

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2015/0030
Responsible Officer:	Mitchell Drake
Land to be developed (Address):	Lot 7356 DP 1167221 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099
Proposed Development:	Modification of Development Consent DA2012/0180 granted for Alterations and additions to a community facility (South Curl Curl Surf Life Saving Club)
Zoning:	LEP - Land zoned RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Dept Of Lands
Applicant:	South Curl Curl Surf Life Saving Club Inc

Application lodged:	25/02/2015
Application Type:	Local
State Reporting Category:	Other
Notified:	31/03/2015 to 15/04/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979,

and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	Lot 7356 DP 1167221 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099
Detailed Site Description:	<p>The subject site is the South Curl Curl Surf Life Saving Club located on (part) Lot 7356 in (part) DP 1167221, Carrington Parade, Curl Curl. The subject site is located above mean high water mark on Curl Curl Beach and is classified as Public Recreation under Warringah Local Environmental Plan 2011 (WLEP 2011).</p> <p>It must be noted that the South Curl Curl Surf Life Saving Club is located on a parcel of land which was historically subdivided into one parcel of land encompassing over 4 hectares of public open reserves around the Curl Curl Lagoon and the Curl Curl Beach precinct including the headland. The South Curl Curl Surf Living Saving Club is located on (part) Lot 7356 in (part) DP 1167221 which is located within part of the Curl Curl Lagoon Reserve R84882. Despite the public open reserves adjoining Curl Curl Beach, including the South Curl Curl Surf Life Saving Club being currently located on Carrington Parade, Curl Curl, the much larger Curl Curl Lagoon Reserve R84882 has a historical address given to the property being Huston Parade, North Curl Curl.</p> <p>The Surf Life Saving Club (SLSC) building was opened in 1937 and over the years there have been a number of alterations and additions to the building. It is now a part one and two storey building approximately 80 metres in length which includes amenities, boat and gear storage, office for lifeguards, storage rooms, lifeguard/beach inspector room, caretaker's residence, function hall, club rooms and public observation decks. A café with indoor and outdoor seating is also located at the southern end of the building on the lower ground floor level.</p>

A recent detached extension of the surf club has provided Inflatable Rescue Boat (IRB) storage shed at the southern end of the existing surf club building. Access to the site and through the site to the beach area is provided from Carrington Parade. There is a car park area immediately south of the SLSC located between the SLSC and the South Curl Curl Rock Pool. Other car park areas are located to the west immediately adjacent and in front of the building and north of the SLSC.

A foreshore promenade connects the South Curl Curl Surf Club and the South Curl Curl Rock Pool which is a heritage-listed item. At the northern end of the SLSC the promenade turns inland and joins the path system adjacent to Carrington Parade. Access to the beach from the SLSC is provided by a set of stairs to the east of the SLSC building. Other access points to the beach are provided near the Rock Pool, via an access ramp south of the SLSC and through fenced access ways across the dunes to the north of the surf club. Development to the west of the site includes residential dwellings, residential flat buildings and Stewart House.

There are a number of existing foreshore structures located near the site of the proposed works and they include a sandstone block work seawall, a concrete seawall and a concrete foreshore promenade.

Sandstone Block Work Seawall

A sandstone block work seawall is located in front of the SLSC building and is approximately 70 metres long. The overall height of the seawall ranges from 3 – 3.5 metres. The sandstone wall appears in good condition with no significant signs of movement, cracking or weathering and the like.

Concrete Seawall

A concrete sea wall is located between the SLSC building and the Rock Pool. The concrete sea wall wraps around in an arc form and is approximately 1.5 metres high above the beach level. The seawall appears in reasonable condition with no significant signs of movement or cracking.

Concrete Foreshore Promenade

A concrete foreshore promenade is situated behind the sandstone block seawall and concrete seawall and extends from the SLSC building to the Rock Pool.

