



Warringah Council

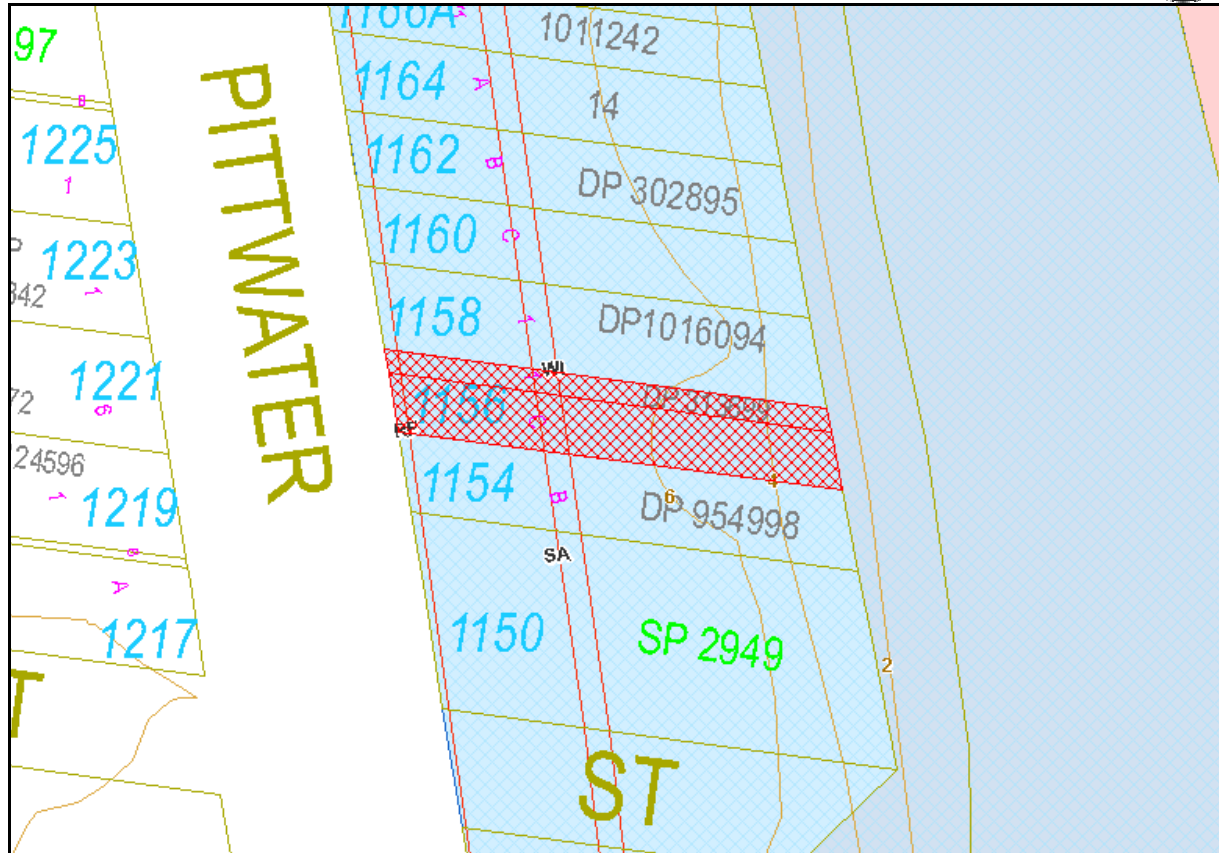
SECTION 82A REVIEW APPLICATION ASSESSMENT REPORT

Assessment Officer:	Cynthia Chan
Address / Property Description:	Lot 1, DP 313699 & Lot C, DP 954998, 1156 Pittwater Road, Collaroy
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Proposal:	S82A Application to review DA2008/0177 for partial demolition, and alterations and additions to an existing dwelling
Development Application No:	REV2008/0026
Plans Reference:	A01 to A15 prepared by Jo Gillies Architect
Applicant:	Charles Kirk Hoatson & Joanne Maree Hoatson
Owner:	Horizontal Marketing Pty Ltd
Application Lodged:	17/10/2008
Amended Plans:	NO
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Locality:	D1 Collaroy/Narrabeen
Category:	Category 1- housing
Clause 20 Variations:	YES- Building Height, Front Building Setback, Side Building Setback, Side Boundary Envelope
Land and Environment Court Action:	NO
Referred to WDAP:	NO
Referred to DRP:	NO
SUMMARY	
Submissions:	30/10/2008 to 13/11/2008 (Notification Period) - 1 Outside Notification Period(s) – Nil
Submission Issues:	Sunlight access, view loss, privacy, structural adequacy
Assessment Issues:	Non complying garage, development within wave impact zone
Recommendation:	Section 82A Approval- subject to conditions
Attachments:	NO



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LOCALITY PLAN (not to scale)



Subject Site: Lot 1, DP 313699 & Lot C, DP 954998, 1156 Pittwater Road, Collaroy

Notified Residences: Under the provisions of the Warringah Development Control Plan the subject application has been notified to six adjoining property owners and occupiers.



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SITE DESCRIPTION

The site is legally described as Lot C, DP 954998 and Lot 1, DP 313699, and is commonly known as No.1156 Pittwater Road, Collaroy. The site is located and accessed from the eastern side of Pittwater Road, between Weatherill Street and Stuart Street. It also has a frontage to Collaroy Beach to the east.

The site is generally parallelogram in shape, with a street frontage of 10.67 metres, a length of between 59.59 and 59.89 metres, and a site area of 610 square metres. It contains part of Collaroy Beach to the east.

The WLEP 2000 maps identify the site as affected by the following:

- sensitive coastal location,
- coastal zone,
- coastal hazard (wave impact),
- Acid Sulphate Soil Class 4 (to the west) and 5 (to the east)
- high Aboriginal heritage potential

The site is currently occupied by a two storey dwelling. The surrounding area is characterised by residential development, including the adjoining detached style housing and flat buildings in the vicinity.

