



planning consultants

17 August 2021  
Our Ref: 21510A.3KP\_Mod4.55(1)

The General Manager  
Northern Beaches Council  
PO BOX 82  
MANLY NSW 1655

**Attention: Development Assessment Officer**

Dear Sir or Madam,

RE: **SECTION 4.55(1A) APPLICATION TO MODIFY  
DEVELOPMENT CONSENT NO. DA 2020/0021  
PROPOSED LONG REEF SURF LIFE SAVING CLUB  
PITTWATER ROAD, COLLAROY (LOT 11 DP1193189)**

## 1.0 Introduction

DFP has been commissioned by Adriano Pupilli Architects (APA) to prepare an application under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify development consent No. DA2020/2021 for:

*Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscape.*

The section 4.55(1A) application seeks to modify Condition 1 Approved Plans and Supporting Documentation of the development consent. The proposed modifications include the addition of four (4) new glazed coverings to the approved open-air skylights to the public amenities building and café/storage building; and relocation of the kitchen exhaust fan to the roof of the Long Reef Surf Life Saving Club (SLSC) building. The exhaust fan is to be screened within an architecturally designed shroud.

This letter has been prepared in support of the section 4.55(1A) application and includes that information necessary for Council to assess and determine the application including:

- A background outlining the approved development;
- A brief description of the site context;
- Details and reasons for the proposed modifications;
- An environmental assessment; and
- Our conclusion and recommendations.

We have concluded that the proposed modifications to the conditions nominated above of development Consent No. DA2020/0021 will not substantially alter the approved SLSC and, accordingly are considered to satisfy the requirements to enable these modifications to be approved by Council pursuant to section 4.55(1A) of the EP&A Act.

## 2.0 Background

On 25 April 2020, the Sydney North Planning Panel (SNPP) granted development consent to Development Application No. DA 2020/0021 (PPSSNH-63) for:

- Demolition of the existing Long Reef SLSC facilities and amenities buildings;
- Construction of three (3) new buildings comprising:
  - A two (2) storey clubhouse with SLSC storage, gym, training room, office and amenities on the ground floor and function rooms with associated back of house facilities on the upper floor;
  - A single storey amenities block;
  - A single storey café building with equipment lockers; and
- New hard and soft landscaping around the buildings.

Condition No. 1 of the Development Consent identifies the approved plans and supporting documentation.

**Section 4.0** of this submission outlines the proposed modification to the development consent.

## 3.0 Site Context

### 3.1 Site Description

The site is located within Griffith Park to the east of Pittwater Road, adjacent to Long Reef Beach and Long Reef Headland.



Figure 1 Site Location

The site is legally described as Lot 11 in Deposited Plan (DP) 1193189. The lot is bound by Anzac Avenue and Fisherman's Beach to the north; Long Reef Aquatic Reserve to the east; Long Reef Beach and Dee Why Lagoon to the south; and Pittwater Road to the west. The overall size of the Site (including Lot 1 DP 1144187 that contains the Long Reef Golf Course) is approximately 70.82ha.



The Long Reef SLSC is located in the southern corner of the lot (**Figure 2**). Vehicular access to Long Reef SLSC is from Pittwater Road. To the west of the Long Reef SLSC is a public car park.



Figure 2 Long Reef SLSC and its immediate context

The existing Long Reef SLSC buildings have been demolished and construction of the new buildings underway (**Figure 3**).



Figure 3 View from the carpark of Long Reef SLSC under construction (May 2021)

### 3.2 Surrounding Development

North of the site is the Long Reef Golf Course. South of the site is Dee Why Lagoon. Directly east of the site is the Tasman Sea and Long Reef Beach. West of the site is the low-density residential suburb of Collaroy.

### 4.0 Proposed Modification

The proposed modifications to the approved development comprise:

- New glazed coverings to the four (4) approved open-air skylights to the public amenities and café/storage buildings;
- Main switch board located within northern façade of café/storage building; and
- Relocation of the kitchen exhaust fan to the roof of the SLSC building. Exhaust fan to be located within an architecturally-designed sandblasted stainless-steel shroud.

Architectural drawings have been prepared by APA to illustrate the proposed modifications.

The proposed modifications to the building design will require a modification of Condition 1(a) of the Notice of Determination to refer to the modified architectural drawings as detailed in the following table.

