certification Prior to Occupation Certificate

Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

### 31. Landscaping

A qualified landscape architect/designer is to certify that the landscaping works have been completed in accordance with the approved Landscape Plan referenced in this consent, as amended by any conditions of consent.

Reason: To ensure the approved landscaped solution is provided.

### 32. Registration of Food Business

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

### 33. Waste agreement

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.

Reason: protect Public and Environmental Health values

**34. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority. Reason:

To ensure that the kitchen complies with the design requirements.

**35. Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

**36. Waste agreement**

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.

Reason: To ensure the site is documented as being connected to sewer

**37. Post Construction Coastal Certificate**

Prior to the issue of the Occupation Certificate, a Post Construction Coastal Certificate shall be submitted to the Principal Certifying Authority (Form No. 3 of the Coastline Risk Management Policy for Development in Pittwater - Appendix 6 of P21 DCP) that has been prepared and signed by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and coastal engineering as a core competency and who has an appropriate level of professional indemnity insurance.

Reason: To ensure the development has been constructed in accordance with the coastal engineer's recommendations

**38. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

**39. Post-Dilapidation Report**

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of all truck routes to and from the site. The report is to be submitted to and approved by Council's Traffic Engineer prior to the issue of any Occupation Certificate. The condition of the road is to be compared to the asset condition as noted in the pre-dilapidation report. Any noted damage is to be

rectified by the applicant, to the satisfaction of Council, prior to the issue of any Occupation Certificate. The rectification works are to be undertaken by the applicant at no cost to Council.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

#### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**40. Noise**

Comply with the noise impact assessment provided by JHA Consulting Engineers -project number 190116.

Reason: To not cause nuisance to the neighbouring residences.

**41. Vegetated Sand Dune Preservation**

All vegetated dunes, whether existing or created as a part of future coastal protection measures shall be managed and maintained so as to protect the dune system from damage both during construction of the development and as a result of subsequent activities undertaken during the life of the development.

Reason: To ensure preservation of beach amenity and dune systems

**42. Landscaping**

All approved landscape works are to be maintained for the lifetime of the development

Reason: To ensure vegetation is retained and maintained.

**43. Hours of Operation**

The hours of operation are to be restricted to:

Members lounge/ restaurant and function room: 7am to 10pm (7 days, inclusive of public holidays)

Café: 7am to 5pm (7 days, inclusive of public holidays)

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: To ensure that amenity of the surrounding locality is maintained.

**44. Capacity**

The capacity of the development is to be limited, as follows:

Members Lounge: 60 people

Restaurant: 90 people

Function Room: 90 people

Café: 70 people

Reason: To ensure that amenity of the surrounding locality is maintained.