

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

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| Application Number: | Mod2021/0719 |
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| Responsible Officer: | Jordan Davies |
| Land to be developed (Address): | Lot 11 DP 1193189, Pittwater Road COLLAROY NSW 2097 |
| Proposed Development: | Modification of Development Consent DA2020/0021 granted for demolition works and construction of new Surf Life Saving Club with associated public amenities and cafe/community storage buildings |
| Zoning: | Warringah LEP2011 - Land zoned RE1 Public Recreation |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | NBLPP |
| Land and Environment Court Action: | No |
| Owner: | Northern Beaches Council |
| Applicant: | Northern Beaches Council |

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| Application Lodged: | 20/09/2021 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Community facility |
| Notified: | 30/09/2021 to 14/10/2021 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

Executive Summary

The application seeks to modify development consent DA2020/0021 for "Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscaping" via a Section 4.55(1A) application. The original development application was determined by the Sydney North Planning Panel (SNPP) on 25 April 2020. This modification application is not required to be determined by the SNPP as the modification is submitted under Section 4.55(1A) and therefore is not required to be determined by the SNPP as per 123BA of the *Environmental Planning and Assessment Regulations 2000*.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the applicant is Northern Beaches Council and Northern Beaches Council is the Crown Land Manager of the land.

The modifications to the development seeks to amend the architectural plans to included glazing to four (4) skylights in the amenities building, relocation of the kitchen exhaust to the roof of the main building (with associated shroud covering) and inclusion of a main switchboard cupboard into the northern elevation of the cafe/storage building. The overall building height, scale, footprint and use of the buildings remains unchanged.

The application was notified for a period of 14 days in accordance with the Northern Beaches Community Consultation Plan. No submissions were received during the notification period.

The proposed development continues to be of good design and provides suitably amenities for the surf life saving club and the community, it is therefore recommended that the application be approved by the NBLPP.

PROPOSED DEVELOPMENT IN DETAIL

The application is to modify development consent DA2020/0021 which granted consent for "Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscaping".

Specifically, the modifications to the development consist of:

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

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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation
Warringah Development Control Plan - D3 Noise
Warringah Development Control Plan - D11 Roofs

SITE DESCRIPTION

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| Property Description: | Lot 11 DP 1193189 , Pittwater Road COLLAROY NSW 2097 |
| Detailed Site Description: | <p>The site is legally described as Lot 11 in DP 1193189. The lot is bounded by Anzac Avenue and Fisherman's Beach to the north; Long Reef Aquatic Reserve to the east; Long Reef Beach and Dee Why Lagoon to the south; and Pittwater Road to the west. The overall size of the Site (including Lot 1 DP 1144187 that contains the Long Reef Golf Course) is approximately 70.82ha.</p> <p>The Long Reef SLSC is located in the southern corner of the lot. Vehicular access to Long Reef SLSC is from Pittwater Road. To the west of the Long Reef SLSC is a public car park.</p> <p>The existing Long Reef SLSC is a single storey brick building. A former lifesaver viewing tower and terrace are located on the building's roof. There is also a single-storey amenities block with kiosk located to the west of the SLSC building.</p> <p>Vehicular access to the site is from Pittwater Road. Access is left-in/left-out only. The existing carpark provides 147 spaces. There is also overflow parking available within the grassed area to the north of the carpark, which is used during peak periods. There is an existing vehicular cross-over located to the south of the existing public amenities/ kiosk building, which provides access for service vehicles and other vehicles/equipment associated with the SLSC.</p> <p>North of the site is the Long Reef Golf Course. South of the site is Dee Why Lagoon. Directly east of the site is the Tasman Sea and Long Reef Beach. West of the site is the low-density residential suburb of Collaroy.</p> |

Map:



SITE HISTORY

The land has been used for a surf club for an extended period of time. A search of Council's records has revealed the following relevant history:

A Pre-Lodgement Meeting (PLM) was held with Council officers, the client and members of the design team on 6 August 2019 in relation to the proposed development.

The development application DA2020/0021 for 'Demolition of existing buildings and construction of three new buildings containing Surf Life Savings Club facilities, function rooms, public amenities and café and site landscaping' was approved by the Sydney North Planning Panel (SNPP) on 25 April 2020.

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 DA2020/0021, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.55(1A) - Other Modifications | Comments |
|--|---|
| <p>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:</p> | |
| <p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p> | <p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> - The footprint of the building remains unchanged. - The height and overall scale, form and appearance remains substantially unchanged, apart from the minor amendments proposed under this application. - The use of the building remains unchanged, along with the use of each area within the buildings. - The proposal does not further impact any aspect of the natural environment. |
| <p>(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</p> | <p>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 DA2020/0021 for the following reasons:</p> <ul style="list-style-type: none"> - The footprint of the building remains unchanged. - The height and overall scale, form and appearance remains substantially unchanged, apart from the minor amendments proposed under this application. - The use of the building remains unchanged, along with the use of each area within the buildings. |
| <p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of</p> | <p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p> |

