

DATE OF DETERMINATION	Wednesday 13 February 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor
APOLOGIES	Steve Kennedy
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 13 February 2019, opened at 1pm and closed at 2.45pm.

MATTER DETERMINED

2018SNH064 – Northern Beaches – DA2018/1771 at 1 Surfview Road Mona Vale (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

The decision was unanimous.

REASONS FOR THE DECISION

The proposal provides for a renewed and improved public facility without material adverse impacts. The new building sits mainly within the footprint of the existing facility. It complies with all applicable planning controls.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 1a) amended to include reference to:
 - o Landscape Master Plan – Ground Floor issue C
 - o Landscape Detail Plan – Southern Precinct issue C
 - o Landscape Detail Plan – Northern Precinct issue C
 - o All dated October 2018 prepared by Arcadia Landscape Architecture
- Condition 1a) amended to delete all reports / documentation (table 2)
- Condition 1(c) amended to delete the word ‘generally’
- Condition 2 amended to read as follows:

Compliance with advice from NSW Police

- a) *A closed circuit television system (CCTV) which complies with the Australian Standard – Closed Circuit Television System AS:4806:2006 is to be installed*

- b) *Digital technology should be used to receive store and process data. Recording equipment should be stored away from public access to restrict tampering. The system is to be regularly checked and maintained.*
- c) *CCTV is to be installed by a lighting technical. Signa is to be displayed in and around the development to inform persons that CCTV is in use.*
- d) *Lighting (lux) levels for this development should be low glare / high uniformity in line with AS:11 58.*
- e) *Lighting sources should be compatible with requirement sof any surveillance system installed with the development.*
- f) *The luminaries (light covers) should be designed to reduce opportunity for malicious damage lighting must be checked and maintained on a regular basis.*
- g) *A monitored intruder alarm system designed to the AS, Domestic and Commercial Alarm Systems should be installed.*
- h) *The alarm system should have light emitting diodes (LED red lights) within the detectors be deactivated.*
- i) *The alarm should be tested on a regular basis.*
- j) *Clear signage shall be erected in and around the development to ensure that all persons do not access restricted areas. This will minimise excuse making opportunism for offenders when trying to gain access such as restricted only lifts and car parking.*
- k) *Signage should be erected strategically around the external areas of the building to warn persons of any securities measurements in place.*

Details to be provided with the construction certificate and provided prior to the issue of an Occupation Certificate

- Condition 22 amended to read as follows

Additional change facilities

Family and baby change facilities are to be provided to ensure equitable access. No increase to the approved floor area is to be included, and the family facility should be located in immediate proximity to the existing ground floor WC facilities.

- Condition 29 amended to read as follows:

Waste/Recycling Requirements (Waste Plan Submitted)

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Construction Waste Management Plan (Construction Management Plan dated November 2018 prepared by Waste Audit and Consultancy Services).

- Condition 40 amended to read as follows:

Noise

Noise emissions from the mechanical services/plant shall be limited to a sound power level of 85dB(A) and general operations shall comply with the NSW EPA Noise Policy for Industry 2017. Further, the operation of the premises is to be in accordance with:

- a) *The LA10* noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.*
- b) *The LA10* noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.*
- c) *Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 am.*

- New condition to be included within “Conditions To Be Satisfied Prior To The Issue Of The Occupation Certificate, to read as follows

Plan of Management

A plan of management for the operation of the premises is to be prepared and submitted to council for approval prior to the issue of an occupation certificate. The POM must include measures to address:

- Hours of Operations*
- Acoustics*
- Capacity*
- Complaints*
- Major events including multiple functions*
- Consistency with conditions of this consent*

Reason: to minimise environmental impacts of the development.

- New condition to be included within On-Going Conditions That Must Be Complied with At All Times, to read as follows:

Plan of Management

The premises are to be managed in accordance with the approved Plan of Management required by this consent.

Reason: to ensure the premises is managed in accordance with this consent.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition.

The Council received seven submissions, of which two were wholly in support of the development. Three supporters and one objector spoke at the public meeting. The objector was concerned with the inadequacy of the toilet facilities and suggested that there should be a baby change area, independent of the disabled toilet where it is currently located. While this would be desirable, the Panel accepts the applicant’s submission that this would be hard to achieve in the building, which is constrained by generally fitting into the footprint of the existing surf club. A further issue raised in written submission was noise impact. A condition of consent ensures that the noise impact meets the relevant criteria.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH064 – Northern Beaches – DA2018/1771
2	PROPOSED DEVELOPMENT	Demolition of the existing surf club building and construction of a new surf club building, including a cafe, restaurant, and function space.
3	STREET ADDRESS	Lot 104 DP 1066371, 1 Surfview Road, Mona Vale
4	APPLICANT/OWNER	Northern Beaches Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Coastal Management) 2018 - State Environmental Planning Policy No.55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - Pittwater Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - Pittwater 21 Development Control Plan - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 31 January 2019 - Written submissions during public exhibition: 7 - Verbal submissions at the public meeting: - In support – David Sinclair, Ralph Stonell, Bryce Munro - In objection – Geri Moorman - Council assessment officer - Sarah McNeilly (consultant for council assessment) - On behalf of the applicant – Campbell Pheiffer
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 18 December 2019 - Final briefing to discuss council's recommendation, 13 February 2019 at 12.30pm. Attendees: <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor <u>Council assessment staff</u>: Rebecca Englund, Kent Bull, Sarah McNeilly (consultant for council assessment)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report