



STATEMENT OF ENVIRONMENTAL EFFECTS

*“Temporary use of part upper level car park for
outdoor dining”*

PITTWATER RSL CLUB

80-82 Mona Vale Road, Mona Vale

September 2021

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1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared by Andrew Martin Planning Pty Ltd at the request of Paynter Dixon on behalf of Pittwater RSL to accompany a Development Application to the Northern Beaches Council ('the Council') for temporary use of the existing upper-level car park for outdoor dining for a period of 12 months. The proposal requires the temporary removal of 32 on site parking spaces and retains 418 permanent spaces given that 450 off-street spaces are provided on the site.
- 1.2 The proposal is sought in direct response to the current COVID-19 restrictions around the internal patron capacities for venues and seeks to utilise the carpark deck area for the purposes of temporary outdoor dining. The development includes the temporary erection of soundproof barriers along the top of the existing car park wall to ensure surrounding amenity is maintained. At the completion of the temporary period and the lifting of restrictions on internal patron capacities of the Club, the area will be restored and utilised for car parking as per pre Covid operational conditions. We expect that post Covid 19 operational levels will not return to pre Covid 19 levels for at least 12 months and is likely to take 18 – 24 months.
- 1.3 The subject site containing the Pittwater RSL Club is located at 80-82 Mona Vale Road, Mona Vale. The area of the carpark to be utilised for temporary outdoor dining is located at the northern eastern aspect of the site bordering Mona Vale Road, and adjacent to the existing eastern and northern outdoor patron areas.
- 1.4 The application is supported by a traffic and parking report prepared by Transport and Traffic Planning Associates (TTPA) dated September 2021 Report no. 248/21 Rev B confirming the temporary loss of 32 spaces is acceptable due to a number of reasons including but not limited to the fact that Covid 19 reduces parking demand; the Club retains 418 permanent spaces; and the sports bar is closed and reduced seating is provided in the games area. Furthermore and importantly Covid 19 operational protocols result in reduced patronage and parking demands due to phasing in of restrictions population restrictions when the Club re-opens. The original required carparking numbers were based on a Club occupancy of approx 1 person per 1.5sqm, while it is likely that when the Club reopens patronage will be based on 1 person per 4sqm and even when restrictions are eased demand will likely never be lower than 1 person per 2sqm, meaning there is an oversupply of carparking.
- 1.5 The area is proposed to be licensed to allow for the consumption of alcohol by patrons. Accordingly, a separate application for an on-site licence or modifications to conditions of the existing Club licence will be pursued separately through NSW Liquor and Gaming.
- 1.6 This statement is prepared pursuant to s.4.12(9) of the *EP&A Act 1979* and cl.47 and Schedule 1, Part 1, cl.2 (c) of the Environmental Planning and Assessment Regulation 2000, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s.4.15 of the *EP&A Act 1979*.
- 1.7 The DA is supported by plans prepared by Curtin Architects, Project No. 6711 PRL 0141, Issue A, dated September 2021 as well as an Acoustic Report prepared by Acoustic Dynamics, dated 13 September 2021.

- 1.8 The subject proposal is not Integrated or Designated Development pursuant to the *EP&A Act, 1979*. The proposal is to be assessed as local development under Part 4 of the *EP&A Act, 1979*.
- 1.9 The proposed re-configuration of available area within the existing club and carpark footprint to accommodate patrons is in the public interest because it offers a safer alternative to indoor spaces due to Covid 19. It allows the Club to continuously provide for the recreational and social needs of the community in a manner which adheres to the State's health regulations. Additionally, issues pertaining to loss of on-site car parking and acoustic mitigation to neighbouring residential properties have been duly considered and addressed in this SEE. Therefore, it is with confidence and high expectation of support that the DA is submitted to Council.

2.0 SUBJECT SITE

The proposal relates to the site legally known as Lot 52 in DP 1237461, 80-82 Mona Vale Road, Mona Vale. The site is generally triangular in shape and located on the corner of Mona Vale Road and Foley Street (refer to Figure 1). Erected on the site is a large Club building, open at grade and multi-storey car parking. Associated bowling greens and entertaining areas not subject of this application are located on Club lands to the west legally identified as Lot 27 DP 5055 and Lot 51 DP 1277461.

