



Statement of Environmental Effects

Development Application for
Minor Alterations to a Café
Pavilion

1068 Pittwater Road, Collaroy NSW 2097

Submitted to Northern Beaches Council
On Behalf of Merivale Group

APRIL 2020

REPORT REVISION HISTORY

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01	28/04/20	Revised SEE	
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Appendix	Document	Prepared by
A	DCP Compliance Table	City Plan
B	Site Survey	True North Surveys
C	Architectural Plans	Akin Creative
D	BCA Report	City Plan Services
E	Waste Management Plan	Hemmes Trading Pty Ltd
F	Cost Summary	Akin Creative
G	Rock Protection Maintenance Activities Review of Environmental Factors	Haskoning Australia Pty Ltd
H	Rock Protection Maintenance Activities Construction Management Plan	Haskoning Australia Pty Ltd

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1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for Merivale Group by City Plan Strategy and Development Pty Ltd (City Plan) to accompany a Development Application (DA) to Northern Beaches Council. The site is located at No. 1068 Pittwater Road, Collaroy (the site).

The proposal is for minor alterations to the existing Café pavilion, which operates in connection with The Collaroy Hotel building, involving the:

- Demolition of the internal stud wall and shutters.
- Demolition of external door, rear steps and balustrade.
- Construction of new awning windows and external cladding.
- Construction of new flooring to match existing.
- Construction of a new roller security shutter.

The proposed alterations will improve the amenity and functionality of the existing pavilion as well as the visual appearance so that it relates more harmoniously to the adjoining the heritage item.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation, 2000*. The purpose of the SEE is to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and,
- assess the potential environmental impacts and mitigation measures.

The application does not propose to vary any development standard under the Warringah Local Environmental Plan 2011 (WLEP 2011) and is otherwise consistent with the controls in the Warringah Development Control Plan 2011 (WDCP 2011).

The SEE concludes this proposal, on balance, satisfies each of the matters for consideration in Section 4.15 of the Act.

2. THE SITE AND CONTEXT

2.1. The Site

The site is located at No. 1068 Pittwater Road, Collaroy and comprises Lot 51 in Deposited Plan (DP) 1050178. The site is located on the eastern side of Pittwater Road, as shown at Figure 1 below.

The Café pavilion adjoins The Collaroy Hotel which occupies the north-eastern corner of a heritage listed building known as The Arlington Amusement Hall.



Figure 1: Aerial photograph of the site outlined in red (Source: SixMaps)

The site is of irregular shape and has an area of 103m² and adjoins a public car park to the north and west. The site is setback approximately 23m from Pittwater Road and adjoins Collaroy Beach to the east. Refer to the Site Survey provided at **Appendix B** for further detail.

The Arlington Amusement Hall is located on the eastern side of Pittwater Road & adjoins Collaroy Beach at the rear. A photo of the site when viewed from the adjoining public car park is shown in Figure 2.



Figure 2: View of the existing café pavilion from the adjoining public car park (Source: Akin Creative).

2.2. Context and Surrounding Land Uses

Collaroy is located within the Northern Beaches Local Government Area (LGA). The suburb of Collaroy is surrounded by Collaroy Plateau to the west, Narrabeen to the north, Dee Why to the south and Collaroy Beach to the east.

Pittwater Road contains a variety of land uses including residential, commercial and recreational. Figure 3 to Figure 7 below illustrate the surrounding development.



Figure 3: View south east, towards the site's adjoining car park and the northern façade of The Collaroy Hotel (Source: Google Streetview).

