



STATEMENT OF ENVIRONMENTAL EFFECTS

S4.55(1A) to DA 0063/15

PITTWATER RSL CLUB

**80-82 & 84 Mona Vale Road,
Mona Vale & 22 Jubilee Road,
Warriewood**

'New Roof Over Existing Terrace'

August 2019

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1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared at the request of the applicant, in support of a S4.15 (1A) to DA N0063/15 to Northern Beaches Council (the 'Council') to extend the proposed roof over the terrace area at Pittwater RSL, 80-82 Mona Vale Road, 84 Mona Vale Road, Mona Vale and 22 Jubilee Road, Warriewood.
- 1.2 The subject site is zoned R2 Low Density Residential, B7 Business Park and SP2 Infrastructure under the provisions of Pittwater Local Environmental Plan 2014 (PLEP 2014). The proposal seeks to make alterations and additions to the existing club. The proposal is defined as a *registered club* and is a non conforming land use in the R2, B7 and SP2 Infrastructure zone. Schedule 1 'Additional permitted uses' allows for the use of the site as a registered club.
- 1.3 The proposal is ancillary to the existing Club facilities aimed at providing members and guests with improved on-site facilities for their ongoing enjoyment. The proposed works involve removal of existing umbrellas and sliding doors and new roof over the existing terrace. There is no change to the use of the terrace area in that the terrace currently serves as a licensed area for Club purposes. There is no intensification of use given that there is no measurable change to the intensity of the use. The activities are those anticipated under a Club use. Minimal changes are proposed to the external fabric of the building with the retention of existing concrete and glass balustrades and the inclusion of a new flat roof above the existing terrace which will by default reduce acoustic impacts. CCTV will be maintained to the terrace area.
- 1.4 The building footprint is not increased and there are no other planning implications resulting from the proposed roof element such as car parking or traffic generation. All activities occurring in this licensed area are ancillary and incidental to the ordinary operation of a registered Club and are currently occurring on site. There is no increase in trading hours or staff numbers as a result of the proposal given that the licensed area of the Club remains unchanged.
- 1.5 An assessment has been made as to the likely impact of the development on the natural and built environment having considered the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP &A Act, 1979)*.
- 1.6 This statement is prepared pursuant to s.4.12 (9) of the Act 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 Act.
- 1.7 Having considered the site and the surrounds of the Club, the minor alterations comprising a roof element over the existing licensed terrace at the Pittwater RSL is submitted for favourable determination.

2.0 SITE AND SUROUNDS

- 2.1 The subject site is legally described as Lot 26 in DP 654262, Lot 120 in DP 135512, Lot 27 in DP 5055 and is known as 80-82 Mona Vale Road and 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue Warriewood. The property has an area of approximately 16,000sqm and is irregular in shape. The entire site has a frontage of approximately 284m to Mona Vale Road and approximately 202m to Foley Street. The site has a moderate gradient running downwards from the southern boundary to the northern boundary.

The RSL club is located at the north-eastern portion of the site.

