



MODIFICATION APPLICATION ASSESSMENT REPORT

Application Number:	Mod2019/0454
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Responsible Officer:	Sarah McNeilly, Watermark Planning (Consultant Planner)
Land to be developed (Address):	Lot 104 DP 2066371, 1 Surfview Road, Mona Vale
Proposed Development:	Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building, including a café, restaurant and function space
Zoning:	RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	Northern Beaches Local Planning Panel
Land and Environment Court Action:	No
Owner:	Northern Beaches Council
Applicant:	Northern Beaches Council

Date of Lodgment	19 September 2019
Integrated Development:	No
Designated Development:	No
Notified:	28 September 2019 to 12 October 2019
Advertised:	28 September 2019
Number of Submissions	8
Recommendation	Approval

EXECUTIVE SUMMARY

The proposal seeks to modify Development Consent No. DA2018/1771 for the demolition of the existing surf club building and construction of a new surf club building including a café, restaurant and function space at 1 Surfview Rd, Mona Vale in the following manner:

- Deletion of the ground floor public male and female sanitary facilities (on the basis that Council is concurrently proposing to improve and increase the existing sanitary facilities at Mona Vale Beach, as well as providing new toilet facilities in Apex Park);
- Minor modifications to the internal configuration, including infill of one through-site link; and
- Installation of a cafe shade structure.

The proposed modifications, which are substantially internal, are to enable improved amenity and utilisation of the space, to relocate public bathrooms to a separate building, and to provide additional

area to meet the operational requirements of the Surf Life Saving Club and ensure that the café shade structure reflects the architectural integrity of the building.

The public notification of the application resulted in 2 letters of concern and 6 supporting letters. The concerns raised included the possible lack of public facilities whilst waiting for Council to complete the proposed new stand-alone facilities; concerns regarding the distance to the alternate public toilet location and suggested relocation of the southern balcony to prevent weather effects requiring raised balustrades.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is appropriate, subject to conditions which will ensure that temporary WC facilities are provided during construction and until the alternate facilities are complete and accessible to the public.

As both the land owner and applicant for the application, Northern Beaches Council has a conflict of interest in assessing and determining this matter. As such, the application has been assessed by an external planning consultant and is referred to the Northern Beaches Local Planning Panel for determination.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify Development Consent No. DA2018/1771 in the following manner:

Ground Level

- Deletion of the public male and female sanitary facilities;
- Addition of public family change facility with entry off eastern elevation;
- Addition of public unisex accessible sanitary facility (with entry off western elevation) adjacent gym;
- Infill of smaller through-site link;
- Deletion of lifeguard room;
- Increase area of Nippers storage area;
- Increase area of general club storage area;
- Increase area of first aid room area and relocation (with entry off eastern elevation);
- Relocation of patrol room (with entry off eastern elevation);
- Relocate the club storage bin store;
- Addition of unisex accessible club change facility (with access off the through-site link);
- Installation of external free-standing shade structure to café deck;
- Increase gym area with new external entry to gym;
- Ventilated façade to plant area increased on return wall;
- Relocation of Mona Vale Board Riders room with roller door entry on return adjacent to beach side access to general storage area;
- Removal of roller door and opening on east façade from previous Mona Vale Board Riders Location;
- External staircase shifted to allow room for ground floor landing behind operable security screen; and
- Amendments to club change room layout.



Level 1

- Deletion of meeting room adjacent members' bar / kitchen;
- Relocation of members' kitchen, adjacent bar;
- Addition of access via sliding door between members' bar and external BBQ area;
- Addition of bench in external BBQ area;
- Increase glazed balustrade height to 1800mm on south and east elevations of southern balcony;
- Relocation of observation room;
- Addition of increased internal flexibility of function space to enable subdivision into meeting room space;
- Deletion of meeting room off central corridor;
- Increase storage room area, adjacent sanitary facilities; and
- Relocation of unisex accessible sanitary facility, from restaurant to serve entire surf lifesaving club;
- External staircase shifted to allow for ground floor landing behind operable security screen.

The proposed changes to the surf club do not change the footprint of the approved building with amendments to the internal layout, access, sanitary facilities and access being the key components of the proposal.

