

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 31 March 2016

80 Evans Street Freshwater - Section 82A Review of determination of development consent DA2015/0579 for Alterations and additions to existing Registered Club (Harbord Diggers Club) to facilitate temporary accommodation with associated signage and mobile van cafe.

REVIEW OF DETERMINATION ASSESSMENT REPORT

Application Number:	REV2015/0028
Responsible Officer:	Rodney Piggott
Land to be developed (Address):	Lot 12 DP 1197725, 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Section 82A Review of determination of development consent DA2015/0579 for Alterations and additions to existing Registered Club (Harbord Diggers Club) to facilitate temporary accommodation with associated signage and mobile van cafe.
Zoning:	LEP - Land zoned R2 Low Density Residential LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Mount Pritchard & District Community Club Ltd
Applicant:	Mount Pritchard & District Community Club Ltd
Application lodged:	29/12/2015
Application Type:	Local
State Reporting Category:	Refer to Development Application
Notified:	29/01/2016 to 16/02/2016
Advertised:	30/01/2016
Submissions:	9
Recommendation:	Approval
Estimated Cost of Works:	\$ 612,570.00

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

Environmental Planning and Assessment Act 1979 - Section 82A - Environmental Planning and Assessment Act 1979 - Section 82A

Warringah Development Control Plan - B7 Front Boundary Setbacks

SITE DESCRIPTION

Property Description:	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Detailed Site Description:	<p>The site has three street frontages; being Evans Street to the south-west, Carrington Parade to the west/north-west and Lumsdaine Drive to the north-east. The combined site has an area of 15,599m² and is irregular in shape.</p> <p>The topography of the site is characterised by a moderate fall to the north-east from the north eastern side of the existing Harbord Diggers Club building and carpark and a gradual fall to the west on the south-west side of the existing Harbord Diggers Club building and carpark.</p> <p>The site is currently occupied by the part four and part five storey Harbord Diggers Club building and two storey carpark, which is currently under construction.</p> <p>The site adjoins McKillop Park to the north east. McKillop Park is a Crown Reserve.</p> <p>Development on the south-west side of Evans Street is characterised by apartment style dwellings. The development to the west is generally characterised by detached style dwelling houses. The topography of the land to the west of the site has resulted in many of the dwellings to the west being elevated above the subject site.</p> <p>The site is in the vicinity of the coastal cliffs located along the northern side of Lumsdaine Drive. The coastal cliffs are identified as a heritage 'Conservation Area' in Warringah</p>

Map:



SITE HISTORY

Development Application No DA2015/0579 was lodged with Council on 26 June 2016. The application sought approval for Alterations and Additions to the existing registered club (Harbord Diggers) to facilitate a temporary registered club with associated signage and a café van.

The application was reported to the Application Determination Panel (ADP) on 15 October 2015 with a recommendation for approval.

ADP made the following assessment of the application with regards to the café van:

The panel of the opinion that the mobile van café cannot be considered as an 'ancillary use' to the dominant use of the land being a registered club. In this regard Panel considers the mobile van café to be a separate, independent, retail use which is prohibited land use within the R2 Low Density Residential zone. Therefore a condition deleting the mobile van café is to be imposed.

The Notice of Determination was issued on 15 October 2015, with Condition 11 requiring the deletion of the mobile van café from the approved development. Condition 16 was also imposed, which restricted the hours of operation for the club and its associated facilities.

On 29 December 2015, the applicant lodged an application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 (the Act) for the review of Council's determination with regards to conditions No. 11 and 16.

Additional Information

Additional information was submitted by the applicant in support of the application on 24 March 2016, which included:

- A letter, prepared by Urbis with respect to the ancillary land use in relation to the mobile van café.
- Operational Plan of Management (OPM), dated March 2016 to clarify the issue relating to trading hours.
- Additional plans have been submitted which indicate club "sign in" at the counter of the cafe van and additional wayfinding signage on the two entrances to the café van.

The additional information did not require re-notification as the per Warringah Development Control Plan , as there were no changes proposed to the location or size of the café van.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks approval to delete and modify the following conditions imposed under Development Consent DA2015/0579:

Deletion of Condition 11

Condition 11 currently states:

No approval is granted for the mobile van café. All reference to the mobile van café is to be deleted from the approved plans.