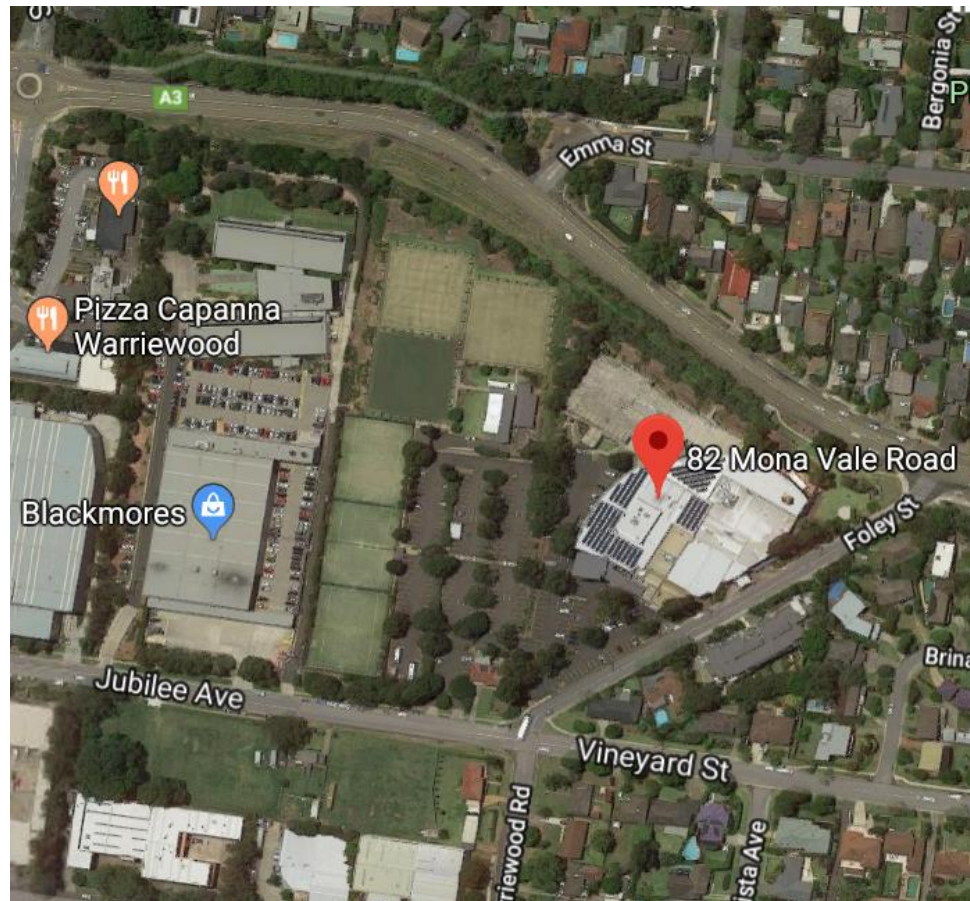


Figure 1: Aerial of subject site (Source Google maps)

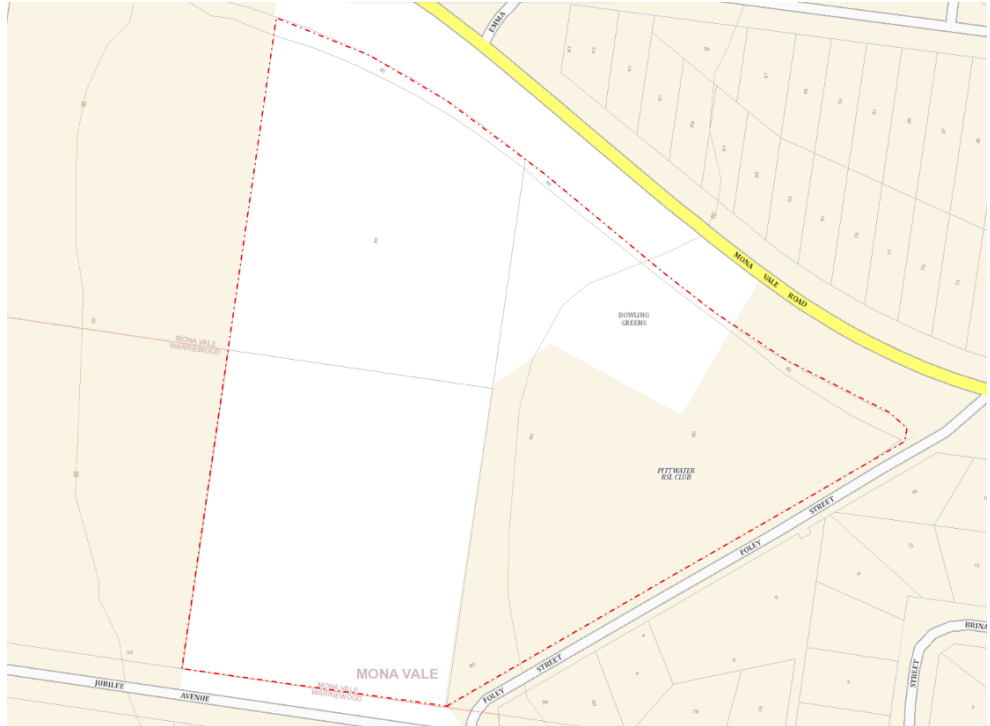


Figure 2: Site and location map (Source Sixmaps)



Figure 3: Mona Vale Road frontage (Source Googlemaps)



Figure 4: Intersection of Mona Vale Road and Foley Street (Source Googlemaps)



Figure 5: Foley Street frontage (Source Googlemaps)



Figure 6: Residential properties opposite the site (Mona Vale Road) (Source Googlemaps)

4.0. SUBSTANTIALLY THE SAME

The application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, which states the following:

Section 4.55(1A):

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and
(b) 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

(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

(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, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

In respect of the subject section 4.55 application there is no change to the proposed land use. The modified proposal is therefore substantially the same from a land use perspective.