The applicant relies on the installation of alternate public toilet facilities in two separate locations to allow for the deletion of the ground floor public bathrooms, as follows:

- Newly proposed facilities in Apex Park to the west, which are currently on public exhibition and subject to a separate Part 5 assessment process, and
- Existing facilities to the north, the redevelopment of which is on public exhibition and subject to a separate Part 5 assessment process.

Whilst it appears likely that the new and redeveloped facilities will be approved, it is not a certainty at this point in time.

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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

- Pittwater 21 DCP – C5.5 Accessibility
- Building Code of Australia – Provision of public toilets and amenities

SITE DESCRIPTION

Property Description	Lot 104 DP 1066371, 1 Surfview MONA VALE NSW 2103
Detailed Site Description	<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 38,110m² 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 building. 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 time-restricted public parking spaces to the north and south. Significant Norfolk pine trees line the beachfront and parking area to the north.</p>



SITE HISTORY

Development Application No. DA2018/1771

Development Application No. DA2018/1771 approved the demolition of the existing surf club building and construction of a new surf club building including a café, restaurant and function space.



Prelodgment meeting

A formal prelodgment meeting was undertaken for the proposed development on 29 August 2019. The conclusion of the Council staff in the prelodgment advice was as follows:

The applicant proposes a series of modifications to the approved MV SLSC building, as follows:

- a. Removal of the public amenities, to be replaced by additional storage area,*
- b. Inclusion of a 1.8m wind barrier on the southern elevation of the upper floor deck,*
- c. Minor amendments to internal layout,*
- d. Inclusion of an awning/roof over the external café seating area.*

The proposed amendments do not alter compliance with any LEP or DCP standards/controls, and no concerns are raised in this regard.

However, should the applicant choose to seek consent for the amendments under the provisions of s4.55 of the EP&A Act, the applicant will need to satisfactorily demonstrate that the proposed modified development remains essentially and materially the same as that which was originally approved. The removal of all public amenities from the SLSC building may present some risk in this regard.

It is understood that a new, separate public amenities building will be provided elsewhere in the vicinity of the development. However, these works will not form part of the application to remove the public amenities from the approved MV SLSC building. With this in mind, there is also a potential risk that the public may perceive that the amenities are to be removed from the area in their entirety.

In this regard, it is recommended that the statement of environmental effects detail the manner in which the public amenities are to be approved/provided. Ideally, it would be beneficial if the provision of the public amenities was confirmed/approved prior to the lodgement of any future application to remove the public amenities from the approved MV SLSC building.

APPLICATION HISTORY

On 21 October 2019, amended plans and an amended statement of environmental effects were submitted to Council.

On 28 October 2019, the assessing officer and relevant Council staff met with the applicant to discuss concerns regarding compliance with the BCA and the provision of temporary amenities during construction.

On 1 November 2019, an amended BCA compliance report and further information on future replacement bathroom facilities for the Mona Vale Beach location was provided. However, temporary WC facilities were not addressed.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

Section 4.55 (1A) Assessment

The relevant matters for consideration under Section 4.55(1A) of the EP&A Act are:

Section 4.55 (1A) – Modifications involving minimal environmental impact	Comments
A consent authority may, on the application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	The development as proposed to be modified, has a minimal and appropriate environmental impact, the same as approved in the original application.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development as proposed to be modified would still be substantially the same development as the development for which consent was originally granted. Whilst the proposed amendments would still result in a building substantially the same as that granted consent, each of the various amendments proposed requires assessment to ensure appropriate built form and amenity outcomes.
(c) it has notified the application in accordance with: i. the regulations, if the regulations so require, or ii. a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with Pittwater 21 Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Eight submissions were received in relation to this application. See “Notification and Submissions Received” below.

Section 4.15 Assessment

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.



Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Not Applicable
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None Applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	All relevant provisions of the EP&A Regulation 2000 have been taken into consideration during the assessment of the development application and this modification application.
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>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater Development Control Plan section in this report and found to be appropriate.</p> <p>(ii) The proposed development will not have a detrimental social impact on the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the surf club building.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on “Notification and Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	The deletion of the public toilet facilities from the Surf Club is undesirable. However, a condition of consent to ensure the provision of temporary facilities ensures that the application remains in the public interest.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Pittwater 21 Development Control Plan.