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

Modification of Condition 16

Condition 16 currently states

The hours of operation are to be restricted as follows:

Registered Club

- Sunday – Thursday: 5.30am – 2.00am; and
- Friday – Saturday: 5.30am – 4.00am.

First level deck

- 7am to 10pm any day of the week.

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.

The applicant is seeking to modify Condition No.16 to read (changes are highlighted in red):

The hours of operation are to be restricted as follows:

Registered Club

- 24 hours a day any day of the week

First level deck

- 7am to 12am any day of the week.

After 12am, all service (and entertainment) for the **First Level Deck** shall immediately cease, no patrons shall be permitted entry and all customers on the **deck** shall be required to leave within the following 30 minutes.

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: Under Section 82A of the Act, an applicant may request Council to review a determination of a development application, other than for a complying development, integrated development, designated development or a determination made by Council in respect to an application by the Crown. The development application does not fall into any of these categories, therefore the applicant may request a review.

In accordance with Section 82A of the Act, the request for the review must be made within 6 months after the date of determination. The application was determined on 15 October 2015 and the notice of determination was issued on the same date. The request to review was lodged on 29 December 2015 and it will be considered by ADP on 31 March 2016, which is within the 6 months from the date the request for the review was made.

Section 82A(4)(c) provides that the Council may review a determination if in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same as the development described in the original application.

In relation to the issue of substantially the same, in *Michael Standley and Associates Pty Ltd v North Sydney Council* [1997] NSW LEC 190 (5 December 1997) Justice Stein noted;

‘There are, of course, differences between the building as sought to be modified and the approved development. The question is, however, whether these differences result in a building which could no longer be described as “substantially the same development”. The mere fact that there are differences does not mean that the proposal is necessarily one which is not substantially the same as the approved development.’

As differences between the schemes and plans are minimal, a consideration of whether the development is substantially the same should focus on whether there are sufficient similarities to reasonably conclude the development is substantially the same.

A review of the original and amended plans has found the following similarities between the two schemes;

- The proposed van café has been retained in its existing position however additional balustrade has been provided in the terrace area to separate the van from Evans Street; and
- Further detail has been provided regarding who can access the van café by indicating the location of the signage at the two entrances of the mobile van café, which will restrict access to the members of the Harbord Diggers Club and their guests;

It is considered that there are fundamental similarities which result in the essence of the amended scheme being substantially the same as the original scheme. Accordingly, it is considered that the proposal satisfies the requirement of Section 82A (4) (c) of the Act.

CONSIDERATION OF THE PROPOSED SECTION 82A REVIEW

Deletion of Condition 11

Condition 11 was imposed by the ADP at its meeting held on 15 October 2015. The panel was concerned that the proposed van café was not defined as an ancillary land use, given its access arrangement being separated from the Club .

In response to Council's concerns, the applicant has amended the plans to provide an additional balustrade in the terrace area to separate the van café from Evans Street and has provided additional details on who can access the van café.

Assessment of whether the Van Café can be defined as an Ancillary Land Use

The Department of Planning and Infrastructure published a Planning Circular (Circular No. PS13-001) dated 21 February 2013 , providing some guidance on matters of ancillary land uses. In this regard, an assessment of the proposed van café against these criteria is provided:

Is the component going to serve the dominant purpose of the development or is it independent?

Comment: The applicant has provided additional information and has confirmed that the van café can only be accessed by member's of the club and guests. Access to the café area can only be provided once they have signed into the club. The applicant has also indicated that the van will be staffed by the employees of the Club and all revenue generated by the café will be contributed to the Club (i.e dominant purpose). Cafés are common within registered clubs and are considered to serve the dominant purpose as a registered club.

What is the amount of land to be used for certain component, relative to the amount of land proposed to be used for other purposes? if the amount of land is relatively small, it is more likely to be ancillary.

Comment: The proposed café van has a total area of approximately 12m², which represents 0.075% of the total site area being 15,696m². The proposed mobile van is therefore relatively minor in size and therefore can be considered to be ancillary.

Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.

Comment: The proposed van café is considered to be ancillary to the Club for the following reasons:

- The purpose of the van café is to serve the members and guests, with an external setting arrangements. Requiring "sign-in" ensures the van use operates in accordance with the definition of registered club. The nature and size of the van does not derogate from the dominant purpose of the site use and condition will be imposed to ensure that operating hours for the van are aligned with the Club use, (i.e from 7am till 9pm).
- The location of the van is adjacent to the entry of the temporary club facility and is behind the predominant building alignment and setback, thus ensuring the visual impact from the streetscape (i.e Evans Street) will be minimal.