The nature of Section 4.55 of the EP&A Act 1979 assumes that there is likely to be some change between an originally proposed (and approved) development and a modified one. The decision of North Sydney Council – v – Michael Standley & Associates Pty Ltd, (97 LGERA 433, 12 May 1998, Mason P), added to the understanding of the appropriateness of permitting a modification as follows:

“Parliament has therefore made it plain that a consent is not set in concrete – it has chosen to facilitate the modifications of consents, conscious that such modifications may involve beneficial cost savings and / or improvements to amenity.”

In contemplating consent for a modification, it is the degree of change which determines whether the consent authority has the power to approve a modification adopting the threshold test under Section 4.55 (1A)(b) of the EP&A Act 1979.

The word to modify means ‘to alter without radical transformation’ as confirmed in Sydney City Council v Ilenace Pty Ltd (1984) 3 NSWLR 414. In our opinion the proposal remains substantially the same development. The roof extension is not deemed to be a radical change. On this basis the Council is well within its power to determine the application under S4.55(1A).

The main consideration under Section 4.55(1A) is what constitutes “the same development” and what are the parameters defining “substantially”. In the case of Vacik Pty Limited and Penrith Council (unreported 24 February 1992, Stein J), the Court held that substantially means “essentially or materially or having the same essence” and that the substance of determining these matters rests with a comparative analysis between the consent being varied and the modification and this approach is supported by the decision of Bignold J in Moto Projects (No 2) Pty Ltd and North Sydney Council (NSWLEC 280, Appeal 10741A of 1997, 17/12/99).

When considering material impact, it is our opinion that the proposed modifications are not of such significance to warrant a new application. By way of assistance, the Macquarie Concise Dictionary defines material to mean, amongst other things: of such significance to be likely to influence the determination of a cause. Other common meanings of material in relation to impacts would include real, not incidental or slight.

5.0 **SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION**

In accordance with s4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

5.1 **Relevant Environmental Planning Instruments (EPI's)**

5.1.1 **SEPP (Building Sustainability Index: BASIX) 2004**

Does not apply to this development.

5.1.2 **SEPP 55 – Remediation of Land**

SEPP 55 applies to all land within New South Wales, with Section 7 requiring the relevant consent authority to be satisfied that the subject land is suitable for development considering its contamination status. Council records indicate that the subject site has been utilised for commercial purposes for an extensive period of time. For this reasoning, the site is considered suitable to maintain the approved use and a contamination report is not deemed necessary for this particular application. It is also noted that the proposed works relate to a new roof over an existing terrace and no excavation is required. Council can be satisfied the provisions of the SEPP have been addressed.

5.1.3 **Draft SEPP Remediation of Land**

As detailed above further investigation is not warranted given the longstanding commercial use of the site and the continued approved use of the site.

5.1.4 **SEPP Vegetation in Non Rural Areas 2017 (Vegetation SEPP)**

Tree removal is not proposed as part of the application and does not impact unreasonably on any existing trees or vegetation on the site.

5.1.5 **Pittwater Local Environmental Plan 2014 (PLEP 2014)**

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the PLEP 2014 and the manner in which they relate to the site and the proposed development are assessed below in the following Table.

LEP Provision	Proposal	Complies
Aims (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 proposal satisfies the stated general aims of the plan for the reasons set out below: <ul style="list-style-type: none"> • The proposal does not increase the GFA of the Club. • The proposal is ancillary and incidental to the approved use of the Club. 	Yes