RELEVANT BACKGROUND

DA2008/0177- for a new dwelling following the demolition of the existing dwelling was refused on 28 August 2008, for the following reasons:

1. *Pursuant to Section 79C(1)(a)(i) and (b), of the Environmental Planning and Assessment Act, 1979 and Clause 20(1) of Warringah Local Environmental Plan 2000, as the proposed development is not consistent with the Desired Future Character Statement for the D1 Collaroy/Narrabeen Locality as it does not adequately address the current and future hazards of wave impact and coastal erosion.*
2. *Pursuant to Section 79C(1) (b) of the Environmental Planning and Assessment Act, 1979, Clause 12 (2) (b) and Schedule 13 of Warringah Local Environmental Plan 2000 the proposed development fails to provide setbacks in accordance with the Setback to the Beach Built Form Control.*
3. *Insufficient information has been submitted to properly consider the development application against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and Clause 54 of the Environmental Planning and Assessment Regulation 2000.*

PROPOSAL IN DETAIL

This Section 82A Review Application seeks to review the determination of Development Application DA2008/0177 to partially demolish the existing dwelling and to construct a dwelling, in the following manner:



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Ground Floor

- Retain the existing sitting room
- Garage, powder room, multimedia room, kitchen, dining area, lounge area and storage
- Porch in the front setback area, and a courtyard in the northern setback area.

First Floor

- Study room, ensuite guest bedroom, laundry and an ensuite master bedroom
- A north facing and an east facing veranda

Second Floor

- 2 bedrooms and a bathroom

In particular, this proposal has addressed the reasons for refusal of DA2008/0177 by having the new building footprint located outside the wave impact zone.

AMENDMENTS TO THE PLAN

There are no Amended Plans for this application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) State Environmental Planning Policy No.55- Remediation of Land
- d) State Environmental Planning Policy No. 71 – Coastal Protection
- e) State Environmental Planning Policy- Building Sustainability Index (BASIX) 2004
- f) State Environmental Planning Policy- Infrastructure 2007
- g) Warringah Local Environment Plan 2000
- h) Warringah Development Control Plan

REFERRALS

Development Engineers

Council's Development Engineers have reviewed the proposal and recommended conditions which are included in the consent.

