



northern
beaches
council

23 January 2023



Hot House Projects Pty Ltd
8/11 Bungan Street
MONA VALE NSW 2103

Dear Sir/Madam,

Development Application No: DA2022/1860 for Alterations and additions to an existing commercial premises (Palm Beach Golf Club) at 2 Beach Road PALM BEACH.

I refer to your Application which is under assessment by Council.

The assessment of your application has revealed issues, which prevent Council from supporting the proposal in its current form.

The following is a list of the issues identified:

Building Assessment- Fire and Disability

Council's Building Assessment Officer has reviewed the proposed development and made the following comments:

The BCA Compliance Assessment Report, accompanying the application which has been prepared by BCA Vision and dated 16/9/2022 makes reference to Sections 93 and 94 of the Environmental Planning and Assessment Regulation 2000. This Regulation was replaced by the Environmental Planning and Assessment Regulation 2021 on 1 March 2022 and therefore the BCA report is required to be reviewed with regards to Sections 62 and 64 of this new Regulation.

The amended BCA report is required to be submitted to Council for consideration prior to further determination of the DA.

Stormwater and Floodplain Engineer

Council's Stormwater and Floodplain Engineer has reviewed the proposed development and made the following comments:

The proposed site from Beach Road is affected by the Medium Flood Risk Precinct. The existing floor level is below Flood Planning Level of 3.11m AHD (FPL).

The proposal is considered non-compliant with C4 of Section B3.11 of Council's DCP.



Control C4 states that "A one-off addition or alteration below the Flood Planning Level of less than 30 square metres (in total, including walls) may be considered only where:

- “(a) it is an extension to an existing room; and*
- (b) the Flood Planning Level is incompatible with the floor levels of the existing room;*
- and*
- (c) out of the 30 square metres, not more than 10 square metres is below the 1% AEP flood level.”*

The proposed additional area is approximately 18m² which is 150mm below 1% AEP flood extent. The proposal is considered non-compliant with C4 of Section B3.11 of Council's DCP.

Amended Plans should be submitted that propose strict compliance with Section B3.11 of the Pittwater 21 Development Control Plan

Options Available to the Applicant

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 6 February 2023 (14 days). If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW planning portal; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Should you choose to amend your application, we ask that you contact the assessment officer to discuss resolution of the above issues and submission requirements. This is to ensure any amendments satisfactorily address the assessment issues, prior to further expenses and resources being spent on the application.

To ensure the timely and efficient processing of your application, it is recommended that a genuine attempt is made to address these issues in their entirety as only **one** opportunity for amendments will be provided.

As per the requirements of section 36 of the Environmental Planning and Assessment Regulation 2021 you are advised that this application was accepted on 9 November 2022 and 75 days in the assessment period has now elapsed.



Please advise of your selected option by responding to this letter by 6 February 2023 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Michael French on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Am'.

Adam Richardson
Manager, Development Assessment