| Section 4.55(1A) - Other Modifications | Comments |
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| 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 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15 'Matters for Consideration' | Comments |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | <p>Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018.</p> <p>The site has been used for public recreation purposes since the early 20th century and has not been used for a purpose referred to in Table 1 of the contaminated land planning guidelines. Therefore, it is unlikely that the Site is contaminated.</p> |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (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 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the</p> |

| Section 4.15 'Matters for Consideration' | Comments |
|---|--|
| | <p>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&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). 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 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> |
| <p>Section 4.15 (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</p> | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| <p>Section 4.15 (1) (c) – the suitability of the site for the development</p> | <p>The site is considered suitable for the proposed development.</p> |
| <p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p> | <p>See discussion on “Notification & Submissions Received” in this report.</p> |
| <p>Section 4.15 (1) (e) – the public interest</p> | <p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p> |

The land is owned by the Crown and is dedicated for the purpose of Public Recreation. Northern Beaches Council is the Crown Land Manager of the land.

Under section 3.21 of the *Crown Land Management Act 2016*, Council, as the Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the *Local Government Act 1993*.

The Griffith Park Plan of Management has been prepared by Council as part of its role as Crown Land Manager to manage the land.

The proposal as modified is considered to be consistent with the provisions of the *Griffith Park Plan of Management* (“GPPoM”). Part 5.3.3 of the GPPoM deals with the Long Reef Surf Club and states:

The rebuilding of the surf lifesaving building and amenities block is considered to be consistent with the Plan’s recommended public purpose for Griffith Park; public recreation. It will provide for continued growth in surf lifesaving operations, including community education, member training, and function hire. This would include a limited liquor licence to enable functions on a restricted number of days each year and potential café style facilities within the building.

The proposed development as amended remains consistent with the Griffith Park Plan of Management.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The Development Application was supported with documentation confirming that the area of the site in which the surf club buildings are proposed is not identified as being bushfire prone land and therefore, the development application was not required to address the requirements of Planning for Bushfire Protection (2006) or require referral to the NSW Rural Fire Service.

The proposed modifications to this application do not change the building footprint and therefore the modification application is dealt with consistent with the development application, that being the proposal is not required to comply with Planning for Bushfire Protection (2006).

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 30/09/2021 to 14/10/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

| Internal Referral Body | Comments |
|------------------------|----------|
|------------------------|----------|

| Internal Referral Body | Comments |
|--|--|
| Building Assessment - Fire and Disability upgrades | <p><u>Supported without conditions</u></p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p> |
| Environmental Health (Industrial) | <p><u>Supported without conditions</u></p> <p>Concerning noise, Environmental Health have no objections to the kitchen exhaust being mounted on the roof of the building. We confer with the acoustic engineer's assessment, no amendment to consent conditions.</p> |
| Environmental Health (Food Premises, Skin Pen.) | <p><u>Supported without conditions</u></p> <p>Concerning food premises construction, Environmental Health have no objections to the proposed changes, and recommend no amendment to consent conditions.</p> |
| Strategic and Place Planning (Urban Design) | <p><u>Supported without conditions</u></p> <p>The proposed modifications comprising of the addition of four new glazed coverings to the approved open-air skylights to the public amenities building and café/storage building; and relocation of the kitchen exhaust fan to the roof of the Long Reef Surf Life Saving Club building to be screened within an architecturally designed shroud, can all be supported. They are minor modifications which will not change the look and feel of the approved design. The glazed over skylights will improve natural daylight access and still allow ventilation to the rooms below.</p> |

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 55 - Remediation of Land

The site has been used for public recreation purposes since the early 20th century and has not been used for a purpose referred to in Table 1 of the contaminated land planning guidelines. Therefore, it is unlikely that the Site is contaminated.

SEPP (Infrastructure) 2007

Access to the site is from Pittwater Road, a Classified Road. Under clause 101 of SEPP Infrastructure, the consent authority must be satisfied of the following matters:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

Comment: The vehicular access arrangements under the original application were supported and no changes are proposed to vehicle access under this modification.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Comment: The vehicular access arrangements under the original application were supported and no changes are proposed to vehicle access under this modification.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”

Comment: The proposed surf lifesaving club and associated land uses are not a type that is sensitive to traffic noise or vehicle emissions.

Clause 104 and Schedule 3 of SEPP Infrastructure require the referral of certain development to NSW Roads and Maritime Services for comment. The original application was referred to Transport for NSW for comment, and they did not raise any objections. No changes to the traffic arrangements under this modification application.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*
 - (iv) *environmental protection works,*
 - (d) *any other development.*

Comment:

Not within littoral rainforest or coastal wetlands area.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

Not within littoral rainforest or coastal wetlands proximity area.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*

- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment:

Not within coastal vulnerability area.

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.*

Comment:

The original development application was considered with regards to the matters listed (a)-(g) above and found to be satisfactory. The modifications do not alter the building footprint, alter access around the building or to the beach, require additional impacts to vegetation or coastal processes. The proposal remains satisfactory in this regard.