Council's Coastal Management Unit

Council's Catchment Management Unit has reviewed the proposal and provided the following comment, as relevant:

Council's Catchment Management Unit has no objection to the proposed development landward of the Zone of Wave Impact. However, it is not clear if the component of the development proposed in the Zone of Wave Impact is permissible. The applicant is claiming that the development in this Zone is minor development. However, as stated in section 3 of Schedule 13 of the WLEP,

"3. Principles

The Council will take the following principles into account when it assesses development:

Minor development



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*In this paragraph, **minor development** means works identified as exempt development in Schedule 1.*

Minor development should be appropriately sited having regard to the Hazard Zones marked on the Council's Maps A1 8634 Sheets 1-3 and the aims of these guidelines.

In the Zone of Wave Impact, consent may be granted for minor development and landscaping works, having regard to the aims of these guidelines.

The Zone of Wave Impact is the area identified as such on the map."

Therefore, if the work proposed on the residential annex building constitutes "works identified as exempt development in Schedule 1" of the Warringah LEP, Catchment Management has no objection. If however, the work proposed on the residential annex building does not constitute "works identified as exempt development in Schedule 1" of the Warringah LEP, Catchment Management objects to this part of the proposal.

In accordance with Schedule 13 of the WLEP, any approval or consent will include the following conditions:

A suitably qualified engineer must undertake the geotechnical/structural design of the foundations in accordance with Schedule 13 of the WLEP and the report titled Criteria for the Siting and Design of Foundations for Residential Development, February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No 69021 R02.

The applicant/owner is to minimise the amount of sand removed from the property during construction. If sand is removed from the site during construction, it may be placed on the beach reserve in accordance with the direction of the Council's Environmental Officers."

Similarly, under Schedule 13 of the WLEP, the following advice is to be included with all consents and approvals:

"This property is on land located in an area where there is likely to be a risk of coastal erosion and wave impact during severe storms. The risk to the property may increase with time due to long-term beach recession caused by greenhouse induced sea level rise or natural coastal processes. To reduce the potential impact to your property, the Council strongly recommends that effective precautions be taken to ensure adequate volumes of sand are maintained within the eastern (seaward) boundary of your property. The Council requires that only free-draining, clean, yellow sand be used to fill allotments."

In summary, support of the Catchment Management Unit for this application is contingent on whether the work proposed on the residential annex building in the Zone of Wave Impact constitutes minor development. The Unit has also indicated that development may be permissible provided with support of Coastal Engineer.

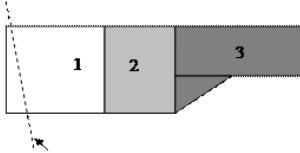
With specific regard to the existing structure within the wave impact zone, the proposed pitched roof is in place of an existing partially flat and partially pitched roof. See below the information provided by the applicant dated 2 February 2009. Pursuant to Schedule 1 of the WLEP 2000- Exempt Development, a change in building materials is exempt development, but a change in roof pitch is not and accordingly is not a minor development.



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"The existing roof over the Wave Impact Zone consist of 3 sections

- 1. Pitched tiled roof*
- 2. Pitched corrugated roof*
- 3. Flat corrugated roof*



(Figure not drawn to scale....)

The roof area covered by areas 1 + 2 within the Wave Impact Zone is approx 11m² and the roof for area 3 is approx 6½m². Thus, the actual change of roof pitch applies to less than 38% of the total (and small) area in question. The proposed change in materials used in area 1 which is currently tiled, to a lightweight steel roof at the same pitch as the rest, would ensure that the overall structural weight of the area is improved."

In addition, a supplementary specialist coastal engineering advice prepared by GBA Coastal Engineering Pty Ltd dated 2 February 2009, for this application supports the subject roof pitch, in which the relevant parts read as follows:

"The existing roof here comprises a combination of a pitched tiled roof, a pitched corrugated roof and a flat corrugated roof. It is proposed that these three adjoining roofs are replaced with a single new pitched corrugated roof, integrated with the roof of the new residence. The observation can be made that the new single roof in this location will be of lower mass than the existing roofs, hence dead load to foundations will be reduced and Factor of Safety in respect of building support improved.