Map:



WARRINGAH
COUNCIL
IMAGE ©
2009 SRM

SITE HISTORY

The subject site which encompasses the Curl Curl Lagoon, Dee Why-Curl Curl Headland and numerous public open reserves has had many applications with the most recent and relevant applications pertaining to the South Curl Curl Surf Club consisting of the following:

- On 16th June 1970, Council granted approval to Building Application No.C519/70 for alterations and additions to the South Curl Curl Surf Life Saving Club including a two-storey brick building extension incorporating a new boat storage shed on the ground floor level and a new caretaker's residence on the first floor level.
- On 7th August 1973, Council's Ordinary Meeting granted approval to Building Application No.B/C32/29/73 for alterations and additions to the South Curl Curl Surf Life Saving Club including a kiosk and boat shed within the ground floor constructed in cavity brickwork with concrete floor and roof.
- On 29th May 1975, Council granted approval to Building Application No.C439/75 for alterations and additions to the South Curl Curl Surf Life Saving Club including a single-storey brick extension to the southern portion of the ground floor level of the building to be used as a boat shed and shop.
- On 12th July 1978, Council granted approval to Building Application No.2082/78 for alterations and additions to the South Curl Curl Surf Life Saving Club including the use of the ground floor

level shop on the southern portion of the building as an equipment storage and boat shed.

- On 10th September 2001, Council granted approval to Development Application No.DA2001/1111 for a new detached Inflatable Rescue Boat (IRB) shed and associated roof deck.
- On 24th November 2006, Council received Development Application No.DA2006/1149 for alterations and additions to the South Curl Curl Surf Life Saving Club building.
- On 12th March 2008, Development Application No.DA2006/1149 for alterations and additions to the South Curl Curl Surf Life Saving Club building was referred to Council's Independent Hearing and Assessment Panel (IHAP) with a recommendation for refusal.
- On 22nd March 2008, the applicant withdrew Development Application No.DA2006/1149 for alterations and additions to the South Curl Curl Surf Life Saving Club building 3 days before the IHAP meeting on 25th March 2008. Therefore, the recommendation to refuse Development Application No.DA2006/1149 for the alterations and additions to South Curl Curl Surf Life Saving Club building (for reasons stated above) was never considered by the IHAP.
- On 5th January 2010, Council granted approval to Development Consent to Development Application No.DA2009/1301 for internal alterations and additions to the South Curl Curl Surf Club, comprising of a new kitchen & bar (in the northern portion of the building).
- On 6 September 2012, Council granted approval to DA2012/0180 for alterations and additions to the South Curl Curl Surf Club, comprising the enclosure of a deck, internal reconfiguration to create a new boat storage and training area fronting Carrington Parade, addition of a disabled ramp to the existing viewing platform and conversion of an existing boat shed to a multi-purpose boat storage area.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks approval for changes to the disabled access ramp to the existing viewing platform on the Ground Floor Level of the building fronting Carrington Parade.

The modifications involve the infilling of the existing disabled access ramp and the construction of a new disabled access ramp located between the public platform and the Function Hall component of the building.

This new ramp design replaces a revised ramp design approved under DA2012/0180 which was subsequently found to conflict with other parts of the buildings infrastructure. It is also proposed to construct a set of stairs to the viewing platform directly from the footpath level (previously shown on the approved plans) and create a storage room below the new ramp on the Lower Ground Floor Level.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are: The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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 (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2012/0180, in full, with amendments detailed and assessed as follows:

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

Section 96(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2012/0180
(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	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.

Section 96(1A) - Other Modifications	Comments
authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	
(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.	See discussion on “Public Exhibition” in this report.

Section 79C Assessment

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

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested</p>

Section 79C 'Matters for Consideration'	Comments
	<p>additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warrangah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	The proposed modifications are in the public interest as they will improve accessibility to the existing public viewing platform, thus enabling more persons, including a broader range of disabled persons and frail aged members of the community to use the platform and enjoy the views over Curl Curl Beach and the ocean.

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 Warrarah Development Control Plan.

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	There are no objections to this modification subject to imposed conditions of consent.
Natural Environment (Biodiversity)	No objection to the disabled access ramp and no conditions recommended.
Natural Environment (Coastal)	The proposed modification is not impacted by coastal processes and can be approved without conditions.
Natural Environment (Flood)	The subject property is not impacted by the Flood Planning Level extent. No flood related development controls applied.
Natural Environment (Riparian Lands/Creeks)	There are no impacts on creeks, lagoons or wetlands. There are no objections to this Modification
Parks, reserves, beaches, foreshore	No objection to the disabled access ramp and no conditions recommended.

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)

SEPP 71 - Coastal Protection

The proposed modification was forwarded to Councils Natural Environment Unit for comment. Due to the minor nature of the proposed works and the fact that they are contained within the existing building envelope, Councils Natural Environment Unit indicated that there are no impacts with regards to coastal processes. Thus the proposal satisfies the matters for consideration within Clause 8 of the policy.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

There are no changes proposed to the Principal Development Standards as part of this application.

