



Warringah Council

COMMERCIAL OCCUPATION/ADDITIONS/SIGNAGE/CHANGE OF USE

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Andrew Cowan

Proposal Description: Change of use from coffee shop to restaurant and internal works

Property Address: Lot 1 DP 881326, 4 Collaroy Street COLLAROY NSW 2097

Application No: DA2009/1533

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2 – Issues Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2A – SEPP 64	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2B – Schedule 17 Car parking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 3 – Site Inspection Analysis	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 4 – Application Determination	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Estimated Cost of Works: \$ 15,000

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☐ Yes ☒ No

No. of Submissions:

Nil



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Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D2 Collaroy Village

Development Definition: ☐ Housing ☐ Ancillary Development to Housing ☒ Restaurant

Category of Development: ☒ Category 1 ☐ Category 2 ☐ Category 3

Desired Future Character:

☒ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?

☒ Yes ☐ No

☐ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible

Site History

A site inspection was carried out on 27 January 2009 which revealed that the premises is operating as a restaurant catering for 20 seated patrons. The previous use at the premises was a coffee shop which serviced the hostel only.

The subject development application seeks land use approval for the use of the premises as a restaurant.

Section 76A (1) of the Environmental Planning and Assessment Act 1979, states that:

'If an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies, unless:

- (a) Such consent has been obtained and is in force, and*
- (b) The development is carried out in accordance with the consent and the instrument.'*

In light of Section 76A (1) of the Environmental Planning and Assessment Act 1979, Clause 7 of the Warringah Local Environmental Plan 2000 (WLEP 2000) states that:

'All development requires consent except:

- (a) Exempt development, being development of minimal environmental impact identified in Schedule 1 (Exempt development), when carried out in accordance with the requirements of that Schedule, and*
- (b) Development identified in Schedule 2 (Other development not requiring consent), when carried out in accordance with the requirements of that Schedule.'*

The proposed development is not exempt development or development identified in Schedule 2 and therefore requires development consent.



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Consent may be granted for the use, however a building certificate will be required for the works (exhaust fan) that has been constructed without consent.

Built Form Controls:

<p>Building Height (overall):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 8.5m</p> <p><input type="checkbox"/> 11.0m</p> <p><input checked="" type="checkbox"/> 3 storeys nor 11m</p>	<p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed: 11m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Building Height (underside of upper most ceiling):</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 7.2m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Front Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 6.5m</p> <p><input type="checkbox"/> Nil setback to street frontage</p> <p>Is the Corner Allotment / Secondary Street Frontage control applicable?:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 3.5m</p> <p><input type="checkbox"/> Other</p>	<p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed: The proposed awning is to overhand Council's footpath area by 1.5m</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Corner Allotment:</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Other:</p>	



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General Principles of Development Control:

<p>CL38 Glare & reflections Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL39 Local retail centres Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL40 Housing for Older People and People with Disabilities Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL41 Brothels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL42 Construction Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Noise generated as a result of the restaurant is anticipated to be in keeping with the acoustic amenity of the locality. If approval is granted it is to be conditioned that hours of operation are restricted to 7am to 9pm Monday to Thursday, 7am to 10pm on Friday and Saturday and 8am to 9pm on Sunday. By adhering to the above hours of operation the impact on the amenity of the surrounding environment is anticipated to be minimal. Furthermore, the mechanical is to connect to the existing services duct to the roof of the building to ensure that noise is minimised.</p> <p>Deliveries to the premises will be via the front of the building and are to occur outside the hours of 10pm to 6am to ensure that there is minimal disturbance to the surrounding environment.</p>
<p>CL44 Pollutants Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL45 Hazardous Uses Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL46 Radiation Emission Levels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>