If the component is temporary, it is more likely to be ancillary, if it is regular (that is, will constitute an

ongoing use for a long period of time), it is likely to be an independent use.

Comment: The van is associated with the temporary club only, which has been given consent for the period of 3 years, while the redevelopment of the site is completed. Therefore, the proposed van will also be temporary.

if the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be independent use (regardless of whether it has ancillary qualities).

Comment: Café/ restaurants are common uses that are provided in most registered Clubs. The proposed van, although located externally from the club proper, is located in such way that does not detract from the dominant use of the site, being the registered club. As indicated by the applicant, displaying membership and signing in at the club facility will be a perquisite service.

Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.

Comment: As indicated previously, the applicant has indicated that the van can only be accessed by the members and guests of the club and condition will be imposed should the application be approved to ensure the that van remains ancillary to the club. Furthermore, given its temporary nature and its size, it can be reasonably classified as an ancillary land use.

Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

Comment: The proposed van is directly adjacent to the entrance of the Club and therefore has an ancillary relationship to the club.

Based on the above assessment, it can be demonstrated that the van café satisfies the ancillary test and its therefore permissible with consent.

Assessment of the Impacts associated with the proposed van café on the adjoining residential development

The café van is located opposite residential accommodation and therefore the acoustic impacts are a relevant consideration. In this regard the applicant submitted an acoustic report (prepared by Day Design, dated 25 June 2015) with the original Application . The report provides an assessment of the acoustic impact from the nearest residential dwelling at 75 Evans Street, and concludes that the acoustic impact from the café van will comply with the relevant noise level criteria provided in the recommendation of the report. The recommendation of the acoustic report was included in the original consent, furthermore Council's Environmental investigation Team has also reviewed the acoustic report and has raised no objection to the proposed development, subject an additional condition which restricts the acoustic impact to 5dba above background levels.

Furthermore, an additional condition is also recommended that restricts the hours of operation from 7am to 9pm, which is consistent the approved trading hours for the first level deck.

Recommendation to delete Condition 11

Based on the assessment provided, the proposed van café can be supported and therefore Condition 11 is recommended to be deleted as requested.

Modification of Condition 16

The applicant seeks to modify Condition 16 to allow the Club to trade for 24 hours and the use of the first floor deck till 12am. Condition 16 as presently worded restricts the operation of the club to 2am and 4am depending on the day of the week and the operation of the first level deck to 7am to 10pm any day of the week. The reason for Condition 16 was to preserve the acoustic amenity of residential properties in Evans Street.

The applicant has indicated that the restriction placed in Condition 16 is inconsistent with the findings of the acoustic report that was submitted with the original application. The applicant has now provided an Operational Plan of Management (OPM) for the temporary club, which stipulates that the hours of operation will not be alter from the current situation and as stipulated in Condition 16 , however the (OPM) notes that:

- *Harbord Diggers Club has an unrestricted 24 hour on premises trading licence as registered with the Department of Independent Liquor & Gaming Authority.*
- *Whilst the following trading hours have been nominated Harbord Diggers still reserves its right to operate the Club in accordance with its current trading licence (24 hours).*

Whilst it is appropriate for the Club to the operate in accordance with the submitted OPM, concerns are still raised with regards to the acoustic impact from the operation of the first floor deck and van café.

Recommendation to modify Condition 16

It is recommendation that Condition 16 be modified in the following manner:

16. Hours of Operation

The hours of operation are to be restricted as follows:

Registered Club

- As per the Operational Plan of Management, dated 22 March 2016, with exception of:

First level deck

- 7am to 10pm any day of the week.

Van Café

- 7am to 9pm any day of the week

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 process council is in receipt of 9 submission/s from:

Name:	Address:

Name:	Address:
William Rhodes Kugler Jr	14 / 69 Evans Street FRESHWATER NSW 2096
Jade Andrew Hudson	12 / 75 Evans Street FRESHWATER NSW 2096
Ms Catherine Casey	16 / 69 Evans Street FRESHWATER NSW 2096
Terrence David Royce	9 / 71 Evans Street FRESHWATER NSW 2096
Gregory Kenneth Ernest Bowman	44 Oceanview Road FRESHWATER NSW 2096
Mr Tim Gelston	6 / 73 Evans Street FRESHWATER NSW 2096
David Maxwell Keogh	2 / 52 Oceanview Road FRESHWATER NSW 2096
Bruce Rowan Craven	48 Oceanview Road FRESHWATER NSW 2096
Mr Tyrone Trevor Mullens	4 / 69 Evans Street FRESHWATER NSW 2096

The matters raised within the submissions are addressed as follows:

café van

Concerns are raised with regards to the location of the café van on the Evans Street frontage and proposed hours of operation of the café van and its impact upon the amenity of neighbouring residential properties.