<p><i>the needs of the Pittwater community,</i> <i>(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,</i> <i>(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,</i> <i>(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,</i> <i>(g) to protect and enhance Pittwater's natural environment and recreation areas,</i> <i>(h) to conserve Pittwater's European and Aboriginal heritage,</i> <i>(i) to minimise risks to the community in areas subject to environmental hazards including climate change,</i> <i>(j) to protect and promote the health and well-being of current and future residents of Pittwater.</i></p>	<ul style="list-style-type: none"> • There are no direct or indirect environmental impacts as a result of the proposal. • The areas subject of this application are existing and currently provide licensed areas for members and guests. • No increase in staff or patron numbers or any additional deliveries as a result of the subject proposal. • No change to the trading hours of the Club. • Provision of CCTV to the terrace area. • The proposed works improve the facilities available to members and guests and makes best use of existing services and infrastructure. <p>Having regard to the above the council can be reasonably satisfied that the aims are duly satisfied.</p>	
<p>Zone R2 Low Density Residential 1 Objectives of zone</p> <ul style="list-style-type: none"> • 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. <p>2 Permitted without consent Home businesses; Home occupations</p> <p>3 Permitted with consent Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based</p>	<p>A “registered club” means a club that holds a club licence under the Liquor Act 2007.</p> <p>On this basis the Club is a prohibited use in the applicable R2, B7 and SP2 Infrastructure zonings. However, Schedule 1 ‘Additional Permitted Uses’ specifies that the subject site can be utilised for the purposes a registered club:</p> <p>11 Use of certain land at 80–82 and 84 Mona Vale Road, Mona Vale and 22 Jubilee Avenue, Warriewood</p> <p>(1) This clause applies to the following land identified as “Area 9” on the Additional Permitted Uses Map: (a) 80–82 Mona Vale Road, Mona Vale, being Lot 26, DP 654262, (b) 84 Mona Vale Road, Mona Vale, being Lot 120, DP 135512, (c) 22 Jubilee Avenue, Warriewood, being Lot 27, DP 5055. (2) Development for the purpose of a registered club is permitted with development consent.</p> <p>The proposed roof over the existing terrace is ancillary and incidental to the existing Club operations and does</p>	<p>Yes</p>

<p><i>aquaculture; Veterinary hospitals; Water recreation structures</i></p> <p>4 Prohibited <i>Any development not specified in item 2 or 3</i></p>	<p>not alter or change the principal use of the site.</p> <p>The proposed use satisfies the objective of the zone relating to uses which meet the day to day needs of the local community.</p> <p>The proposed additions do not alter the approved use or the staff or patron numbers. The site maintains the relationship with the streetscape and adjoining properties.</p> <p>In this regard, the site will continue to provide a registered club to meet the day to day needs of the residents and employment within the local area. The resultant development remains consistent with the character of the area and is acceptable in its current form.</p>	
<p>2.7 Demolition requires development consent</p>	<p>Development consent is sought for the removal of the existing sliding doors as shown on the submitted plans.</p>	<p>Yes</p>
<p>4.3 Height of buildings</p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,</i></p> <p><i>(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</i></p> <p><i>(c) to minimise any overshadowing of neighbouring properties,</i></p> <p><i>(d) to allow for the reasonable sharing of views,</i></p> <p><i>(e) to encourage buildings that are designed to respond sensitively to the natural topography,</i></p> <p><i>(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.</i></p> <p><i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i></p> <p><i>(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may</i></p>	<p>No change to the maximum building height.</p> <p>The works are sited within an area of the site with a specified maximum height of 8.5m. The proposed works are well below the allowable maximum building height.</p>	<p>Yes</p>

<p>exceed a height of 8.5 metres, but not be more than 10.0 metres if:</p> <p>(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and</p> <p>(b) the objectives of this clause are achieved, and</p> <p>(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and</p> <p>(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.</p> <p>Maximum Building ranges between 8.5m – 11m</p>		
<p>7.1 Acid Sulphate Soils</p> <p><small>Class of land</small></p> <p><small>Works</small></p> <p>1 Any works.</p> <p>2 Works below the natural ground surface.</p> <p>3 Works by which the water table is likely to be lowered.</p> <p>4 Works more than 1 metre below the natural ground surface.</p> <p>5 Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.</p> <p>6 Works more than 2 metres below the natural ground surface.</p> <p>7 Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>8 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 1 metre Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>The site is identified as containing Class 5 Acid Sulphate Soil.</p> <p>The proposal does not involve earth works.</p>	<p>Yes</p>
<p>7.2 Earthworks</p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p>	<p>No earth works proposed.</p>	<p>N/A</p>

<p>(i) <i>the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</i></p>		
<p>7.6 Biodiversity protection</p> <p><i>Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <p><i>(a) whether the development is likely to have:</i></p> <p><i>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p><i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p><i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p><i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise the impact, or</i></p> <p><i>(c) if that impact cannot be minimised – the development will be managed to mitigate that impact.</i></p>	<p>The site is not mapped as containing biodiversity.</p>	<p>N/A</p>
<p>7.7 Geotechnical hazards</p> <p><i>This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map. (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether</i></p>	<p>The site is not mapped as containing geotechnical hazards.</p>	<p>N/A</p>

