



Mona Vale Surf Lifesaving Club

S4.55(1A) Modification to Approved Development Consent (DA/2018/1771)

On behalf of
Northern Beaches Council Property / Building Assets Department.
October 2019



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Revision	Revision Date	Status	Authorised	
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Post Lodge	18.10.19	Submit	MH	MH

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared on behalf of *Northern Beaches Council Property / Building Assets* to support a Section 4.55(1A) modification to the Northern Beaches Council Development Assessment (Council). This application proposed to modify Development Consent DA2018/1771 for the Mona Vale Surf Lifesaving Club (Mona Vale SLSC) at 1 Surfview Road, Mona Vale (the site) (Lot104 DP1066371). This application proposes modifications to development consent DA2018/1771, dated 18 February 2019 approved the demolition of the existing surf club building and construction of a new surf club building including a café, restaurant, and function space.

The SEE includes an assessment of the proposed modification in terms of the matters for consideration as listed under Sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE:

- Describes the site and local context;
- Identifies the proposed works;
- Identifies and addresses all relevant planning controls and policies;
- Identifies and addresses all potential environmental impacts of the proposal;
- Provides potential measures for minimising or managing the potential environmental impacts; and
- Demonstrates that the modification meets the test of “substantially the same”

The proposed modification is being sought under Section 4.55 (1A) of the Act, which relates to modifications involving minor environmental impact. The modification proposes;

- Deletion of the ground floor public male and female sanitary facilities (on the basis that Council is concurrently proposing to improve and increase the existing sanitary facilities at Mona Vale Beach, within 50 metres of the club as well as providing new toilet facilities in Apex Park);
- Minor modifications to the internal configuration which includes infill of through-site link; and
- Installation of an external free-standing shade structure added to café deck.

The purpose of these changes, which are substantially internal, is to enable improved amenity and utilisation of the space and to provide additional area to meet the operational requirements of the Surf Life Saving Club and ensure that the café shade structure reflects the architectural integrity.

A detailed description of the proposed modification is outlined in **Section 3**, a Planning Assessment is provided in **Section 4** and an Environmental Assessment is provided in **Section 5**.

This SEE is also supported by the following architectural plans and environmental assessment statements, which are provided separately;

- **Appendix 1.** Architectural Plans (including Statement of Modification);

- **Appendix 2.** Sustainability Statement;
- **Appendix 3.** BCA Statement; and
- **Appendix 4.** Notification Plan.

1.1 Proponent and Project Team

The Development Application and SEE Report have been prepared on behalf of the applicant, *Northern Beaches Council Property/Building Assets Department*. The expert consultant team is listed in **Table 1** below.

Table 1. Project Team	
Item	Description
Urban Planning Assessment	<i>Mecone NSW Pty Ltd</i>
Architect	<i>Warren and Mahoney Architects Ltd</i>
BCA Consultant	<i>McKenzie Group (NSW) Pty Ltd</i>
Sustainability (Energy) Consultant	<i>Northrop Consulting Engineers Pty Ltd.</i>

1.2 Development Approvals

Development Application DA2018/1771

Development Approval DA2018/1771 for “Demolition of the existing surf club building and construction of a new surf club building, including a cafe, restaurant, and function space” was approved by the Sydney North Planning Panel on the 18 February 2019 over the site.



Figure 1. 3D Visualisation – View from Pedestrian Crossing
Source: Warren and Mahoney



Figure 2. 3D Visualisation – View from Carpark of Surf Club Cafe
Source: Warren and Mahoney

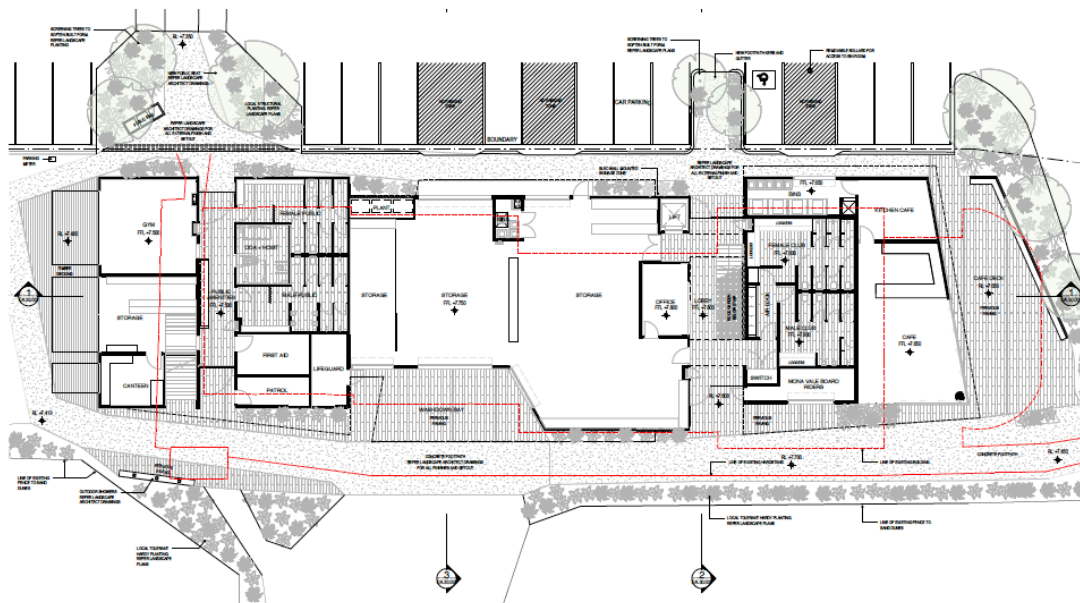


Figure 3 Approved Draft Concept GA Plan – Ground Level
Source: Warren and Mahoney

