

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2017/1123
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Responsible Officer:	Adam Mitchell
Land to be developed (Address):	Lot 20 DP 218990, 1066 Pittwater Road COLLAROY NSW 2097 Lot 23 DP 218990, 1060 Pittwater Road COLLAROY NSW 2097 Lot 21 DP 218990, 1064 Pittwater Road COLLAROY NSW 2097 Lot 22 DP 218990, 1062 Pittwater Road COLLAROY NSW 2097
Proposed Development:	Alterations and Additions to a Pub (The Collaroy)
Zoning:	Warringah LEP2011 - Land zoned B2 Local Centre Warringah LEP2011 - Land zoned B2 Local Centre Warringah LEP2011 - Land zoned B2 Local Centre Warringah LEP2011 - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Hemmes Property Pty Limited
Applicant:	Hemmes Property Pty Limited

Application lodged:	20/11/2017
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	22/11/2017 to 08/12/2017
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 78,000.00
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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

Warringah Local Environmental Plan 2011 - Schedule 5 Environmental heritage

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - E7 Development on land adjoining public open space

SITE DESCRIPTION

Property Description:	<p>Lot 20 DP 218990 , 1066 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 23 DP 218990 , 1060 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 21 DP 218990 , 1064 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 22 DP 218990 , 1062 Pittwater Road COLLAROY NSW 2097</p>
Detailed Site Description:	<p>The site is located at No. 1060 - 1066 Pittwater Road, Collaroy and is on the eastern side of Pittwater Road. The site is known as The Collaroy Hotel and occupies the north eastern corner of the building.</p> <p>The subject site is in an unusual configuration and shares a facade along Pittwater Road with five allotments (being 1056-1058 Pittwater Road and 1060, 1062, 1064 and 1066 Pittwater Road). Behind the facade are different buildings which have seemingly been internally combined throughout the years. The subject site itself is upon 4 individual allotments (being 1060 - 1064 Pittwater Road) and is bound by 1056 - 1058 Pittwater Road, known as the Collaroy Services Beach Club, to the south</p>

and east.

The site has a combined area of approximately 600m² with a 30m street frontage to Pittwater Road. East of the site and beyond the Collaroy Services Beach Club is direct beach frontage to Collaroy Beach. North of the site is a long serpentine-like public car park which extends for some 225m along the foreshore before abutting a residential flat building.

South of the site is a smaller car park, a recently renovated public park and then the Collaroy Surf Life Saving Club and car parking.

West of the site and across Pittwater Road are several mixed use development buildings comprising of food outlets, office premises and apartments.

The subject site is within the local-heritage listed item *Former Arlington Amusement Hall* (item no. 20) as per Part 1 of Schedule 5 of the Warringah Local Environmental Plan 2011. Additionally, the site is located adjacent to two local heritage items being the *Former Westpac Bank* (item no. 23) and *Street Trees and Plaque* (item no. 17). The site has undergone extension renovations in the past, however the original street facade remains.

Map:



SITE HISTORY

Development Consent No. 91/81

Granted on 18 March 1991 for the conversion of a 'restaurant' into a 'hotel' at 1064 Pittwater Road, Collaroy.

Subsequent modifications to conditions of Development Consent No. 91/81 were lodged in February 1997, March 1998 and October 1998 and were each approved.

Development Application No. 2002/212DA

Lodged on 18 February for the proposed expansion of the existing hotel into two of the adjacent shop premises thus increasing the operation of the existing "Surf Rock Hotel." The works specifically included an expansion in the floor area from 170m² to 509m² (excluding amenities) and internal reconfiguration.

The application was approved, subject to conditions, on 5 June 2003.

Development Application No. 2011/0204

Lodged on 17 February 2011 for alterations and additions to the Collaroy Beach Hotel (previously known as the Surf Rock Hotel).

The application proposed numerous physical and operations changes to the venue.

The DA was approved on 17 November 2011.

Development Application No. 2017/1125

Application lodged concurrently with the subject development application and relates to facade and window upgrades. Not determined as of the date of determination of this subject application.

PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for a addition of a 'pizza oven' in the existing dining room on the first floor of The Collaroy Hotel.