<p><i>or not the development takes into account all geotechnical risks:</i></p> <p><i>(a) site layout, including access,</i></p> <p><i>(b) the development's design and construction methods,</i></p> <p><i>(c) the amount of cut and fill that will be required for the development,</i></p> <p><i>(d) waste water management, stormwater and drainage across the land, the geotechnical constraints of the site,</i></p> <p><i>(e) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless:</i></p> <p><i>(a) The consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</i></p> <p><i>(b) The consent authority is satisfied that:</i></p> <p><i>(i) The development is designed, sited, and will be managed to avoid any geotechnical risk and significant adverse impact on the development and the land surrounding the development, or</i></p> <p><i>(ii) If that risk or impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that risk or impact, or</i></p> <p><i>(iii) If that risk or impact cannot be minimised – the development will be managed to mitigate that risk or impact.</i></p>		
<p>7.8 Limited development on foreshore area</p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,</i></p> <p><i>(b) to ensure continuous public access along the foreshore area and to the waterway.</i></p> <p><i>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</i></p> <p><i>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will</i></p>	<p>The site is not mapped as being effected by forshore area or coastal risk.</p>	<p>N/A</p>

<p><i>not result in the footprint of the building extending further into the foreshore area,</i></p> <p><i>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</i></p> <p><i>(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:</i></p> <p><i>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</i></p> <p><i>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</i></p> <p><i>(c) the development will not cause environmental harm such as:</i></p> <p><i>(i) pollution or siltation of the waterway, or</i></p> <p><i>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</i></p> <p><i>(iii) an adverse effect on drainage patterns, or</i></p> <p><i>(iv) the removal or disturbance of remnant riparian vegetation, and</i></p> <p><i>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</i></p> <p><i>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</i></p> <p><i>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</i></p> <p><i>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</i></p> <p><i>(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.</i></p> <p><i>(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and</i></p>		
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<p><i>to what extent the development would encourage the following:</i></p> <p><i>(a) continuous public access to and along the foreshore through or adjacent to the proposed development,</i></p> <p><i>(b) public access to link with existing or proposed open space,</i></p> <p><i>(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,</i></p> <p><i>(d) public access to be located above mean high water mark,</i></p> <p><i>(e) the reinforcing of the foreshore character and respect for existing environmental conditions.</i></p> <p><i>(5) In this clause:</i></p> <p><i>foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.</i></p> <p><i>foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.</i></p>		
<p>7.10 Essential services</p> <p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site detention,</i></p> <p><i>(e) suitable vehicular access.</i></p>	<p>The development will be connected to the mains for water, electricity and sewage.</p> <p>The proposal maintains the amount of hard surfaced area. Stormwater will be collected onsite and discharged to the existing system.</p>	<p>Yes</p>

5.2 Draft Planning Instruments

There are no draft planning instruments relevant to the assessment of the subject application.

5.3 Non-Statutory Development Control Plans

The following non-statutory policies are relevant to the assessment of the application:

5.3.1 Pittwater Development Control Plan 2014 (PDCP 2014)

The Pittwater Development Control Plan 2014 (DCP 2014) provides controls and design guidelines to help achieve Council's desired development outcomes for the Mona Vale area and greater Pittwater LGA. The relevant sections are Section B – General Controls,

Section C Development Criteria for Other Development and Section D – Locality Specific Development Controls.

Section 3.42 of the Environmental Planning and Assessment Act 1979 No 203 states that the principal purpose of development control plans is to “provide guidance” on land use zone objectives and the aims of the relevant environmental planning instrument.

Additionally, Section 4.15(3A) (b) of the *EP&A Act 1979* clarifies that if a development application does not comply with the controls of a DCP, the consent authority is to be “flexible in applying those provisions” and to allow for “reasonable alternative solutions”.

Overall, the proposed development achieves DCP compliance with most controls. This is detailed in the Table below.

DCP Provision	Proposal	Complies
B General Controls		
<p>B1.4 Aboriginal Heritage Significance</p> <p><i>If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal object then additional independent information on the potential heritage significance may be requested.</i></p>	No Aboriginal Heritage on the immediate site. The site does not meet any of the criteria for a potential Aboriginal place or containing an object.	Yes
<p>B3.1 Landslip Hazard</p> <p><i>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater. Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater for the life of the development. The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</i></p>	The site is not identified as being in the Geotechnical Hazard area in the Pittwater LEP 2014 Geotechnical Hazard. The roof covers an existing structure and no further assessment is required with regard to landslip.	N/A
<p>B3.2 Bush Fire Hazard</p> <p><i>All development is to be designed and constructed so as to manage risk due to the effects of bush fire throughout the life of the development.</i></p>	The site is not identified as being located on bushfire prone land on Council’s Bush Fire Prone Land Map. Regardless the roof element would not cause any additional risk. The roof will be maintained like all existing building elements on the club site by routine maintenance.	N/A