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CL47 Flood Affected Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL48 Potentially Contaminated Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the site suitable for the proposed land use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
CL49 Remediation of Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL49a Acid Sulfate Soils Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL50 Safety & Security Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL51 Front Fences and Walls Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL53 Signs Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No <p>The proposed signage is to be erected on the awning above the entrance at Collaroy street. As the signs will be painted on the awning it will not result in visual clutter within the streetscape. The proposed signage is defined as an awning sign for the purpose of business identification. The overall size of the signage on the northern elevation is 3.5sqm and the eastern elevation sign is 1.5 sqm. In this regard the proposed signage fails to achieve compliance with clause 53 as it exceeds the allowable area of 4sqm for the 21.350m frontage.</p> <p>Notwithstanding, the scale of the proposed signage it will allow for reasonable identification of the premises and will be compatible with the architectural scale of the building.</p>
CL54 Provision and Location of Utility Services	Complies:



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Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL55 Site Consolidation in 'Medium Density Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL56 Retaining Unique Environmental Features on Site Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL57 Development on Sloping Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL58 Protection of Existing Flora Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL59 Koala Habitat Protection Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL60 Watercourses & Aquatic Habitats Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL61 Views Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL62 Access to sunlight Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL63 Landscaped Open Space Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL63A Rear Building Setback Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL64 Private open space Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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CL65 Privacy Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL67 Roofs Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL68 Conservation of Energy and Water Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL71 Parking facilities (visual impact) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL72 Traffic access & safety Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL73 On-site Loading and Unloading Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Loading and unloading is to occur directly in front of the premises as there is limited opportunity on-site. Given the scale of operations loading and unloading will be “low intensive” as goods delivered will comprise mainly food and drinks to be consumed by patrons. In this regard the proposal is deemed adequate as it is anticipated there will be minimal conflict with traffic in the area.
CL74 Provision of Carparking Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Refer to Schedule 17 elsewhere in this report



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CL75 Design of Carparking Areas Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL76 Management of Stormwater Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL77 Landfill Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL78 Erosion & Sedimentation Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL79 Heritage Control Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL82 Development in the Vicinity of Heritage Items Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL83 Development of Known or Potential Archaeological Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

Schedules:

<u>Schedule 5 State policies</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 6 Preservation of bushland</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 7 Matters for consideration in a subdivision of land</u> Applicable:	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<u>Schedule 8 Site analysis</u> Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 9 Notification requirements for remediation work</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 11 Koala feed tree species and plans of management</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 12 Requirements for complying development</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 14 Guiding principles for development near Middle Harbour</u> Applicable: <input type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 15 Statement of environmental effects</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<u>Schedule 17 Carparking provision</u> Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Refer to Section 2B elsewhere in this report.

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further	
Clause 92 (Demolition of Structures) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further	Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 93 & 94 (Fire Safety)	Addressed via condition?



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<p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further BCA report supplied?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further Assessment Required</p> <p>Building compliance have inspected the above premises. No objection is raised in relation to fire safety, the building is deemed adequate in its current form.</p>
<p>Clause 98 (BCA)</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is a Construction Certificate required?</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further (BCA Assessment Required see Section 2)</p>	<p>Addressed via condition?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Disability & Discrimination Act</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Amended plans required</p>
<p>Is a POPE (Place of Public Entertainment required?)</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

REFERRALS: Nil

Applicable Legislation/ EPI's /Policies:

- ☒ EPA Act 1979
- ☒ EPA Regulations 2000
- ☐ Disability Discrimination Act 1992
- ☐ Local Government Act 1993
- ☐ Roads Act 1993
- ☐ Rural Fires Act 1997
- ☐ RFI Act 1948
- ☐ Water Management Act 2000
- ☐ Water Act 1912
- ☐ Swimming Pools Act 1992;
- ☒ SEPP No. 55 – Remediation of Land
- ☐ SEPP No. 71 – Coastal Protection
- ☐ SEPP No. 22 Shops & Commercial Premises
- ☒ SEPP No. 64 – Advertising & Signage
- ☒ SEPP Infrastructure
- ☐ SEPP BASIX
- ☒ SEPP Infrastructure
- ☒ WLEP 2000
- ☒ WDCP
- ☐ S94 Development Contributions Plan
- ☐ S94A Development Contributions Plan
- ☐ NSW Coastal Policy (cl 92 EPA Regulation)
- ☐ Other

SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iiiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (c) – Is the site suitable for the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Restaurant

Land Use Zone: B2 – Commercial Core

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: No additional permitted uses

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	N/A	N/A	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A
Height of Buildings:	11M	11M	N/A – existing	N/A



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The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

SEPPs

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☐ Yes ☒ No

SEPP Basix: Applicable?