The Club building is set hard against the Foley Street frontage which gives the Club a street address to Foley Street. Setbacks from Mona Vale Road are quite substantial. The site is surrounded by residential development to the south, north and east and commercial development to the west.

The existing club building, which is located on the eastern part of the site, has a total public floor area of some 4155sqm floor area. Car parking areas comprising a total 450 spaces are located on the central and southern parts of the site with vehicle accesses on the Foley Street and Jubilee Avenue frontages.

The area of the car park to be utilised for temporary outdoor dining is located on the north eastern aspect of the site along the Mona Vale Road frontage (refer to Figure 2). The area of the car park is adjacent to the existing eastern and northern outdoor patron areas of the club.



Figure 1: Location of subject site

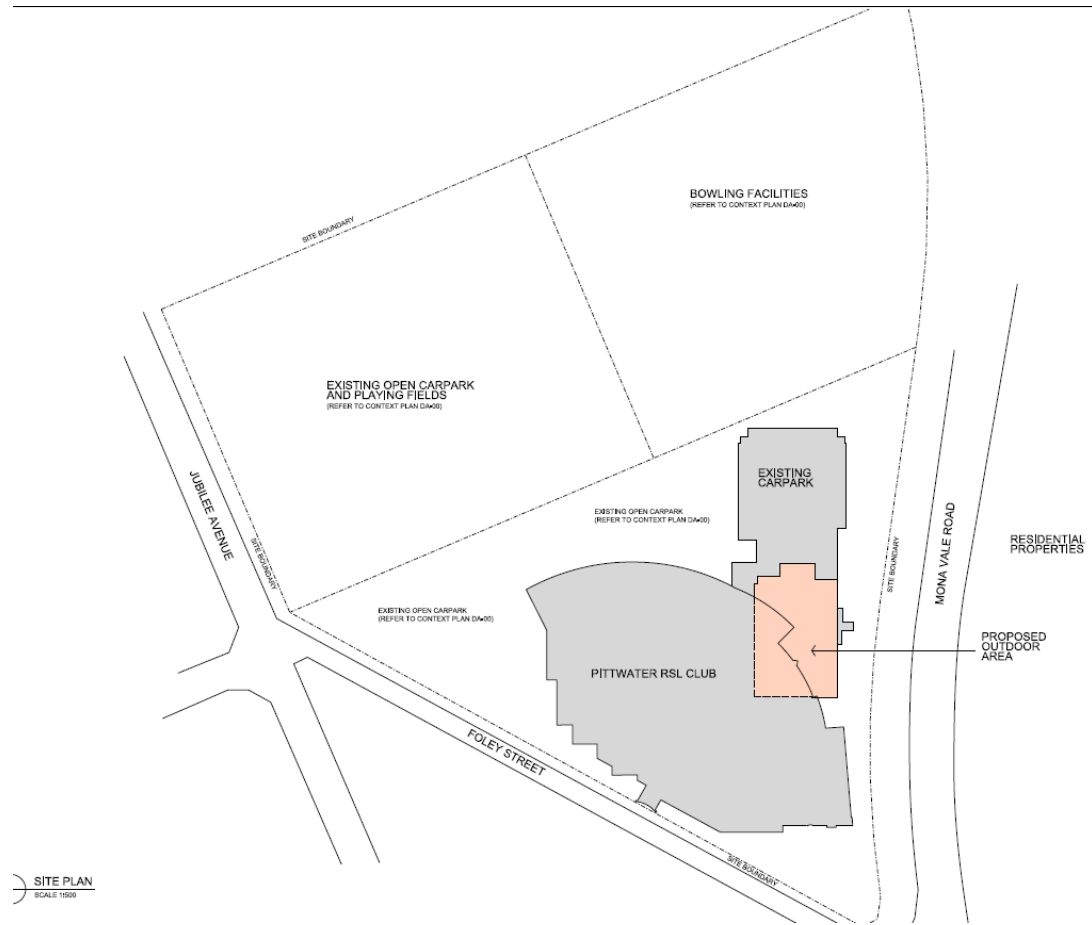


Figure 2: Location of proposed temporary outdoor dining area (Source: Site Plan prepared by Curtin Architects)



Figure 3: View to the existing upper level carpark to be utilised for temporary outdoor dining



Figure 4 – View of the club site from the Foley Street frontage



Figure 5 – View of the club site from the Mona Vale Road frontage

3.0 THE PROPOSAL

This DA seeks consent for the temporary use of part of the existing upper-level club car park fronting Mona Vale Road for outdoor dining. The temporary use is proposed for a period of 12 months from the date of consent and will be reviewed in-line with NSW State Government's COVID-19 regulations for clubs.