Drawing No.	Drawing Name	Dated	Prepared By
000 (Rev B)	Cover	17/08/2021	Adriano Pupilli Architects
003 (Rev B)	Site Plan	17/08/2021	Adriano Pupilli Architects
010 (Rev B)	Proposed Ground Floor Plan	17/08/2021	Adriano Pupilli Architects
011 (Rev B)	Proposed First Floor Plan	17/08/2021	Adriano Pupilli Architects
012 (Rev B)	Proposed Roof Plan	17/08/2021	Adriano Pupilli Architects
013 (Rev B)	Proposed Section	17/08/2021	Adriano Pupilli Architects
014 (Rev B)	Proposed Elevations   North & South	17/08/2021	Adriano Pupilli Architects
015 (Rev B)	Proposed Elevations   East & West	17/08/2021	Adriano Pupilli Architects
016 (Rev B)	Proposed Elevations   Courtyard East & West	17/08/2021	Adriano Pupilli Architects
017 (Rev B)	Proposed Elevations   Amenities South & Café North	17/08/2021	Adriano Pupilli Architects

### 4.1 Skylights

New glazing is proposed over the existing open-air skylights to the male and female public amenities in the public amenities building, and Locker A and Council locker rooms in the café and storage building. No modifications to the size or location of the approved skylights are proposed. The new glazing has been designed to provide weather protection to the rooms below, as well as incorporating an air gap to ensure adequate ventilation.

## 4.2 Main Switchboard

A new main switchboard has been incorporated into the northern elevation of the café / storage building. A concealed screen door ensures that the design of the switchboard has been integrated with the design of the café / storage building.

## 4.3 Relocated exhaust fan with shroud

The exhaust fan is to be relocated to the roof above the first-floor kitchen of the SLSC building. A shroud has been architecturally designed to screen the exhaust fan from views from the south, west and north of the building. The maximum height of the shroud is below the maximum ridge height (RL14.08) of the SLSC building. The shroud will be made from sandblasted stainless steel with a coloured finish to match that of the roof.

## 5.0 Statutory Provisions

Section 4.55 of the EP&A Act contains the provisions that must be considered by Council in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(1A) of the EP&A Act.

This application is lodged under section 4.55(1A) as the amendment proposed to certain Conditions of the Consent are minor in nature and will have only minimal environmental impact (**Section 6**).

In addition to the EP&A Act, Clause 115 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Act and EP&A Regulation are detailed below.

### 5.1 Section 4.55(1A) of the Act

Section 4.55(1A) of the Act applies to modifications where a minimal environmental impact may occur. Specifically, section 4.55(1A) provides that a number of matters be addressed, as discussed below:

***“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”***

The proposal includes minor modifications to an approved community facility including new glazed coverings to the approved open-air skylights, and relocation of the first-floor kitchen exhaust fan to the roof of the SLSC building. These proposed modifications will have result in minor modifications to the appearance of the approved development but will not result in any additional visual impacts. The proposed relocation of the exhaust fan to the roof of the SLSC building will not result in any additional acoustic impacts than what was previously assessed under the approved DA. The proposed modifications do not increase the gross floor area or maximum building height of the approved development. It is considered that the modifications will not generate any additional adverse impacts on adjoining properties or the surrounding coastal environment. To this end, the proposed modification is 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 the consent was originally granted and before that consent as originally granted was modified (if at all)”***



In DFP's opinion, the modification sought with the Section 4.55(1A) application represent substantially the same development as that granted Development Consent No. DA 2020/0021 for the following reasons:

- The proposed development is for a community facility being facilities for the Long Reef SLSC, Council, community groups and the broader community;
- The proposed modifications do not impact on the gross floor area or maximum height of the development as approved;
- There will be minor changes to the appearance of the development, however these impacts have been appropriately addressed and mitigated; and
- The development as modified is not anticipated to result in any additional adverse amenity or environmental impacts on the site and surrounding locality.

***“(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 that requires the notification or advertising of applications for modifications of a development consent,”***

The Section 4.55(1A) application is to be notified as prescribed under the regulations or in accordance with the Northern Beaches Community Participation Plan (December 2019).

***“(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”***

Should the application be notified in accordance with section 4.55(1A)(c), consideration of any submissions should be made during a notification period.

Subsections (1) and (2) of section 4.55 do not apply to the proposed modification. Subsection (3) is addressed in Section 6.0 of this section.

## **5.2 Clause 115 of the EP&A Regulation 2000**

Pursuant to clause 115(1) of the EP&A Regulation, the information required to be submitted with an application to modify a development consent under section 4.55 are contained in this letter and provided as part of the application on the Planning Portal.

