

13 March 2023



Surfview Pty Ltd
302/59 Great Buckingham Street
REDFERN NSW 2016

Dear Sir/Madam

Application Number: Mod2022/0640
Address: Lot 104 DP 1066371 , 1 Surfview Road, MONA VALE NSW 2103
Proposed Development: Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building including a cafe, restaurant and function space

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Dean Pattalis
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0640
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Surfview Pty Ltd
Land to be developed (Address):	Lot 104 DP 1066371 , 1 Surfview Road MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building including a cafe, restaurant and function space

DETERMINATION - APPROVED

Made on (Date)	13/03/2023
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The request to modify the above-mentioned Development Consent has been approved as follows:

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
The Brightside Cafe (C:TBCSVR136)	Undated	Outrigger Awnings

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

B.

Modify Condition 44. Hours of Operation to read as follows:

The hours of operation are to be restricted to:

Members Lounge/ Restaurant and Function Room: 7am to 10pm (Sunday to Thursday), 7am to

midnight (Friday and Saturday), and 7am to 1am (New Year's Eve)

Café: 6am to 5pm (7 days, inclusive of public holidays)

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.

Reason: To ensure that amenity of the surrounding locality is maintained.

C.

Add Condition 28A.Tree and Vegetation Protection to read as follows:

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Principal Certifier must ensure that:

- c) The arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS4970-2009 Protection of trees on development sites, and any

recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

Add Condition 28B. Protection of Council's Public Assets to read as follows:

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: To protect and/or restore any damaged public asset.

Add Condition 31A. Landscape Completion to read as follows:

Should the downpipe terminate in the adjacent garden bed, the area at the base of the chain shall have sandstone spalls, approximately 150mm in size, to armour the ground in this location. An area of 700mm x 700mm shall be armoured.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

Add Condition 41A. Amplified noise/music/public address systems to read as follows:

This approval does not authorise musical or other forms of entertainment, use of a Public Address System, amplified noise or music, between 6am and 7am. No noise generating devices are to be used between opening and 7am.

Reason: To ensure no interference with the acoustic amenity of residents in the immediate locality

Add Condition 41B. Deliveries and waste service collections to read as follows:

Deliveries and waste service collections shall only occur after 7am and prior to 10pm on any day.

Reason: To minimise the impacts of noise on neighbouring premises.

Add Condition 41C. Amenity to read as follows:

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste

products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

Important Information

This letter should therefore be read in conjunction with DA2018/1771 dated 13 February 2019, Mod2019/0454 dated 27 November 2019 and Mod2021/0747 dated 15 December 2021.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Dean Pattalis, Planner

Date 13/03/2023