



Warringah Council

RESIDENTIAL DEVELOPMENT

Section 96(1a) Application to Modify a Development Consent ASSESSMENT REPORT

DA No. Mod2009/0216

Assessment Officer: Michael Edwards

Property Address: Lot 6, DP 659074, No.1186 Pittwater Road NARRABEEN

Proposal Description: Modification to DA2008/1216 (Alterations and additions to a heritage listed building to create a residential flat building) to construct additional balconies.

Plan Reference:

Drawing No.:	Revision:	Prepared By:
DA01	L	Bonus and Associates: Architects
DA02	M	Bonus and Associates: Architects
DA03	N	Bonus and Associates: Architects
DA04	K	Bonus and Associates: Architects
DA05	J	Bonus and Associates: Architects
DA06	L	Bonus and Associates: Architects
DA07	N	Bonus and Associates: Architects
DA08	K	Bonus and Associates: Architects
DA09	F	Bonus and Associates: Architects
DA10	F	Bonus and Associates: Architects
DA11	F	Bonus and Associates: Architects
DA14	B	Bonus and Associates: Architects
DA15	C	Bonus and Associates: Architects
DA16	A	Bonus and Associates: Architects

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 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

RELEVANT BACKGROUND

15/4/2009 Council granted development consent to DA2008/1216 for the demolition of part of an existing heritage building and construction of alterations and additions to create five (5) residential units with basement car parking and strata subdivision.

PROPOSED MODIFICATIONS IN DETAIL

The modification application proposes the construction of cantilevered balconies to the ground and first floor at the rear of the approved building. Each balcony will be fitted with sliding privacy screens.



Warringah Council

SECTION 96(1a) EPA ACT 1979

Section 96(1A) (a) – Is the Modification to Consent of Minimal Environmental Impact?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 96(1A) (b) – Would the consent as proposed to be modified be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was previously modified?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 96(1A) (c) & (d) – Has the application been on Public Exhibition?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have you considered any submissions?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A (No submissions received)
Section 96 (3) – Have you considered such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Submissions Received?

☐ Yes ☒ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

No. of Submissions: No submissions

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D1 Collaroy/Narrabeen (Site is not within the Medium Density Area)

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

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

Desired Future Character:

'The Collaroy/Narrabeen locality will be characterised by detached style housing and apartments in landscaped settings and a range of complementary and compatible uses. New apartment development will be confined to the "medium density areas" down on the map.

Outside the "medium density areas", future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. New development will be of a low scale and articulated with generous spaces between buildings to retain the open lake and seaside character of the locality and create visual interest. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.



The use of materials that blend with the colours and textures of the natural landscape are to be encouraged. Building designs are to incorporate the fine detail found in some of the older existing cottages.

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

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of the development control provided by clause 39.'

- ☒ 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)

Built Form Controls:

Building Height (overall): Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 8.5m <input type="checkbox"/> 11.0m	<input type="checkbox"/> Existing and unchanged Proposed: 6.8m to rear cantilevered balconies Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building Height (underside of upper most ceiling): Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 7.2m	<input type="checkbox"/> Existing and unchanged Proposed: 6.6m to cantilevered balconies Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front Setback: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input type="checkbox"/> 6.5m Is the Corner Allotment / Secondary Street Frontage control applicable?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 3.5m	<input checked="" type="checkbox"/> Existing and unchanged Proposed: m Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No Corner Allotment: <input type="checkbox"/> Existing and unchanged Proposed: 1800mm Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