Subclauses (2), (3), (3A), (3B), (4), (5), (6), (7), (8), (10), (11) and (12) of cl115 do not apply to the proposed modification.

In accordance with subclause 115A, the relevant fee prescribed under Part 15 of the Regulation will be paid upon notification through the Planning Portal.

## **6.0 Environmental Planning Assessment**

Section 4.55(3) of the EP&A Act requires that such of the matters referred to in section 4.15(1A) as are of relevance to the proposed modification must be taken into consideration in determining the application for modification.

In addition, 4.55(3) requires the consent authority to take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Accordingly, the following subsections provide an assessment of any such relevant matters.

## **6.1 Section 4.15(1)(a) – Planning controls**

### **6.1.1 State Environmental Planning Policies**

The development as proposed to be modified is consistent with the original assessment of DA 2020/21 in relation to the relevant provisions of the following State Environmental Planning Policies (SEPPs) and draft State Environmental Planning Policies (draft SEPPs):

- *State Environmental Planning Policy No 55 – Remediation of Land*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (Coastal Management) 2018*; and
- Draft State Environmental Planning Policy Remediation.

In particular it is noted that the proposed modifications do not impact on any coastal processes or result in any coastal hazards or risks.

### **6.1.2 Griffith Park Plan of Management**

The proposed modifications are consistent with the provisions and management principles outlined in the Griffith Park Plan of Management 2011.

### **6.1.3 Warringah Local Environmental Plan 2011**

The proposed modifications are consistent with the relevant provisions of the Warringah Local Environmental Plan 2011 (the LEP). The proposed community facility development is permissible with consent in the RE1 Public Recreation zone under the LEP. In addition, “recreation facilities (indoor)” and “restaurants and cafes” are permitted in the RE1 zone. Use of the function rooms is characterised as being ancillary to the principal use of the building as a community facility.

The proposed development as modified is consistent with clauses 2.2 (Zoning), 5.10 (Heritage Conservation), 6.1 (Acid Sulfate Soils), 6.4 (Development on sloping land) and 6.5 (Coastline hazard) of the LEP.

### **6.1.4 Warringah Development Control Plan 2011**

The proposed development is generally consistent with the relevant provisions of the Warringah Development Control Plan 2011 (the DCP).

#### D3 Noise

An Acoustic Assessment report was prepared by GHD as part of the original DA. The Acoustic Assessment Report provided an assessment of the noise emission from the use and operation of the proposed facility. Additional assessment of the acoustic impacts of the relocation of the exhaust fan have been undertaken by GHD in accordance with the noise criteria established as part of the original assessment. The noise modelling found that the highest noise level at nearby sensitive receivers (on the western side of Pittwater Road) is below the noise criteria of 38dB(A). The proposed development (as modified) is consistent with requirements D3.1 of the DCP and will not result in noise levels that exceed the ambient background noise by more than 5dB(A) at the boundary of sensitive noise land uses.

### D7 Views

The proposed modifications result in minor changes to the overall appearance of the proposed development. These minor changes will not result in any additional impact on existing views from surrounding residential properties and the public domain towards the Pacific Ocean, Long Reef Headland and nearby beaches.

### D9 Building Bulk

The proposed development as modified has been designed to respond to its coastal location and the surrounding topography. The proposed modifications will not increase the overall building bulk or scale, with the proposed sandblasted stainless-steel shroud designed to integrate with the form of SLSC building.

### D11 Roofs

The roofs of the development (as modified) have been designed to respond to the surrounding topography nestling within the surrounding coastal dunes. The design of the shroud over the roof-mounted exhaust fan has been designed to integrate with the overall roof form of the SLSC building.

### D12 Glare and Reflection

The proposed new glazed coverings to the approved open-air skylights do not face any adjoining properties. Glass with low reflectivity will be used.

## **6.2 Section 4.15(1)(b) –Environmental Impacts**

### **6.2.1 Visual Impacts**

Overall, the proposed modifications will result in minor changes to the appearance of the community facility development. The design of the modifications has been integrated with the overall design of the building. It is therefore considered that the modifications will not result in any additional adverse visual impacts.

