

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2015/0167
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<b>Responsible Officer:</b>	Luke Perry
<b>Land to be developed (Address):</b>	Lot 7356 DP 1167221 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099
<b>Proposed Development:</b>	Modification of Development Consent DA2013/0538 granted for Alterations and additions to a recreation facility
<b>Zoning:</b>	LEP - Land zoned RE1 Public Recreation
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Warringah Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Dept Of Lands
<b>Applicant:</b>	North Curl Curl Surf Life Saving Club

<b>Application lodged:</b>	31/07/2015
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	13/08/2015 to 28/08/2015
<b>Advertised:</b>	Not Advertised in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

### 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 (upto 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

**SITE DESCRIPTION**

<b>Property Description:</b>	Lot 7356 DP 1167221 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099
<b>Detailed Site Description:</b>	<p>The subject site comprises of one (1) allotment being Lot 7356 in DP1167221, Huston Parade, North Curl Curl. The entire site is irregularly shaped and extends along the length of the beach front to John Fisher Park and Abbott Road.</p> <p>The relevant section of the site is at the northern end, being North Curl Curl Surf club and it's immediate lease area. This space is occupied by a two storey premises situated at the cul- de-sac end of Huston Parade. 900 parking spaces for the community building line both sides and runs along the middle of Huston Parade.</p> <p>The lands immediately surrounding the site are open space, with the perimeter of this area being occupied by low density residential to the west.</p>

Map:



WARRINGAH  
COUNCIL  
IMAGE ©  
2008 SRM

**SITE HISTORY**

Development Application No. 2013/0538

This application for alterations and additions including a new office, storage area, extension to the western elevation of the members training room and enclosing of existing balcony, alterations to existing boat shed, relocation of the covered BBQ area and other minor internal configurations.

This application also sought consent for a new IRB/ATV storage and maintenance building. During the

assessment of the application concerns were raised in relation to the size and location of the building and its impact on open space and inconsistency with the Coastal Lands Plan of Management.

As a result the application was approved on 20 August 2013, however no approval was granted for the IRB/ATV storage and maintenance building (Condition No. 3).

Modification Application No. 2014/0179

This application sought to modify DA2013/0538 and involved the enclosing of the existing roofed hardstand area to incorporate a enclosed and secure IRB/ATV storage and maintenance garage in lieu of the deleted IRB/ATV storage and maintenance garage as per Condition No. 3 of DA2013/0538 and internal reconfiguration to improve the internal access to the members amenities, gymnasium and new office including a new external door to the office. This application was approved on 23 December 2014.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks to modify Development Consent No.2013/0538 granted for the alterations and additions to a recreation facility (North Curl Curl Surf Life Saving Club).

Specifically the applicants Statement of Environmental Effects indicates the modifications involve:

- 1). Rearrangement of internal area involving the Club Office, Male Amenities and Gymnasium area to include Unisex Accessible Amenities.*
- 2). Changing windows and adding a new entry door in the northern wall.*
- 3). Building a new accessible ramp to service the office and gym area.*
- 4). Adding a pedestrian door to the west wall of the approved ATV/IRB Garage*
- 5). Closing a double door opening on the southern side of the Gym and adding a new highlight window.*
- 6). Enlarging the Roller shutter door to the Chair store by removing a hinged door as well as adding a hinged door from the Servery area.*
- 7). Add a new door to the servery area*
- 8). Walling up an opening adjacent to the Observation / Captains room*
- 9). Removing a wall that was originally proposed to create a storage area adjacent to the Observation / Captains room*
- 10). Resizing doors on the western wall to allow for the installation of a pedestrian 'panic' door.*
- 11). Replacing a couple of panels of fixed glazing in the main hall on the northern face to allow for natural ventilation and circulation of air.*
- 12). Removing or amending Condition 9 of DA2013/0538 to allow the building to be painted in the Colour of the existing building which is not an anti graffiti paint but is 'Weathershield gloss acrylic Dulux Warringham Biscuit'. Council's Facilities area has also confirmed that the rest of the building does not have an anti-graffiti coating and does not require for this treatment on the new walls.*
- 13). Removal of Condition 9 with regards to the roofing on the building. The roofing that was installed in 2011 is a 'Colorbond stainless steel corrugated sheeting in "Surfmist" colour. The intention is to provide the new roofing to match the roof recently by Council in 2011.'*

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:  
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, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2013/538, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

<b>Section 96(1A) - Other Modifications</b>	<b>Comments</b>
A consent authority may, on 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	<b>Yes</b> The modification, as proposed in this application, is considered to be of minimal environmental impact.
(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, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2013/0538.
(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 the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringham Local Environment Plan 2011 and Warringham 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.	No submissions were received in relation to this application.

### Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft	None applicable.



Section 79C 'Matters for Consideration'	Comments
environmental planning instrument	
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (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 in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</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. No Additional information was requested.</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 in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original 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 in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (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	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.



Section 79C 'Matters for Consideration'	Comments
	(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.  (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

#### EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

#### 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 Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

#### MEDIATION

No requests for mediation have been made in relation to this application.

#### REFERRALS

Internal Referral Body	Comments										
Building Assessment - Fire and Disability upgrades	There are no objections to the proposal subject to conditions.										
Development Engineers	No Development Engineering objection is raised to the proposed modification to DA2013/0538										
Environmental Investigations (Acid Sulphate)	<table border="1"> <tbody> <tr> <td>Was sufficient documentation provided appropriate for referral?</td> <td>YES</td> </tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td> <td>YES</td> </tr> <tr> <td>What class is the site in on the WLEP2011 Acid Sulfate Soils Map?</td> <td>Class 5</td> </tr> <tr> <td>Is there risk of acid sulfate soil disturbance?</td> <td>NO</td> </tr> <tr> <td>Will the excavations exceed the depth determined in the risk map?</td> <td>NO</td> </tr> </tbody> </table>	Was sufficient documentation provided appropriate for referral?	YES	Are the reports undertaken by a suitably qualified consultant?	YES	What class is the site in on the WLEP2011 Acid Sulfate Soils Map?	Class 5	Is there risk of acid sulfate soil disturbance?	NO	Will the excavations exceed the depth determined in the risk map?	NO
Was sufficient documentation provided appropriate for referral?	YES										
Are the reports undertaken by a suitably qualified consultant?	YES										
What class is the site in on the WLEP2011 Acid Sulfate Soils Map?	Class 5										
Is there risk of acid sulfate soil disturbance?	NO										
Will the excavations exceed the depth determined in the risk map?	NO										

Internal Referral Body	Comments	
	Does the report adequately address acid sulfate risk mitigation?	N/A
	Have you considered disposal of water during excavation, pump out etc.	N/A
	Have you considered disposal of contaminated soil.	N/A
	<b>General Comments</b>  There are no objections to this referral as there is no risk of acid sulfate disturbance.	
	<b>Recommendation</b>	APPROVAL - no conditions
	Comments completed by: Jade Vasic  Date: 31 August 2015.	
Environmental Investigations (Industrial)	Is the proposal for an industrial use?	YES
	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES
	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A
	<b>General Comments</b>  There are no objections to this referral as the proposed development will not have any significant impact on the environment.	
	<b>Recommendation</b>	APPROVAL - no conditions

Internal Referral Body	Comments
	<p>Comments completed by: Jade Vasic</p> <p>Date: 31 August 2015</p>
Landscape Officer	no objections to the proposed modification.
Natural Environment (Biodiversity)	Council's Natural Environment - Biodiversity Section raise no objections to the proposed modification.
Natural Environment (Coastal)	The proposed modifications will not be impacted by coastal hazards or impact the amenity of Curl Curl Beach or public access. Therefore it can be approved with conditions.
Natural Environment (Flood)	The proposed development is outside the adopted Flood Planning Level extent. No flood related development controls applied.
Natural Environment (Riparian Lands/Creeks)	Lagoons group in Natural Environment Unit have no objections or comments for this modification.
Parks, reserves, beaches, foreshore	No objections to proposed modifications.
Buildings, Property, Spatial Information	No objections to proposed modifications.
Traffic Engineer	No objection is raised on the proposal on traffic ground.
Waste Officer (Council Land)	Waste Management Assessment Waste Mgt has no issues with the proposed modifications. Please note that the SoEE states that a waste storage area is available on the property. This area cannot be located on the plans.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	<p>The modification application was referred to the NSW RFS who provided the following comments:</p> <p>I refer to your letter dated 10 August 2015 seeking advice regarding bush fire protection for the above Land Use Application in accordance with section 96 of the 'Environmental Planning and Assessment Act 1979'.</p> <p>The Service provides the following recommended conditions:</p> <p><b><i>Evacuation and Emergency Management</i></b></p> <p><i>The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purposed developments. To achieve this, the following conditions shall apply:</i></p> <p><i>1. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.</i></p>



