

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0416
Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 13 DP 7022, 31 Moore Road FRESHWATER NSW 2096 Lot 1 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022, 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022, 29 Moore Road FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2020/0468 granted for alterations and additions to a Hotel
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Harbord Hotel Holdings Pty Ltd
Applicant:	Harbord Hotel Holdings Pty Ltd
Application Lodged:	07/09/2020
Integrated Development:	No

Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	17/09/2020 to 01/10/2020
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for modification to the approved alterations and additions to the existing pub. In detail, this involves:

- Changes to accessibility locations
- A fire booster and valve set
- Gas and water meters
- New awnings
- New strip of paint to the façade
- Window change to eastern restaurant façade
- Changes to detailing of nib wall
- Lowering of rear courtyard

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

There are no assessment issues.

SITE DESCRIPTION

<p>Property Description:</p>	<p>Lot 13 DP 7022 , 31 Moore Road FRESHWATER NSW 2096 Lot 1 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022 , 29 Moore Road FRESHWATER NSW 2096</p>
<p>Detailed Site Description:</p>	<p>The subject site consists of an allotment located on the corner of Moore Road and Charles Street.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a hotel on site.</p> <p>The site contains a courtyard to Moore Road and a car park entrance to Charles Street.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by residential development.</p>

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA1986/209- Alterations to the Harbord Beach Hotel involving tiling of front entrance, additional driveway, games area, new bar and counter space approved on 29 July 1986

- DA2001/0614- Retractable awnings to garden area approved on 16 October 2001.
- DA2005/912- Enclosed vergola over courtyard approved on 26 July 2006.
- DA2006/1130- Addition of a Terrace approved on 19 July 2007.
- DA2015/0061- Alterations and additions to existing commercial building (hotel) approved on 6/05/2015 (replacement of timber lattice with glass structure)

PLM2020/0069

A Pre-Lodgement meeting was held on 16 April 2020. Advice was given in regard to acoustic treatment of the hotel and presentation of the hotel in relation to heritage. There has been adequate consideration of this advice given in the proposed fit out and treatment of the building.

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 DA2020/0468, 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	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p>The proposal involves a number of minor additions and cosmetic changes, and Council's Heritage officer is satisfied there will not be any unreasonable impact on the item, subject to conditions.</p>
(b) it is satisfied that the development to which the consent as modified relates is substantially	The development, as proposed, has been found to be such that Council is satisfied that the proposed

Section 4.55(1A) - Other Modifications	Comments
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	works are substantially the same as those already approved under DA2020/0468 for the following reasons: The proposal maintains the pub use, does not involve any additional floor space or any substantial intensification of use, and does not involve any substantial addition of building bulk. As a result, the proposal is essentially and materially the same as the original consent.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah 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.	See discussion on "Notification & Submissions Received" in this report.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – 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&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 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 in the original consent.</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) 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 have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will 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	See discussion on “Notification & Submissions Received” in this report.
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 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 from 17/09/2020 to 01/10/2020 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 3 submission/s from:

Name:	Address:
Withheld	FRESHWATER NSW 2096
Mr Jeffrey Kenneth Bembrick	3 / 27 Moore Road FRESHWATER NSW 2096
Dr Ian Alexander	6 A Charles Street FRESHWATER NSW 2096

The matters raised within the submissions are addressed as follows:

- Issues with DA2020/0468 particularly in regard to noise and amenity impact to neighbours; increase in gaming area under DA2020/0468

Comment:
This application was determined on 24 June 2020. The determination included conditions which control the use and reduce amenity impact for neighbours. this includes a Condition 10 which has requirements for noise fixtures, fittings, and equipment (to protect residents from noise) prior to the Construction Certificate as well as Condition 17 which requires certification of minimum acoustic standards.

Condition 22 of this consent also states that there is to be no increase to the number of gaming rooms.
- Inadequate impact assessment for this application

Comment:
Given the proposed changes under this application do not result in any substantial intensification of the use, the impact assessment is adequate.
- Issues in regard to the northern courtyard

Comment:
This proposal does not involve any change to the northern courtyard that could cause an unreasonable impact.
- Closure of rear access

Comment:
Closure of the rear access is made to comply with acoustic requirements provided under this consent (DA2020/0468)>
- Noise impacts; acoustic issues with lift; request for acoustic barriers; request for limitation to hours of operation

Comment:
The conditions in regard to noise remain on this consent (DA2020/0468). Given the scope of the works under this application, there are no further conditions required in this regard.

The proposal does not involve any change to existing hours of operation.

- Poorly designed disability access

Comment:

The disability access will not have any unreasonable impact on the heritage item or any other unreasonable impact.