Warringah Council

	See assessment for variation pursuant to the provisions of Clause 20 of WLEP 2000.
<p>Housing Density:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 1 dwelling per 450sqm</p> <p><input checked="" type="checkbox"/> 1 dwelling per 600sqm</p>	<p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed:dwelling / persqm</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Landscape Open Space:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 40% (.....sqm)</p> <p><input type="checkbox"/> 50% (.....sqm)</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 47.5% (749.5sqm)</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Rear Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p>The consent authority is to take into account the "Development Guidelines for Collaroy/Narrabeen Beach" set out in Schedule 13.</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 22.2m to northern wing 22.4m to southern wing</p> <p>The balconies will be located within the Zones of Wave Impact and Reduced Foundation Capacity.</p> <p>This issue has been addressed under 'Schedule 13 Development Guidelines for Collaroy/Narrabeen Beach.</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Side Boundary Envelope:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 4m / 45 degrees</p> <p><input type="checkbox"/> 5m / 45 degrees</p>	<p>Boundary: <input checked="" type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input type="checkbox"/> Existing and unchanged or</p> <p>Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Minor Breach: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Side Setbacks:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 900mm</p> <p><input type="checkbox"/> 4.5m</p>	<p>Boundary <input type="checkbox"/> Nth <input checked="" type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input type="checkbox"/> Existing and unchanged or</p> <p>Proposed: 4.6m minimum to balcony 5.4m maximum to balcony</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>



Warringah Council

General Principles of Development Control:

<p>CL38 Glare & reflections 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 The modifications propose an additional enclosed balcony to all units on the eastern beachfront elevation. The balconies incorporate timber screens on both side elevations and as such will not result in any excessive solar glare or reflection.</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 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>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>
<p>CL47 Flood Affected Land 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>CL48 Potentially Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the site suitable for the proposed land use?</p>



Warringah Council

	<input 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 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 The subject site is affected by Class 4 and 5 Acid Sulfate Soils. Notwithstanding, as the proposed balconies are cantilevered off the approved dwelling, there will be no physical impact to the ground level. In this regard, there will be no impact to the modified elements from Acid Sulfate Soils.
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 The works are confined to the beachfront elevation of the building and maintain opportunities for casual surveillance to the public domain including the beach and the street.
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 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 The proposed balconies are wholly contained within the confines of the subject site and do not physically restrict access to the public domain. Further, the works maintain opportunities for casual surveillance to the beach and street and there is no alteration to the approved treatment to the site to delineate the public and private domains.
CL53 Signs 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
CL54 Provision and Location of Utility Services 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
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:	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



Warringah Council

<input type="checkbox"/> Yes <input checked="" 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 The proposed balconies are contained below the finished height of the existing dwelling and below that of the approved alterations and additions at the rear. Further, the cantilevered balconies are semi transparent and will not unreasonably impact on the view corridor obtained from or over the subject site.
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 The proposed balconies are contained below the finished height of the existing dwelling and the approved alterations and additions. In this regard, there will be no significant increase to the level of overshadowing on adjoining properties, maintaining a complying provision of solar access.
CL63 Landscaped 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 Although the proposed balconies reduce the numerical provision of landscaped open space from that as approved under DA2008/1216, the resulting provision of landscaped open space complies with the minimum of 40% as required under the Landscaped Open Space Built Form Control and maintains a functional area to suit the outdoor recreational needs of the occupants together with enabling the provision of quality landscape plantings.
CL63A Rear Building Setback 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 The proposed cantilevered balconies maintain a function area of landscaped open space within the area to the rear of the dwelling. Although affected by the Zone of Wave Impact, the provision of a generous landscaped area east of the dwelling maintains a landscaped setting and sense of openness along the beachfront.
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 The cantilevered balconies will increase the approved and complying individual provision of private open space to each unit by approximately 18sqm.



Warringah Council

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 The provision of sliding timber privacy screens to the balconies will ensure that there is no unreasonable impact to visual privacy.
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 The cantilevered balconies are contained below the finished height of the existing building and the approved works. Further, the cantilever to the balconies together with the open-able privacy screens, gives a greater sense of a lightweight structure.
CL67 Roofs 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 The cantilevered balconies incorporate a flat roof and will integrate with the approved contemporary alterations and additions to the heritage building.
CL68 Conservation of Energy and Water 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
CL69 Accessibility – Public and Semi-Public Buildings 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
CL70 Site facilities 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
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
CL74 Provision of Carparking 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
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