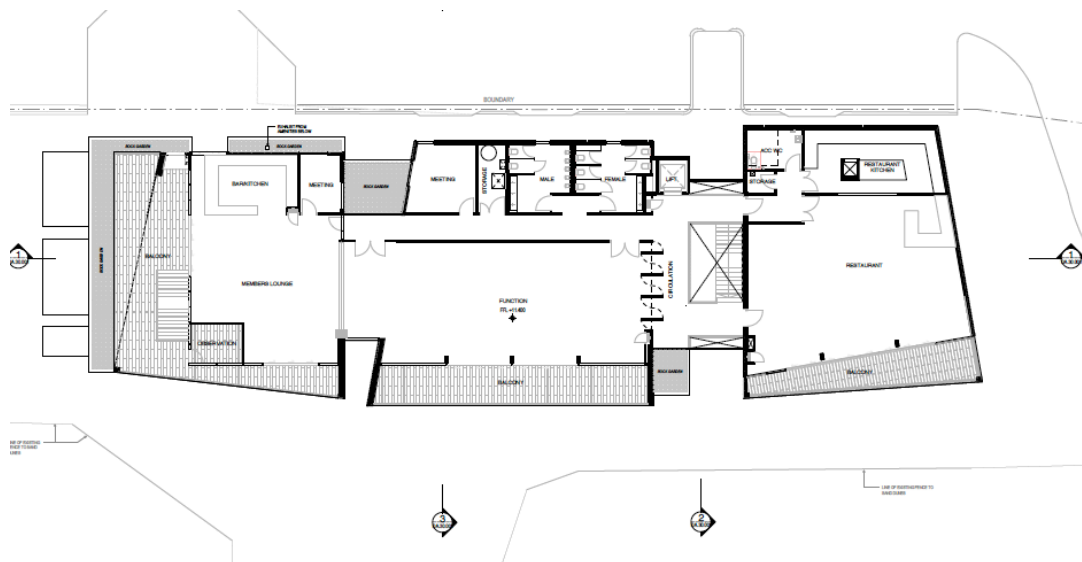


Figure 4 Approved Draft Concept GA Plan – Level 1
Source: Warren and Mahoney

1.3 Pre-Lodgement Meeting

A Pre-Lodgement meeting was held on the 29th August 2019 at the Dee Why Civic Centre. The meeting discussed the proposed modifications to the existing consent and 4.55 modification approach for the Mona Vale SLSC development at 1 Surfview Road, Mona Vale. The following table outlines the comments raised by Council and our response.

Table 2. Northern Beaches Council Pre-DA Comments	
Item	Response
The applicant proposes a series of modifications to the approved MV SLSC building, as follows: a. Removal of the public amenities, to be replaced by additional storage area, b. Inclusion of a 1.8m wind barrier on the southern elevation of the upper floor deck, c. Minor amendments to internal layout, d. Inclusion of an awning/roof over the external café seating area. The proposed amendments do not alter compliance with any LEP or DCP standards/controls, and no concerns are raised in	Complies The proposed modifications do not alter the compliance to the LEP or DCP standards and controls as approved under DA2018/1771. As discussed in the SEE, the proposed modifications will maintain substantially the same development as approved and will not introduce any new environmental impacts or uses to the approved development. The modification does not alter the development's consistency with the key planning controls and includes no change to use, density, FSR or building envelope on site. Therefore, it is considered that the proposed modification is eligible for Council's consent under Section 4.55(1A). Furthermore, the proposed modification will not introduce any new environmental impacts to the approved development. Refer to Section 4.1 of the SEE for further discussion.

Table 2. Northern Beaches Council Pre-DA Comments

this regard. However, should the applicant chose to seek consent for the amendments under the provisions of s4.55 of the EP&A Act, the applicant will need to satisfactorily demonstrate that the proposed modified development remains essentially and materially the same as that which was originally approved. The removal of all public amenities from the SLSC building may present some risk in this regard. It is understood that a new, separate public amenities building will be provided elsewhere in the vicinity of the development. However, these works will not form part of the application to remove the public amenities from the approved MV SLSC building. With this in mind, there is also a potential risk that the public may perceive that the amenities are to be removed from the area in their entirety. In this regard, it is recommended that the statement of environmental effects detail the manner in which the public amenities are to be approved/provided. Ideally, it would be beneficial if the provision of the public amenities was confirmed/ approved prior to the lodgement of any future application to remove the public amenities from the approved MV SLSC building.	
• Completed application form w/ owners consent; • Electronic copies (USB); • Statement of Environmental Effects; • Schedule of modifications (including any necessary amendments to conditions);	Noted. All items have been prepared for lodgement. A schedule of modifications has been provided by <i>Warren and Mahoney</i> in Appendix 1. Furthermore, a schedule of modifications and amendments to conditions are listed in Section 3 of the SEE.

Table 2. Northern Beaches Council Pre-DA Comments

• Site Plan; • Floor Plan; • Elevations and sections; • A4 Notification Plans; • Amended Energy Performance Statement* (if proposed modifications alter approved outcomes). • BCA addendum letter (to confirm that the reduced amount of amenities are sufficient for the maximum capacity of the café and restaurant)	A notification plan is provided in Appendix 4.
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2 The Site

2.1 Site Location

The site is located at Surfview Road, Mona Vale and is legally known as Lot 104 DP1066371. The site is situated between Apex Park and Mona Vale beach. The site is located approximately 24km north east from Sydney CBD and within the Northern Beaches LGA. Refer to figure below;



Figure 5. Subject Site
Source: Mecone MOSAIC

2.2 Site Description

Table 3 provides the legal description, and a brief summary of the site and surrounding context.

Table 3. Site Description	
Item	Description
Legal Description:	Lot 104 DP1066371
Location	Surfview Rd, Mona Vale NSW 2101
Topography	The site is generally flat.
Zone	RE1 Public recreation
Surrounding Context	The site and surrounding development comprise generally of parks, Mona Vale beach, car parking and low to medium rise residential livings. North-West: to the north-west is Surfview Road and across the street is the Apex Park; North-East: to the north-east is the at-grade car parking and landscape of the heritage listed Norfolk Island Pines;

Table 3. Site Description

Item	Description
	South-West: to the south-east is a landscaped area with more at-grade parking along Surfview Road, a four-storey residential dwelling is located at the end of Surfview Road which joins Darley Street. South-East: the site is immediately adjacent to the natural sand dunes along Mona Vale Beach.
Public Transport	The closest bus stop is located approximately 650m west of the subject site. Several bus stops are located on Barrenjoey Road which provides frequent access from Palm Beach to Chatswood and Sydney CBD.

