

20 December 2021



Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam

Application Number: Mod2021/0747
Address: Lot 104 DP 1066371 , 1 Surfview Road, MONA VALE NSW 2103
Proposed Development: Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building including a cafe, restaurant and function space

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

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

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

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

Regards,



Tony Collier
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2021/0747
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

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

DETERMINATION - APPROVED

Made on (Date)	15/12/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1B - 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
A.DA.02.004 - Proposed Site Plan (Revision C)	13 September 2021	Warren and Mahoney Architects Australia Pty Ltd.
A.DA.10.001 - GA Plan - Ground Level (Revision D)	13 September 2021	Warren and Mahoney Architects Australia Pty Ltd.
A.DA.10.002 - GA Plan - Level 1 (Revision D)	13 September 2021	Warren and Mahoney Architects Australia Pty Ltd.
A.DA.11.001 - Roof Plan (Revision D)	11 August 2021	Warren and Mahoney Architects Australia Pty Ltd.
A.DA.20.001 - North & East Elevations (Revision D)	13 September 2021	Warren and Mahoney Architects

		Australia Pty Ltd.
A.DA.20.002 - South & West Elevations (Revision D)	13 September 2021	Warren and Mahoney Architects Australia Pty Ltd.
A.DA.30.001 - Sections (Revision D)	24 August 2021	Warren and Mahoney Architects Australia Pty Ltd.
A.DA.40.001 - Material Schedule Sheet 01 (Revision D)	11 August 2021	Warren and Mahoney Architects Australia Pty Ltd.

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Impact Assessment	5 August 2021	JHA Services

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

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

B. Modify Condition 19. - Pre-Dilapidation Report to read as follows:

The applicant is to engage a suitably qualified person to prepare a pre-dilapidation report of the road immediately adjacent to the site (Surfview Road, Mona Vale). This is to be submitted to and approved by Council's Traffic Engineer prior to any works commencing.

Reason: To ensure the assets along the truck routes are assessed prior to any work related damage.

C. Modify Condition 30. - Geotechnical Certification Prior to Occupation Certificate to read as follows:

Prior to issue of an Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy is to be completed and submitted to the Principal Certifying Authority.

Reason: To ensure geotechnical risk is mitigated appropriately.

D. Modify Condition 32. - Registration of Food Business to read as follows:

The food business must be registered with the Appropriate Regulatory Authority prior to an Occupation Certificate being issued (either in part or together) for the café and restaurant.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

E. Modify Condition 33. - Waste Agreement to read as follows:

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of an Occupation Certificate (either in part or together) for the Café and Restaurant.

Reason: protect Public and Environmental Health values

F. Modify Condition 34. - Kitchen Design, construction and fit out of food premises certification to read as follows:

Prior to the issuing of any occupation certificate (either in part or together) for the Café and Restaurant, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements.

G. Modify Condition 35. - Mechanical Ventilation Certification to read as follows:

Prior to the issue of the relevant occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

H. Modify Condition 39. - Post-Dilapidation Report to read as follows:

The applicant is to engage a suitably qualified person to prepare a post-dilapidation report of the road immediately adjacent to the site (Surfview Road, Mona Vale). The report is to be submitted to and approved by Council's Traffic Engineer prior to the issue of any Occupation Certificate. The condition of the road is to be compared to the asset condition as noted in the pre-dilapidation report. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the issue of any Occupation Certificate. The rectification works are to be undertaken by the applicant at no cost to Council.

Reason: To ensure all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

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

The hours of operation are to be restricted to:

Members Lounge/ Restaurant and Function Room: 7am to 10pm (Sunday to Thursday), 7am to midnight (Friday and Saturday), and 7am to 1am (New Year's Eve)

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

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

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

J. Add Condition 44A. Hours of Operation (Reviewable Condition) to read as follows:

This condition is imposed under s4.17(10B) of the Environmental Planning and Assessment Act 1979 to enable Council to review the performance of the approved development with respect to extended hours of operation. This review will take place with 14 days' notice within the first 12 months of operations, or with 14 days' notice at any time following the first 12 months of operations, where Council is in receipt of complaints related to hours of operation and amenity impacts.

Members Lounge/ Restaurant and Function Room hours of operation:

- 7am to 10pm (Sunday – Thursday)
- 7am to Midnight (Friday and Saturday)
- 7am to 1am (New Year's Eve)

Should upon a review of this condition and following a proper investigation Council finds that limiting the hours of operation is the most efficient and effective means of reducing amenity impacts then the hours of operation will be required, at the expiration of 14 days written notice, to revert back to the following:

Members Lounge/ Restaurant and Function Room hours of operation:

- 7am to 10pm (seven days a week)
- 7am to 1am (New Year's Eve)

Reason: To ensure the ongoing noise impacts of the development can be managed.

Important Information

This letter should therefore be read in conjunction with DA2018/1771 dated 13 February 2019 and Mod2019/0454 dated 27 November 2019.

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

Right to Review by the Council

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

Right of Appeal

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

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

Signed On behalf of the Consent Authority



Name Tony Collier, Manager Development Assessments

Date 15/12/2021