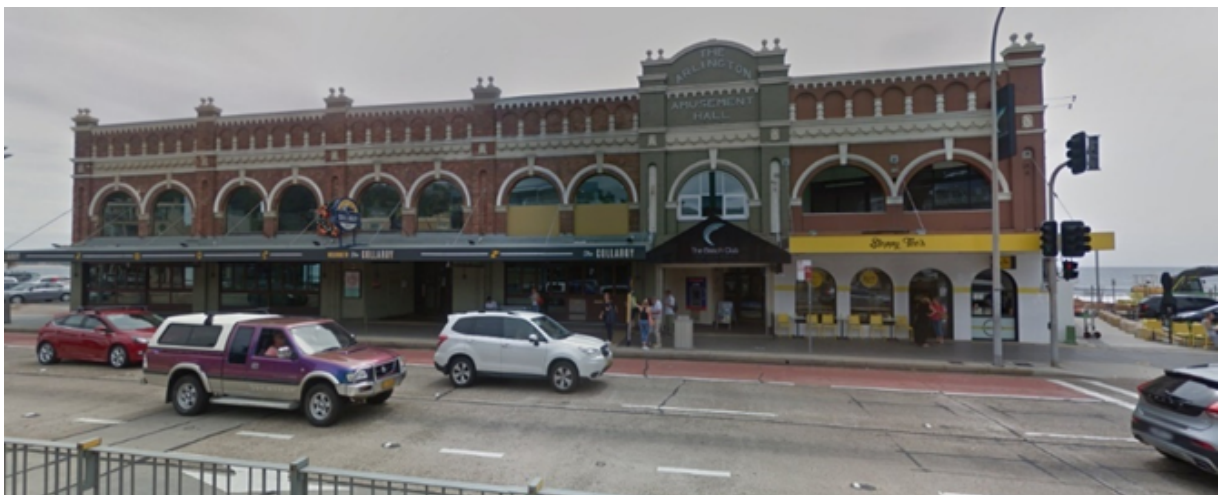


Figure 4: View east, towards the frontage of Arlington Amusement Hall, including the adjoining The Collaroy Hotel (Source: Google Streetview).



Figure 5: View east, towards the western facade of The Collaroy Hotel. Existing café pavilion is tucked in behind the Arlington Amusement Hall from this view point. (Source: Google Streetview).



Figure 6: View west, towards the existing developments opposite the site fronting Pittwater Road (Source: Google Streetview).



Figure 7: View south west, towards the existing developments opposite the site, fronting Pittwater Road (Source: Google Streetview).

3. DESCRIPTION OF THE DEVELOPMENT

3.1. Overview

The scope of works is described on the plans prepared by Akin Creative Architects (**Appendix C**) and indicates the:

- Demolition of the internal stud wall and shutters;
- Demolition of external door, rear steps and balustrade;
- Construction of new awning windows and external cladding to match existing;
- Construction of new flooring to match existing; and,
- Construction of a new roller security shutter.

An extract of the site plan is provided in Figure 8 below.

