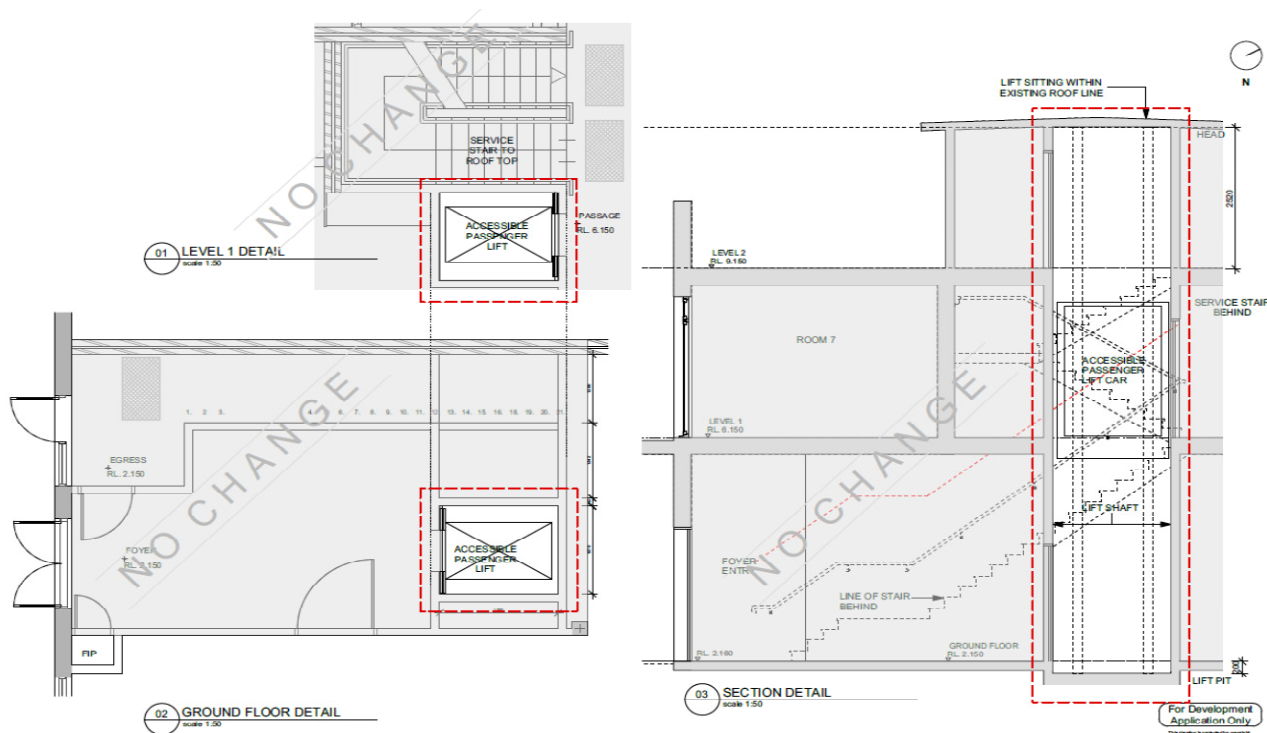


## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2019/0605
<b>Responsible Officer:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 142 DP 752046, 1858 Pittwater Road CHURCH POINT NSW 2105
<b>Proposed Development:</b>	Modification of Development Consent A212/63 granted for alterations and additions to to install an accessible lift to the motel
<b>Zoning:</b>	B1 Neighbourhood Centre
<b>Development Permissible:</b>	No
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Altius Pty Ltd
<b>Applicant:</b>	BBF Town Planners
<b>Application Lodged:</b>	28/11/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Tourist
<b>Notified:</b>	13/12/2019 to 20/01/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	4.3 Height of buildings: Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.3 Height of buildings of the Pittwater Local Environmental Plan 2014.%
<b>Recommendation:</b>	Approval

### PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for the installation of an accessible passenger lift into the existing stairwell void to service the motel. The lift is required to satisfy the disability access provisions of the Building Code of Australia (BCA) and the Disability Discrimination Act 1992 (DDA), see images below.