In addition to the pizza oven, a mechanical ventilation exhaust system is required in accordance with AS1668. The proposed ventilation shaft is setback 6m from the Pittwater Road frontage and is of a height and positioning that would not allow for views of the shaft from any readily apparent view points in the surrounding vicinity.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&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 of consent.</p>
Section 79C (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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. The development will ensure that the site continues to provide a popular service to the Northern Beaches community as a social outing location.</p> <p>(iii) Economic Impact 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 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made	See discussion on "Public Exhibition" in this report.

Section 79C 'Matters for Consideration'	Comments
in accordance with the EPA Act or EPA Regs	
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

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 Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

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.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</i></p>								
Environmental Investigations (Industrial)	<table> <tr> <td>Is the proposal for an industrial use?</td><td>YES</td></tr> <tr> <td>Was sufficient documentation provided appropriate for referral?</td><td>YES</td></tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td><td>YES</td></tr> <tr> <td>Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal.</td><td>YES</td></tr> </table>	Is the proposal for an industrial use?	YES	Was sufficient documentation provided appropriate for referral?	YES	Are the reports undertaken by a suitably qualified consultant?	YES	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal.	YES
Is the proposal for an industrial use?	YES								
Was sufficient documentation provided appropriate for referral?	YES								
Are the reports undertaken by a suitably qualified consultant?	YES								
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal.	YES								

Internal Referral Body	Comments	
	- Mechanical ventilation	
	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	NO
	General Comments The referral has been reviewed by Environmental Health. Acoustic report titled The Collaroy Hotel Collaroy Mechanical Plant noise emission assessment ref no. 2126899 dated 25 October 2017 assessment show compliance with the industrial noise policy and I am satisfied that the noise generated from the system should not create intrusive noise, however Environmental health will recommended a condition to ensure that offensive noise is not created.	
	Recommendation	APPROVAL - subject to conditions
	Comments completed by: Mary Shimon Date:29 November 2017	
Health and Protection (Food Premises, Skin Pen.)		
	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you considered the following? • Review Statement of Environmental Effects, consider ongoing use: - Food Premises, use AS 4674 and Food Standards Code and BCA (re ventilation and toilets). Consider location of mechanical ventilation (AS 1668) and grease traps - Backpackers/Boarding House, use Public Health Act and Local Gov Regulations and BCA. - Mortuary, use Local Gov Regulations	YES

Internal Referral Body	Comments		
	<div data-bbox="521 315 1155 846"> <ul style="list-style-type: none"> - Skin penetration acupuncture, tattoo, beauty salon, use Local Gov Regulations - Public pool, use Public Health Act - Childcare, use AS 4674 (kitchen) and BCA toilets • Consider waste disposal. All new food shops should have waste stored in rooms. • Consider impact of noise, hours of operation, outdoor seating, location of equipment, times of deliveries, noise management plans, acoustic reports etc. • Shop top housing must have separate waste storage for residential and commercial. EH&P don't look at residential waste areas or collection. </div> <div data-bbox="521 853 1428 1070"> <p>General Comments</p> <p>Referral reviewed by Environmental Health no objections subject to the following conditions</p> </div> <div data-bbox="521 1077 1428 1249"> <table> <tr> <td data-bbox="521 1077 1155 1249">Recommendation</td><td data-bbox="1155 1077 1428 1249">APPROVAL - subject to conditions</td></tr> </table> </div> <div data-bbox="521 1256 1428 1368"> <p>Comments completed by: Mary Shimon</p> <p>Date: 29 November 2017</p> </div>	Recommendation	APPROVAL - subject to conditions
Recommendation	APPROVAL - subject to conditions		
Heritage Advisor	<div data-bbox="521 1413 1428 2130"> <p>HERITAGE COMMENTS</p> <p>Discussion of reason for referral</p> <p>This application has been referred as it affects a listed local heritage item, being <i>Item I20 – Former Arlington Amusement Hall, 1064 Pittwater Road, Collaroy.</i></p> <p>The site is also in the vicinity of the following local heritage items: <i>Item I23 Former Westpac Bank, 1121 Pittwater Road, Collaroy</i> - across the road from the subject site <i>Item I17 Street Trees and Plaque, Pittwater Road, Collaroy</i> - located to the south of the subject site.</p> <p>Details of heritage items affected</p> <p>Details of the heritage item, as contained within the Heritage Inventory are:</p> <p><i>Item I20 – Former Arlington Amusement Hall, 1064 Pittwater Road, Collaroy</i></p> </div>		

