

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2016/0092
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<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 2743 DP 752038, 0 Campbell Parade MANLY VALE NSW 2093
<b>Proposed Development:</b>	Modification of Development Consent DA2008/1199 granted for Alterations & additions to an existing bowling, sports and social club building
<b>Zoning:</b>	LEP - Land zoned RE1 Public Recreation LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Warringah Council
<b>Applicant:</b>	Michael Ralph Pascuzzo

<b>Application lodged:</b>	18/04/2016
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	06/05/2016 to 23/05/2016
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	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.

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## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 2.5 Additional permitted uses for particular land

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 2743 DP 752038 , 0 Campbell Parade MANLY VALE NSW 2093
<b>Detailed Site Description:</b>	<p>The site is legally described as Part Lot 2734 DP 752038 Campbell Parade, Manly Vale located within the facility commonly known as "District Park". This area encompasses a range of sporting and recreational facilities which includes Nolan, Millers, Passmore and David Thomas Reserve.</p> <p>Part Lot 2734 is bounded by Campbell Parade, Condamine Street, Kentwell Road and Manly Lagoon. No survey records are available to determine the size of the allotment, however it is estimated that the allotment is approximately 24 hectares in area. Manly Lagoon dissects most of the site and is located approximately 50m from the club building at its closest point to the north-east</p> <p>The club is located in the Passmore Reserve area of the District Park which is accessed from Campbell Parade and contains several playing fields, a children's playground, an amenities block, and part of the pedestrian/ bicycle track. This track extends through from Nolan Reserve on its western side. The Manly Vale Bowling Club and the Manly Small Bore Rifle Clubs are located to the east of this reserve.</p> <p>Current development on the site consists of a single to double storey clubhouse building, outbuildings and three (3) bowling greens. An informal parking area is located to the north of the bowling greens (adjacent Manly Lagoon) which is accessed from a driveway at Campbell Parade. Vehicular access to the front of the building is provided in the form of two driveways located on the western and eastern boundaries of the site.</p>

Map:



## SITE HISTORY

History on the site relevant to the subject application includes the following:

DA2008/1199: Development consent granted for "Alterations & additions to an existing bowling, sports and social club building" on 1 June 2009. This consent is the subject of the current application.

## PROPOSED DEVELOPMENT IN DETAIL

The application is lodged pursuant to Section 96(1A) of the Environmental Planning & Assessment Act 1979, and seeks to modify development consent DA2008/1199 for the "Alterations and additions to an existing bowling, sports and social club building" issued by Council on 1 June 2009.

The application seeks the retrospective consent for works already undertaken as part of development consent DA2008/1199, which in detail would modify the existing consent in the following manner:

- modifications to the general layout of the entry terrace on the south elevation of the club building, to relocate the entry ramp from the south elevation to the east elevation;
- deletion of awning structure at entrance on south elevation;
- replacement of male and female change rooms with storage area and addition of new toilet in eastern outbuilding;
- amendments to east elevation to create cool room and window for gaming area;
- retention of wall adjoining gaming room;
- retention of existing stairs adjoining north-west elevation;
- remove sails above the outdoor seating area;
- delete pizza oven in the bistro;
- delete bar adjoining dance floor; and
- delete the loading dock area.

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 C.

## 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 DA2008/1199, 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	<b>Yes</b> 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 modification, as proposed, has been found to be such that Council is satisfied that the subject works are substantially the same as those already approved under DA2008/1199, which was for alterations and additions to an existing registered club. The works subject to the proposed modification have already been undertaken and the applicant is seeking retrospective consent for these works. A discussion on the retrospective nature of these works is included in the "Retrospectivity - Modification of Development Consents under Section 96 of the Act - NSW Land & Environment Court" section of this report.
(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	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.

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Section 96(1A) - Other Modifications	Comments
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.	No submissions were received in relation to this application.

## 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)(iiia) – 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&amp;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 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including</p>

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Section 79C 'Matters for Consideration'	Comments
	<p>fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;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>
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 modification on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed modification will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed modification 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	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## 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 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	<p>No objections to the proposed Section 96 modification.</p> <p>Note: a modified CC under s148 of the EP&amp;A Regs will also be required to ensure compliance with the Building Code of Australia.</p>				
Environmental Investigations (Industrial)	<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Is the proposal for an industrial use?</td> <td style="width: 30%; text-align: center;">YES</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Is the proposal for an industrial use?	YES		
Is the proposal for an industrial use?	YES				

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Internal Referral Body	Comments	
	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES
	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	NO
	<b>General Comments</b>  Modification reviewed by Environmental Investigations. No objections to the application	
	<b>Recommendation</b>	APPROVAL - no conditions
Health and Protection (Food Premises, Skin Pen.)	No objections subject to all alterations relating to food areas complying with conditions to be added.	
Natural Environment (Flood)	The proposed modifications are not considered to increase flood risk. No flood related development controls applied.	
Natural Environment (Riparian Lands/Creeks)	No objection to approval with no additional conditions recommended.	
Parks, reserves, beaches, foreshore	No objection is raised to the proposed modification, nor any additional conditions of consent required.	
Buildings, Property, Spatial Information	No objection is raised to the proposed modification, nor any additional conditions of consent required.	

