

Statement of Environmental Effects

**Section 96 Modification
Development Application
Consent 2008/1199**

Campbell Parade Manly Vale

Applicant

Calabria Bowling and Sports Club Ltd

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March 2016

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1. Introduction.

This Statement of Environmental Effects accompanies a development application submitted by the Calabria Bowling and sports Club Ltd for a modification to Development Consent 2008/119 that was approved on the 1st June 2009 for alterations and additions to the existing club premises at Campbell Parade Manly Vale.

The premises are a sport and recreation club that provides facilities for Club members and the general Community, both indoor and out-door activities.

The site adjoins Passmore Reserve sports ground on the north and western side with the Manly Vale Light Industrial area opposite in Campbell Parade.

The Construction Certificate CC2011/0422 was issued on the 27th April 2011 and the construction program has commenced on the project and as the consent has been activated the owners now seek modification to the original approval.

The purpose of this Statement is to assist Warringah Council in considering and assessing the application to modify the original development consent having regard to relevant planning and environmental matters for consideration under Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Description of proposed development.

The proposed modifications are indicated on the architectural plans prepared by High Design Architectural Drafting Service that accompany the application.

The plans are Drawing Numbers 1 to 4 - 645 16 HD dated March 2016 that include the following layouts:

- Plan 1 indicates the original approved layout
- Plan 2 as built plan that shows the changes to the front entry ramp
- Plan 3 proposed finished floor plan layout (as approved sections to be retained) with the new modifications
- Plan 4 elevations

The modifications include the following changes

- Changes to the entry ramp on the eastern side of the building-the ramp has already been constructed
- Delete the external shade type structures on the northern side of the building
- Delete the ground keeper's enclosure and amenities area on the south western side of the building including new entry area
- Delete the pizza oven area adjoining the Bistro facility
- Remove the bar area adjoining the dance floor
- Provide a new cool room adjoining the new bar
- Delete the loading dock area

The modifications changes have largely been brought about because of economic concerns and also the relocation of entrance ramp that was part of the original consent.

Front elevation that shows the main entrance and ramp that is as built



3. Planning Controls that apply to the Locality and the site.

❖ Warringah Local Environmental Plan 2000

The planning control for the site when the initial application DA 2008/1199 was granted consent by Council was the Warringah Local Environmental Plan 2000.

The application was approved with conditions and also the consent would lapse on the 1st June 2012 if work had not commenced on the project.

The construction certificate was issued and Councils records indicate that the works had commenced prior to the consent lapsing therefore it is considered that the development application is still active in regard to the original consent.

Clause 109B of the Environmental Planning and Assessment Act 1979 refers to modification of existing consents which is as follows:

Nothing in an environmental planning instrument prohibits, or requires further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.

This section:

- (a) applies to consents lawfully granted before or after the commencement of this Act, and*
 - (b) does not prevent the lapsing, revocation or modification, in accordance with this Act, of a consent, and*
 - (c) has effect despite anything to the contrary in section 107 or 109.*
- (3) This section is taken to have commenced on the commencement of this Act*

- ***Comment***

It is considered that as the proposal has a current consent, the building works are under construction, and the modifications as proposed are consistent with the original approval that was for alterations and additions to the current building of the site, Council can consider the application as a modification to the original consent.

❖ Warringah Local Environmental Plan 2011

The principal planning control for the site at present is the Warringah Local Environmental Plan 2011 and is within the RE2 Private Recreational Zone.

The original application was approved as alterations and additions to an existing recreational club with both indoor and outdoor facilities.

The current land use zoning being RE2 Private Recreation does permit the existing land use including the proposed modifications as being ancillary to the Calabria Club Bowling & sports Club Ltd.

The modification is to be assessed under the provisions of the Warringah Local Environmental Plan 2011.

The modifications as proposed are either adjoining or within the existing approved envelope for the Club and will be related to the current and original approved land use activities.

- ***Comment***

It is considered that as the proposal has a current consent, and as the building works are under construction, the modifications as proposed are consistent with the approved built form, Council can consider the application as a modification to the original consent.

❖ Warringah Development Control Plan 2011

The WDCP 2011 requires any development to generally be consistent with the overriding objectives of the Plan and they are as follows;

The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:

Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comment

The proposal is a modification to an existing approval and the modifications are considered to be generally consistent with the original approval and also will meet with the above mention objectives of the WDCP 2011.