Internal Referral Body	Comments		
	Statement of Significance A rare surviving example of an early 20th century commercial terrace in the area. Displays good integrity & is typically representative of federation commercial terraces. Historically provides evidence of important role of recreational/commercial development.		
	Physical Description Terrace of 5 shops of face brickwork with rendered details. Entrance to former Amusement Hall asymmetrically located with a semi-circular pediment & the name. Some stone features in detailing. Recessed porches on 1st floor, majority infilled & altered. No evidence of original shops on ground floor.		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
<p>This application is one of 2 DA's for alterations and additions to the Collaroy Hotel. Minor alterations have already been granted heritage exemption from consent, under Clause 5.10(3) of WLEP2011 on 26/10/2017.</p> <p>This application proposes the installation of a pizza oven on the 1st floor, behind one of the glazed arched window openings along with a roof top exhaust for this pizza oven.</p> <p>As these are minor alterations, there will be no impact on the significance of the heritage items in the vicinity.</p> <p>The pizza oven is located within the building, and while it might be visible from Pittwater Road, it will not affect the heritage fabric or aesthetic significance of the building. It is something which is removable and its installation will not affect any original building fabric.</p> <p>The roof top exhaust for the pizza oven is located in such a way</p>			

Internal Referral Body	Comments
	<p>that it will not be visible from Pittwater Road, which is the principal view of the heritage building. Given the parapet on the Pittwater Road frontage and the slope of the roof, the 1 metre high exhaust will not be visible from Pittwater Road, accordingly to the plans submitted. It will be partly visible on the northern and eastern elevations, however this is considered acceptable as these elevations have been altered and are not the principal elevations of the heritage item.</p> <p>For these reasons, it is considered that the roof top exhaust is acceptable from a heritage point of view. To minimise its appearance on the northern and eastern facades, it is suggested that it be dark in colour, so that it blends in with other structures on the roof.</p> <p>Therefore no objections are raised on heritage grounds to this application and no conditions are required.</p> <p>Consider against the provisions of CL5.10 of WLEP Is a Conservation Management Plan (CMP) Required? NO Has a CMP been provided? N/A Is a Heritage Impact Statement required? YES Has a Heritage Impact Statement been provided? YES</p> <p>Further Comments</p> <p>COMPLETED BY: Janine Formica, Heritage Planner DATE: 5 January 2018</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP 71 - Coastal Protection

Matters for Consideration	
Is the development located in an area identified as being within:	
100m of the coastline mean high water mark?	Yes
A Sensitive Coastal Location under SEPP 71?	Yes
A Zone of Wave Impact under WLEP 2011?	Yes
A Zone of Slope Adjustment under WLEP 2011?	Yes
A Reduced Foundation Capacity under WLEP 2011?	Yes
Within an area identified under the report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParsons Issue 8, July 2009 as being subject to coastal impact?	Yes
<p>Note: Prior to any consideration of the proposed development it should be noted that Coastal Processes are constantly changing. Statutory Planning processes however, cannot be varied at the same rate. Notwithstanding, Council has recently received a report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParson Issue 8, July 2009 to review the Coastal Hazard Zones and potential impacts of coastal processes, such as erosion, rising sea levels and large storm events.</p> <p>Whilst Warringah Local Environment Plan 2011</p>	<p>General Comments:</p> <p><i>The scope of works proposed as a part of this development are not of a magnitude, scale nor intensity which is considered to give rise to any coastal process nor result in the site being of a higher susceptibility to coastal impact.</i></p>

stipulates legislative provisions for consideration, this report provides additional information which has been brought to Council's attention.

Accordingly, pursuant to s79C (b), (c) & (e) under the Environmental Planning Assessment Act 1979 consideration of this report will be given to aid in the interpretation of the current controls and any recommendations provided there after to help determine the likely impacts upon the natural and built environments, the suitability of the site for development and the public interest.

(Note: the report will not be given determining weight as it is not legislated unlike the existing provisions under WLEP 2011.)

Requirements under SEPP 71 – Coastal Protection

The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastal Zone map gazetted on the 18 November 2005. Accordingly, pursuant to Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are to be considered.

Only the relevant sections of State Environmental Planning Policy No.71 – Coastal Protection to be considered by the Natural Environment Unit are identified below. It must be noted that all other provisions may apply to the subject site and should be considered prior to the determination of the Development Application.