3 The Proposal

The proposed modifications to the approved Development Consent DA2018/1771, are being sought under Section 4.55(1A) of the Act, which relates to modifications involving minor environmental impact. The proposed modifications include;

- Deletion of ground floor public female and male sanitary facilities (on the basis that Council is concurrently proposing to improve and increase the existing sanitary facilities at Mona Vale Beach, within 50metres of the club as well as providing new toilet facilities in Apex Park);
- Minor modifications to the internal configuration as detailed below in **Section 3.1** with subsequent infill of through site link; and
- Installation of an external free-standing shade structure added to café deck;

These proposed modifications, which are largely internal, will improve the amenity and utilisation of the space and provide additional area to meet the operational requirements of the Surf Life Saving Club.

3.1 Physical Modifications

The proposed modification, which include the deletion and relocation of ground floor public female and male sanitary facilities, minor modifications to the internal configuration and installation of an external free-standing café shade structure, will improve the amenity and utilisation of the space and provide additional area to meet the operational requirements of the Surf Life Saving Club.

The proposed physical modifications, which should be read in conjunction with the Architectural Plans in **Appendix 1**, are as follows;

Ground Level

- Deletion (and relocation elsewhere) of the public male and female sanitary facilities;
- Addition of public family change facility with entry off eastern elevation;
- Addition of public unisex accessible sanitary facility (with entry off western elevation) adjacent to the gym;
- Infill of smaller through-site link;
- Deletion of lifeguard room;
- Increase area of Nippers storage area;
- Increase area of general club storage area;
- Increase area of first aid room area and relocation (with entry off eastern elevation);
- Relocation of patrol room (with entry off eastern elevation);
- Relocate the club bin store;
- Addition of unisex accessible club change facility (with access off the through-site link);
- Installation of external free-standing shade structure to café deck;
- Increase to gym area with new external entry to gym;
- Ventilated façade to plant area increased on return wall;

- Relocation of Mona Vale Board Riders room with roller door entry on return wall adjacent to beach-side access to general club storage area;
- Removal of roller door and opening on east façade from previous Mona Vale Board Riders location;
- External staircase shifted to allow room for ground floor landing behind operable security screen; and
- Amendments to club change room layout.

Level 1

- Deletion of meeting room adjacent members' bar / kitchen;
- Relocation of members' kitchen, adjacent bar;
- Addition of access via sliding door between members' bar and external BBQ area;
- Addition of bench in external BBQ area;
- Increase glazed balustrade height to 1800mm on south and east elevations of southern balcony;
- Relocation of observation room;
- Addition of increased internal flexibility of function space to enable sub-division into meeting room space;
- Deletion of meeting room off central corridor;
- Increase storage room area, adjacent sanitary facilities;
- Relocation of unisex accessible sanitary facility, from restaurant to serve entire surf lifesaving club; and
- External staircase shifted to allow room for ground floor landing behind operable security screen.