As a result of the public exhibition of the application Council has received a total of eight (8) submissions, 2 objecting to the proposed modification and 6 supporting.

Name	Address
Gordon Kinlay	7 / 7/8-12 Darley Street East, Mona Vale
Tim Woolnough	23 Brinawa Street, Mona Vale
Bryce Munro	11 Grandview Parade, Mona Vale
Skye Rose	7 Jedda Place, Mona Vale
Richard Perry	22 Alexandra Crescent, Bayview
Mark Horton	2 Elwyn Close, Mona Vale

Jason Muller	31 Hillcrest Avenue, Mona Vale
Geri Moorman	12/ 19-23 Delmar Parade, Dee Why

The following issues were raised in the submissions:

- There is no guarantee that alternate toilet facilities will be provided. DA should not be approved until alternate toilets of adequate scale are approved.
- Public toilets to be too far from safe swimming zone
- Southern balcony should be relocated to eastern façade to avoid extreme weather conditions

The individual matters raised within the submissions are addressed below, as follows:

1. Loss of public facilities

Concerns have been raised that the proposed alternative facilities will not be completed until sometime after the surf club, may be reduced in size or no go ahead at all.

Comment: It is agreed that prior to being able to support the removal of the bathroom facilities, there needs to be certainty that appropriate alternate bathrooms are provided for the public users of the beach. Council's Building Surveyor has recommended approval for the proposal, subject to an assurance of the provision of interim bathroom facilities. Accordingly, a condition is proposed to address this matter.

2. Revised toilet location inaccessible to beachgoers

Concerns have been raised that the proposed alternative facilities will not be located on a convenient site.

Comment: The location of alternate bathroom facilities will be the matter of a separate approval. At this time, a case will need to be made for the location of the facilities. However, it is considered a reasonable assumption that toilets should be located in close proximity to the surf club and safe swim areas.

3. Southern balcony

Concerns have been raised regarding the location of the southern balcony due to weather exposure and a suggestion that it is relocated to the eastern façade and modifications made to the floor plan to allow for this.

Comment: The southern balcony was approved as part of the original Development Application. This amendment improves its exposure by increasing the height of balustrades to 1.8 metres to provide additional protection. These raised balustrades are glass and will have an appropriate visual impact.



REFERRALS

Referral Body Internal	Comments
Environmental Health Referral	<p>Approval</p> <p>No conditions</p>
Building Control	<p>Approval Comments received 7/11/19</p> <p>Further to my DA referral comments to you contained in email dated 22/10/2019. I have reviewed the revised statement on Toilet facilities by the Mckenzie Group and note as follows:</p> <p>The toilet facilities calculated by the Consultant are determined under F2.2, which states that the numbers of persons accommodated must be calculated according to D1.13, (based on floor areas) if it cannot be more accurately be determined by other means. Council can still fix the numbers if it wishes.</p> <p>There have been population numbers fixed by Council for the 1st floor and the café which I have based my calculations on. The difficulty with fixing population numbers is ongoing monitoring and therefore it may be best to determine the population numbers based on floor areas. The consultant has calculated the total number of toilets in the combined levels, where I have looked at the toilet numbers based on population of each floor level. The ground floor area population can be based on floor area, it does not have large population numbers apart from the café and outdoor seating.</p> <p>The toilet facilities for the café can be covered by the facilities provided within the ground floor area provided access is available during the operational hours of the café. This includes the accessible toilet which while not shown on the plans I have been assured is contained within the accessible change room.</p> <p>There is still the question of the public toilet facilities. As I indicated in my email of 22/10/19 the BCA does not require public facilities to be provided within the building. This comment has been echoed in the consultant's report.</p> <p>There is however a need for public toilet facilities to be provided external of the building if they are not to be provided as part of this development to offset the loss of existing public toilets and change facilities. This needs to be either temporary modules or permanent structures once the existing public toilets are demolished. This needs to be taken into consideration with the determination of this Modification.</p> <p>Recommendation: The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of MOD2019/0454.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p> <p>Preceding Comments dated 22 October 2019 <u>Public Toilets and Amenities</u></p> <p><i>There is no requirement under the BCA for Public toilet facilities to be provided within the building. The requirements of the BCA are relative to the use of the building and</i></p>



the number, gender and particular needs of the occupants. It is not required to cater for persons who are not using the facilities within the clubhouse.