The proposal is in direct response to the COVID-19 regulatory restrictions around the maximum number of patrons permitted to occupy internal areas of licenced venues. The space will be provided within a designated temporary outdoor dining area and other furnishings which will comply with the BCA (Access to Premises Standards), the Disability Discrimination Act, 1992 and other Australian Standards. The space has been identified as part of the club's proposed COVID-safe operations plan in responding to the regulatory requirements.

The temporary outdoor dining area will accommodate up to 250 patrons during the following hours:

FRI-SAT: 11am – 11pm

SUNDAY: 2.30pm – 11pm

SPECIAL EVENTS: (i.e Calendar Events inc. Melbourne Cup Day, Anzac Day): 11am – 9.30pm

The existing area of the car park will be retrofitted with tables, chairs, planters and the installation of new 2m high acoustic barriers (refer to details in the supporting plans and as shown in Figure 6).

The temporary dining area will be the subject of a separate on-site licence or modification to the existing club licence to permit the consumption of alcohol within this temporary space. The licence is being sought concurrently with NSW Liquor and Gaming.

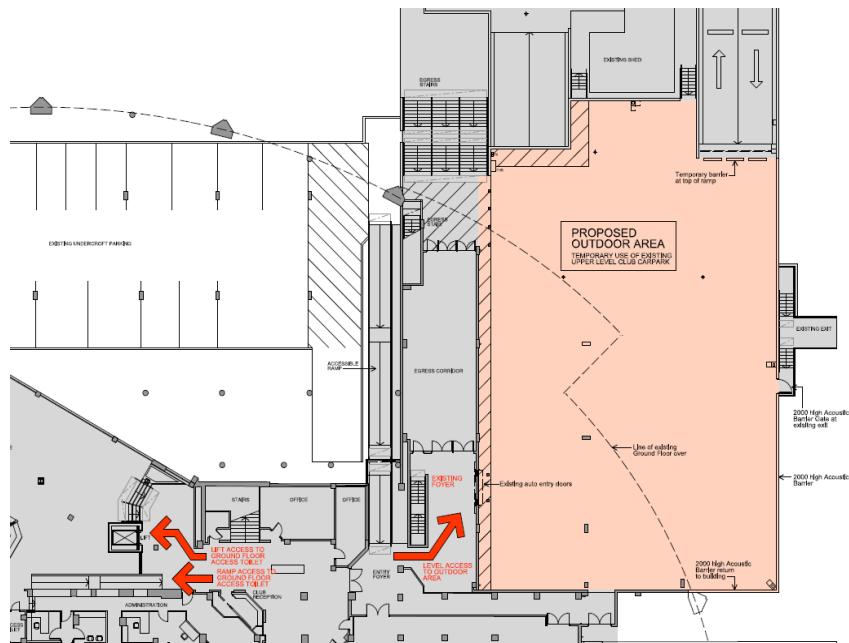


Figure 6 – Proposed temporary outdoor dining area

4.0 ASSESSMENT – SECTION 4.15 OF THE EP&A ACT 1979

This section of the report considers the proposed development assessed against the relevant heads of consideration of Section 4.15 of the *EP&A Act, 1979*:

4.15 Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan, and*

(iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

(v) *(Repealed) that apply to the land to which the development application relates,*

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

(c) *the suitability of the site for the development,*

(d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

4.1 Any Environmental Planning Instruments (EPI's)

In accordance with Section 4.15 of the *EP&A Act, 1979* Council in determining a development application must take into consideration provisions of any EPI's. In this regard the following EPI's must be considered:

4.1.1 Pittwater LEP 2014

The relevant clauses of the LEP are provided below:

Cl. 2 What are the aims and objectives of this plan?