## 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.

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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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the part of the site subject to the application has been used for commercial (registered club) purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

### SEPP 71 - Coastal Protection

Matters for Consideration	
Is the development located in an area identified as being within:	
100m of the coastline mean high water mark?	No
A Sensitive Coastal Location under SEPP 71?	Yes
A Zone of Wave Impact under WLEP 2000?	No
A Zone of Slope Adjustment under WLEP 2000?	No
A Reduced Foundation Capacity under WLEP 2000?	No
<p>Within an area identified under the report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParsons Issue 8, July 2009 as being subject to coastal impact?</p> <p>Note: Prior to any consideration of the proposed development it should be noted that Coastal Processes are constantly changing. Statutory Planning processes however, cannot be varied at the same rate. Notwithstanding, Council has recently received a report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParson Issue 8, July 2009 to review the Coastal Hazard Zones and potential impacts of coastal processes, such as erosion, rising sea levels and large storm events.</p> <p>Whilst Warringah Local Environment Plan 2011 stipulates legislative provisions for consideration, this report provides additional information which has been brought to Council's attention.</p> <p>Accordingly, pursuant to s79C (b), (c) &amp; (e) under</p>	No



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the Environmental Planning Assessment Act 1979 consideration of this report will be given to aid in the interpretation of the current controls and any recommendations provided there after to help determine the likely impacts upon the natural and built environments, the suitability of the site for development and the public interest.

(Note: the report will not be given determining weight as it is not legislated unlike the existing provisions under WLEP 2011.)

## Requirements under SEPP 71 – Coastal Protection

The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are to be considered.

Only the relevant sections of State Environmental Planning Policy No.71 – Coastal Protection to be considered by the Natural Environment Unit are identified below. It must be noted that all other provisions may apply to the subject site and should be considered prior to the determination of the Development Application.

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
<p>Is the development acceptable with regard to the SEPP 71 Policy aims to be considered by Natural Environment Unit detailed as follows:</p> <p><i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and...</i></p> <p><i>(f) to protect and preserve beach environments and beach amenity, and</i></p> <p><i>(g) to protect and preserve native coastal vegetation, and</i></p> <p><i>(h) to protect and preserve the marine environment of New South Wales, and</i></p> <p><i>(i) to protect and preserve rock platforms, and</i></p> <p><i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and...</i></p>	<p>Yes</p>	<p>N/A</p>

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Assessment Consideration	Assessment Acceptability	Further Assessment Comment
<i>(l) to encourage a strategic approach to coastal management.</i>		
Does the development implement measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats?	N/A	N/A
Does the development implement measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats?	N/A	N/A
Does the development take into consideration existing wildlife corridors and the impact of development on these corridors?	Yes	N/A
Are the likely impact of coastal processes and coastal hazards on the development and any likely impacts of the development on coastal processes and coastal hazards acceptable?	Yes	N/A
Are the likely impacts of development on the water quality of coastal waterbodies acceptable?	Yes	N/A
Is the development acceptable with regard to:  <i>(i) the cumulative impacts of the proposed development on the environment, and</i>  <i>(ii) measures to ensure that water and energy usage by the proposed development is efficient</i>	Yes	N/A
Does the development, include a non-reticulated system? Yes/No  If Yes:  Will the system, or is likely to, result	No	N/A

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Assessment Consideration	Assessment Acceptability	Further Assessment Comment
in a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform?		
Does the development seek consent, or result in, untreated stormwater being discharged into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform?	No	N/A

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

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.

## 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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies

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Height of Buildings:	N/A (no Height of Building development standard applies under Warringah LEP 2011 in the RE1 Public Recreation zone)	9.75m (under WLEP 2000, where 8.5m building height control)	No change	N/A	N/A
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## Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.5 Additional permitted uses for particular land	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
6.3 Flood planning	Yes
Schedule 5 Environmental heritage	Yes
Dictionary	Yes
R-Z	Yes

## Detailed Assessment

### 2.5 Additional permitted uses for particular land

The land is within an area marked "19B" on the Additional Permitted Uses Map of the Warringah Local Environmental Plan 2011. The existing "registered club" remains a permissible land use as it is ancillary to the existing "recreation facility (outdoor)" (Manly Vale Bowling Club).