☐ Yes ☒ No

If yes: Has the applicant provided Basix Certification?

☐ Yes ☒ No

SEPP 55 Applicable?

☒ Yes ☐ No

Based on the previous land uses if the site likely to be contaminated?

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

Is the proposal for a swimming pool:

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

WLEP 2000

DESIRED FUTURE CHARACTER

D2 – Collaroy Village

The Collaroy Village will retain its retail character incorporating a mix of small retail and business uses with shop-top housing. A range of retailing and after-hours activities at street level will reinforce the character of the village.

Future development will maintain the continuity of existing building facades by ensuring that they are broken into distinct vertical segments reflecting the traditional pattern of shopfront development. The design and treatment of buildings will also reflect the beachside setting and exposed nature of the locality. New development will contribute to creating a pedestrian environment which is safe, comfortable and interesting. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Commercial use of part of the footpath for outdoor eating and the like is appropriate.

The ground floor of buildings will be predominantly used for business purposes. If the first floor is used for housing the building will be designed to enable the first floor to be adapted for business use in the future.

Buildings greater than 2 storeys in height will be designed so that the massing is substantially reduced on the top floors thereby reducing the visual bulk of the development whilst the Collaroy Cinema is to remain the dominant building along the Pittwater Road frontage.

Development that adjoins residential land is not to reduce the amenity enjoyed by adjoining occupants. In this regard the built form of development in the village is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above the ground floor level.

The heritage and townscape qualities of the Arlington Amusement Hall building are to be preserved and enhanced. This is to be achieved by the restoration of the first floor Pittwater Road façade of the entire terrace of shops in terms of detail, finish and colour, by limiting development of the site to the existing building envelope so that the bulk and height of the building are not increased and by encouraging a more sympathetic treatment to the elevations visible from Pittwater Road in terms of fenestration and colour.

Building and development along the Collaroy/Narrabeen Beachfront will address the current and future hazards of wave impact and coastal erosion.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Side Boundary Envelope, Side Setback and Front Setback Built Form Controls, as such pursuant to Clause 20(1) a higher test is required

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

The proposed development is considered to satisfy the applicable DFC statement for the reasons detailed hereunder:

- The proposal will retain the retail character
- The proposal will maintain the traditional pattern of shopfront development
- The proposal will maintain safe pedestrian movement which is safe, comfortable and interesting
- The proposed footpath dining to remain consistent with the character of the area
- The proposal maintains appropriate use of the ground floor as a restaurant
-

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Front Building Built Form Controls, accordingly, further assessment is provided hereunder.



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Description of variations sought and reasons provided:

Front Setback

Requirement: Buildings are to be setback 6.5m from the front property boundary

<p>Front Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 6.5m</p> <p><input type="checkbox"/> Nil setback to street frontage</p> <p>Is the Corner Allotment / Secondary Street Frontage control applicable?:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 3.5m</p> <p><input type="checkbox"/> Other</p>	<p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed: The proposed awning is to overhand Council's footpath area by 1.5m</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Corner Allotment:</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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Area of inconsistency with control: The proposed awning is to encroach 1.5m beyond front property boundary.

Merit consideration of non-compliance – The following considerations have been applied in assessment of the front setback variation:

Create a sense of openness

Comment: The proposed awning is to encroach beyond the property boundary by 1.5m. Given that the existing building is built to the boundary and the lowest point of the awning is 2.4m above the finished level of the footpath, the structure will maintain a sense of openness within the streetscape. The style of the awning is such that it is consistent with the built form within the locality.

Provide opportunities for landscaping

Comment: Opportunity for landscaping will be provided on-site as no additional works are proposed at ground floor level. The existing gardens within the front setback are to be retained to provide a landscaped setting.

Minimise the impact of development on the streetscape

Comment: The overall impact on the streetscape will be minimal given that the proposed awning structure will be at least 2.4m above the finished level of the footpath and will extend 1.5m outwards from the existing building. The design of the awning is such that it is consistent with the architectural scale of the building.