1.2 Aims of Plan

(2) *The particular aims of this Plan are as follows—*

(aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*

(a) *to promote development in Pittwater that is economically, environmentally and socially sustainable,*

(b) *to ensure development is consistent with the desired character of Pittwater's localities,*

(c) *to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*

(d) *to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*

(e) *to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*

(f) *to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*

(g) *to protect and enhance Pittwater's natural environment and recreation areas,*

(h) *to conserve Pittwater's European and Aboriginal heritage,*

(i) *to minimise risks to the community in areas subject to environmental hazards including climate change,*

(j) to protect and promote the health and well-being of current and future residents of Pittwater.

Comment: The proposal aligns with the overarching aims of the Pittwater LEP 2014. The temporary use will allow the club to continue to provide for the recreational and social needs of the local community in a manner which is safe and accords with the health advice of the NSW Government and Ministry of Health. In responding to COVID-19 restrictions for clubs, the temporary use of an available outdoor area for outdoor dining enables safe separation and use by upwards of 250 patrons.

The proposed temporary retrofit and utilisation of the car park area for outdoor dining will have no significant adverse impact on the available on-site parking to meet the needs of the club, nor will it result in any detrimental acoustic or visual impacts to surrounding residential properties. The proposal offers a safer outdoor dining offering when compared to indoor areas.

Zoning and Permissibility

The subject site is zoned R2 Low Density Residential under Pittwater LEP 2014.

The objectives of the zone are:

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

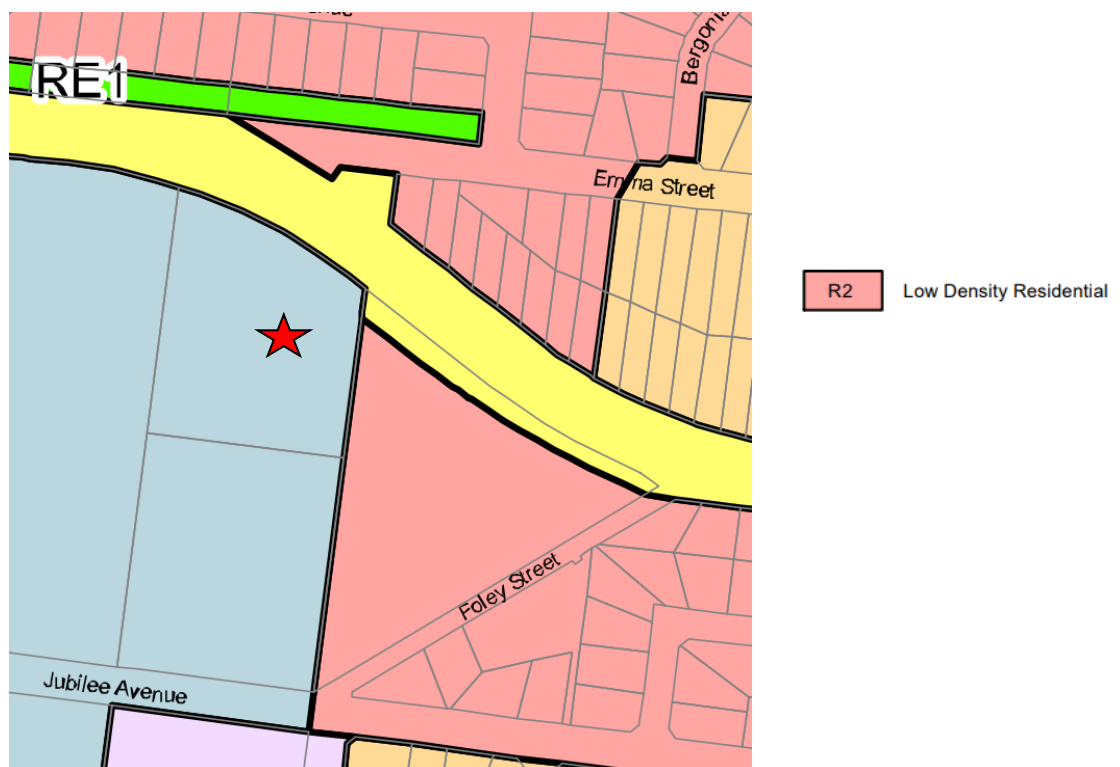


Figure 7 – Extract from Pittwater LEP Zoning Map LZN_012

Comment: The use of the site as a Registered Club is not permissible with consent, however, the club operates under a long-established existing use right. The temporary use of the upper-level car park for outdoor dining represents a modest change to the configuration and operation of the club and can be undertaken with the consent of the Council. A previous consent has been issued for works at the Club and therefore it is not necessary to complete a historical review to demonstrate EURs.