Comment: The van café is located within the site boundaries on the Evans Street frontage. The van is to be setback 4.8m from the front boundary. The location of the van has been discussed in greater detail elsewhere within this report. In summary, the development is found to be satisfactory with regards to its location, given the scale of the proposed van in comparison to the existing built form being located on the boundary and its temporary nature and use whilst the Harbord Diggers Club undergoes its redevelopment.

With regards to the issue in relation to the hours of operation, a condition has been included in the recommendation of this report restricting the hours of operation for the café van from 7am to 9pm any day of the week in order to protect the residential amenity of the area.

Subject to the above condition this matter does not warrant refusal of the application.

Traffic impacts

Concerns are raised regarding the increased traffic on the local roads and its impact on traffic flow, as a result of proposed van café.

Comment: The van will operate as an ancillary use to the Club. The original application was referred to Council's Traffic Engineer, and no objection were raised in relation to traffic impact and the traffic impact of the temporary club including the van were found to be *acceptable*.'

Therefore, this matter does not warrant refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Environmental Investigations (Industrial)	No objection subject to conditions.
Health and Protection (Food Premises)	No additional conditions to existing conditions necessary .

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.

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)

Nil

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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	No changes are proposed to the height as approved in the original application	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	No changes are proposed	N/A	N/A
B3 Side Boundary Envelope	South-east - 5m	No changes are proposed	N/A	N/A
B5 Side Boundary Setbacks	0.9m	No changes are proposed	N/A	Yes
B7 Front Boundary Setbacks	6.5m	4.8m to van café	26.15%	No*
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Existing and unchanged	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Side Setbacks - R2	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The control requires development to be setback a minimum 6.5m from the primary street frontage and a minimum 3.5m from any secondary street frontage.

The existing club building has a nil setback to the front boundary. The cafe van is to be setback 4.8m which represents a variation of 35.41%.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The existing club building has a nil setback to the front boundary of the site and therefore the sense of openness across the front boundary is already compromised. The cafe van will be located at the front entrance/concourse area of the site and will be used temporarily whilst the whole site undergoes a redevelopment.

In this regard the location of the van cafe will not further reduce the sense of openness across the front of the site and given its temporary nature is considered to satisfy this objective.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The van cafe is located behind the existing building line and will be obscured from view by virtue of the bulk and scale of the existing building. The development does reduce or remove any areas of landscaping and therefore it is considered that the development satisfies this objective.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

As discussed above the existing building has a nil setback to the front boundary. The van cafe is to be setback behind the existing building line and therefore visual impact of the structure is minimised and will not have an unreasonable impact on the visual quality of the Evans Street streetscape or surrounding public spaces.

- *To achieve reasonable view sharing.*

Comment:

The cafe van will not obstruct any views and will allow for a reasonable sharing of views to be maintained.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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.

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 Development Consent to REV2015/0028 for Section 82A Review of determination of development consent DA2015/0579 for Alterations and additions to existing Registered Club (Harbord Diggers Club) to facilitate temporary accommodation with associated signage and mobile van cafe. on land at Lot 12 DP 1197725, 80 Evans Street, FRESHWATER, subject to the conditions printed below:

A. Add Condition No.1A - 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) Section 82A Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A11-25 (Issue C)	19/11/2015	Gensler
DA-00 (Issue C)	25/11/2015	Gensler
DA-20 (Issue C)	25/11/2015	Gensler
DA-23 (issue A)	25/11/2015	Gensler
DA-40 (issue C)	25/11/2015	Gensler
DA-42 (Issue B)	25/11/2015	Gensler

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Operation Management Plan (Temporary Club)	22 March 2016	Harbord Diggers

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:

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

C. Delete Condition 11 - Mobile Van Cafe which read:

No approval is granted for the mobile van cafe. All reference to the mobile van cafe is to be deleted from the approved plans.