<p>B3.3 Coastline (Beach) Hazard</p> <p><i>All development on land to which this control applies must comply with the requirements of the Coastline Risk Management Policy for Development in Pittwater (see Part B Appendix 6). Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level for the life of the development.</i></p> <p><i>The development must not adversely affect or be adversely affected by coastal processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to coastal processes</i></p>	<p>The site is not identified as Coastline (Beach) Hazard.</p>	<p>N/A</p>
<p>B3.6 Contaminated Land and Potentially Contaminated Land</p> <p><i>Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.</i></p>	<p>As detailed above further investigation is not warranted given the longstanding commercial use of the site and the continued approved use of the site.</p>	<p>Yes</p>
<p>B5.7 Stormwater Management – On-site Stormwater Detention</p> <p><i>An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m² (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.</i></p>	<p>The proposed development does not increase hard surface area on the site. Stormwater will be collected onsite and discharged as existing.</p>	<p>Yes</p>
<p>C5 Design Criteria for Other Development</p>		
<p>C5.2 Safety and Security</p> <p><i>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</i></p> <ul style="list-style-type: none"> <i>i. Surveillance</i> <i>ii. Access</i> <i>iii. Territorial reinforcement</i> <i>iv. Space management</i> 	<p>The proposed roof over the existing terrace will remain appropriately lit and monitored to ensure ongoing safety and security of patrons. Staff will monitor the area in the same manner as other licensed areas are monitored. Any noisy patrons will be asked to maintain good order or run the risk of being ejected from the Clubs premises. It is in the Clubs own interests to monitor areas so that neighbouring amenity is maintained and liquor licensing conditions are satisfied. The</p>	<p>Yes</p>

	<p>existing perimeter glazed wall and concrete hob will be maintained and will continue to assist in the reduction and deflection of noise.</p>	
<p>C5.4 View Sharing</p> <p><i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i></p> <p><i>The proposal must demonstrate that viewsharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</i></p> <p><i>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</i></p> <p><i>Views are not to be obtained at the expense of native vegetation.</i></p>	<p>The proposed roof is well below the maximum ridge height of the existing built form and will not obstruct views from or to adjoining properties.</p>	<p>Yes</p>
<p>C5.5 Accessibility</p> <p><i>Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.</i></p> <p><i>The siting and design of a building to which the general public has access shall comply with Australian Standard AS 1428-2009.1: Design for access and mobility – General requirements for access – New building work, and shall incorporate the following:</i></p> <p><i>Continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and</i></p> <p><i>Walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces; and</i></p>	<p>Access to the terrace will comply with the relevant provisions of the BCA. Existing amenities for persons with a disability are provided within the Club.</p>	<p>Yes</p>









<p><i>Accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways; and Carparking for people with a disability.</i></p> <p><i>This clause applies to development that involves:</i></p> <p><i>A new building to which the general public has access; Major alterations and additions to an existing building to which the general public has access; and Alterations to the shopfront/entrance of an existing building to which the general public has access.</i></p> <p><i>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.</i></p> <p><i>Development shall include design and construction of the footpath, cycleway, kerb and guttering, drainage facilities, street furniture, street lighting and landscaping and make good the adjacent road and pavement for the full frontage of the site to any public road at full cost to the developer.</i></p> <p><i>The design and construction shall be in accordance with the Village Streetscape Masterplans.</i></p> <p><i>Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.</i></p>		
<p>C5.7 Energy and Water Conservation</p> <p><i>Buildings shall be designed to be energy and water efficient.</i></p> <p><i>All new hot water systems must be either solar, heat pump or gas and must have a minimum rating of 3.5 stars.</i></p> <p><i>Water efficient appliances shall be used in all development (including AAA rated water efficient shower heads, water tap outlets and dual flush toilets).</i></p> <p><i>Windows are to be sized, located and shaded (by structures or vegetation) to reduce summer heat and allow entry of winter sun. Deep eaves are required to achieve this where appropriate, in addition to other horizontal shading devices, such</i></p>	<p>Water and energy efficient services are provided to the area.</p> <p>No change to the on site drainage system is proposed in terms of the hard area required to be accommodated within the existing on site system.</p>	<p>Yes</p>