4.2 Non-Statutory Development Control Plans

In accordance with s4.15(1)(a)(iii) of the *EP & A Act 1979* Council is to take into consideration any development control plan. In this regard the provisions of the following DCP's are relevant:

4.2.1 Pittwater Development Control Plan 21 (DCP 21)

The relevant sections of the PDCP 21 as amended 18 January 2021 are discussed below:

A3.4 Key objectives of the Pittwater 21 Development Control Plan

'Integrating our Built Environment is about the need to create a sustainable and relaxed living environmental including appropriate development effective transport choices and efficient support services. (Pittwater Council Management Plan 2008-2012)'

Ecologically Sustainable Development

In Pittwater 21, ecologically sustainable development means development that maintains the ecological processes on which life depends while meeting the needs and improving the total quality of life of the present generation, without compromising the ability of future generations to do the same.

Comment: The proposal builds upon previously disturbed land and does not require the removal of any vegetation or natural land forms. The proposal makes best use of the site and existing built form areas and satisfies ESD principles.

Environmental Objectives

The proposal satisfies the environmental objectives given that:

- The ecological integrity, biodiversity, wildlife corridors, aquatic habitats, water quality, environmental heritage and environmental significance of the area is maintained as a result of the proposal.
- The proposal has no adverse impact upon any naturally occurring land forms and is deemed to be sustainable.
- The site as a whole minimises as far as practically possible the impacts upon the environment and surrounding amenity.
- The impacts generated on the site are for the most part internalised so as to minimise potential impacts on residential development. In particular, noise impacts from use of the temporary dining space including light entertainment, speakers and acoustic performances have been duly assessed with recommended operational measures to be imposed on consent.

Social Objectives

The proposal achieves the social objectives of Pittwater 21 given that:

- The proposal meets the short-term social needs of the community in responding to the COVID-19 pandemic health regulations, providing a safe and socially distanced space for patrons to enjoy a meal outdoors.

- The use is not in conflict with adjoining land uses. Acoustic measures to be adopted to preserve residential amenity.
- The location of the temporary outdoor dining area remains well separated from areas of environmental sensitivity and is well-connected to other outdoor areas of the club.

Economic Objectives

The proposal satisfies the economic objectives of Pittwater 21 given that:

- The temporary outdoor dining area will underpin the financial viability of the Club's operations over the next 12 months.
- The proposal does not seek to increase the overall capacity of the Club, rather, it offsets internal space which carries reduced patron capacities under COVID-19 regulations imposed by the State Government.
- The proposal protects the local amenity, character and environmental values of the area.

A4.14 Warriewood Locality

The subject site is located within the Warriewood locality and as such the following is relevant to the assessment of the application. In our opinion the proposal is consistent with the character objectives. The existing Club building forms part of the existing character.

Land within the Locality

*"Land within the Warriewood Locality is identified on the Warriewood Locality Map. From the 1920s, the Warriewood locality area expanded as a farming district as new settlers, including many from former Yugoslavia, moved into the area. The rural character of the valley remained until the 1980s, when land was subdivided for industrial/commercial and townhouse development in the vicinity of Macpherson Street, Ponderosa Parade and Vuko Place. **The locality has developed with a mix of residential, retail/commercial, industrial, recreational, and educational land uses.** Mona Vale Road is identified as a major road." (emphasis added)*

The proposal has no impact on the noted significant areas such as the Warriewood Escarpment, Warriewood Wetlands, Narrabeen Lagoon, and Katandra Bushland Sanctuary. All work is to occur on previously disturbed areas of the site, within an area presently utilised as the upper car park level.

Desired Character: The following extracts from the 'elements of character' have been identified as being relevant to the subject site.

"The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses."

"Retail, commercial, service business and light industrial land uses will be employment generating, and will serve the community."

"Existing and new native vegetation, including canopy trees, will be integrated with the development."