Plan and section of the proposed lift.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - Zone B1 Neighbourhood Centre

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings

Pittwater 21 Development Control Plan - B8.1 Construction and Demolition - Excavation and Landfill

Pittwater 21 Development Control Plan - C2.12 Protection of Residential Amenity

Pittwater 21 Development Control Plan - C2.22 Plant, Equipment Boxes and Lift Over-Run

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 142 DP 752046 , 1858 Pittwater Road CHURCH POINT NSW 2105
<b>Detailed Site Description:</b>	<p>The subject site is identified as 1858 Pittwater Road, Church Point (Lot 142, Deposited Plan 752046) located on the northern side of Pittwater Road. A two storey mixed use building commonly referred to as "Pasadena" is located on the site. The building comprises the following: Ground floor: a restaurant, associated kitchen, store, toilets and outdoor dining, three (3) shops and the entrance to the first floor motel. Level 1: thirteen (13) guests rooms and managers accommodation. Level 2 (roof level): laundry and store room.</p> <p>The subject site is oriented towards the southwest and adjoins the Pittwater Road reserve. The southeast side boundary adjoins a public car park and residential properties are located at a higher level to the south of the site. The western boundary adjoins a public reserve (Thomas Stephens Reserve). Two commuter wharfs, one being heritage listed, and the two storey heritage listed Church Point Post Office are located further to the west. The northern boundary adjoins public land that includes public walkways between the subject site and Pittwater foreshore.</p>

Map:



## SITE HISTORY

There is an extensive history to the site. A summary of the relevant applications is provided below:

Development application DA2019/1010 for alterations and additions to an existing mixed use building to install an accessible lift to the motel was withdraw on 4 December 2019.

Building Application reference 212/63 for alterations and additions for the conversion of store and dance hall into shops and hostel was approved on 23 March 1963. The floor plans illustrate 3 shops, a restaurant, toilets and store at ground level, 13 rooms and a self contained 2 bedroom unit at level 1 and laundry, store and plant room at roof level.

Building Application 61/84 for alterations and additions to Pasadena approved on 21 November 1961. The report to the Planning Committee described the proposal as including: Ground Floor - 3 shops, office, kitchen, 3 self contained rooms, toilets, reclamation, tea garden, swimming pool, car parking and boat moorings. First Floor 14 self contained rooms and second floor residence and roof gardens.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for A212/63, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes, the modification, as proposed in this application, is considered to be of minimal environmental impact. Conditions are recommended to ensure that the access to the roof via the lift will not be for patrons using the restaurant or for passive recreation by motel guests.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under A212/63.
(c) it has notified the application in accordance	The application has been publicly exhibited in

Section 4.55(1A) - Other Modifications	Comments
with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Pittwater Local Environment Plan 2011 and Pittwater 21 Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

#### Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submission have been received.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public

Section 4.15 'Matters for Consideration'	Comments
	interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
West Pittwater Community Association	PO Box 289 CHURCH POINT NSW 2105

One submission was received in relation of the subject application from the Pittwater Community Association. The issue raised in the submission relates to issues in respect of access to the roof and concern that this will create a de-facto roof terrace which may be open to patrons that will negatively affect the residents with additional noise. Concern was also raised about additional pressure on the availability of parking and infrastructure.

It is noted that an additional submission from a neighbouring resident was received in relation to the DA for the lift DA2019/1010 which raised the same issues as those raised in the submission from Pittwater Community Association. In response to the issue raised regarding access to the roof it is noted that motel patron and staff can currently access the roof via the existing stairs. Notwithstanding this, the issue in respect of amenity impacts resulting from patrons accessing the roof has been addressed by a condition which restricts access to the roof laundry and storage facilities via the lift to staff and motel patrons. The roof cannot be used by patrons of the restaurant as a de-facto terrace. It is not considered that the lift will result in impacts on parking availability or infrastructure.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some</p>

Internal Referral Body	Comments
	requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The application was referred to Ausgrid. No response has been received within the 21 days statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

### 10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
  - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
  - (c) *the carrying out of any of the following:*
    - (i) *earthworks (including the depositing of material on land),*
    - (ii) *constructing a levee,*
    - (iii) *draining the land,*
    - (iv) *environmental protection works,*
  - (d) *any other development.*

#### Comment:

The proposed lift is fully contained within the existing building envelope and will not harm marine vegetation.