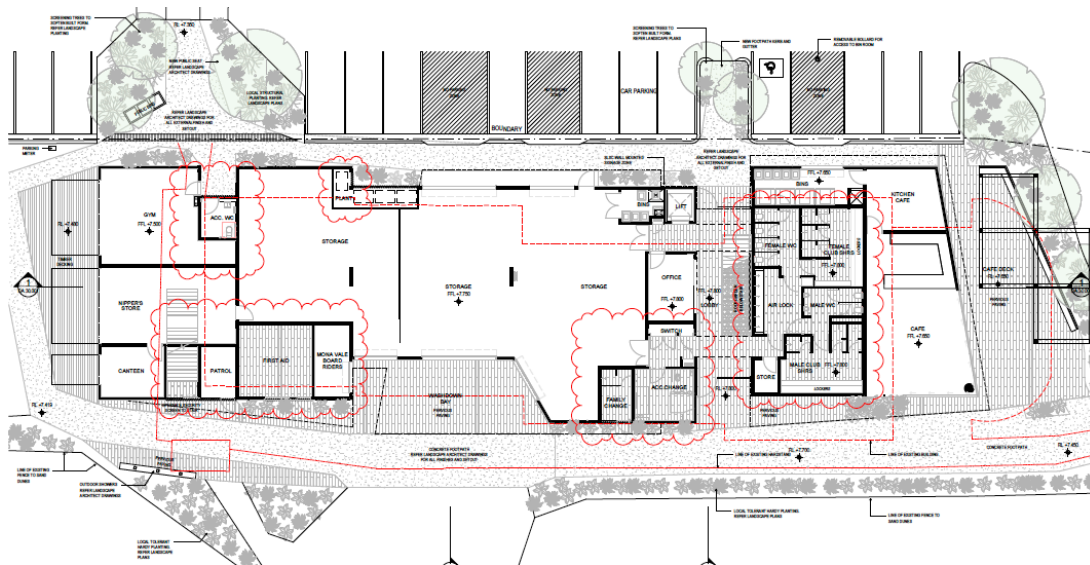


Figure 6. GA Plan – Ground Level (A.DA.10.001)
Source: Warren and Mahoney

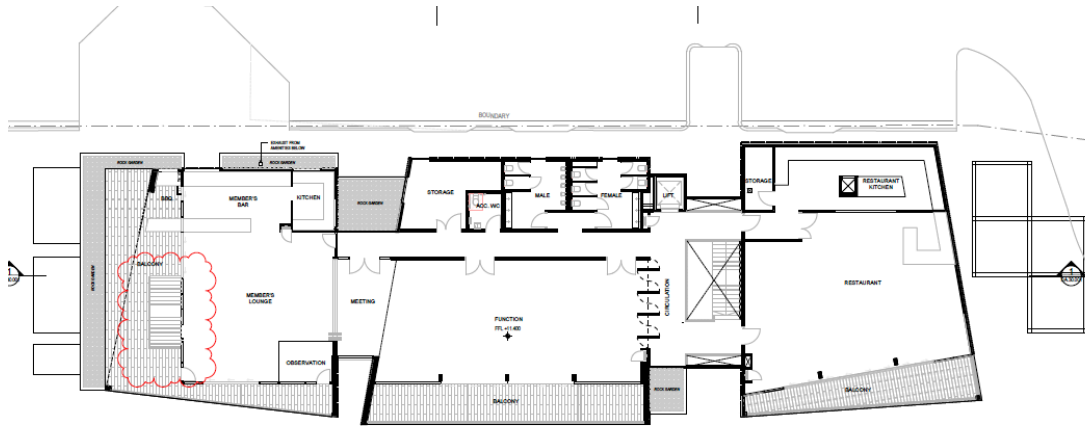


Figure 7. GA Plan – Level 1 (A.DA.10.002)
Source: Warren and Mahoney



Figure 8. Northern Elevation – (A.DA.20.001)
Source: Warren and Mahoney



Figure 9. Eastern Elevation – (A.DA.20.001)
Source: Warren and Mahoney



Figure 10. Southern Elevation – (A.DA.20.002)
Source: Warren and Mahoney

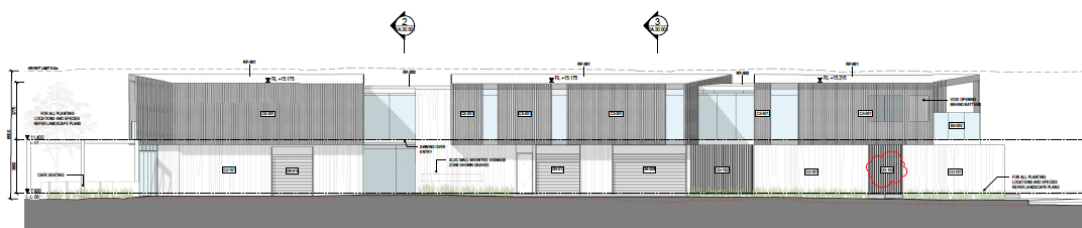


Figure 11. Western Elevation – (A.DA.20.002)
Source: Warren and Mahoney

3.2 Administrative Modifications

The proposed modifications are predominantly physical in nature and involve the deletion of the ground floor public female and male sanitary facilities, minor internal reconfigurations and installation of a café shade structure. To reflect the proposed physical modifications as outlined in Section 3.1 above, a minor modification to Condition 1 is required, relating to the update of documents.

The proposed modification to Condition 1 in the Conditions of Consent is proposed as follows (new in ***bold/italic***, deletions in ~~strike through~~);

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

(a) Approved Plans

Architectural Plans – Endorsed with Council's Stamp		
Drawing No.	Dated	Prepared By
A.DA.00.001 Rev A – Cover Sheet	15.10.18	Warren and Mahoney
A.DA.00.001 Rev A – Location Plan	15.10.18	Warren and Mahoney
A.DA.02.001 Rev A – Site Analysis Plan	15.10.18	Warren and Mahoney
A.DA.02.002 Rev A – Existing/Demolition Plan	15.10.18	Warren and Mahoney
A.DA.02.003 Rev A – Staging/Temporary	15.10.18	Warren and Mahoney
A.DA.02.004 Rev A B – Proposed Site Plan	15.10.18 13.09.19	Warren and Mahoney
A.DA.10.001 Rev A B C – GA – Ground Level	15.10.18 15.10.19	Warren and Mahoney
A.DA.10.002 Rev A B C – Level 1	15.10.18 15.10.19	Warren and Mahoney
A.DA.11.001 Rev A – Roof Plan	15.10.18	Warren and Mahoney
A.DA.12.001 Rev A Landscape Plan	15.10.18	Warren and Mahoney
A.DA.20.001 Rev A B C – North	15.10.18	Warren and Mahoney

& East Elevations	15.10.19	
A.DA.20.002 Rev A-B C – South & West Elevations	15.10.18 15.10.19	Warren and Mahoney
A.DA.30.001 Rev A-B C – Sections	15.10.18 15.10.19	Warren and Mahoney
A.DA.40.001 Rev A – Material Schedule Sheet 01	15.10.18	Warren and Mahoney
Landscape Master Plan – Ground Floor, issue C	October 2018	Arcadia Landscape Architecture
Landscape Detail Plan – Southern Precinct, issue C	October 2018	Arcadia Landscape Architecture
Landscape Detail Plan – Northern Precinct, issue C	October 2018	Arcadia Landscape Architecture

(b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

(c) The development is to be undertake in in accordance with the following:

Engineering Plans		
Drawing No.	Dated	Prepared By
ESK01 Rev 3 – Electrical Services Spatial Requirements	09.09.18	Northrop
HSK01 Rev 5 – Hydraulic Services Spatial Requirements Ground Level	22.10.18	Northrop
HSK02 Rev 5 – Hydraulic Services Spatial Requirements Level 1	22.10.18	Northrop
HSK03 Rev6 – Hydraulic Services Spatial Requirements Roof Level	22.10.18	Northrop
MSK01 Rev 4 – Mechanical Services Spatial Requirements	14.10.18	Northrop

4 Planning Assessment

Mecone has undertaken an assessment of the amended proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The potential environmental impacts and their mitigation measures are discussed below

4.1 Section 4.55(1A) of the EP&A Act 1979

The *Environmental Planning and Assessment Act 1979* (the Act) is the key environmental planning legislation in New South Wales. The Act establishes the regime in which the consent authorities address environmental issues for proposed developments. This includes the ability to modify development approval through Section 4.55 of the Act. This SEE also includes an assessment of the proposed works against the matters for consideration listed under Section 4.15 of the EP&A Act and should be read in conjunction with information annexed to this report.