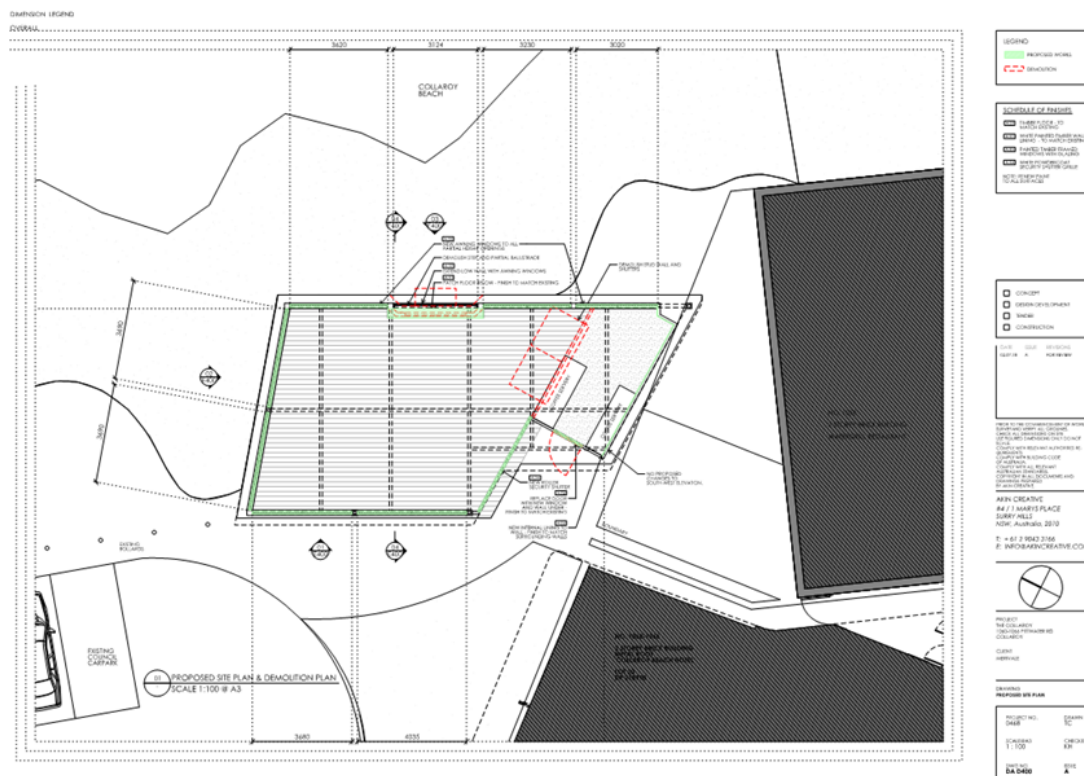


Figure 8: Proposed site plan (Source: Akin Creative).

3.2. Documentation

The Statement has been prepared with regard to the drawings by Akin Creative Architects and the following documents and reports which accompany the application:

- Survey Plan by True North Surveys;
- Cost of Works Estimate by Akin Creative;
- Waste Management Plan by Akin Creative;
- Building Code of Australia (BCA) Report & Fire Safety Measures Schedule by City Plan Services.

City Plan has relied on the information in these reports, prepared by professionals in their field, for the preparation of this SEE.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy No 71;
- Warringah Local Environmental Plan 2011.

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below. Also refer to the assessment provided in the DCP Table of Compliance provided at Error! Reference source not found..

Table 1: Section 4.15(1) Considerations

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 0.
Section 4.15(1)(a)(iia) Any planning agreement	N/A
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.
Section 4.15(1)(a)(v) Any coastal zone management plan	Not relevant to this application.
Section 4.15(1)(b) - (e)	Refer to Section 6.

4.2.2. Section 4.46 - Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposal is not integrated development.

4.3. State Environmental Planning Policies

4.3.1. SEPP 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In response to these matters we note that Table 1 of the Department of Planning's Planning Guidelines for Contaminated Lands identifies land activities which may cause contamination. The Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, issued in 1992 by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, also contains a table listing examples of land uses that might result in land contamination. Neither of these documents identifies the Cafe or any of the known previous uses as being a possible cause of land contamination.

Consequently, we are satisfied that the above information is sufficient for Council to be satisfied that the site is not contaminated without the need for a Stage 1 preliminary site investigation report.

4.3.2. State Environmental Planning Policy (Coastal Management) 2018

The site is located within the coastal environment area and coastal use area under the *State Environmental Planning Policy (Coastal Management) 2018*. Coastal environment areas are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included. Coastal use areas include land adjacent to coastal waters, estuaries and coastal lakes and lagoons.

Under Clause 13 of the SEPP, the following development controls apply to proposals in coastal environment areas:

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Under Clause 14 of the SEPP, the following development controls apply to proposals in coastal use areas:

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposal is consistent with the relevant development controls identified in Clause 13 and 14 of the *State Environmental Planning Policy (Coastal Management) 2018*, as the proposal:

- will have no impact on public access to and along the Collaroy Beach foreshore.
- will not impact on existing access to and along the coastal foreshore for pedestrians or persons with a disability.