Council has a responsibility to provide these facilities and therefore I have taken the view that there is a need for these public toilets as currently there is a lack of these facilities at Mona Vale Beach and there will be criticism from the general public if they are not provided as part of this development. It is likely that Council will need to supplement the public toilet facilities by extending or rebuilding the current public toilet block which is minimal and poorly located.

The statement of environmental affects indicates that a new separate amenities building may be provided elsewhere in the vicinity of the development. I do not see justification in removing the proposed toilets at ground floor level based on this premise.

I have therefore assessed the toilets against Part F2 of the BCA. The user groups under this Part are not clearly identified in Table F2.3 so I have assessed the facilities based on "Sports Venues or the like".

Recommendation

THAT MOD2019/0454 BE REFUSED ON THE GROUNDS THAT THE TOILETS AND AMENITIES ARE REQUIRED FOR USERS OF THE BUILDING, THE PUBLIC AND PATRONS USING THE CAFÉ. IN THIS REGARD THE APPLICATION IS CONTRARY TO PART F2 OF THE BCA.

Further Recommendation

That additional amenities be provided by the inclusion of (2) female WCs + (1) wash hand basin; (1) male WC + (2) urinals + (1) wash hand basin to compensate for the lack of facilities otherwise required for the café and to satisfy Table F2.3 of the BCA.

*Note: The Café should otherwise have its **own separate sanitary facilities** based on (F2.3a). I have based the requirements on the fixed population numbers i.e. 70 persons + (4) staff there is a need for - (2) female WCs + (1) washbasin; (1) Male WC + (1) Urinal + (1) Wash hand basin.*

The existing Public toilet block located to the North of the proposed building is located some 130m from the Café and is not considered an acceptable option to providing these additional toilets having regard to the distance of travel, there being no all-weather pathway and the unpleasantness and risk during times of inclement weather.

The Accessible Public Toilet

The location of the accessible public toilet with entry from the West Elevation is not considered acceptable as it does not give equitable and dignified access for persons with a disability.

Recommendation

The accessible public toilet is required to be repositioned in close proximity to the public toilets and the café.

Toilet facilities 1st floor level

The toilet facilities at 1st floor level comply with Part F2 of the BCA subject to the fixed population numbers being strictly applied i.e. Restaurant – 90 persons; Function room – 90 persons and members lounge 60 persons; I have also allowed for 10 staff



	<p>members and for the Accessible toilet to be included as (1) WC for male and female use (F2.2c).</p> <p>Planner's Comment 8/11/19: It is noted that the original development consent includes a condition which states: "All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA)". An additional condition requiring the provision of temporary WCs during the construction of the Surf Club and up until the completion the replacement bathroom facilities be provided.</p> <p>A condition is also proposed requiring the provision of a WC within the Accessible Change Room on the southern ground floor of the Surf Club, and the revision of the floor plan to allow for an external door accessing this facility. This will ensure equitable access and access at all times for café patrons.</p>
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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)

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 continuation of this land use, as proposed.

State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)

The site is subject to the provisions of the CM SEPP. Accordingly, an assessment under the CM SEPP has been carried out as follows:

Clause 12 Development on land within the coastal vulnerability area

Comment:

The subject land has not been included on the Coastal Vulnerability Area Map under CM SEPP.

Clause 13 Development on land within the coastal environment area

Comment:

The subject site is situated within the coastal environment area. The works are within the approved building envelope and will have no visual impact on the coastal area. The design retains the approved revegetation and has no impact on public foreshore access, coastal processes and is not within the vicinity of any known Aboriginal heritage sites.

The minor revisions to the development do 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 approved development.

Clause 14 Development on land within the coastal use area

Comment:

The revised development remains 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 revised development does not result in unreasonable overshadowing to the foreshore area or contributes to the loss of valued public domain views to the foreshore.

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

Comment:

The development has been considered by Council’s Coastal engineer as a part of the original assessment and they were satisfied that the development is not likely to cause increase risk of coastal hazards on the subject site or other land. With no increase in the footprint, this comment remains valid.

As such, it is considered that the application does comply with the requirements of the CM SEPP.