In regard to this proposed modification, Council's consent is sought for a modification under Section 4.55(1A) of the Act, which states;

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.

...

An assessment against Section 4.15 of the Act has been undertaken to demonstrate the minor nature of the proposed modification. **Section 6** below provides a summary of the assessment.

4.1.1 Substantially the same development

The proposed amendments are predominantly internal and will not alter the gross floor area or height of the approved building envelope. The proposal includes the deletion and relocation elsewhere of the public amenities (which includes lockers, 3 female toilets, 4 female showers, 2 male pans, 2 male toilets and 3 male showers). The club will retain but relocate the unisex accessible sanitary facilities. It is considered that there will be no community impact resulting from this alteration as Council is currently preparing to upgrade the existing public amenity building to the

north-east, within 150m of the subject site and which is more centrally located to the existing car park and closer to the ocean rockpool. This new facility will replace the deleted facilities and will provide a minimum of 4 female toilets, 4 female showers, 4 male pans, 4 male showers and a unisex accessible sanitary facility with change. Council is also currently looking to provide additional public amenities at Apex Park, located directly north of the subject site less than 50metres away. These will comprise a unisex accessible toilet, an ambulant cubicle with external wash-hand basin and an oversized toilet cubicle with baby change facility, bench seat and hooks.

The club members' toilets and change rooms have been reconfigured to ensure that they provide enough pans and basins to service the remaining uses on the site. No additional uses are proposed. The internal area made available by the deletion and relocation of the public amenities will allow for improved functionality and better utilisation of space particularly with a view to and from the beach safety operations, including training and patrol.

The addition of an external free-standing shade structure, which is proposed over the outdoor space adjoining the café, has been carefully designed to be sympathetic to the building design and the context of the surrounding area. It is considered that this is a better alternative than leaving any decision to the café lessee.

Overall, the modifications will maintain substantially the same development as approved and will not introduce any new environmental impacts to the approved development. The modification does not alter the development's consistency with the key planning controls and includes no change to use, density, FSR or building envelope on site. Therefore, it is considered that the proposed modification is eligible for Council's consent under Section 4.55(1A).

4.1.2 Minimal Environmental Impact

The proposed modification is best suited to a Section 4.55(1A). The proposed modification will not introduce any new environmental impacts to the approved development. The proposed physical changes largely comprise of internal reconfigurations with a minor addition of a freestanding shade and weather structure that has been carefully designed to be sympathetic to the design of the building and not alter the proposed development when viewed from the public domain. It will also provide protection to the café and club users from the coastal elements. No additional impacts in regard to solar access or overshadowing will result from the proposed modifications.

As a result of Council's plans to upgrade the existing public amenity building, located within 150 metres north-east of the subject site and the provision of additional public amenities at Apex Park, north of the subject site, we consider that the proposed deletion of the public amenities will result in no community impact as other alternative facilities will be provided in close proximity. The remaining members' toilets and change room facilities have been reconfigured to ensure the provision of suitable quantity of pans and basins to service the remaining uses on the site. There are no additional uses proposed. It is our understanding, that the additional amenities proposed by Council in Apex Park and the upgrade of the existing beach amenity building (as illustrated in **Figure 12**) are being undertaken under Part 5 of the *Environmental Planning and Assessment Act 1979*.



Figure 12. Map illustrating the location of the proposed public amenity facilities to Apex Park and Mona Vale Beach.

Source: Mecone

The original DA provided two (2) on site through links, which were deemed to improve the existing views from Apex Park to the Beach. This proposal includes the removal of smaller of the two through-links which will permit additional space needed for the operation of the club. It is considered that the smaller through site link contributed little in terms of amenity and additional viewscape from Apex Park to the beach or views from the building to the beach. (Refer to **Figure 13** and **Figure 14** to for details on approved (DA2018/1771) vs proposed). This modification will not cause any additional view impacts to or from surrounding properties. The proposed modification and provision of additional storage and operational areas including a larger First Aid room is deemed to provide a greater benefit to the community when compared to the limited benefit provided by maintaining the through site link.