- comprises alterations and additions which are suitable within the context of the surrounding area.
- The proposal will have no impact on shadowing or other amenity impacts on the foreshore.
- will not interfere with the scenic qualities of the foreshore.
- involves relatively minor works to an existing structure and will have no impact on coastal processes and coastal hazards.
- will not interfere with any Aboriginal cultural heritage, practices and places.
- will have no adverse impact on the heritage significance of the adjoining building.
- will not have a detrimental cumulative impact on water and energy usage or the environment

The proposed development involves minor works to an existing café and is consistent with the aims and provisions of *State Environmental Planning Policy (Coastal Management) 2018* as discussed above.

4.4. Warringah Local Environmental Plan 2011

Zoning and permissibility

The zoning of the subject site is zoned RE1 Public Recreation pursuant to the WLEP 2011 as shown in Figure 9.

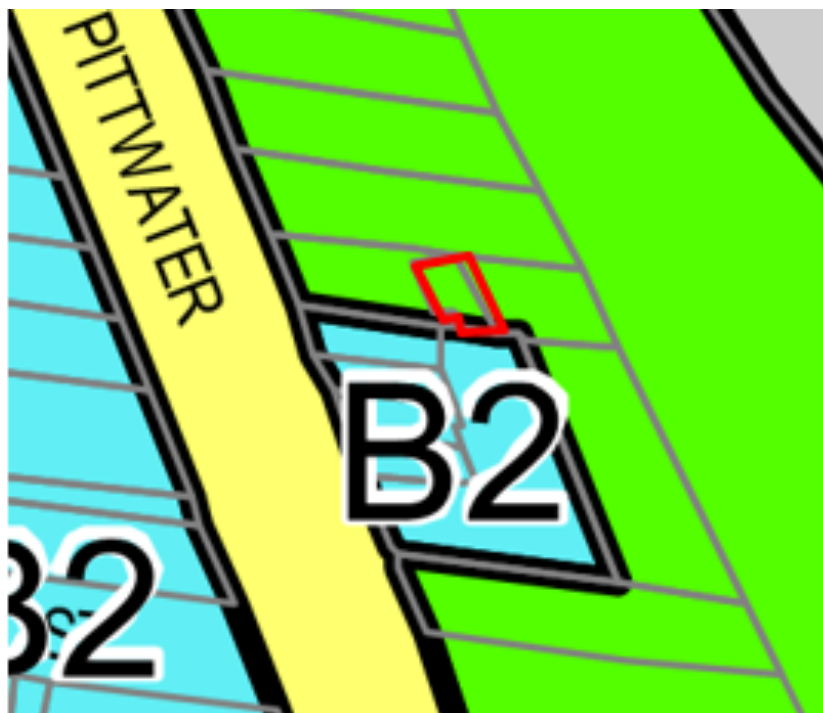


Figure 9: Land Zoning map extract, subject site outlined in red (Source: WLEP 2011)

The land use table for the subject site indicates that the continuing use of a 'café' is permissible within the zone:

(2) *Permitted without consent*

Environmental facilities; Environmental protection works; Roads

(3) *Permitted with consent*

Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities;

*Emergency services facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or **cafes**; Water recreation structures*

(4) Prohibited

Any development not specified in item 2 or 3

Zone objectives

Clause 2.3(2) of the Plan provides that Council must have regard to the zone objectives when determining a development application. The objectives for the "RE1 Public Recreation" zone are to:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*


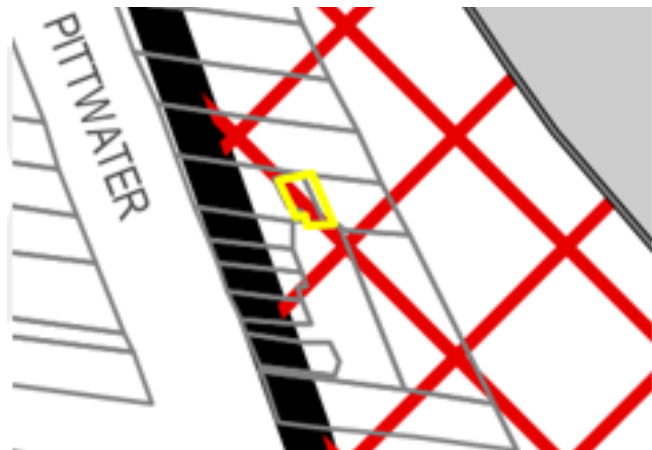
The proposed development is compatible with the adjacent recreational areas and is otherwise consistent with the above objectives.

