

# STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

SECTION 4.55 (2) MODIFICATION TO  
DEVELOPMENT CONSENT

DA 2021/0699

FOR

DEMOLITION WORKS AND CONSTRUCTION OF  
A NEW RESTAURANT, CARPARKING AND  
ASSOCIATED USES

AT

LOT 7005 DP 1117451 , 1193 BARRENJOEY ROAD,  
LOT 7002 DP 1117592 , 1193 BARRENJOEY ROAD,  
LOT 298 DP 721522 , 1191 BARRENJOEY ROAD,  
PALM BEACH NSW

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## 1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared in support of a Section 4.55 (2) application for the proposed modifications to the approved development on the subject site under DA2021/0699 comprising replacement of the existing Boathouse café/restaurant and associated infrastructure including carparking.

In preparing this Modification Application, I have attended the subject site and reviewed the following documentation as part of the assessment process-

- Development Consent DA 2021/0699 (As modified).
- Plans of the proposed modifications prepared by Canvas Architecture.
- Heritage Impact Statement letter from CityPlan dated 28 March 2023.
- Letter dated 17 November 2022 by Day Design.
- Letter from Morris Goding dated 29 September 2022.
- Section J Compliance Report by Partners Energy dated 16 August 2022.

The requested modification seeks consent for the development consent 2021/0699 to be modified as illustrated in the attached plans by Canvas Architecture.

It is my professional view that the proposed modifications should be assessed as “modifications involving minimal environmental impact.

The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)” pursuant to Division 4.55 (2) of the Environmental Planning and Assessment Act, 1979, due to the fact that there will be no unreasonable

adverse amenity impacts on adjoining properties or the public domain.

The proposed modifications have been endorsed by accompanying reports from acoustic consultants, heritage experts, coastal engineers, accessibility consultants and BCA experts and as such are reasonable.

## **THE REQUESTED MODIFICATIONS**

The following modifications to the development consent 2021/0699 are proposed.

### **MAIN BUILDING**

#### **Ground Floor**

- Adjustment to the window sets to be louvred with sill heights to allow for the future balustrading, required, for the ramps adjacent
  - Widening the window at the SW corner.
  - The window more centrally located (SE) has a sill height and will become slightly narrower in width.
- Replacement of the previously proposed 'Acoustic Screen' with a louvre set to the restaurant's ground level deck
- Removal of 300mm sill from the electrical meter box opening at the east elevation to make it full height, bi-fold (French) doors openable outwards in accordance with the AUSGRID requirements
- Erection of a new timber post to support the stringer beam of the staircase and cantilevered awning at the east elevation (as per structural engineer detailing)
- Increasing the sill height of the louvred window at the western elevation of the ancillary outbuilding structure by 100mm (from 1800mm to 1900mm)

#### **First Floor**

- Adjustment to the alignment of the existing proposed windows and doors to allow for a proposed new door to enter the restaurant office directly
- Overall installation of solar panels at the sloped roof above the ground floor and first floor levels.

- Casting all the door and window leaves in aluminium while using timber frames, cover moulds, and reveals to maintain the overall presentation of the Boathouse,

Additional WC to first floor amenities area to address an identified demand for staff amenities.

## **SURROUNDING STRUCTURES**

**Removal of ramp to southern deck** is required as the adjusted levels of the principle structure to address elevated sea levels have resulted in an inability to provide a compliant ramp. See MGAC Report

**Timber decking to be P4 grade, FRP grating to eastern and southern deck and enlarge eastern deck width by 240mm** are necessary to provide a higher standard of material durability to external decks.

**Additional WC to first floor amenities area** to address an identified demand for staff amenities.

**Glazed hinged door to southern elevation of first floor** to allow additional natural light internally.

## **2.0 DIVISION 4.55 ASSESSMENT**

This modification application is submitted to Northern Beaches Council under the provisions of Division 4.55 – modification of consents– generally, **Part (2)**

**Other modifications.**

***(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and***

## **RESPONSE**

The development as proposed to be modified will be the same development

for which development consent was granted.

***(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

#### **RESPONSE**

The proposal will be referred to relevant authorities for their concurrence during the assessment period.

***(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 control plan that requires the notification or advertising of applications for modification of a development consent, and***

#### **RESPONSE**

The requested modification does not change the description, or any operational aspects of the approved development and it is therefore reasonable for the proposal to not be notified however this is a matter for Council to decide.

***(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***

#### **RESPONSE**

Any submissions received will be considered by Council.

## **4.0 DIVISION 4.15 EVALUATION**

### **7.6 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

#### **RESPONSE**

The relevant provisions of the PLEP and Coastal Management Act/SEPP have been addressed in the body of the original Statement.

*(iii) any development control plan,*

#### **RESPONSE**

The relevant provisions of the Pittwater 21 DCP have been considered by Council during the assessment of the parent DA, no material changes are proposed to the approved development design or location.

*(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,*

#### **RESPONSE**

No applicable.

*and*

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

**RESPONSE**

The relevant regulations have been given due regard in the consideration of this request.

*and*

*(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,*

**RESPONSE**

The requested modifications will have no impacts upon the environment, either natural or built as the modifications do not change the environmental performance of the proposal.

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

**RESPONSE**

The subject site, by virtue of its existing layout, topography and locality is suitable for the modified proposal.

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

**RESPONSE**

Due to the nature of the modifications requested, notification is not warranted as there is no change to the proposal.

*(e) the public interest.*

**RESPONSE**

The proposal endorses the public interest by allowing the proposal to progress in a manner that is endorsed by the relevant technical professionals and does not materially alter the approved proposal.

*Environmental Planning Instruments*

The proposal as approved and as modified remains a permissible development under the provisions of the Pittwater Local Environmental Plan.

Development Control Plans

The proposal is bound by the provisions of Pittwater Development Control Plan.

Impact on the Natural Environment.

The proposed modification will not impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources.

Impact on the Built Environment.

**Scenic qualities** – The proposed modification is consistent with the current and future character of the locality.

**Compatibility with adjacent land uses** –The proposed modification will not materially alter the compatibility with the adjacent land uses.

**Bulk and scale** – The proposed amendments will not materially impact upon bulk and scale of the approved development of the Boathouse restaurant and associated works.

**Overshadowing** – The proposed modification will not impact upon the solar access to nearby sites.

**Views and vistas** – There will be no impacts upon views and vistas across or around the subject site.

**Site design** – The refinements to the approved works are considered reasonable for the subject site.

**Public domain** – There are no works proposed in the public domain aside from the approved works.

**Amenity Impacts** – I consider that there will be no unreasonable amenity impacts from the proposed modification.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its approved development, zoning, topography and locality is suitable for the proposal.



## 6.0 SUMMARY

The necessity for the submission of this application has occurred as a consequence of the identification of necessary refinements during building works which were not apparent at the planning stages.

The proposed modifications are, by any measure, minor and it is therefore reasonable for Council to favourably consider this submission and endorse the requested modifications due to the reasonableness of the proposal and lack of material impacts.

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**March 2023**