Pittwater Local Environmental Plan 2014 (PLEP 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 PLEP 2014

The relevant aims of PLEP 2014 were achieved with the proposed redevelopment of the surf club being a positive development, consistent with the desired character for Pittwater. The development was considered to 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. The proposed modifications will continue to achieve these 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. Subject to conditions of consent, the development will continue to achieve these objectives.

Principal Development Standards

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

Compliance Assessment

Clause	Compliance with Requirements
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

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
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

Clause	Compliance with requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes



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



Clause	Compliance with requirements	Consistency Aims/Objectives
<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	No
<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
<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

- **Accessibility**

Clause C5.5 (Accessibility) of P21 DCP

Council's Building Surveyor has stated that the location of the accessible public toilet with entry from the West Elevation is not considered acceptable as it does not give equitable and dignified access for persons with a disability

A condition is proposed requiring the provision of a WC within the Accessible Change room on the southern ground floor of the Surf Club, and the revision of the floor plan to allow for an external door accessing this facility. This will ensure equitable access and access at all times for café patrons.

Ocean Beach Plan of Management

The revised development is satisfactory when considered against the Mona Vale Beach Plan of Management. The uses within the building are unchanged and fulfil the requirements of the POM.

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;
- Pittwater 21 Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application, and does not result in an unreasonable impact on surrounding, adjoining, adjacent and nearby properties as a result of the proposed modifications.

In consideration of the proposal and the merit consideration the development the proposal is considered to be consistent with the applicable planning controls for the site and can be supported, subject to conditions of consent.

RECOMMENDATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, approves Modification Application No. Mod2019/0454 for Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building, including a café, restaurant and function space on land at Lot 104 DP 1066371, 1 Surfview Road MONA VALE NSW 2103, subject to the following amendments:

- **New Condition 1A ‘Modification Approved Plans’, to read as follows:**

The development must be carried out in compliance (except as amended by any other condition of consent) with the Approved Plan and Supporting Documentation referred to in Condition 1, as modified by the following:

(a) Modification Approved Plans

Architectural Plans – endorsed with Council’s Stamp		
Drawing No.	Dated	Prepared By
A.DA.02.004 Rev B – Proposed Site Plan	13.9.19	Warren and Mahoney
A.DA.10.001 Rev C – Ground Level	15.10.19	Warren and Mahoney
A.DA.10.002 Rev C – Level 1	15.10.19	Warren and Mahoney
A.DA.20.001 Rev C – North and East Elevations	15.10.19	Warren and Mahoney



A.DA.20.002 Rev C – South and West Elevations	15.10.19	Warren and Mahoney
A.DA.30.001 Rev c – Sections	15.10.19	Warren and Mahoney

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

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

- **Delete Condition 21 ‘Enhanced Accessibility’.**
- **New Condition 21 ‘Accessible Change Room’, to read as follows:**

The Accessible Change room on the southern side of the ground floor is to:

- (i) Make provision for the inclusion of an accessible WC, and
- (ii) Make provision for an external door with access available from the eastern external wall of the building.

Reason: To ensure equitable disabled access and availability of facilities at all times for café patrons.

- **New Condition 25A ‘Temporary facilities’, to read as follows:**

The applicant is to provide to Council’s satisfaction, a plan detailing the provision of temporary WCs to be available to the public during the construction of the Surf Club, and up until the completion of replacement bathroom facilities at Mona Bale Beach. Additional documentation is to include the number and type of temporary WCs, the location of the structures and a Plan of Management of their operation.

Reason: To ensure the reasonable provision of replacement WC facilities for public use during the construction of the surf club and up until replacement facilities are constructed.

- **Amend Condition 40 ‘Plan of Management’, to read as follows:**

A Plan of Management (POM) for the operation of the premises is to be prepared and submitted to Council for approval prior to the issuance of an occupation certificate. The POM must include measures to address:

- (a) Hours of operation
- (b) Acoustics
- (c) Capacity
- (d) Complaints
- (e) Major events including multiple functions
- (f) Consistency with conditions of this consent
- (g) The availability/accessibility of all bathroom facilities for use by all patrons of the café and restaurant during operating hours.

Reason: To minimise environmental impacts of the development.