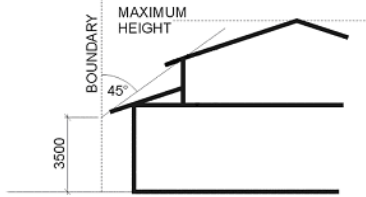
<p><i>as verandahs, pergolas, awnings, and external horizontal blinds.</i></p> <p><i>Buildings are to be designed to maximise ventilation in summer. This can be achieved by positioning openings (windows and doors) to prevailing summer winds to encourage cross ventilation, and the installation of fans, roof vents and high level windows.</i></p> <p><i>Buildings are to be constructed of materials which best minimise winter heat loss and summer heat gain. Insulation is a vital component of energy-efficient design in all climates and is to be incorporated, conforming with relevant Australian Standards.</i></p> <p><i>The species type, location and design of landscape planting are to assist in the conservation of energy.</i></p> <p><i>Solid fuel or wood burning appliances must comply with Australian Standard AS 4013-1999: Domestic solid fuel burning appliances – Method for determination of flue gas emissions or any subsequent amending standard.</i></p> <p><i>The installation of in-sink food waste disposers in any development is prohibited.</i></p>		
<p>C5.8 Waste and Recycling Facilities</p> <p><i>All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular provision is to be provided to remove waste.</i></p> <p><i>Waste and recycling enclosures are to be provided at or behind the front, side and rear setback requirements contained within the Controls of this document. This enclosure shall not occupy parking or landscaped areas.</i></p> <p><i>The waste and recycling enclosure is to be of an adequate size, integrated with the building design and site landscaping, suitably screened, and located for convenient access for collection.</i></p> <p><i>For larger scale development more than one waste and recycling enclosure may be appropriate.</i></p> <p><i>The waste and recycling enclosure/s shall be designed as follows:</i></p> <ul style="list-style-type: none"> • <i>constructed of solid material, cement rendered and steel, trowelled to a smooth, even surface and made</i> 	<p>The proposal relates to a new roof over the existing licensed terrace. No change is proposed to existing waste and recycling facilities.</p>	<p>Yes</p>

<p><i>vermin proof. Framing in timber is not permitted;</i></p> <ul style="list-style-type: none"> • <i>the floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the enclosure. Wastewaters shall be drained to the sewer;</i> • <i>stormwater shall not enter the floor of the enclosure such that the sewer system will be contaminated by rainwater;</i> • <i>the enclosure is to be roofed. Roof water shall be directed to an approved stormwater disposal system;</i> • <i>enclosures shall be vented to the external air by natural or artificial (mechanical ventilation) means. The installation and operation of the mechanical ventilation system shall comply with Australian Standard AS/NZS 1668.1 1998: The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings and Australian Standard AS 1668.2:2012: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings; and</i> • <i>hot and cold water hose cocks shall be located within the enclosure.</i> <p><i>The waste and recycling enclosure construction requirements do not apply to Bed and Breakfast establishments.</i></p> <p><i>For Shop Top Housing developments the residential waste and recycling enclosure is to be physically separated from the commercial/trade waste and recycling enclosure.</i></p>		
<p>C5.10 Protection of Residential Amenity</p> <p><u>Solar access</u></p> <p><i>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</i></p> <p><i>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</i></p> <p><i>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</i></p>	<p>Residential land is located in proximity of the site.</p> <p>The works are within the building envelope currently occupied by the Club in terms of licensed areas. The proposed new flat roof will not protrude above the height of the existing Club and is well setback from Mona Vale Road.</p> <p>There are no proposed changes to the trading or operating hours. The location and size of the terrace is unchanged. As such there is no intensification of use. The proposal does not alter the existing building envelope and is located within the existing glassed walls. In this regard, the existing building continues to provide</p>	<p>Yes</p>

<p><i>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</i></p> <p><u>Privacy</u></p> <p><i>Private open space and living rooms of proposed and any existing adjoining dwellings may be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m above floor level).</i></p> <p><i>Elevated decks, verandahs and balconies may incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Such areas shall not be modified to be incorporated into the dwelling.</i></p> <p><i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i></p> <p><i>Direct views of private open space or any habitable room window within 9m may be restricted (see diagram below) by:</i></p> <ul style="list-style-type: none"> • <i>vegetation/landscaping</i> • <i>a window sill height 1.7m above floor level, or</i> • <i>offset windows</i> • <i>fixed translucent glazing in any part below 1.7m above floor level, or</i> • <i>solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:</i> <ul style="list-style-type: none"> • <i>permanent and fixed;</i> • <i>made of durable materials; and</i> • <i>designed and painted or coloured to blend in with the house</i> 	<p>ample acoustic buffering to surrounding premises.</p> <p>It is also noted that the existing separation between the sites is modest and that the proposal will not significantly alter the existing relationship between adjoining sites including solar access impacts and is acceptable.</p>	
<p>C5.16 Building Facades</p> <p><i>Building facades to any public place and including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</i></p>	<p>The new roof incorporates a box gutter in the middle of the roof form so that the stormwater measures are not visible from a public place.</p>	<p>Yes</p>
<p>C5.17 Pollution Control</p>	<p>The proposal will not result in any adverse air, water, noise or land pollution impacts on the surrounding residents / uses.</p>	<p>Yes</p>
<p>D14 – Variety Locality</p>		