Hazards, Natural Environment and Heritage

Hazards: The Warriewood Locality is affected by various hazards. Land affected in the Warriewood Locality is shown on the hazard maps held in the offices of Council.

Comment: The site is not affected by any known natural hazards seeking to limit the extent of the proposal.

Natural Environment: The Warriewood Locality includes vegetation areas, threatened species, or areas of natural environmental significance. Land affected in the Warriewood Locality is shown on the natural environment maps held in the offices of Council.

Comment: The proposal does not require the removal of any natural vegetation or landforms.

Heritage: The Warriewood Locality may include Heritage items and/or conservation areas. Land affected in the Warriewood Locality is shown on the Heritage Map held in the offices of Council.

Comment: The site is not heritage and no heritage listed property surrounds the site.

D14 WARRIEWOOD LOCALITY

D14.1 Character as viewed from a public place

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

Comment: The proposed temporary use will not substantially alter any physical component of the club building with the only exception being the temporary installation of 2m high acoustic barriers to the outer walls of the upper-level car park. The works will not drastically alter any important features of the built form character and will incorporate compatible materiality, finishes and colours to that of the existing club building and car park structure.

D14.2 Scenic Protection - General

Site is not within a scenic protection zone.

D14.3 Building colours and materials

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

Refer above. The inclusion of acoustic barriers to the outer edges of the car park deck will encompass steel framing with painted finishes to match that of existing walls and railings.

D14.4 Height - General

The inclusion of the new acoustic barriers will not extend the height of the building beyond the main roof height of the club.

D14.7 Front building line

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

No change to the established setbacks proposed.

D14.8 Side and rear building line

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

No changes to the established side or rear building line setbacks proposed.

D14.11 Building envelope

Land to which this control applies

- Land in the Warriewood Locality zoned Residential other than land in the Warriewood Valley Land Release Area zoned 2(f) (Urban Purposes – Mixed Residential) - P21DCP-D14MDCP707

The temporary use applies to the established area of the upper level car park contained within the existing footprint of the club development.

4.3 The likely impacts of that development and the suitability of the site

The impacts on the natural and built environments are of a level considered acceptable for development of the scale and nature proposed. In this instance, the impact level is not to the extent that would require refusal or modification of the current proposal. The following additional comments are made in relation to traffic, parking, noise, safety and accessibility.

4.3.1 Traffic and Parking

The traffic and parking report makes the following comments regarding the context and current club conditions and provides conclusions as follows:

'The Pittwater RSL Club site (Figure 2) is an irregular shaped consolidation of lots occupying some 39,400m² located on the western edge of the Mona Vale town centre. The site, which has a significant change in levels, has frontages to the southern side of Mona Vale Road and the north-western side of Foley Street. The adjoining and surrounding uses include:

- *the industrial/mixed use area adjoining to the west*
- *the older style residential dwellings to the north, east and south*
- *the new residential dwellings to the north-west and south-west in the Warriewood Valley redevelopment.*
- *The existing club building, which is located on the eastern part of the site, has a total public floor area of some 4,155m² with a total of some 450 parking spaces principally at-grade but also in a decked parking area.*
- *The Club previously had a seating capacity of 2,170 seats, however, this has been reduced as a result of the closure of the Sports Bars and removal of seating in the Games area."*

The TTPA provides the following conclusions:

'The Pittwater RSL Club is a popular community club which has been closed due to Covid. The proposed temporary use scheme involves the reduction of some carparking to provide outdoor dining and drinking applicable to post-Covid circumstances. Assessment provided in this report has concluded that:

the proposed retained parking provision will be adequate to accommodate the peak demands

there will be no adverse traffic implications the vehicle access and internal circulation provisions will be suitable and appropriate.'

As mentioned in section 1 The original required carparking numbers were based on a Club occupancy of approx 1 person per 1.5sqm, while it is likely that when the Club reopens patronage will be based on 1 person per 4sqm and even when restrictions are eased demand will likely never be lower than 1 person per 2sqm, meaning there is an oversupply of carparking.

Given the above Council can be satisfied that the temporary use will not adversely impact the site or surrounding road network.