- Creep of variations and cumulative impact

Comment:

It is noted and understood that there have been a number of recent applications for this development. However, there is no impact caused by this application that would result in the overall impact of the development being unreasonable.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>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.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental Health have been asked to consider the proposal which largely relates to minor reconfiguration and internal works. The Statement of Environmental Effects declares <i>"The proposed modifications do not require any changes to the approved acoustic attenuation measures as detailed within the conditions of development consent and the approved Operational Plan of Management."</i></p> <p>This declaration is supported by a written statement included in the application documentation by "The Acoustic Group". Accordingly, this application is supported.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>This proposal has been referred to Heritage as it is a listed heritage item, being Item 174 - Harbord Beach Hotel, at 29 Moore Road, Freshwater, which is listed in Schedule 5 of Warringah Local Environmental Plan 2011.</p>
	Details of heritage items affected
<p>Details of this heritage item, as contained within the Warringah</p>	

Internal Referral Body	Comments																		
	<p>Heritage Inventory, are:</p> <p><i>Item 174 - Harbord Beach Hotel</i> <u>Statement of Significance</u> A rare example of an Inter-war hotel building which shows influences of the Californian bungalow style. Historically provides evidence of the early development of social & recreational facilities to serve the growing population. Local landmark.</p> <p><u>Physical Description</u> Two storey building with rendered masonry walls. Tiled hipped, jerkin headed & gabled roof. Terrace on first floor supported by arcaded verandah. A number of modifications include surrounding wall, beergarden, bottle shop extension & window modifications.</p> <p>Other relevant heritage listings</p> <table border="1" data-bbox="520 846 944 1384"> <tr> <td data-bbox="520 846 855 987">Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td> <td data-bbox="855 846 944 987">No</td> <td data-bbox="944 846 1439 987"></td> </tr> <tr> <td data-bbox="520 987 855 1061">Australian Heritage Register</td> <td data-bbox="855 987 944 1061">No</td> <td data-bbox="944 987 1439 1061"></td> </tr> <tr> <td data-bbox="520 1061 855 1135">NSW State Heritage Register</td> <td data-bbox="855 1061 944 1135">No</td> <td data-bbox="944 1061 1439 1135"></td> </tr> <tr> <td data-bbox="520 1135 855 1209">National Trust of Aust (NSW) Register</td> <td data-bbox="855 1135 944 1209">No</td> <td data-bbox="944 1135 1439 1209"></td> </tr> <tr> <td data-bbox="520 1209 855 1314">RAIA Register of 20th Century Buildings of Significance</td> <td data-bbox="855 1209 944 1314">No</td> <td data-bbox="944 1209 1439 1314"></td> </tr> <tr> <td data-bbox="520 1314 855 1384">Other</td> <td data-bbox="855 1314 944 1384">No</td> <td data-bbox="944 1314 1439 1384"></td> </tr> </table> <p>Consideration of Application</p> <p>This application seeks approval to modify the development consent DA2020/0468, approved on 24 June 2020.</p> <p>The external modifications include the provision of accessible entry from Charles Street; externally accessed fire booster and valve set services and gas and water meters; removal of the existing awnings; new awnings below existing windows to the Moore Road façade; upgrading all window glazing in accordance with acoustic requirements; 50mm façade paint strip around building, minor window change to the eastern restaurant area façade; lowering the existing courtyard level and a new crash barrier wall to the south of the lowered courtyard.</p> <p>Proposed internal modifications are mainly in the entry foyer accessed from Moore Road; including the removal of two nib walls to the entry and central vestibule and reinstalling the original stair. The amended drawings - received on 13 October 2020 are showing the removal of an internal original column located at the north-west section of the building, which is not acceptable from a heritage</p>	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		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	
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No																		
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																		

Internal Referral Body	Comments
	<p>point of view.</p> <p>It is believed that, with further considerations, the impact of the proposed works upon the significance of the heritage item will be acceptable. Therefore, no objections are raised to this application on heritage grounds, subject to imposition of four conditions.</p> <p>Further Heritage Comments - 21 October 2020</p> <p>Following further supporting documents and meeting with the applicant, it is considered that the proposed changes will not impact upon the significance of the heritage item.</p> <p>Therefore, no objections are raised to this modification on heritage grounds, subject to the retention of one condition.</p> <p><u>Consider against the provisions of CL5.10 of WLEP.</u> Is a Conservation Management Plan (CMP) No Required? Has a CMP been provided? No Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p> <p>Further Comments</p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 14 October 2020, Further comments 21 October 2020</p>

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 (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.

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:

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 alterations would not have an unreasonable impact on coastal wetlands or rainforest.

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 proposal will not have a detrimental impact on the above.

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 will not have an adverse impact on the above.

- (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:

The proposal is sufficient for impact to be minimised.

As such, it is considered that the application does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Warringah Local Environmental 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

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
Schedule 5 Environmental heritage	Yes

Warringah Development Control Plan

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
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
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	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
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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;
- 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 approval to Modification Application No. Mod2020/0416 for Modification of Development Consent DA2020/0468 granted for alterations and additions to a Hotel on land at Lot 13 DP 7022,31 Moore Road, FRESHWATER, Lot 1 DP 7022,29 Moore Road, FRESHWATER, Lot 2 DP 7022,29 Moore Road, FRESHWATER, Lot 3 DP 7022,29 Moore Road, FRESHWATER, Lot 4 DP 7022,29 Moore Road, FRESHWATER, Lot 5 DP 7022,29 Moore Road, FRESHWATER, subject to the conditions printed below:

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

Signed



Thomas Prosser, Planner

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



Lashta Hadari, Acting Development Assessment Manager