## Warringah Development Control Plan

### Built Form Controls

Standard	Requirement (under WDCP 2011)	Approved (under WLEP 2000)	Proposed	Complies? (WLEP 2000)
B3 Side Boundary Envelope	East boundary - N/A	No breach	No breach	Yes
	West boundary - N/A	No breach	No breach	Yes
B5 Side Boundary Setbacks	East boundary - N/A	9.2m	5.7m	Yes
	West boundary - N/A	49m	No change	Yes
B7 Front Boundary Setbacks	N/A	Nil	0.5	Yes (on merit)
B9 Rear Boundary Setbacks	N/A	72m	No change	Yes
D1 Landscaped Open Space and Bushland Setting	N/A	<40%	No change	Yes

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide

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the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C3 Parking Facilities	Yes	Yes
Part D Design	Yes	Yes
D3 Noise	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D18 Accessibility	Yes	Yes
Part E The Natural Environment	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

### District Park Plan of Management - September 2015

A Council Plan of Management (PoM), made pursuant to the Local Government Act 1993, applies to the site. The applicable sections of the PoM, in relation to the proposed modification, are discussed in the table below:

Clause No.	Name	Discussion
4.2.3	Recreation and Lifestyle: "Support lawn bowls if demand exists"	The proposed modification relates to an ancillary aspect of the existing registered club and will have no effect on the associated lawn bowling facility. The application is hence consistent with this section of the PoM.
5.2.1	Permitted uses and developments	The application to modify the existing development consent is consistent with the regulatory processes specified in Part 5.2.2.
5.2.2	Scale and intensity of use and development	The proposed modification is consistent with the land-use planning considerations specified in this part of the PoM.
5.2.3	Assessment and approval of permissible uses and developments	The subject application has been made pursuant to an existing development consent, consistent with the standards outlined in this part of the PoM.

In summary, the subject application is consistent with the relevant provisions of the District Park PoM.

### **Retrospectivity - Modification of Development Consents under Section 96 of the Act - NSW Land & Environment Court**

The subject application to modify the existing development consent is motivated by aspects of the approved works which have already been constructed and differ from the development as originally approved. In effect, the applicant is seeking retrospective consent for these works.

The NSW Land & Environment Court has previously considered the issue of retrospectivity in the matter of *Windy Dropdown Pty Ltd v Warringah Council* (2000) 111 LGERA 299.

The Court found in its judgement with respect to the operation of Section 96, the following, which is reproduced in part below:

*27. ...The only prospective language is the reference to "the proposed modification" in subs 1A(a). A practical purpose of s96 is to provide an opportunity to deal with anomalies in design unforeseen at the date of grant of development consent or, as the history of the legislation suggests, to legitimise partial changes that do not have the effect of radical transformation. The original concept of the modification of the details of a consent appears to have been reintroduced by s 96(1), although not in the same terms.*

*28. Subsection (4) of s 96 is the same as the previous subs (4) of s 102. It expressly distinguishes modification of a development consent from the granting of development consent, thereby suggesting that at least in some respects the consideration and approval of an application for modification is to take place in a different context to the consideration of an application for development consent. Furthermore, the subject of an application made pursuant to s 96 is the development consent, not the development itself.*

In summary, the Court expressed the opinion that Section 96 was broad enough in its operation to permit changes to an approved development during the course of its construction and even to works already undertaken. This was however conditional upon these works satisfying the requirement of Section 96 that the proposed modification be substantially the same development as that originally approved.

A consideration of the relevant provisions of Section 96 have been undertaken elsewhere in this report. The proposed modifications are found to be substantially the same development as that originally approved. In concluding, the retrospective nature of the proposed modifications are consistent with the relevant statutory requirements and no impediment to the approval of the application applies in this regard.

### **Peer Review of Assessment Report**

The application is located on land in the ownership of Council and involves works of less than \$1 million in value. Pursuant to the Council policy "Guidelines for the Assessment of Applications involving Council Owned Land" dated 23 April 2015, a Peer Review of the application is required by an independent planning consultant. Consistent with this policy, Symons Goodyer Pty Ltd were engaged as the consultant to undertake a peer review of the assessment report. The consultant advised in correspondence dated 16 November 2016 that the development planners report was an adequate assessment of the proposed modification, subject to very minor amendments. Therefore this policy has been adequately satisfied.