Maintain the visual continuity and pattern of buildings, front gardens and landscape elements

Comment: The proposal maintains the visual continuity of buildings, front gardens and landscape elements as it is consistent with the architectural character of the building.

The provision for corner allotments relates to street corners

Comment: The subject site is not identified as a corner allotment.



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OTHER MATTERS FOR FURTHER CONSIDERATION:

Section 2A - SEPP No. 64 – Advertising and Signage

Is SEPP 64 Applicable to the proposal? ☒ Yes ☐ No (delete table below)

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1) (a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The subject site is located within the D2 Collaroy Village locality under WLEP 2000. This locality is primarily comprised of commercial premises such as shops and restaurants which provide advertising signage for the premises, including wall and window signs.</p> <p>The proposed development seeks to erect signs, one on the awning on the northern elevation and one along the eastern elevation. Both signs are to be painted on the shade cloth of the swining. As such the proposed signage will be unobtrusive</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The subject site is located within an existing commercial land use area with varying signage and building form. The proposed signage is considered to be satisfactory with regard to the advertising theme for the commercial uses within the locality.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not located within the vicinity of any environmentally sensitive area, heritage item, waterway or rural landscape.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Views and vistas Does the proposal obscure or compromise important views?	<p>The proposed signage is designed to be painted onto the awning and will not obscure or compromise important views.</p> <p>In addition, the proposed signage will not result in the obscuring of views from any public or private domain.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal dominate the skyline and reduce the quality of vistas?	All proposed signage is located below the existing roof line and will therefore not result in any change to the existing built form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal respect the viewing rights of other advertisers?	Due to the buildings unique design and locality no existing or proposed signage will interfere with the viewing right of other advertisers.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape,	The proposed signage is not considered to adversely impact on the surrounding streetscape, setting or landscape due to the	<input checked="" type="checkbox"/> Yes



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setting or landscape?	location of the signage.	<input type="checkbox"/> No
Does the proposal respect the viewing rights of other advertisers?	Due to the buildings unique design and locality no existing or proposed signage will interfere with the viewing right of other advertisers.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is not considered to adversely impact on the surrounding streetscape, setting or landscape due to the location of the signage.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is consistent with that of surrounding development, it is consistent with the existing built form and is considered to be in scale with the building to which it will be attached.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	It is considered that the proposed signage will maintain the status quo with regard to clutter and rationalisation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal screen unsightliness?	The proposed signage is designed as a wall sign and will not obscure any unsightliness.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	All proposed signage is to be constructed on the buildings existing parapet, and will not protrude beyond the roof line.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is considered to be compatible with the scale, proportion and other characteristics of the site or building due to the location of the signage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal respect important features of the site or building, or both?	All proposed signage is to be on the northern and eastern elevation of the awning. The signage is considered to be consistent with that of the built form and to that of surrounding development, as such the proposal is considered to respect the important features of the site and building.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is standard in design, it is consistent with that of surrounding development and is considered satisfactory for the proposed use.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed have been proposed as part of this application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. Illumination Would illumination result in unacceptable	No illumination is proposed.	<input checked="" type="checkbox"/> Yes



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glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?		<input type="checkbox"/> No
Can the intensity of the illumination be adjusted, if necessary?	No illumination is proposed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the illumination subject to a curfew?	No illumination is proposed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Due to the location of the proposed signage and conditions, the proposed signage is not considered to have any adverse impact upon the safety for any public road, pedestrians or bicyclists.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Due to the location of the proposed signage it is considered that the signage will not result in the obscuring of any views.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

Proposal is satisfactory ☒ Yes ☐ No

WLEP 2000 Clause 53 Signs

CL53 Signs	<p>The number, size, shape, extent, placement and content of signs are to be limited to the extent necessary to:</p> <ul style="list-style-type: none"> • allow the reasonable identification of the land use, business, activity or building to which the sign relates, and • ensure that the sign is compatible with the design, scale and architectural character of the building or site upon which it is to be placed. The proposed signs are defined as awning signs which will be for the purpose of business identification. The size of the sign along the northern elevation is 3.5sqm and the sign on the eastern elevation is 1.5sqm. Both sign are to be painted on the awning above the restaurant entrance. • ensure that the sign does not dominate or obscure other signs or result in visual clutter, and • ensure that the sign does not endanger the public or diminish the amenity of nearby properties. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Is there existing signage on site? ☒ Yes ☐ No