Remaining WLEP 2011 provisions

Consideration of the remaining provisions within the WLEP 2011 that may be relevant to this project are addressed in the following table:

Table 2: Compliance with the Warringah LEP 2011

Relevant Clause	Comment	Comply
Part 4 Principal development standards		
Clause 4.3 Height of Buildings	The site is not subject to a maximum building height. Notwithstanding, the proposed alterations and additions are not proposed to increase the maximum height of the cafe. The existing structure stands at approximately 4.5m.	Yes
Clause 4.4 Floor Space Ratio	This site is not subject to a FSR control.	N/A
Part 5 Miscellaneous provisions		
Clause 5.10 Heritage Conservation	The site is not a heritage item or located within a heritage conservation area. However, the site adjoins a heritage item identified on the Heritage Map as I20 as seen below and is known as "Former Arlington Amusement Hall". The proposal will not impact on the heritage significance of the item.	Yes

Relevant Clause	Comment	Comply
	 <p>Figure 10: WLEP Heritage Map extract, subject site identified as I20 (Source: WLEP 2011).</p>	
Part 6 Additional Local Provisions		
Clause 6.4 Development on Sloping Land	The Development is located on Collaroy Beach on land classed as Area A - Slope <5 degrees. The proposed works will have no adverse impact on the potential for landslide, excess impact due to stormwater discharge and subsurface flow conditions.	Yes
Clause 6.5 Coastline Hazards	<p>The subject site is located within an 'Area of Wave Impact and Slope Adjustment' and an 'Area of Reduced Foundation Capacity' pursuant to the WLEP Coastal Hazards map as shown below.</p>  <p>Figure 11: WLEP Coastal hazards map, subject site outlined in yellow (Source: WLEP 2011).</p> <p>Pursuant to Clause 6.5 of the WLEP, Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <ul style="list-style-type: none"> (a) will not significantly adversely affect coastal hazards, and (b) will not result in significant detrimental increases in coastal risks to other development or properties, and (c) will not significantly alter coastal hazards to the detriment of the environment, and 	Yes

Relevant Clause	Comment	Comply
	<p>(d) <i>incorporates appropriate measures to manage risk to life from coastal risks, and</i></p> <p>(e) <i>avoids or minimises exposure to coastal hazards, and</i></p> <p>(f) <i>makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.</i></p> <p>(4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.</i></p> <p>Reference is made to the Rock Protection Maintenance Activities Review of Environmental Factors (REF) and Rock Protection Maintenance Activities Construction Management Plan (CMP) prepared by Haskoning Australia Pty Ltd and provided at Appendices G and H. These rock protection maintenance activities were undertaken to reinstate and improve the rock protection in front of the pavilion following significant beach erosion from storms in June 2016. As detailed in the REF, the works maximise the ability of the existing rocks, when repositioned, to provide protection to the footings of the pavilion. These rock maintenance activities have been completed and were undertaken in accordance with the Construction Management Plan.</p> <p>The CPM and REF (approved by Northern Beaches Council as the determining authority) demonstrates that exposure of the pavilion to coastal hazards has been mitigated already and that the foundations of the development have been designed to be constructed having regard to coastal risk. Moreover, we note that the pavilion is an existing structure and that the proposed improvements are superficial and do not prejudice future adaptation to coastal hazards.</p> <p>Given the minor nature of the works and the rock protection maintenance activities that have been undertaken, the proposed alterations will not affect coastal hazards nor are they inappropriate having regard to the degree of coastal risk. Therefore, the development is consistent with the requirements of this Clause.</p>	

5. NON-STATUTORY CONSIDERATIONS

5.1. Warringah Development Control Plan 2011

Consideration of compliance and/or consistency with the relevant provisions within the Warringah DCP is provided in the Table of Compliance at Appendix A. The Table of Compliance demonstrates that the proposal satisfies all of the relevant controls and objectives within the DCP.