### **6.2.2 Acoustic Impacts**

As noted in **Section 6.1.4** of this letter, additional noise modelling has been undertaken by GHD in relation to the proposed relocation of the exhaust fan to the roof of the SLSC building. This noise modelling has concluded that the proposed roof-mounted exhaust fan will not result in any additional acoustic impacts and the proposed development as modified is consistent with the following standards and requirements:

- Protection of the Environment Operations Act 1997;
- Noise Policy for Industry 2017;
- Liquor and Gaming New South Wales;
- Part D3 of the DCP; and
- Conditions 10 and 10A of Development Consent No DA 2020/21.

### **6.2.3 Safety in Design**

The principles of Safety in Design have been considered in the design of the proposed Long Reef SLSC. The new glazing to the approved open-air skylights has been incorporated into the design to reduce any hazard to the public and improve the public safety of the facility.



### **6.3 Section 4.15(1)(c) – Suitability of the Site for Development**

It has already been determined that the proposed Long Reef SLSC development is suitable for the site, through the granting of consent for DA 2020/0021. The proposed Long Reef SLSC is located on the site of the previous buildings and the footprint of the new development is generally similar to the footprint of the previous buildings. The modifications will not adversely impact the suitability of the site for the proposed development.

### **6.4 Section 4.15(1)(e) – Public Interest**

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest because it provides for the redevelopment of an important community facility. The existing SLSC building does not meet contemporary building standards in terms of access and circulation, has dated facilities and amenities and inadequate storage facilities. The proposed redevelopment will improve the efficiencies and functional layout of the club facilities and provide new spaces to better meet the operational needs of LRSLSC, Council and community groups. The proposed development will have a positive impact for both the club and the broader community and therefore it is in the public interest.

### **6.5 Reasons for the Granting of the Consent**

In determining DA 2020/0021 for the proposed Long Reef SLSC, the SNPP provided the following reasons why consent was granted:

*The Panel generally agreed with the assessment of environmental impacts, conclusion and recommendations of the Assessment Report.*

*The Panel notes the proposed development has been sited on the location of the existing Surf Club buildings and in this way addresses potential impacts with regard to flora and fauna, coastal processes, views and visual impact.*

*The proposed Surf Club is two storeys in height and finished materials will assist in blending it into the landscaping. The building and foundation design also take into account the challenges of its coastal location. In particular, a small area of the south-eastern corner of the building which encroaches beyond the area identified as suitable for conventional building footings will be cantilevered to ensure footings are not located within that area.*

*The proposal will provide a significant community benefit in the form of modern facilities for the surf lifesaving club and members, change rooms and public amenities and appropriate café facilities at the beach location.*

*The proposed development satisfies appropriate planning controls including the Griffith Park Plan of Management prepared by Council as the Crown Land Manager and all processes and assessments have been satisfactorily addressed.*

The proposed modifications are consistent with the reasons for the granting of the consent as:

- No modifications to the location of proposed buildings are proposed, therefore there are no additional impacts relating to flora and fauna, coastal processes, views and visual impacts;
- No changes to the proposed materials and finishes are proposed and the overall form of the development is unchanged;
- The proposed development as modified will provide significant community benefits; and
- The proposed development as modified is consistent with the relevant planning controls and legislation including the Griffith Park Plan of Management.

Accordingly, the proposed modifications do not offend any of the reasons for the original granting of consent.

## 7.0 Conclusion and Recommendations

This submission accompanies an application under section 4.55(1A) of the EP&A Act to modify Condition 1: Approved Plans and Supporting Documentation of Development Consent No. 2020/0021 (as modified). The proposal includes minor modifications as follows:

- Installation of new glazed coverings above the approved open-air skylights to the amenities and café/storage buildings;
- New main switchboard to the northern elevation of the café/storage building; and
- Relocation of the kitchen exhaust fan to the roof of the SLSC building within a protective architectural shroud.

Overall, the proposed modification will result in minor alterations to the appearance of the proposed Long Reef SLSC. However, the impacts of these amendments have been adequately mitigated and will not result in any additional adverse visual impacts. The proposed relocation of exhaust fan to the roof of the SLSC building will not result in any additional acoustic impacts.

The modifications will result in a modified development that is substantially the same as the approved development and the proposed modifications will have minimal environmental impact. Accordingly, the proposal is considered to satisfy the requirements pursuant to s4.55(1A) of the EP&A Act.

Accordingly, we are of the view that the proposed modification is acceptable in this particular instance and can be approved under section 4.55(1A).

Yours faithfully

**DFP PLANNING PTY LTD**



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Reviewed: \_\_\_\_\_