## 11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

The proposed development will not significantly impact on the ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

## 12 Development on land within the coastal vulnerability area

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and*

*future  
coastal  
hazards.*

Comment:

The proposed lift will not alter coastal processes to the detriment of the natural environment or reduce public amenity, access to and use of the foreshore.

### **13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

Comment:

The proposal is unlikely to cause an adverse impact on the quality of the ecological, coastal and marine environment, vegetation or water quality.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

As discussed above, the proposal will not result in adverse impacts on the natural environment or reduce public amenity, access to and use of the foreshore.

### **14 Development on land within the coastal use area**

- (1)
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform*

- for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
  - (iv) Aboriginal cultural heritage, practices and places,
  - (v) cultural and built environment heritage, and
- (b) is satisfied that:
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposal will not impact on access, view loss or overshadowing to the foreshore or the cultural and built environmental heritage of the area.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

### 15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposal is not likely to cause increased risk of coastal hazards on the land.

### Pittwater Local Environmental Plan 2014

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
4.3 Height of Buildings:	8.5m	9.35m	The lift is contained within the building envelope and there with no change to the existing 9.35m height of the development.	N/A	Assessed on merit as acceptable. As a S4.55 modification a Clause 4.6 variation to the height of building development standard

is not required.

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No
7.5 Coastal risk planning	Yes
7.6 Biodiversity protection	Yes
7.8 Limited development on foreshore area	Yes

### Detailed Assessment

#### **Zone B1 Neighbourhood Centre**

The motel use is prohibited in the B1 Neighbourhood Centre Zone.

The continued use of the motel relies upon upon S4.70 (Saving provisions) of the Environmental Planning and Assessment Act 1979. Section 4.70 provides the following:

#### *4.70 Saving of effect of existing consents(cf previous s 109B)*

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

*(2) This section—*

*(a) applies to consents lawfully granted before or after the commencement of this Act, and*

*(b) does not prevent the lapsing, revocation or modification, in accordance with this Act, of a consent, and*

*(c) has effect despite anything to the contrary in section 4.66 or 4.68.*

*(3) This section is taken to have commenced on the commencement of this Act.*

Council has previously investigated the issue of the validity of the works undertaken in 2018 at the Pasadena pursuant to a construction certificate obtained by the owner in late 2017. It is considered that works undertaken in accordance with the construction certificate are lawful because the original approvals for a motel, shops and restaurant granted in 1961 and 1963 are approvals which remain in force. It is also understood that the provisions of the Warringah Planning Scheme Ordinance including clauses 66 and 68 had the effect of preserving those original approvals and they were then further preserved on the coming into force of the Environmental Planning and Assessment Act in 1980. Pursuant to clause 4.70 (2) (b) of the Act the preserved consent can be modified. The proposed lift is ancillary to the motel and can therefore be considered as a S4.55 modification to the 1963 consent relying on section 4.70 (2) (b) as detailed above.

#### **4.3 Height of buildings**

Pursuant to clause 4.3 the maximum height of the development shall not exceed 8.5m or 8m above the Flood Planning Level (FPL). The existing building has a height of 9.35m above the FPL of RL2.5 AHD and is therefore non-compliant with the standard. Whilst the established roof form is maintained the proposed passenger lift does extend to the underside of the roof sheeting and therefore breaches the height standard. The applicant submits the following arguments to justify the proposal which

demonstrate that the internalised breach meets the objectives of the height development standard:

*(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Applicants comment:

The established building height and external appearance is unaltered. The justification is supported.

*(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Applicants comment:

The established building height and external appearance is unaltered. The justification is supported.

*(c) to minimise any overshadowing of neighbouring properties,*

Applicants comment:

The established building height and external appearance is unaltered. There is no additional shadowing. The justification is supported.

*(d) to allow for the reasonable sharing of views,*

Applicants comment:

The established building height and external appearance is unaltered. The justification is supported.

*(e) to encourage buildings that are designed to respond sensitively to the natural topography,*

Applicants comment:

The passenger lift does not require any site disturbance. The justification is supported.

*(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Applicants comment:

The established building height and external appearance is unaltered. The justification is supported.