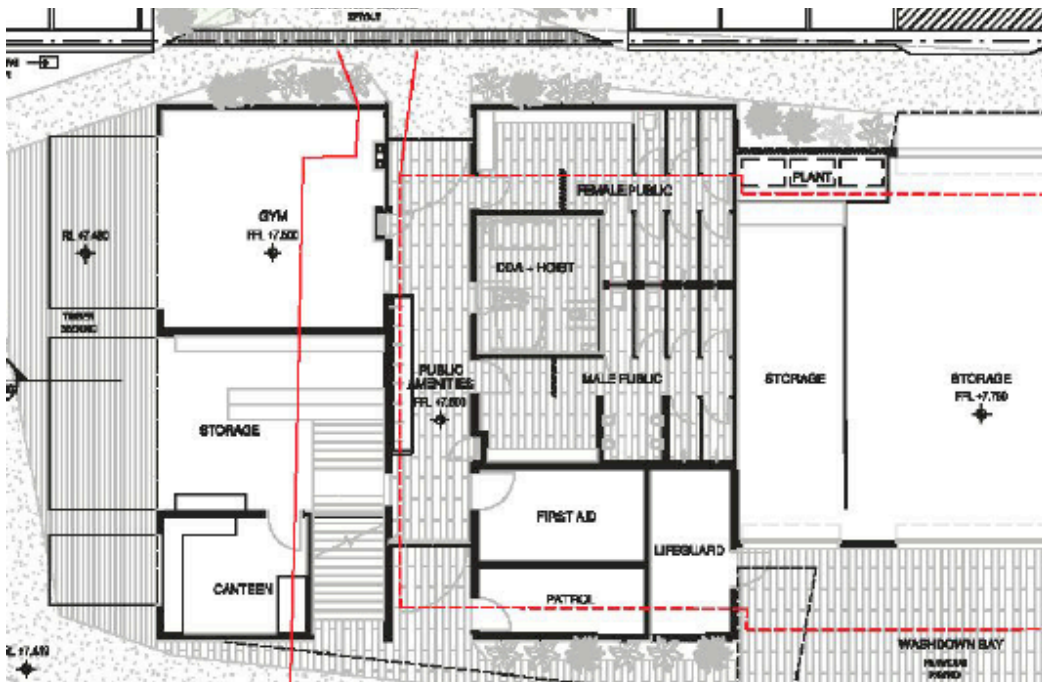


Figure 13. Ground Level Plan (Stamped Plans DA/2018/1771) – As Approved

Source: Warren and Mahoney

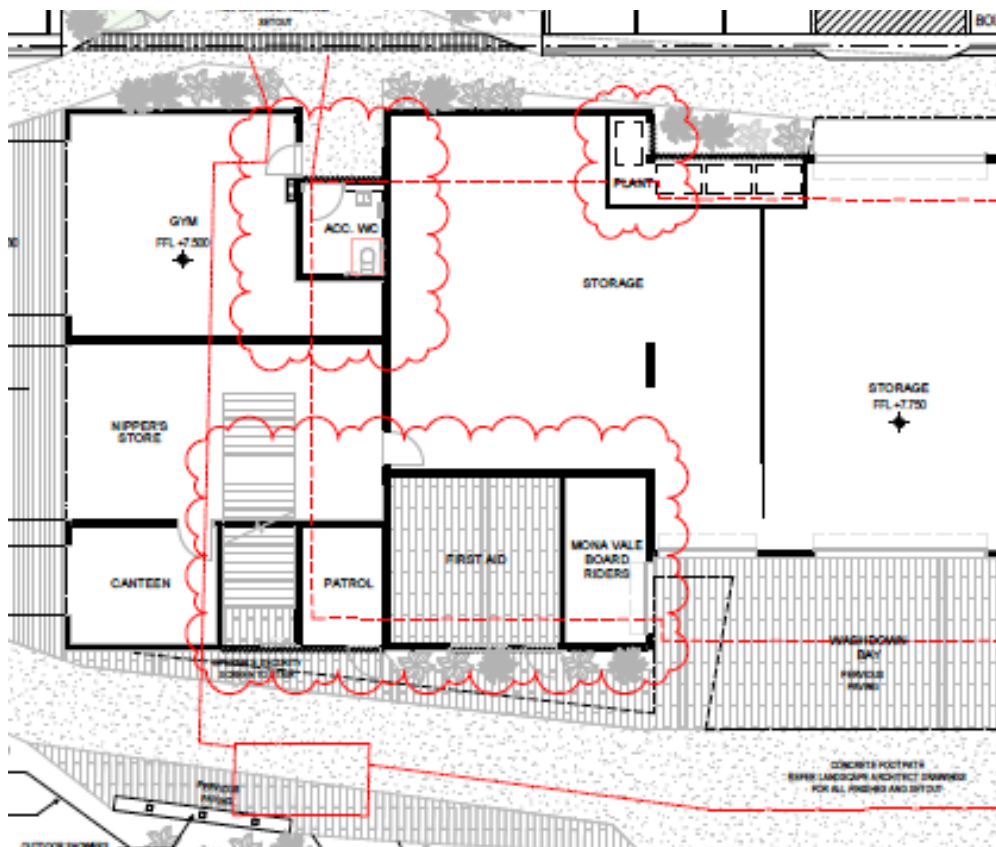


Figure 14. Ground Level Plan (A.DA.10.001)- Modification as Proposed.

Source: Warren and Mahoney

4.1.3 Notification

The proposed modifications may be exhibited in accordance with Council's policies.

Furthermore, early consultation has been underway with the community over the past four (4) weeks including a letter sent to 1188 local residents (local to the Club), consultation with those members of the original working group and anyone who previously corresponded on the Development Application for the Mona Vale Surf Lifesaving Club, plus consultation with the Club and Swim Club memberships. A "Your Say" link in regard to the Mona Vale Beach amenities and lifeguard storage also been sent to anyone who has registered for Council updates.

4.1.4 Consideration of any submissions

The proposed modification will include consideration of any submissions, if the application is required to be publicly notified, in accordance with Council's policies.

In addition, in accordance with Clause 4.55(3) of the Act, the subject SEE has considered relevant matters from Clause 4.15(1).

4.2 State Environmental Planning Policies (SEPP)

A list of SEPPs including SEPP State and Regional Development 2011, SEPP Coastal Management 2018, SEPP Infrastructure 2007 and SEPP55 Remediation of Land has been considered under the Original DA. The subject application, which is minor in nature, will not affect any of the above State Environmental Planning Policies applying to the site. Overall, the proposed modifications;

- Will not affect public access to and along the foreshore and will not cause any impacts on coastal hazards or increase the risk of coastal hazards in relation to any other land as was approved under the original DA;
- Will not cause any additional impacts to what was approved in regard to view loss, overshadowing and visual amenity;
- Will not alter the approved building envelope or impact any existing underground electricity network assets on site;
- Will not alter the use of the site and will not introduce any new uses to the site as approved under the original DA; and
- The subject site, which has been used for recreation and community purposes for a significant period of time, continues to pose no risk of contamination.

4.3 Pittwater Local Environmental Plan (LEP) 2014

The development has been addressed under the provisions of the environmental planning instrument in the original DA, which includes the *Pittwater Local Environmental Plan 2014* (PLEP2014). The proposed modifications result in the deletion of ground floor public female and male sanitary facilities (on the basis that Council is concurrently proposing to improve and increase the existing sanitary facilities at Mona Vale Beach, within 150 metres of the club as well as providing new toilet facilities in Apex Park), minor modifications to the internal configuration and installation of a café shade structure. These proposed works remain compliant with the PLEP2014 controls as discussed below;

4.3.1 Land uses

The proposed works continue to relate to the proposed surf club which is a type of community facility and which is permitted with consent in the RE1 Public Recreation Zone. The proposal maintains consistency with the objectives of the RE1 zone, in that the proposed surf club is used for recreational purposes and provides the needs of the community.