Warringah Council

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 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 The subject site is identified as an item of local heritage significance under WLEP 2000. The Warringah Heritage Inventory identifies the property as 'A rare example of a late Victorian residence, which although altered, retains important original fabric. Historically the building provides evidence of 19 th Century development and the importance of beach-side leisure accommodation.' The Heritage Impact Statement prepared by Graham Brooks and Associates details the response of the modifications to the heritage significance of the property which identifies that the proposed modifications will not adversely impact on the physical or visual qualities of the heritage building fabric. The proposed cantilevered balconies are lightweight in construction, are attached to the approved contemporary additions at the rear of the dwelling and contained below the finished height of the building. Further, the balconies are designed with an increased side setback, resulting in additions that will integrate with the approved additions and will not present to the street a sense of visual dominance or building bulk. In this regard, it is considered that the cantilevered balconies will not have any adverse visual impact to the visual setting of the heritage building, or any physical impact to the significant building fabric.
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
CL81 Notice to Heritage Council 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	Complies:



Warringah Council

Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
---	--

Schedules:

Schedule 5 State policies 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
Schedule 6 Preservation of bushland 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
Schedule 7 Matters for consideration in a subdivision of 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
Schedule 8 Site analysis 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
Schedule 9 Notification requirements for remediation work 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
Schedule 10 Traffic generating development 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
Schedule 11 Koala feed tree species and plans of management 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
Schedule 12 Requirements for complying development 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
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No In accordance with Clause 1 of Schedule 13 the development guidelines for Collaroy/Narrabeen Beach apply to all properties marked on the Council's Collaroy/ Narrabeen/Fishermans Beach Hazard Line Maps – A1 8634, Sheets 1-3 having any part within the Zones of Wave Impact, Slope Adjustment or Reduced Foundation Capacity as shown on those maps.



Warringah Council

The existing building is within the Zones of Wave Impact, Slope Adjustment and Reduced Foundation Capacity' and the proposed development is within the 'Zones of Slope Adjustment' and 'Reduced Foundation Capacity'.

A 'Coastal Engineering Investigation' prepared by Worley Parsons dated 15/7/2009 was submitted with the application. The 'Coastal Engineering Investigation' addresses the requirements of Schedule 13 of WLEP 2000. The Report concludes the following;

'The first floor balconies with a floor level of RL10.4 AHD are well above expected wave action at the subject property. That is, the proposed first floor balconies would not be affected by coastline hazards, or affect coastline hazards at or adjacent to the subject boundary.'

The ground floor balconies (with a floor level of 7.0m AHD) are at about the limit of expected wave action for a severe coastal storm occurring at the subject boundary, assuming removal of sand from underneath the deck and possible wave action on the underside of the balcony. If the ground floor balconies are designed to be self supporting (cantilevered) when all sand has been removed from underneath (that is, designed like the first floor balconies with air space beneath) and an allowance is made for some wave impact forces on the underside of the balcony for a suitable design event not less than 100 year average reoccurrence interval (required force allowances can be provided as part of detailed design), then the proposed ground floor balconies would not be expected to be affected by coastline hazards. Note that it would also be necessary for the balcony supports (supporting the cantilever) to be designed as per the recommendations in Section 8 of Patterson Britton & Partners (2007) that is to be founded to a suitable depth.'

The review of the documentation and proposal by Council's Natural Environment Unit supports the above findings.

Clause 3(a) of Schedule 13 applies to 'minor development'. Minor structures, including a pathway and timber fencing, are proposed within the 'Zone of Wave Impact'. In accordance with Clause 3(a)(iii) of Schedule 13, consent may be granted for *minor development* and landscaping works in the 'Zone of Wave Impact', having regard to the aims of the guidelines. Council's Natural Environment Unit raised no objections to the minor structures proposed. The structures are considered to be consistent with the aims of the guidelines.