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 5 Miscellaneous provisions	Yes
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
Part 6 Additional Local Provisions	Yes
6.1 Acid sulfate soils	Yes
6.3 Flood planning	Yes

Warringah Development Control Plan

Built Form Controls

There are no changes proposed to the Built Form Controls as part of this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
Part D Design	Yes	Yes
D18 Accessibility	Yes	Yes

POLICY CONTROLS

Warrarah 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;
- Warrarah Local Environment Plan;
- Warrarah Development Control Plan; and
- Codes and Policies of Council.

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

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2015/0030 for Modification of Development Consent DA2012/0180 granted for Alterations and additions to a community facility (South Curl Curl Surf Life Saving Club) on land at Lot 7356 DP 1167221,7356 / 1167221 Huston Parade, NORTH CURL CURL, subject to the conditions printed below:

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

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CC - 03 Proposed Ground Floor Plan, Proposed Lower Ground Floor Plan Rev. B	12/112014	Michael Arey

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

B. Add Condition No. 17A Fire Safety Matters, to read as follows:

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

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

Signed

Mitchell Drake, Planner


The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

ATTACHMENT A


No notification plan recorded.

ATTACHMENT B

Notification Document	Title	Date
 2015/091468	Notification Map	31/03/2015

ATTACHMENT C

Reference Number	Document	Date
 MOD2015/0030	Lot 7356/1167221 Huston Parade NORTH CURL CURL NSW 2099 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	25/02/2015
 2015/053716	DA Acknowledgement Letter - South Curl Curl Surf Life Saving Club Inc	25/02/2015
 2015/055669	Modification Application Form	26/02/2015
 2015/055676	Applicant Details	26/02/2015
 2015/055677	Plans - Notification	26/02/2015
 2015/055684	Report Statement of Environmental Effects	26/02/2015
 2015/059251	Building Assessment Referral - Mod2015/0030 - 7356 / 1167221 Huston Parade NORTH CURL CURL - MM	02/03/2015
 2015/057997	Natural Environment Referral Response - Riparian	02/03/2015
 2015/060219	File Cover	03/03/2015
 2015/060235	Request further information	03/03/2015
 2015/061430	Consultant Fax - South Curl Curl Surf Life Saving Club Inc	04/03/2015
 2015/061553	QUOTE TO PEER REVIEW MOD2015/0030	04/03/2015
 2015/061554	REQUEST FOR PEER REVIEW MOD2015/0030	04/03/2015
 2015/062748	Natural Environment Referral Response - Flood	05/03/2015
 2015/063317	Symons Goodyer quote	05/03/2015
 2015/064669	Building Assessment Referral Response	06/03/2015
 2015/067315	Consultant Quote - Environet	10/03/2015
 2015/067938	Natural Environment Referral Response - Coastal	10/03/2015
 2015/082582	Natural Environment Referral Response - Biodiversity	23/03/2015
 2015/082611	Natural Environment Referral Response - Biodiversity	23/03/2015
 2015/087562	Plans - Architectural	26/03/2015
 2015/091435	Notification letter 123	31/03/2015
 2015/091468	Notification Map	31/03/2015
 2015/092717	Parks, Reserves and Foreshores Referral Response	01/04/2015
 2015/144310	External Consultants Acceptance of Quotation - South Curl Curl Surf Life Saving Club Inc	21/05/2015
 2015/144356	Consultancy Agreement Peer Review - South Curl Curl Surf Life Saving Club Inc	21/05/2015
 2015/144359	Consultant Fax - South Curl Curl Surf Life Saving Club Inc	21/05/2015
 2015/144362	Memo Appoint External Consultant - South Curl Curl Surf Life Saving Club Inc	21/05/2015

	2015/144495	Draft Assessment Report	21/05/2015
	2015/146264	Consultancy Agreement	22/05/2015
	2015/146267	Letter acceptance of quote	22/05/2015
	2015/146270	Memo acceptance of quotes	22/05/2015
	2015/146294	Consultancy Agreement	22/05/2015
	2015/146338	Signed Consultancy Agreement	22/05/2015
	2015/147202	Invoice - Symons Goodyer	25/05/2015