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

Reason: To ensure compliance with the Warringah Local Environmental Plan 2011 (DACPLCC1)

B. Modify Condition 16 - Operation to read as follows:

The hours of operation are to be restricted as follows:

Registered Club

As per the Operational Plan of Management, dated 22 March 2016, with exception of:

First level deck

7am to 10pm any day of the week.

Mobile Cafe Van

7am to 9pm any day of the week

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

D. Add Condition 3A- Noise Impact to read as follows:

Any noise from the premises shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate guidelines or legislation to prevent offensive noise.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPGOG5)

E. Add Condition 4A - Cafe Van to read as follows:

The Cafe Van is to be strictly used by the members and guests associated with the Temporary Harbord Diggers Club in accordance with the Registered Clubs Act 1979.

Reason: To ensure compliance with the permissibility of the development under the Warringah Local Environmental Plan 2011.

ATTACHMENT A










No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2015/389375	Report - Notice of Determination	30/11/2015
 2015/389370	Report - Planning	22/12/2015
 REV2015/0028	80 Evans Street FRESHWATER NSW 2096 - Reviews - Section 82A Review of Determination	29/12/2015
 2015/388202	DA Acknowledgement Letter - Mount Pritchard & District Community Club Ltd	29/12/2015
 2015/389361	S82AReview of Determination of Development Application Form	30/12/2015
 2015/389362	Applicant Details	30/12/2015
 2015/389383	Plans - Architectural	30/12/2015
 2016/008102	Environmental Health and Protection Referral Response - commercial use	12/01/2016
 2016/008419	File Cover	12/01/2016
 2016/008439	Referral to AUSGRID - SEPP - Infrastructure 2007	12/01/2016
 2016/008445	NSW Police referral - Local Area Command	12/01/2016
 2016/022838	Development Application Advertising Document - Mount Pritchard & District Community Club Ltd	25/01/2016
 2016/029024	Environmental Investigations Referral Response - industrial use	28/01/2016
 2016/029419	Notification Letter - 155 sent	29/01/2016
 2016/036546	Online Submission - Casey	04/02/2016
 2016/039526	Online Submission - Kugler	06/02/2016
 2016/039688	Submission Acknowledgement Letter - William Rhodes Kugler Jr - SA2016/039526	08/02/2016
 2016/045775	Online Submission - Hudson	11/02/2016
 2016/047484	Online Submission - Casey	13/02/2016
 2016/047518	Online Submission - Casey - additional information	13/02/2016
 2016/047510	Online Submission - Royce	15/02/2016
 2016/047444	Submission Acknowledgement Letter - Jade Andrew Hudson - SA2016/045775	15/02/2016
 2016/048450	Online Submission - Bowman	15/02/2016
 2016/048647	Online Submission - Craven	15/02/2016
 2016/048635	Online Submission - Keogh	15/02/2016
 2016/048634	Online Submission - Gelson	15/02/2016
 2016/049922	Online Submission - Mullens	16/02/2016
 2016/050084	Submission Acknowledgement Letter - Catherine Casey - SA2016/047484	16/02/2016
 2016/050085	Submission Acknowledgement Letter - Catherine Casey - SA2016/047518	16/02/2016
 2016/050091	Submission Acknowledgement Letter - Terrence David Royce - SA2016/047510	16/02/2016

	2016/050092	Submission Acknowledgement Letter - Gregory Kenneth Ernest Bowman - SA2016/048450	16/02/2016
	2016/050096	Submission Acknowledgement Letter - Tim Gelston - SA2016/048634	16/02/2016
	2016/050097	Submission Acknowledgement Letter - David Maxwell Keogh - SA2016/048635	16/02/2016
	2016/050098	Submission Acknowledgement Letter - Bruce Rowan Craven - SA2016/048647	16/02/2016
	2016/050101	Submission Acknowledgement Letter - Tyrone Trevor Mullens - SA2016/049922	16/02/2016
	2016/075761	Letter - Proposed Mobile Van Cafe	09/03/2016
	2016/076912	New Instruction L7839 Harbord Diggers (Rev2015/0028) - request to WWSB for advice re mobile cafe	09/03/2016
	2016/093463	Environmental Investigations Referral Response - industrial use	24/03/2016
	2016/093660	additional info - harbord digger tempoary club - REV2015/0028	24/03/2016

PANEL PLANS

No plans titled 'ADP Panel Plans' found in TRIM.