## 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 approval Modification Application No. Mod2016/0092 for Modification of Development Consent DA2008/1199 granted for Alterations & additions to an existing bowling, sports and social club building on land at Lot 2743 DP 752038,0 Campbell Parade, MANLY VALE, 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
2/4 645 16 HD	March 2016	High Design
3/4 645 16 HD	March 2016	High Design
4/4 645 16 HD	March 2016	High Design

#### 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. (DACPLB01)

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

An application for a modified Construction Certificate is to be made pursuant to Section 148 of the Environmental Planning & Assessment Regulation 2000.

Reason: To ensure compliance with the relevant statutory provisions for development

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**

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**Nick England, Planner**

The application is determined under the delegated authority of:


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**Steven Findlay, Development Assessment Manager**



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## ATTACHMENT A


<b>Notification Plan</b>	<b>Title</b>	<b>Date</b>
 2016/129760	Plans - Notification	26/04/2016

## ATTACHMENT B








<b>Notification Document</b>	<b>Title</b>	<b>Date</b>
 2016/141288	Notification Map	05/05/2016

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## ATTACHMENT C

Reference Number	Document	Date
 2016/129758	Plan - Survey	21/03/2016
 2016/129762	Report Statement of Environmental Effects	15/04/2016
 MOD2016/0092	Campbell Parade MANLY VALE NSW 2093 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	18/04/2016
 2016/119862	DA Acknowledgement Letter - Michael Ralph Pascuzzo	18/04/2016
 2016/129765	Plans - Architectural	26/04/2016
 2016/129760	Plans - Notification	26/04/2016
 2016/129753	Modification Application Form	26/04/2016
 2016/129754	Applicants Details	26/04/2016
 2016/135557	Health and Protection (Food Premises) - Assessment Referral - Mod2016/0092 - 0 Campbell Parade MANLY VALE - EB	02/05/2016
 2016/135561	Building Assessment - Fire and Disability upgrades - Assessment Referral - Mod2016/0092 - 0 Campbell Parade MANLY VALE NSW 2093 - TOR	02/05/2016
 2016/142668	Environmental Investigations (Industrial) - Assessment Referral - Mod2016/0092 - 0 Campbell Parade MANLY VALE NSW 2093	02/05/2016
 2016/136286	Natural Environment Referral Response - Riparian	02/05/2016
 2016/136474	Environmental Health and Protection Referral Response - commercial use	02/05/2016
 2016/137452	Building Assessment Referral Response	03/05/2016
 2016/141230	Notification Letter - Mod - 279 Letters Sent	05/05/2016
 2016/141288	Notification Map	05/05/2016
 2016/149934	Natural Environment Referral Response - Flood	13/05/2016
 2016/150171	Environmental Investigations Referral Response - industrial use	16/05/2016
 2016/155012	Regarding letter dated 9 May 2016 - Calabria Club Campbell Parade Manly Vale	16/05/2016
 2016/173255	Environmental Health and Protection Referral Response - commercial use	03/06/2016
 2016/193684	Parks, Reserves and Foreshores Referral Response	20/06/2016
 2016/235389	Modification Application - Campbell Parade MANLY VALE - Fletcher	15/07/2016
 2016/251951	E-mail - Owners Consent	27/07/2016
 2016/307480	Request for update - Campbell Parade Manly Vale	14/09/2016
 2016/313854	Consultant Fax - Michael Ralph Pascuzzo	20/09/2016
 2016/325116	Consultant Fax - Michael Ralph Pascuzzo	30/09/2016

# NORTHERN BEACHES COUNCIL

	2016/325134	Peer review	30/09/2016
	2016/325624	Quote Peer review - MOD2016/0092	30/09/2016
	2016/325620	Quote : Peer review - MOD2016/0092	30/09/2016
	2016/327099	Requesting response - DA2016/0092 - Campbell Parade MANLY VALE	04/10/2016
	2016/327104	Working Plans	04/10/2016
	2016/327665	E-mail response - Timing of application - Norm Fletcher	04/10/2016
	2016/341347	Memo Appoint External Consultant - Michael Ralph Pascuzzo	18/10/2016
	2016/347134	E-mail - Appoint consultant - Development Liaison Officer	18/10/2016
	2016/357460	Consultancy Acceptance - Assessment - Michael Ralph Pascuzzo	01/11/2016
	2016/357517	DA Consultant Agreement - Michael Ralph Pascuzzo	01/11/2016