4.3.2 Height and Floor Space Ratio

The site permits a maximum height of 8.5m with no maximum Floor Space Ratio (FSR) identified for the site. The proposed modification largely consists of internal modifications and proposes no changes to the height or FSR that has previously been approved under the original DA. The proposed modifications therefore will maintain consistency with the objectives of the Clause 4.3 of the PLEP2014. Furthermore, as noted in the original DA, the existing building footprint is not within the *Flood Planning Area*.

4.3.3 Heritage Conservation

Though the surf club itself is not an item of the heritage, the development sits on a lot that includes a local heritage item - Norfolk Island Pines (*Araucaria heterophylla*), referenced 2270059. This heritage item was addressed in the original DA and supported by a *Heritage Impact Statement* and *Aboricultural Impact Appraisal*. The proposed modifications, which include the internal reconfiguration, deletion and relocation of the internal public amenities and the installation of a café shade structure, will not alter the gross floor area, height of the approved building envelope, and will result in negligible impacts when compared to the approved design and when viewed from the public domain. Overall, the original heritage reports remain current with the proposed works not altering how the approved building relates to the heritage applicable heritage values. The proposed shade and weather structure on the café deck are considered sympathetic to the desired character, heritage context and appropriate building design.

4.3.4 Development within the coastal zone

Clause 5.5 (Development within the Coastal Zone)

As noted under the original DA, Clause 5.5 of the PLEP 2014 was repealed on 2 April 2018 therefore it is no longer applicable to the subject property. However, under original DA, Council noted that it was a relevant consideration as the full application of the replacing legislation was not yet in place. Overall, the proposed modifications are minor in nature and are unlikely to cause impact on any coastal hazards or increase the risk of coastal hazards in relation to any other land over the design life and beyond.

Clause 7.5 (Coastal Risk Planning)

As noted in the original DA, Clause 7.5 of the PLEP 2014 does not apply at the subject site as it is not identified on the Coastal Risk Planning Map.

4.4 Pittwater Development Control Plan (DCP) 2014

The development has been addressed under the provisions of the environmental planning instrument under the original DA, which includes the *Pittwater Development Control Plan 2014* (PDCP2014). The proposed modification does not seek to change the use, the overall built form or parking that have been previously approved under the original DA. Overall, the proposed modification will result in no change to the development's consistency with the PDCP 2014. Some of the key controls are discussed below;

4.4.1 Desired Character

The proposed modifications do not alter the building envelope as approved under DA2018/1771 and maintains an appropriate bulk and scale whilst providing a high-quality development compatible with the streetscape. The proposed modifications, primarily consisting of internal reconfigurations, will not alter the desired character of the area. Furthermore, the proposed shade structure on the café deck is sympathetic to the desired character and appropriate building design.

4.4.2 Built Form controls

The proposed modifications will maintain the setbacks, building envelope and landscaped areas as approved under DA2018/1771. The proposed development maintains consistency and compliance with the controls.

4.4.3 Water Management

The proposed modifications do not alter the existing integrated water management approach, rainwater tanks, Water Sensitive Urban Design strategies nor will the proposed modifications increase the rate of hard surfaces as approved under DA/2018/1771.

4.4.4 Access and Parking

The proposed modifications will not result in alterations to parking numbers or the demand of parking on site as no additional floor space or uses are proposed. The area formerly identified for amenities will be converted to essential storage and operational space associated with the club. The development will ensure the provision convenient and safe access for all people, including people with a disability, older people and people with prams. The proposed amendments have been reviewed by a BCA the consultant, *McKenzie Group*, with their addendum letter provided in **Appendix 3**.

4.4.5 View Sharing

The approved building under DA2018/1771 provided two (2) on site through-links. The proposal includes the removal of smaller of the two through links. The removal of the smaller through-link will create additional space that is needed for the operation of the club. It is understood that the through-link provides little amenity in terms of creating additional viewscape from the building or from the carpark or from Apex Park.

This modification will not impact the views of surrounding properties. The additional storage and operational areas provided by the deletion and relocation of the public amenities are deemed to provide a greater benefit to the community, when weighted-up against the benefit of maintaining the through-link. The general scale and bulk of the building remains unchanged, with the exception of the addition of the café shade structure. Overall, it is established that no additional impacts in regard to solar access or overshadowing will result from the proposed modifications.

4.4.6 Environmental Sustainability

The proposed modifications will not alter any water or energy efficiency measures as approved under the original DA. The modification application is accompanied by an BCA statement by *McKenzie Group* which is provided in **Appendix 3**. This statement confirms that, based on the modifications as per the Architectural Plans attached in **Appendix 1**, the project maintains its capability to comply with the Building Code of Australia 2019.

5 Environmental Assessment

In accordance with Section 4.15 of the Act, an assessment has been undertaken for the potential environmental impacts associated with the development in the original DA. The proposed modification does not create any additional significant environmental impacts other than those already assessed and approved under the original development application DA2018/1771.

Mecone has worked closely with *Warren and Mahoney* and other related consultants to ensure the proposed modifications will enable efficient development of the site, without causing additional environmental impacts.

5.1 Built Form and Urban Design

The proposed modifications will ensure and maintain a high-quality community facility development which will improve the visual amenity and functionality of the club whilst being compatible with the streetscape and locality. The proposed modifications will not alter the gross floor area or the height of the approved building envelope sought.

The proposed external installation of a freestanding café shade and weather structure has been carefully designed to be sympathetic and complementary to the approved façade design.

The deletion of the public amenity facilities from the Club is deemed acceptable as Council are currently preparing the upgrade and construction upgrades of two nearby public amenity facility blocks in close proximity to the subject site (upgrades to the existing sanitary facilities at Mona Vale Beach and new toilet facilities in Apex Park). As a result of these proposed facility works by Council, it is considered that the proposed modification will result in negligible community impacts. Furthermore, to ensure the provision of enough pans and basins to service the remaining uses on the site, the proposed modifications include the reconfiguration of the club members' toilets and change rooms.