The following parts of the DCP are relevant to this proposal:

- Part B - Built Form Controls
- Part C - Siting Factors
- Part D - Design
- Part E - The Natural Environment

Refer to the Table of Compliance at Appendix A for a detailed assessment of the proposal in response to the WDCP provisions.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

6.2. Context and Setting

The context and setting of the development site is described in Section 2 above. This proposal will have a satisfactory relationship with its local context as the proposed works are minor and complement the adjoining heritage listed building and Hotel use.

The works will be a significant distance from the nearest residential uses which are located on the western side of Pittwater Road. The proposed improvements do not change the intensity of use of the premises.

The proposal complies with key controls in the WLEP 2011 and the WDCP.

6.3. Built Environment

6.3.1. Height, Bulk and Scale

There is no change to the current maximum building height at the site.

There are no adverse outcomes for the amenity of adjacent sites as the proposed works are located within the existing building footprint. The proposed external façade alterations are appropriate and will have a positive visual impact from surrounding public spaces by increasing views into and through the premises.

The physical characteristics of the proposal ensure the new works do not detract from the prevailing built form character of the locality, which is dominated by the two storey heritage listed "Former Arlington Amusement Hall".

6.3.2. Setbacks

No change is proposed to building setbacks.

6.3.3. Public domain

No adverse impacts on the public domain will result given the building maintains its current interface with public areas allowing the original development to remain as the dominant visual element; and there is to be no enlargement of the existing building envelope and no structural change to the building.

6.3.4. Heritage

Under Schedule 5 of the WLEP 2011, the site is not a heritage item or located within a heritage conservation area. However, the site adjoins a heritage Item identified on the Heritage Map as I20 as seen below and is known as "Former Arlington Amusement Hall".

The proposal will not impact on the heritage significance of the item.

6.3.5. Building and Construction

A BCA Report has been prepared by City Plan Services and is provided at Appendix D.

Compliance with the BCA will be demonstrated with the Construction Certificate documentation.

It is anticipated that Council will address construction management by way of its standard conditions within any consent notice.

6.4. Natural Environment

6.4.1. Landscape

The proposed works will have no adverse impact on the landscape and scenic qualities of the locality.

6.4.2. Water Management

The proposed development will not impact stormwater management at the site.

6.4.3. Soil Management

The proposal does not include any works that might impact on soil management.

6.4.4. Air and Microclimate

The proposal will not have any adverse impacts on local or regional air quality.

6.5. Movement and Access

6.5.1. Transport

The site has convenient access to public transport via multiple bus services.

6.5.2. Car parking

No change is proposed to the existing car parking arrangements.

6.5.3. Waste Management

A Waste Management Plan has been prepared and is provided at Appendix E. The plan details the anticipated demolition, construction and on-going waste management for the proposal. Refer to Appendix E for further detail.

6.6. Site Suitability

The site has been used for café purposes. The proposed minor works to improve the amenity of the site for this purpose do not alter the suitability of the site for this use.

6.7. Social and Economic Effects

No adverse outcomes have been identified.

The café adjoins The Collaroy Hotel which is an entertainment and meeting place in the area. This proposal will enhance the adjoining Hotel facilities and assist in maintaining this role into the future.

7. CONCLUSION

This SEE has been prepared for Merivale Group by City Plan to accompany a DA to Northern Beaches Council for minor alterations and additions to the café at **No. 1068 Pittwater Road, Collaroy.**

This Statement has undertaken an environmental assessment of this proposal consistent with the matters for consideration in the Environmental Planning and Assessment Act 1979. The potential for impacts upon the natural and built environments and the need for any necessary mitigation measures are identified in Statement. It is concluded this development will only have positive, or neutral effects.

On balance we are satisfied that the beneficial improvements to the customer facilities on the site and lack of associated impacts means that approval of the development is in the public interest.