External Referral Body	Comments
	<p><b>General Advice – consent authority to note</b></p> <p><i>It is recommended that the existing building upgraded to improve ember protection where possible. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders. It is also recommended that the new works are designed to take into account the above measures. This will create a greater level of protection for the overall development.'</i></p> <p><u>Planners Comment:</u></p> <p>The response is noted. The recommended conditions will be included in the recommendation of this application. The general advise referred to above is a matter for the Certifying Authority to consider at construction stage.</p>
NSW Police - Local Command (CPTED)	<p>The modification application was referred to the NSWPS who provided the following comments:</p> <p><i>'Thank you for referring this planning proposal to our Local Area Command for comment. Given the nature of the modification for the already consented development we do not believe a Crime Risk Assessment and CPTED (Crime Prevention through Environmental Design) assessment is required.'</i></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 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 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 land use.

**SEPP 71 - Coastal Protection**

**Requirements under SEPP 71 – Coastal Protection**

The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are to be considered.

Only the relevant sections of State Environmental Planning Policy No.71 – Coastal Protection to be considered by the Natural Environment Unit are identified below. It must be noted that all other provisions may apply to the subject site and should be considered prior to the determination of the Development Application.

The application, as modified, does not materially alter the design of the approved development such that it deviates from the original assessment and conclusions made under DA2013/0538.

Notwithstanding the above, an assessment against the provisions of SEPP 71 is provided below.

Assessment Consideration	Comment	Consistent
<p>Is the development acceptable with regard to the SEPP 71 Policy aims to be considered by Natural Environment Unit detailed as follows:</p> <p><i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and...</i></p> <p><i>(f) to protect and preserve beach environments and beach amenity, and</i></p> <p><i>(g) to protect and preserve native coastal vegetation, and</i></p> <p><i>(h) to protect and preserve the marine environment of New South Wales, and</i></p> <p><i>(i) to protect and preserve rock platforms, and</i></p> <p><i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and...</i></p> <p><i>(l) to encourage a strategic approach to coastal management.</i></p>	<p>The proposal is considered to be consistent with the aims of the policy. The minor modifications do not result in any inconsistency with the aims of the policy and are generally consistent with the original approval.</p>	<p>Yes.</p>

Assessment Consideration	Comment	Consistent
Does the development implement measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats?	There is no remnant native vegetation or potential habitat for threatened species on the subject site, as such measures to conserve animals, plants or their habitat are not required.	Yes.
Does the development implement measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats?	Yes.	Yes.
Does the development take into consideration existing wildlife corridors and the impact of development on these corridors?	Yes - there is no impact upon any existing wildlife corridors, all modifications are contained within the existing building footprint.	Yes.
Are the likely impact of coastal processes and coastal hazards on the development and any likely impacts of the development on coastal processes and coastal hazards acceptable?	No.	Yes
Are the likely impacts of development on the water quality of coastal waterbodies acceptable?	There are no likely impacts on the water quality of coastal waterbodies.	Yes.
<p>Is the development acceptable with regard to:</p> <p><i>(i) the cumulative impacts of the proposed development on the environment, and</i></p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient</p>	Yes.	Yes.
Does the development, include a non-reticulated system? Yes/No	No.	N/A

Assessment Consideration	Comment	Consistent
If Yes:  Will the system, or is likely to, result in a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform?		
Does the development seek consent, or result in, untreated stormwater being discharged into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform?	No.	N/A

### SEPP (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP 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 5.0m 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 5.0m of an overhead electricity power line.

#### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### Warringah Local Environment Plan 2011

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

#### Principal Development Standards

There are no development standards applicable to this site.

#### Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>
5.5 Development within the coastal zone	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

### **Warringah Development Control Plan**

#### Built Form Controls

There are no built form controls applicable to the site.

#### Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes



## Detailed Assessment

### **E10 Landslip Risk**

The site is classified as Landslip Risk Class B and C on Council's Landslip Risk Map. The stability of the land has been assessed in detail at the time of lodging the original development application and subsequent modifications.

Notwithstanding this and in accordance with Council's checklist, a Geotechnical Statement dated 4 June 2015 prepared by Crozier - Geotechnical Consultants has been submitted with the application.

The report states that there is no longer a need for a boulder wall at the base of the embankment and the proposed works will have no impact on the embankment.

No further geotechnical assessment is recommended.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### **POLICY CONTROLS**

#### **Warringah Section 94A Development Contribution Plan**

Section 94 contributions were levied on the Development Application.

#### **Coastal Lands Plan of Management**

The site is located within the area nominated in Master Plan 4 under the provisions of the Coastal Lands Plan of Management (as adopted on 24 September 2002 under Section 114 of the Crown Lands Act 1989).

The Plan of Management was prepared following extensive community consultation and following liaison with Department of land and Water Conservation. The document states that

*'It is recognised that a number of supporting plans have been developed or are currently being developed in respect to Warringah's coastal open space. The other plan provide more detailed information in relation to vegetation management, coastal processes and urban design. This Plan of Management, in combination with these plans will provide direction and management for coastal open space of Warringah. This Plan of Management is however the governing plan, recommendations of other plans must not be in conflict with the recommendations of this Plan of Management'.*

The Surf Club is discussed in the Coastal Lands Plan of Management and specifically mapped in Master Plan 4 which notes redevelopment of the site. Item 20 in the Action Plan states that investigations and consideration of extensions and/or modification to the North Curl Curl Surf Club are to be considered as noted on the Master Plan. In addition it states:

"The investigations and any recommendations are to include consultation with the Surf Club Liaison

Committee & the Warringah Coastal Management Committee as part of the development assessment process for significant proposals. A significant proposal is generally one that involves expansion on public open space of buildings or operations and has the potential to impact on the heads of consideration listed below.

In approving any extensions or modifications to the Surf Life Saving Club Buildings consideration must be given to:

- *"Minimising the loss of open space*
- *Principles of shared use (including appropriate placement of lifeguard facilities for Council's operations eg areas for storage and first aid)*
- *No net loss of general community facilities*
- *Maintenance burden to Council & the community*
- *Impact on neighbouring properties*
- *Consider any threat from coastal/geological hazards (see Action 8 on South Curl Curl sea wall. It may be necessary to complete Action 8 prior to any works in this vicinity)*
- *Council's Policies on coastal hazards for Collaroy/Narrabeen Beach as appropriate, and*
- *State Government legislation and policies."*

The modified proposal will not result in any loss of open space and enhances the existing onsite facilities and is therefore consistent with the plan.

The development will fulfill the objects of the Master Plan and Action Plan and will not be to the detriment of any requirements and goals.

### **Independent Assessment**

The application and this assessment report have been reviewed by an independent consultant.

The independent consultant provided the following concluding comments:

*"I have reviewed the draft Assessment Report and generally concur with its assessment and conclusions."*

### **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;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2015/0167 for Modification of Development Consent DA2013/0538 granted for Alterations and additions to a recreation facility on land at Lot 7356 DP 1167221,7356 / 1167221 Huston Parade, NORTH CURL CURL, subject to the conditions printed below:

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

#### a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA02 - Site & Site Analysis and Landscape Plan Rev C	23/06/2015	LKS Design & Drafting
DA03 - Caretakers Flat Floor Plan & Lower Level Plan Rev C	23/06/2015	LKS Design & Drafting
DA04 - Upper Level Floor Plan Rev C	23/06/2015	LKS Design & Drafting
DA05 - North, South, East & West Elevation Rev C	23/06/2015	LKS Design & Drafting
DA06 - Section X1 -X1, Section Y1 - Y1, Section Y2 -Y2 & Section Y3 - Y3 Rev C	23/06/2015	LKS Design & Drafting
DA07 - Roof Plan Rev C	23/06/2015	LKS Design & Drafting

<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>
Geotechnical Letter	4 June 2015	Crozier - Geotechnical Consultants

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

### B. Add Condition No. 2A Compliance with Other Department, Authority or Service

**Requirements to read as follows:**

The development must be carried out in compliance with the following:

<b>Other Department, Authority or Service</b>	<b>eServices Reference</b>	<b>Dated</b>
NSWRFS	Response NSWRFS Referral	7 September 2015
NSW Police	REsponse NSW Police	24 August 2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

**C. Delete Condition No. 9**

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Luke Perry, Planner**

The application is determined under the delegated authority of:


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**Phil Lane, Development Assessment Manager**

**ATTACHMENT A**

<b>Notification Plan</b>	<b>Title</b>	<b>Date</b>
 2015/228070	Plans Notification	05/08/2015

**ATTACHMENT B**













<b>Notification Document</b>	<b>Title</b>	<b>Date</b>
 2015/237135	Notification map	13/08/2015



**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2015/228257	Report BCA Statement JJ Brigs	21/08/2014
 2015/228061	Plan Survey	14/06/2015
 2015/228278	Report Bushfire 733-S96-2	03/07/2015
 2015/228223	Report Statement of Environmental Effects	09/07/2015
 2015/228255	Report BCA Part J - Energy Efficiency Report	15/07/2015
 MOD2015/0167	Lot 7356/1167221 Huston Parade NORTH CURL CURL NSW 2099 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	31/07/2015
 2015/224024	DA Acknowledgement Letter - North Curl Curl Surf Life Saving Club	31/07/2015
 2015/228049	Modification Application Form	05/08/2015
 2015/228056	Applicant Details & Land Owners Consent	05/08/2015
 2015/228070	Plans Notification	05/08/2015
 2015/228241	Crown Lands- Approval - Land owners consent to lodgement of section 96 Modification	05/08/2015
 2015/228261	Plans Master Set	05/08/2015
 2015/228276	Report Structural	05/08/2015
 2015/230713	Environmental Investigations (Industrial) - Assessment Referral - Mod2015/0167 - 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099	06/08/2015
 2015/230720	Environmental Investigations (Acid Sulphate) - Assessment Referral - Mod2015/0167 - 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099	06/08/2015
 2015/230891	Natural Environment Referral Response - Flood	06/08/2015
 2015/232182	File Cover	10/08/2015
 2015/232195	Referral to AUSGRID - SEPP - Infrastructure 2007	10/08/2015
 2015/232200	Referral to RFS - Local Office	10/08/2015
 2015/232212	NSW Police referral - Local Area Command	10/08/2015
 2015/236964	Building Assessment Referral Response	12/08/2015
 2015/237134	Notification letter 6	13/08/2015
 2015/237135	Notification map	13/08/2015
 2015/239654	NSW rural fire referral	14/08/2015
 2015/241841	Development Engineering Referral Response	18/08/2015
 2015/242966	Natural Environment Referral Response - Coastal	19/08/2015
 2015/243672	Natural Environment Referral Response - Riparian	20/08/2015
 2015/246036	Natural Environment Referral Response - Biodiversity	21/08/2015
 2015/264606	nsw rfs response - Mod2015/0167 7356//1167221	07/09/2015

Huston Parade North Curl curl NSW 2099

	2015/264689	Environmental Investigations Referral Response - industrial use	07/09/2015
	2015/269061	Parks, Reserves and Foreshores Referral Response	10/09/2015
	2015/269254	Traffic Engineer Referral Response	10/09/2015
	2015/288803	Consultant Fax - North Curl Curl Surf Life Saving Club	30/09/2015
	2015/288805	Consultant Fax - North Curl Curl Surf Life Saving Club	30/09/2015
	2015/294670	Consultant Quote - Symons Goodyer	06/10/2015
	2015/295086	Memo Appoint External Consultant - North Curl Curl Surf Life Saving Club	07/10/2015
	2015/297505	External Consultants Acceptance of Quotation - North Curl Curl Surf Life Saving Club	08/10/2015
	2015/297506	Consultancy Agreement Peer Review - North Curl Curl Surf Life Saving Club	08/10/2015
	2015/299644	Waste Referral Response	12/10/2015
	2015/299724	Draft Assessment Report for Peer Review	12/10/2015
	2015/301430	HP TRIM Internal Record : 2015/299724 : Draft Assessment Report for Peer Review	12/10/2015
	2015/300802	Consultant Agreement - Symons Goodyer	13/10/2015
	2015/300804	letter of appointment to Symons Goodyer	13/10/2015