The removal of the smaller of the two internal through-site links will allow the internal reconfiguration of the space which in turn will create additional storage, and operational areas, which is considered to provide a greater benefit to the community when compared to the benefit of maintaining the through-link. The proposed works will not alter the approved building envelope. Overall the built form, as viewed from the public domain, will remain unchanged.

5.2 Building Code of Australia

The original DA included a BCA Assessment by *McKenzie Group* which established that the original proposed development (DA2018/1771) was consistent with the Building Code of Australia (BCA). The report demonstrated that the proposed development is able to comply with the relevant BCA requirements. *McKenzie Group* has reviewed the proposed modifications and have prepared an addendum statement which confirms that the proposed works remain capable of complying with the *Building Code of Australia 2019*.

5.3 Sustainability

The original DA was accompanied by a *Sustainability Report* prepared by *Northrop Consulting Engineers Pty Ltd*. In response to the proposed modifications, Northrop Consulting Engineers have reviewed the proposed modifications and we include their addendum statement attached in **Appendix 2**. The *Sustainability Report Addendum Statement* confirms that the proposed modification will have

insignificant impact on energy efficiency and the thermal performance of the facility.

5.4 Suitability for the Site

The proposed development has been approved as being suitable the site for the following reasons;

- The proposal is consistent with the zone objectives and controls within the LEP;
- The proposal is consistent with the DCP provisions;
- The proposal is compatible with surrounding land uses and the surrounding development and context;
- There are no environmental constraints on or around the site of such significance as to preclude the proposed development
- The full range of utility services infrastructure – electricity, gas, telecommunications, water, sewer and stormwater drainage – are available at or near the site; and
- Road access and an expansive car park is available adjacent to the site. The proposed modifications do not alter any parking provisions as approved under DA/2018/1771.
- Furthermore, under the modification, the proposed public amenities quantity will be maintained, with Council preparing to upgrade the existing public amenity building, located within 150 metres of the subject site and the provision of additional public amenities at Apex Park, 50 metres north of the subject site. The club members' toilets and change rooms have been reconfigured to ensure that they provide enough pans and basins to service the remaining uses on site.

5.5 Public Interest

The proposed modifications are considered to be within the public interest for the following reasons:

- The modification is consistent with the approved development in proposing new, high quality and contemporary community facilities and retail activation in the popular coastal location;
- The modification will not create any additional amenity impacts with regard to overshadowing, privacy and view loss;
- The modification does not propose any changes to the landscaping as Approved under DA/2018/1771. The proposed works will ensure the continued protection of significant trees as well as new tree planting and landscaping;
- Construction and the ongoing use of the development will contribute to local employment opportunities; and
- The modification will provide an appropriate mix of uses that creates a social space in the local area and improve beach safety.

Section 4.15 Compliance Table

An assessment against Section 4.15 of the Act has been undertaken to demonstrate the minor nature of the proposed modification. **Table 4** provides a summary of the assessment.

Table 4. Section 4.15 Assessment Summary		
Clause	Clause Detail	Assessment
(1)	Matter 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)(i)	The provision of: Any environmental planning instrument, and	The proposed modification has been shown to continue to be consistent with the relevant SEPPs and LEPs.
(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	Not applicable, there are no draft environmental planning instruments of relevance for the subject modification.
(iii)	Any development control plan, and	The proposed application has been assessed against the relevant provisions of the Pittwater DCP2014.
(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	Non Applicable
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The proposal remains consistent with the regulations applying to development applications.
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	The proposed modification application has been assessed against the SEPP Coastal Management 2018 and other applicable EPs.

Table 4. Section 4.15 Assessment Summary

(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,	The proposed modifications are minor and will have minimal environmental impacts. All conditions will still need to be met.
(c)	The suitability of the site for the development,	The site has been demonstrated as being suitable for development, and this modification has no effect on the site's suitability.
(d)	Any submissions made in accordance with this Act or regulations,	The proposed modification will include consideration of any submissions in accordance with Council's policies.
(e)	The public interest.	The proposed modification is considered to be in the public interest.

Conclusion

This SEE has been prepared on behalf of Northern Beaches Council Property/Building Asset Department to support a Section 4.55(1A) application to modify Development Consent DA2018/1771, dated 18 February 2019 in relation to the Mona Vale SLSC at 1 Surfview Road, Mona Vale.

This SEE concludes that the proposed modifications are consistent with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A planning assessment has been undertaken in **Section 4**, and an Environmental Assessment has been undertaken in **Section 5**. The SEE is supported by additional plans as requested by Council.

The planning and environmental assessments found the proposal remains consistent with the state and local planning controls and that associated impacts of the proposal are considered to be minimal and manageable and that the modification results in a modified development that is 'substantially the same' as the development approved. Hence:

- The modification is in accordance with 4.55(1A) of the Act, substantially the same development as the development for which consent was originally granted;
- No State Environmental Planning Policies apply to the Subject Section 4.55(1A) modification;
- The proposed modifications will maintain consistency with the key planning controls contained within the PLEP 2014 and PDOP 2014 and does not seek to amend those controls approved under the Conditions of Consent including building height, car parking numbers requirements;
- Mecone has worked closely with *Warren and Mahoney* and other related consultants to ensure the modifications represent the most efficient and effective way forward;
- The proposed modifications ensure that key social, economic and environmental matters are addressed within the design of the proposed modification, with respect to amenity;
- The proposed works are within the public interest, based on the above issues, is an appropriate outcome for the site and the *Northern Beaches Council Property/ Building Assets Department*.

We recommend that Council approve the proposed modifications in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* for the Mona Vale SLSC development located at 1 Surfview Road, Mona Vale.

Appendix 1 – Architectural Plans

Appendix 2 – Sustainability Statement



Appendix 3 – BCA Statement

Appendix 4 – Notification Plans