The relevant parts of the WDCP 2011 are addressed as follows.

Part B Built Form Controls

This part relates to set backs from boundaries, height of the building, number of storeys and site coverage.

Comment

The modified proposal does not alter the overall approved built form with the original built form except for the minor changes that include the deletion of the external shade structures, on the north elevation, the deletion of the ground keepers enclosure, deletion of an amenities area, removal of a Pizza Oven area, provision of a new small cool room and the relocation of the entry access ramp facility.

It is considered that the changes to the external built form are acceptable and in fact will reduce the overall bulk of the development when completed.

Part C Siting Factors

The relevant sections of this part that will relate to the modification are addressed as follows;

- C2 Traffic and Safety

The proposed modification will not alter the existing parking arrangements on the site or create and increase in traffic demands on the local road network and the proposal does not increase any floor space or activities greater than the original approval

The relocated entry ramp will still provide a reasonable access facility for persons with disabilities and is consistent with the approval ramp in regard to gradients and travel distances.

- C4 Stormwater

The modified proposal will not require any changes to the approved and existing stormwater system.

- C 7 Excavation and landfilling

The modified proposal will not require any increased site excavation works in excess than what was proposed with the original consent.

The original development application was supported with a Preliminary Environmental Site Assessment for Acid Sulphate Soils.

The report was prepared by EIS Environmental Investigation Services and it is considered that the proposed modifications will not create any greater concerns or impact in regard to the site conditions that were reviewed with the original application.

- C8 Demolition and Construction

The modification proposal does require any further demolition or create any increase in the construction program in relation to the original consent.

Part D Design

The proposed modifications are consistent with the original approval in relation to use and overall design.

There is no change in regard to external finishes or the material to be used with the external modifications.

The relocation of the pedestrian ramp will still ensure suitable access is available to the premises for persons with disabilities and also the entrance location adjoins the public foot path area at the front of the site in Campbell Parade.

Part E Natural Environment

The site is identified as being within the Medium Risk Planning Precinct.

The original proposal was supported by a Flood Report prepared by Healey Castle & Associates and the modification proposal would not create any greater impact on the over land flooding or risk as such works are generally consistent with the original consent.

The existing Club and facilities adjoin Passmore Reserve an open space and recreational area.

The modifications will not create any greater impact on the adjoining open space that would have occurred with the original consent.

4. Planning Matters for Consideration.

Council must have regarded to Section 96 of the Environmental Planning and Assessment Act 1979 before the proposed modifications can be granted as a consent.

Section 96 (2) (a) - Substantially the same development

The proposed modifications do not significantly alter the overall development in regard to the site that related to the original consent being as follows:

- Changes to the entry ramp on the eastern side of the building-the ramp has already been constructed
- Delete the external shade type structures on the northern side of the building
- Delete the ground keeper's enclosure and amenities area on the south western side of the building including new entry area
- Delete the pizza oven area adjoining the Bistro facility
- Remove the bar area adjoining the dance floor
- Provide a new cool room adjoining the new bar
- Delete the loading dock area

The building foot print, envelope and height are consistent with the original approval and do not change the use of the land and premises for a Recreation Club both for indoor and outdoor activities.

Council being the consent authority is to be satisfied that the consent as proposed to be modified is substantially the same development as that for which consent was originally granted.

It is considered that the proposed modifications are deemed to be substantially the same development as that approved under Development Consent 2008/1199 dated 1st June 2009.

Section 96 (2) (b) – Consultation with the Minister, Public Authority or Approval Body

The application does not require referral to the relevant minister or public authority as Council is the consent authority in respect of the proposed modification. In addition the proposal has no regional or state significance.

Environmental Planning Instruments

The extent to which the proposed modified development complies with the Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan 2011 was reviewed, and it is considered that it is consistent with the approved built form and existing land use activities.

5. Conclusion.

Having regard to relevant matters for consideration under Section 96 of the Environmental Planning and Assessment Act, 1979 it is concluded that the proposed development for the modifications as identified on the submitted plans with the application warrants the granting of development consent.

Norm Fletcher
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