4.3.2 Acoustics

An independent acoustic report prepared by Acoustic Dynamics supports the application based on the licensed nature of the area proposed. The report determines the likely impact of noise generated by the use on surrounding residential properties. The acoustic report concludes that the use will comply with the LAB and DECC environmental noise control criteria provided the following recommendations are adopted:

“RECOMMENDATIONS

1. *A minimum 2 metre high acoustic screen / barrier is to be erected along the north eastern perimeter of the car park.*
2. *The acoustic barrier must provide a minimum surface density of 15kg/sqm and contain no gaps along the surface of the barrier. The acoustic barrier could be fixed to the existing car park safety barrier and constructed to be:*
 - *Transparent Perspex or equivalent*
 - *Lapped timber palings*
 - *A double layer colorbond (or equivalent) barriers*
 - *A minimum 9mm thick compressed fibros-cement sheeting on a timber or steel stud*
3. *Visual and physical impacts of the barrier can be reduced through the use of green-walls.*
4. *Live music performers should be located adjacent to the acoustic barrier (i.e. within 3 metres), and should be orientated away from the receivers on Mona Vale Road.*
5. *Speakers must not be positioned higher than the adjacent barrier.*
6. *Live music performances should not be conducted on an elevated stage or platform.*
7. *The music levels must be monitored to not exceed LAeq 75dB at 1 metre from a speaker (i.e. conversation should not require effort to be heard over the music).*
8. *Live music should be restricted to solo acoustic guitar and vocalist (or similar type of accompaniment). Percussive instrumentation should be avoided.*
9. *The use of sound system noise limiters / compressors and equalizers should be employed to reduce the level of low frequencies (bass) being broadcast by the system as this is what often causes the most disturbance to nearby residents.*
10. *To assist in the monitoring and control of music, a sound system limiter (capable of processing multiple frequency bands) should be installed. A qualified acoustic consultant should be engaged to assist in the selection and calibration of a suitable limiting and frequency control device.*
11. *The venue must ensure performers and sound engineers are made aware of “backline” sound level restrictions. Sound levels should be set so that performers can hear themselves without increasing the overall level of music in the car park dining area.*
12. *The venue must ensure performers are made aware of the potential for noise problems prior to their appearance and their performance must adhere to any noise level restrictions that are in place.*
13. *Speaker should be orientated away from the neighbouring sensitive receiver properties.*
14. *All music associated with the use of the car park dining area should cease prior to 10.00pm. No music should be played after 10.00pm.*
15. *Signage should be installed reminding patrons to be aware of their neighbours and to leave in a quiet manner.*
16. *Staff should be instructed to consider the neighbouring residents departing from the site in the late night period.*

It is expected that the above recommendations will form conditions of consent to ensure amenity of the local area is preserved.

4.4 The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case.

5.0 Conclusion

Regulatory restrictions imposed by the NSW Ministry of Health on the Pittwater RSL Club, has had significant ramifications for how such venues can operate during the COVID-19 pandemic. With restrictions on the number of patrons allowed inside a venue set to continue well into 2022 the Club has recognised the need to utilise additional outdoor dining space to compensate for the loss of internal capacities.

The proposal seeks to convert the upper car park level on the north east side of the club site into a temporary outdoor dining area. Whilst this will result in the temporary loss of 32 parking spaces, the reduced capacity of the venue under continued COVID-19 restrictions will have the effect of reducing the overall demand for on-site parking.

The outdoor dining space is directly accessible from internal dining and gaming areas of the club via automatic doors and can be easily converted and used for outdoor dining. The space is proposed to be utilised for a period of 12 months, after which the club will re-assess any continued need based on future changes to regulations.

The installation of acoustic barriers and implementation of operational procedures to control noise will mitigate any possible adverse impacts to residential neighbours along Mona Vale Road. Furthermore, the space will be accessible with temporary furnishings positioned to comply with requirements of the BCA (Access to Premises Standards) and other relevant Australian Standards.

Overall, the temporary use of the car park as an outdoor dining area accommodating a maximum of 250 patrons is considered to be in the public interest. It will ensure that the RSL club can continue to viably operate and provide much needed entertainment and social services to the local community. The temporary outdoor dining space will also provide healthier and safe solutions which align with the club's COVID-plan.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979* have been duly satisfied the proposed development is on balance worthy of approval.



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