In accordance with Clause 3 of Schedule 13, Council is to take into consideration the principles in Clause 3(b) when it assesses major development to which Schedule 13 applies. Conditions of consent were



Warringah Council

	<p>imposed under the initial consent (DA2008/1216) and will not be modified as part of this modification application.</p> <p>For the reasons given the proposed development is considered to be consistent with the requirements of Schedule 13.</p>
<p>Schedule 14 Guiding principles for development near Middle Harbour</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>Schedule 15 Statement of environmental effects</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>Schedule 17 Carparking provision</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>

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:

☐ Yes ☒ No

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

REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Clause 92 (Demolition of Structures) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 92 (Government Coastal Policy) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 93 & 94 (Fire Safety) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 94 (Upgrade of Building for Disability Access) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 98 (BCA) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

REFERRALS

Referral Body/Officer

Required

Response

Development Engineering

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Landscape Assessment

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory



Warringah Council

Natural Environment Unit

☒ Yes ☐ No

☒ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Aboriginal Heritage

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Env. Health and Protection

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

NSW Rural Fire Service

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Energy Australia

☒ Yes ☐ No

☒ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Heritage

☒ Yes ☐ No

☒ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

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 BASIX



Warringah Council

- | | |
|---|--|
| <input checked="" type="checkbox"/> SEPP Infrastructure | <input type="checkbox"/> S94A Development Contributions Plan |
| <input checked="" type="checkbox"/> WLEP 2000 | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation) |
| <input checked="" type="checkbox"/> WDCP | <input checked="" type="checkbox"/> Heritage Act 1977 |
| <input type="checkbox"/> S94 Development Contributions Plan | |

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)(iiia) - 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



Warringah Council

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 1577.0sqm

Detail existing onsite structures:

- ☐ None
- ☒ Dwelling
- ☐ Detached Garage
- ☐ Detached shed
- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☐ Other

Site Features:

- ☐ None
- ☒ Trees
- ☒ Under Storey Vegetation
- ☐ Rock Outcrops
- ☐ Caves
- ☐ Overhangs

- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

- ☐ North / South
- ☐ East / West
- ☐ North East / South West
- ☐ North West / South East

View of:

- Ocean / Waterways ☒ Yes ☐ No
- Headland ☒ Yes ☐ No
- District Views ☐ Yes ☐ No
- Bushland ☐ Yes ☐ No
- Other:



Warringah Council

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



Warringah Council

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>?

☒ Yes ☐ No

Are there any additional
matters that have arisen from
your site inspection that
would require any additional
assessment to be
undertaken?

☐ Yes ☒ No

If yes provide detail:

.....

.....

.....

.....

.....

Signed

Date 15 September 2009

Michael Edwards, Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 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 following revised conditions:

The following conditions are to be MODIFIED to read as follows:

1. Development in Accordance with Plans (S96 Amendments)

The development being carried out in accordance with plans Reference DA2008/1216 numbered as seen below:

<i>Drawing Number</i>	<i>Prepared By</i>	<i>Revision</i>	<i>Dated</i>
DA01	Bonus + Associates	J	3/12/08
DA02	Bonus + Associates	J	14/7/08



Warringah Council

DA03	Bonus + Associates	L	3/12/08
DA04	Bonus + Associates	H	14/7/08
DA05	Bonus + Associates	G	14/7/08
DA06	Bonus + Associates	J	19/1/09
DA07	Bonus + Associates	K	19/1/09
DA08	Bonus + Associates	H	19/1/09

Except as modified by MOD2009/0261 plans listed below (refer to the highlighted sections on the plans only):

Drawing Number	Prepared By	Revision	Dated
DA03	Bonus + Associates	N	17/6/09
DA04	Bonus + Associates	K	17/6/09
DA05	Bonus + Associates	J	17/6/09
DA06	Bonus + Associates	L	17/6/09
DA07	Bonus + Associates	N	24/7/09
DA08	Bonus + Associates	K	17/6/09

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council - Public Information.



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"

DEVELOPMENT APPLICATION: MOD2009/0216
PROPERTY ADDRESS: No:1186 Pittwater Road, Narrabeen

Signed _____ Date 15 September 2009

Michael Edwards, Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date 15 September 2009

Steven Findlay, Team Leader, Development Assessment