<p>D14.1 Character as viewed from a public place</p> <p><i>Buildings which front the street or creekline corridors must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i></p> <p><i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i></p> <p><i>Any building facade to a public place must incorporate at least two of the following design features: entry feature or portico; awnings or other features over windows; verandahs, balconies or window box treatment to any first floor element; recessing or projecting architectural elements; open, deep verandahs; or verandahs, pergolas or similar features above garage doors.</i></p> <p><i>The bulk and scale of buildings must be minimised.</i></p> <p><i>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</i></p> <p><i>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</i></p> <p><i>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</i></p> <p><i>General service facilities must be located underground.</i></p> <p><i>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on</i></p>	<p>The proposed new roof form is located below the main ridge and is compatible with the streetscape setting.</p> <p>The proposed external materials assist to blend the new roof form with the existing and will complement the existing built form.</p> <p>No change is proposed to the existing landscaping.</p>	<p>Yes</p>
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<p><i>facades of buildings visible from a public space.</i></p>		
<p>D4.2 Scenic protection – General</p> <p><i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i></p>	<p>The proposed development has been designed to be compatible with the existing built form and surrounding character of the area. The proposal will be constructed of suitable materials that are complimentary to the surrounding area. A seamless transition will be provided between new and old works. In this regard, the proposal is considered to enhance the current structure and will not impact on any roadway, road or public reserve.</p>	<p>Yes</p>
<p>D4.3 Building colours and materials</p> <p><i>External colours and materials shall be dark and earthy tones as shown below:</i></p> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;"> Black ✓</div> <div style="text-align: center;"> Dark grey ✓</div> <div style="text-align: center;"> Dark green ✓</div> <div style="text-align: center;"> Dark brown ✓</div> <div style="text-align: center;"> Mid grey ✓</div> <div style="text-align: center;"> Green ✓</div> <div style="text-align: center;"> Brown ✓</div> <div style="text-align: center;"> Dark blue ✓</div> </div> <p><i>Finishes are to be of a low reflectivity.</i></p> <p><i>Applications in commercial areas shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.</i></p> <p>Variations <i>Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map, and for non-residential development in areas that are not visually prominent.</i></p> <p><i>Heritage items may vary this control where heritage colours and fabrics appropriate to the building are applied.</i></p>	<p>The proposal will be constructed of suitable materials and finishes. The proposed external finishes are considered to blend with the aesthetics of the area.</p>	<p>Yes</p>
<p>D9.6 Front Building Line D9.7 Side and rear building line</p>	<p>No change to setbacks.</p>	<p>Yes</p>
<p>B9.9 Building Envelope</p> <p><i>Buildings are to be sited within the following envelope:</i></p>	<p>The proposed development has a compliant building envelope.</p>	<p>Yes</p>

 <p><i>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</i></p> <p><i>Variations</i> <i>Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.</i></p> <p><i>Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</i></p> <p><i>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</i></p> <p><i>Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</i></p>	<p>There are no additional overshadowing, bulk or scale impacts associated with the proposal.</p>	
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5.4 Suitability of the site for the development.

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 proposal. There is no reason as to why the proposed works would be unsuitable for the site having considered the relevant matters under Section 4.15 of the Act.

5.5 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners if required under Council’s DCP. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

6.0 Conclusion

The proposed amended application involves minor works in the form of a new roof over an existing licensed terrace at the Club as part of an amended application. The proposed works are ancillary and incidental to the Club and provide improved facilities to service existing members and guests. The new roof to the existing terrace allows for protection from the elements and also shields any noise emanating from those areas. There is no change to the trading hours or operation of the Club.

The proposal maintains the function and operation of the existing Club premises with a minor change to the built form. No additional parking is required to service this particular proposal. There are no direct or indirect environmental impacts anticipated as a result of the proposal and the ongoing operation of the Club satisfies the objectives of the local plan and the zone objectives. The roof results in substantially the same development.

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



Andrew Martin *MPIA*
Principal