Comment:

In summary, the applicants justification is generally concurred with. The proposed lift is fully contained within the existing building envelope and will not result in any adverse environmental or amenity impacts on the surrounding area. In order to ensure that the proposal will not result in any adverse amenity impacts on surrounding residential uses a condition will be imposed to limit staff and motel guest access via the lift to the roof top laundries and store only. The proposed lift will upgrade the building to meet the provisions of the Disability Discrimination Act 1992 (DDA) and the BCA providing accessible access to the motel.

Irrespective of the above, a clause 4.6 variation to the height of buildings development standard is not

required for an application made under Section 4.55 of the EPA 1979.

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	The lift is fully contained within the building envelope	unaltered	N/A
Rear building line	6.5m	The lift is fully contained within the building envelope	unaltered	N/A
Side building line	2.5m	The lift is fully contained within the building envelope	unaltered	N/A
	1m	The lift is fully contained within the building envelope	unaltered	N/A
Building envelope	3.5m	The lift is fully contained within the building envelope	unaltered	N/A
	3.5m	The lift is fully contained within the building envelope	unaltered	N/A
Landscaped area	50%	The lift is fully contained within the building envelope	unaltered	N/A

The lift is fully contained within the existing building envelope therefore there are no issues with the building envelope controls.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A4.4 Church Point and Bayview Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.22 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D4.1 Character as viewed from a public place	Yes	Yes
D4.8 Building envelope	Yes	Yes

### Detailed Assessment

#### B8.1 Construction and Demolition - Excavation and Landfill

Clause B8.1 applies to excavation greater than 1m in depth.

#### Comment:

The applicant has submitted a structural certification confirming that there will be no excavation below the existing footing level. As such, clause B8.1 does not apply and the installation of the lift will have

no impact on the site disturbance.

## **C2.12 Protection of Residential Amenity**

Clause C5.10 requires development not to have an adverse impact upon adjoining residential development.

### Comment:

The proposed lift will provides access for patrons of the motel and staff to the laundry and storage facilities located at roof level. It is noted that access to the laundry and storage area is currently available via the existing stairs. In order to ensure that the objective of this clause is met a condition requires access to the level 2 laundry and storage facilities via the lift to be restricted to staff and motel patrons only.

## **C2.22 Plant, Equipment Boxes and Lift Over-Run**

Clause C5.21 requires:

- *Plant and equipment boxes and lift over-runs are to be integrated internally into the design fabric of the built form of the building.*
- *Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.*

### Comment

As discussed above, the lift is wholly contained within the existing building envelope and will not result in a lift over-run projecting beyond the existing roof plane. Conditions will be imposed to restrict access to the roof and ensure that noise associated with the development will not impact on the acoustic privacy of neighbours.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

Section 7.12 contributions were levied on the Development Application.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2019/0605 for Modification of Development Consent A212/63 granted for alterations and additions to to install an accessible lift to the motel on land at Lot 142 DP 752046, 1858 Pittwater Road, CHURCH POINT, subject to the conditions printed below:

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By

DA-A-100 A Ground Floor Plan	18/08/2019	Quattro Architecture
DA-A-101 A Level 1 Plan	18/08/2019	Quattro Architecture
A Level 2 and Roof Plan	18/02/2019	Quattro Architecture
DA-A-150 A Plan and Section	18/02/2019	Quattro Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Certification of adequacy	1 October 2019	Civil and Structural Design Pty Ltd

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

c) The development is to be undertaken generally in accordance with the following:

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

**B. Add Condition 1B Compliance with lift installation standards to read as follows:**

The installation of the passenger lift is to comply with the relevant clauses of Part E 3 "Lift Installations" of the Building Code of Australia and comply with AS 1735 Part 12 "Facilities for Persons with Disabilities". Details documenting compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that adequate provision is made for access and amenity of the occupants.

**B. Add Condition 1C Access to the roof to read as follows:**

Access to the Level 2 laundry and storage facilities via the lift shall be restricted to staff and motel patrons only.

Reasons: In order to protect the amenity of adjoining uses.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Anne-Marie Young, Planner**

The application is determined on 14/02/2020, under the delegated authority of:



**Anna Williams, Manager Development Assessments**