Will the existing signage be retained? ☒ Yes ☐ No – condition removed



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Section 2B Schedule 17 Carparking Provision

<p>Number of car spaces existing - 19 spaces, complies?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> FAR</p> <p>Total number of car spaces required - 7 spaces?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> FAR</p> <p>Total number of car spaces proposed – Nil on-site car spaces for restaurant patrons , complies?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> FAR</p>	<p>Addressed via condition?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further Assessment Required (Clause 74 to be addressed below)</p> <p>Note: The site contains a youth hostel, 19 car parking spaces are available within the basement area. These spaces are utilised by guests of the hostel.</p> <p>The Traffic Survey prepared by Ray Dowsett Traffic & Transport Planning dated 24 December 2009 submitted with the application notes that 19 on-site car spaces are available on-site. The proposed seating capacity for the restaurant is for 20 patrons, in accordance with Schedule 17 of WLEP 2000, the proposed development would require 7 off-street carparking spaces (1 space per 3 seats) to satisfy the requirements of the Schedule.</p> <p>Having regard to the above, the proposed development does not satisfy the numerical requirements of the clause.</p> <p>Notwithstanding, the traffic survey provided demonstrates that the surrounding streets are capable of accommodating for the car parking demand of the proposed restaurant. Surveys conducted during peak demand periods demonstrate that sufficient off street car parking is available.</p> <p>The nature of operations at the premises is such that it will cater predominately for those coming from the beach or those staying in the hostel. In this regard additional demand on the surrounding streets will be limited as patrons will utilise other services in the locality in addition to the restaurant.</p> <p>Noting the availability of public transport and alternative carparking on Pittwater Road, it is considered that the site would provide adequate parking provision for staff and customers. In this regard, the requirements of the Schedule are satisfied.</p>
<p>Clause 74 Provision of carparking</p> <p>Adequate off-street carparking is to be provided within the subject property boundaries having regard to:</p> <ul style="list-style-type: none"> • the land use, and • the hours of operation, and • the availability of public transport, and • the availability of alternative carparking, and • the need for parking facilities for courier vehicles, delivery/service vehicles and bicycles. 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>



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Headland

☐ Yes ☐ No

Bushland

☐ Yes ☐ No

District Views

☐ Yes ☐ No

Other:

Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulfate Soils

☐ Yes ☒ No

Located within 40m of any natural watercourse?

☐ Yes ☒ No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

☐ Yes ☒ No

Located within 100m of the mean high watermark?

☐ Yes ☒ No

Located within an area identified as a Wave Impact Zone?

☐ Yes ☒ No

Any items of heritage significance located upon it?

☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

☐ Yes ☒ No

Located within an area identified as potential land slip?

☐ Yes ☒ No

Is the development Integrated?

☐ Yes ☒ No

Does the development require concurrence?

☐ Yes ☒ No

Is the site owned or is the DA made by the "Crown"?

☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

☐ Yes ☒ No

Does the proposal impact upon any easements / Rights of Way?

☐ Yes ☒ No



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Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes provide detail:

Signed

Date

Andrew Cowan, Development Assessment Officer



SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council and the proposed development is considered to be:

- ☒ Satisfactory
☐ Unsatisfactory

Recommendation:

That Council as the consent authority

- ☒ **GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation
- ☐ **GRANT DEFERRED COMMENCEMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination;
 - (b) limit the deferred commencement condition time frame to 3 years;
 - (c) one the deferred commencement matter have been satisfactorily addressed issue an operational consent subject to the time frames detailed within part (d); and
 - (d) the consent lapsing within three (3) from operation
- ☐ **REFUSE development consent** to the development application subject to:
- (a) the reasons detailed within the associated notice of determination.

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"

Signed

Date

Andrew Cowan Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date

Ryan Cole Team Leader, Development Assessment