- (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.

Comment:

Council is satisfied the modification avoids further impact upon the matters listed in subclause 1.

14 Development on land within the coastal use area

- (1)
- (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.

Comment:

The proposed changes to the roof mounted kitchen ventilation will not cause additional overshadowing given their small size and central location on the roof. The proposal modifications are considered minor elements of the overall building and will not cause unreasonable visual impact on the scenic qualities of the coastline. The maximum building height remains unchanged along with the building footprint.

Council is satisfied the modification application avoids adverse impacts.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of

coastal hazards on that land or other land.

Comment:

The proposed modifications are not considered to result in additional or increased risks of coastal hazards.

Warringah Local Environmental Plan 2011

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| 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 |

Compliance Assessment

| Clause | Compliance with Requirements |
|----------------------------|------------------------------|
| 5.10 Heritage conservation | Yes |

Detailed Assessment

5.10 Heritage conservation

Clause 5.10 of WLEP 2011 relates to heritage conservation. The site does not contain a heritage item and is not within a heritage conservation area. The site is within the vicinity of a number of heritage items/areas listed in WLEP 2011 (item I11 – Fisherman’s Hut, Item C2 – Long Reef Aquatic Reserve, Item C3 – Coastal cliff (Long Reef Headland) and Item C5 – Dee Why Lagoon and Reserve. The original development application was considered by Council's heritage officer who concludes that “*given the separation between the proposed development and the conservation areas and heritage listed item it is believed that the proposal will have a negligible impact upon the heritage significance of these items*”. The modification application is considered minor and results in substantially the same development and therefore the proposal continues to satisfy the requirements of clause 5.10 of WLEP 2011.

Warringah Development Control Plan

Built Form Controls

No relevant built form controls prescribed within the Warringah DCP for this land.

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|-------------------------------|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| C2 Traffic, Access and Safety | Yes | Yes |
| C4 Stormwater | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| C9 Waste Management | Yes | Yes |
| D3 Noise | Yes | Yes |
| D6 Access to Sunlight | Yes | Yes |
| D7 Views | Yes | Yes |
| D8 Privacy | Yes | Yes |
| D9 Building Bulk | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D14 Site Facilities | Yes | Yes |
| D18 Accessibility and Adaptability | Yes | Yes |
| D20 Safety and Security | Yes | Yes |
| D21 Provision and Location of Utility Services | Yes | Yes |
| D22 Conservation of Energy and Water | Yes | Yes |
| E1 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| E2 Prescribed Vegetation | Yes | Yes |
| E4 Wildlife Corridors | Yes | Yes |
| E5 Native Vegetation | Yes | Yes |
| E6 Retaining unique environmental features | Yes | Yes |
| E8 Waterways and Riparian Lands | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

Detailed Assessment

D3 Noise

The modification application is accompanied by a supporting letter by an acoustic consultant with regards to the proposed kitchen exhaust. The acoustic consultant has confirmed proposed kitchen exhaust fan will not result in the proposed development exceeding the relevant noise criteria as considered under the original development application.

In this regard, the proposal is satisfactory with regards to noise and acoustic impacts on adjoining properties.

D11 Roofs

The DCP requires the following requirement for roof forms:

Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.

The modification proposes seeks to include a kitchen exhaust fan to be relocated to the roof above the first floor kitchen. The kitchen exhaust fan has been designed with a shroud over the roof mounted exhaust to conceal and integrate the plant equipment into the roof form, as required by the DCP.

Council's urban designer has reviewed the proposal and supports the modifications to the building.

In this regard, the proposal satisfies the requirements of the DCP.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

Section 7.12 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;
- 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

Summarised Conclusion

The proposed modifications are considered to be minor in nature and result in a development that is substantially the same, with regards to visual built form outcome, impact upon the natural environment and impact on amenity of residents surrounding the site.

The proposed kitchen exhaust is suitably screened upon the roof, integrated into the building design and does not change the maximum building height. The glazing of the sky lights still provide natural light to the bathrooms and weather protection for the amenities. The inclusion of the switch board cupboard has been integrated into the design of the building to screen the services from public view.

The proposed development continues to be of good design and provides suitably amenities for the surf life saving club and the community, it is therefore recommended that the application be approved by the LPP.

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

RECOMMENDATION

THAT Northern Beaches Local Planning Panel as the consent authority grant approval to Modification Application No. Mod2021/0719 for Modification of Development Consent DA2020/0021 granted for demolition works and construction of new Surf Life Saving Club with associated public amenities and cafe/community storage buildings on land at Lot 11 DP 1193189, Pittwater Road, COLLAROY, 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 |
| Dwg 000, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 003, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 010, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 011, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 012, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 013, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 014, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 015, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 016, Rev B | 17/08/21 | Adriano Pupilli Architects |
| Dwg 017, Rev B | 17/08/21 | Adriano Pupilli Architects |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|--------------|--------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| Roof mounted kitchen exhaust fan noise assessment, Ref 12515120 | 4/08/2021 | GHD |

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) 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.