Officer Note:

The development application was not referred to Council's Natural Environmental Unit (Coastal) given the scope of works and the unlikely and unforeseeable impacts that the development will have on coastal protection as per SEPP 71.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting

an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
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

Standard	Requirement	Existing	Proposed	Complies
Height of Buildings:	11m	Facade parapet - 10.68m	Mechanical ventilation shaft - approx. 8.23m	Yes

The ventilation shaft will protrude 1.0m higher than the existing roof level at the exact point where it is to be installed. However, as the building has a moderately sloped skillion roof (w-e) and a heritage listed facade which protrudes above the skillion roof, the mechanical ventilation exhaust will not be readily visible. In addition, the highest point of the exhaust shaft does not exceed the highest point of the skillion roof.

Accordingly, despite being an element protruding above the skillion, the mechanical ventilation shaft is beneath the 'height of buildings' by several metres and is of a lesser height than other existing elements of the building.

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes
Schedule 5 Environmental heritage	

Detailed Assessment

Schedule 5 Environmental heritage

The works proposed as a part of this development will have no impact on the items of heritage significance on the site and surrounding sites.

Detailed comments on such can be found in the Heritage Adviser comments of this report.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B2 Number of storeys	3	No change	Yes
B5 Side Boundary Setbacks	North - Merit Assessment	Approx 16.4m	Yes
	South - Merit Assessment	Approx 10.2m	Yes
B7 Front Boundary Setbacks	Ground and First Floor to maintain established street frontage	Pizza oven (internal) - 1.4m	Yes
	Second Floor > - 5.0m	Roof exhaust - 6.3m	Yes
B9 Rear Boundary Setbacks	East - Merit Assessment	14.2m	Yes

Note: The development does not modify the compliance of the existing building on site as the scope of the works only encompass the installation of an internal pizza oven on the first floor and the installation of a mechanical ventilation (roof exhaust). All works are wholly within the footprint of the existing building.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

Detailed Assessment

D3 Noise

The development application is accompanied by an acoustic report *Mechanical plant noise emission assessment ref.2126899 - GHD 25/10/17*) which details that the mechanical ventilation proposed for the pizza oven will not give rise to any unreasonable nor detrimental acoustic impacts upon surrounding business and residential properties.

D7 Views

The proposed mechanical ventilation exhaust shaft is considered to be a minor addition to the existing roof which already accommodates several air conditioning units and other infrastructure units. The shaft is not considered to give rise to any view loss from any surrounding properties including the residential units located west of Pittwater Road.

E7 Development on land adjoining public open space

The development adjoins land zoned for RE1 Public Recreation to the north (a carpark) and is in immediate proximity to Collaroy Beach. Accordingly, an assessment of the development against the objectives of Cl. E7 is required,

- ***To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.***

Comment: The development results in no modification to any existing bushland, vegetation or provision of landscaped open spaces. The works are wholly and centrally confined to the existing development and do not result in impact upon adjoining and surrounding public spaces.

- ***To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.***

Comment: The development proposed is not considered to result in any unreasonable impact upon adjacent surroundings and does not impact on the natural qualities of the environment.

- ***Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.***

Comment: N/A works wholly and completely confined within existing footprint of building.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this 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;
- Warringah Local Environment Plan;
- Warringah 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 Development Consent to DA2017/1123 for Alterations and Additions to a Pub (The Collaroy) on land at Lot 20 DP 218990, 1066 Pittwater Road, COLLAROY, Lot 23 DP 218990, 1060 Pittwater Road, COLLAROY, Lot 21 DP 218990, 1064 Pittwater Road, COLLAROY, Lot 22 DP 218990, 1062 Pittwater Road, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-A 102 Issue A	26 October 2017	Akin Creative
DA-D 122 Issue A	26 October 2017	Akin Creative
DA-D 123 Issue A	26 October 2017	Akin Creative
DA-E 101 Issue A	26 October 2017	Akin Creative

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Mechanical Plant Noise Emission Assessment	25 October 2017	GHD
Heritage Impact Statement - Collaroy Hotel	14 November 2017	City Plan Services

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

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

3. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and

machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

4. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5. **Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

6. **Plans of Mechanical ventilation**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

7. **Kitchen Design, construction and fit out of food premises**

The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises'. Prior to any

Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the kitchen complies with the design requirements.

8. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

9. **External Finishes to Roof**

The mechanical ventilation roof exhaust that protrudes above the roof line is to be finished in a dark colour.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that the roof exhaust is consistent with the rest of the building. (DACPLC03)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

10. **Mechanical ventilation**

Where Mechanical ventilation is required to be installed in the food premises it must comply with Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings" Prior to any Occupation Certificate (OC) being issued, certification is to be provided by a suitably qualified person that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

11. **Air Pollution**

The use of the premises must not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and must be controlled in accordance with the requirements of this Act.

Reason: To ensure compliance with legislation and to protect public health and amenity (DACHPGOG5)

12. **Acoustic Report**

Details and recommendations made by the consultant in the acoustic report titled Acoustic report titled The Collaroy Hotel Collaroy Mechanical Plant noise emission assessment ref no. 2126899 dated 25 October 2017 must be implemented to ensure compliance is met.

Reason: to maintain the acoustic amenity of the neighborhood (DACHPGOG5)

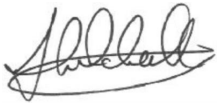
13. **Offensive noise**

Where implementation of these recommendations are met and complaints about “offensive noise” are received and justified, action is to be taken by the applicant to review any potential nuisance and implement any additional assessment and measures necessary to prevent the occurrence of offensive noise

Reason: To maintain the amenity of the surrounds (DACHPGOG6)

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

Signed




Adam Mitchell, Planner

The application is determined under the delegated authority of:



Luke Perry, Manager Development Assessments


ATTACHMENT A



Notification Plan	Title	Date
 2017/470433	Plan - Notification	27/10/2017

ATTACHMENT B

Notification Document	Title	Date
 2017/472732	Notification Map	22/11/2017

ATTACHMENT C

Reference Number	Document	Date
 2017/470428	Plans - Survey	06/10/2017
 2017/470476	Hemmes Property Pty Limited Company Extract	06/10/2017
 2017/470478	Letter - Owner's Consent	27/10/2017
 2017/470438	Report - Mechanical Plant Noise Emission	27/10/2017
 2017/470435	Report - Annual Fire Safety Statement	27/10/2017
 2017/470433	Plan - Notification	27/10/2017
 2017/470439	Report - Mechanical Ventilation Design Certificate	01/11/2017
 2017/470474	Plans - Master Set	07/11/2017
 2017/470442	Report - Heritage Impact Statement	14/11/2017
 2017/470437	Report - DCP Table of Compliance	16/11/2017
 2017/470432	Report - Statement of Environmental Effects	16/11/2017
 DA2017/1123	1066 Pittwater Road COLLAROY NSW 2097 - Development Application - Alterations and Additions	20/11/2017
 2017/467810	DA Acknowledgement Letter - Hemmes Property Pty Limited	20/11/2017
 2017/470415	Development Application Form	21/11/2017
 2017/470418	Applicant Details	21/11/2017
 2017/473404	Environmental Investigations (Industrial) - Assessment Referral - DA2017/1123 - 1060 Pittwater Road COLLAROY NSW 2097	22/11/2017
 2017/473406	Health and Protection (Food Premises, Skin Pen.) - Assessment Referral - DA2017/1123 - 1060 Pittwater Road COLLAROY NSW 2097	22/11/2017
 2017/477064	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2017/1123 - 1060 Pittwater Road COLLAROY NSW 2097 - PR	22/11/2017
 2017/472707	ARP Notification Map	22/11/2017
 2017/472714	DA Acknowledgement Letter (not integrated) - Hemmes Property Pty Limited	22/11/2017
 2017/472732	Notification Map	22/11/2017
 2017/472752	Notification Letter - 145	22/11/2017
 2017/489751	Environmental Health and Protection Referral Response - commercial use	30/11/2017
 2017/489755	Environmental Investigations Referral Response - industrial use	30/11/2017
 2017/492995	Building Assessment Referral Response	02/12/2017
 2017/524318	Request for update on DA's - 1066 Pittwater Road Collaroy	15/12/2017
 2017/534064	Requesting response - DA2017/1123 and DA2017/1125 - 1062 Pittwater Road COLLAROY	19/12/2017

 2018/015020	Heritage Referral Response - DA2017/1123 - 1064 Pittwater Road, Collaroy	05/01/2018
 2018/052786	DELETE	12/01/2018