It is our opinion that changing the roof pitch at the "attached building" would not of itself impact on the property, or visa versa, from a coastal process or hazard perspective.

In regard to consistency with the aims of Schedule 13, the pitched roof proposal does not compromise preservation and protection of the beach. It is compatible with the current and future hazards as addressed above. Since there is no indication of a conflict with the Collaroy /Narrabeen Coastline Management Plan (Warringah Council, 1997), it is reasonable to assume that in choosing not to replace the roof as a collection of piecemeal pitched and flat components but as a unified pitched roof is consistent with the aims and objectives of the NSW Coastline Hazard Policy and Coastline Management Manual (NSW Government, 1990)"

Catchment Management Unit has reviewed the supplementary report and advised that the report satisfactorily addresses the unit's concern and there is no further objection.

NOTIFICATION & SUBMISSIONS RECEIVED

This application was notified by letter dated 30 October 2008 to 6 properties. One submission was received in response to the notification from the following:

J Martin	1154 Pittwater Road, Collaroy
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The submission has raised the following concerns and each is addressed below:

1. *The proposal would interfere the view obtained from No.1154 Pittwater Road.*

Comment

The potential view loss is addressed in Clause 61- Views. The proposal is consistent with the planning principle and the Clause, and will allow a reasonable sharing of views. Therefore, the concern is not considered to have a determining weight.

2. *The proposal will overlook the courtyard and impinge the privacy of No.1154 Pittwater Road. The proposed windows and doors on the southern elevation should not be in direct and close to the windows of the adjoining property.*

Comment

The potential privacy issue is addressed in Clause 65- Privacy.

- The east facing windows to the first and second levels are associated with bedrooms which are lower occupancy rooms and are generally given with lesser weight in privacy issues. Also, sightlines to the rear yard, not at a direct angle, are not uncommon or unreasonable in residential contexts.
- In regard to the southern elevation, there are no transparent windows on the first level, while the windows on the ground level are screened by the existing boundary fence and that on the second level exceeds the adjoining building height. Therefore, the proposed southern facing windows and doors will not be in direct and close views to the windows of the adjoining property.

Therefore, the concern is not considered to have a determining weight.

3. *The proposal would detract sunlight access and overshadow the courtyard of the adjoining property.*

Comment

The potential overshadowing impact is addressed in Clause 62- Access to sunlight. 50% of the principal private open spaces of the adjoining properties will continue to receive no less than 2 hours of sunlight between 9am and 3pm on June 21. Therefore, the concern is not considered to have a determining weight.

4. *The proposal should not have a structural impact on the adjoining property.*

Comment:

The development at No.1154 Pittwater Road abuts the common boundary of the subject site. The proposal is set back 1.382 metre from the subject common boundary and does not include excavation underneath the footing of No.1154 Pittwater Road. However, given that the proposal is located on slope adjustment zone, a condition is included to address the structural adequacy of the adjoining properties that would adequately address this concern.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 82A of the Environmental Planning and Assessment Act 1979, are:



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Section 82A	Comments
<p>1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:</p> <p>(a) a determination to issue or refuse to issue a complying development certificate, or</p> <p>(b) a determination in respect of designated development, or</p> <p>(c) a determination in respect of integrated development, or</p> <p>(d) a determination made by the council under section 116E in respect of an application by the Crown.</p>	<p>The determination of DA2006/0148 is not for the specified types of development. Therefore, this application to review DA2006/0148 is permissible in this regard.</p>
<p>(2) A request for a review may be made at any time, subject to subsection (2A).</p>	<p>This application for review is consistent with subsection (2A).</p>
<p>(2A) A determination cannot be reviewed:</p> <p>(a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or</p> <p>(b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.</p>	<p>Section 97 provides that development application is only to be reviewed within 12 months of the date of determination. This application is lodged on 17 October 2008, subsequent to the Council's determination of DA2008/0177 on 28 August 2008. Therefore, this application is permissible in this regard.</p>
<p>(3) The prescribed fee must be paid in connection with a request for a review.</p>	<p>This application has paid the prescribed fee in connection with a request for a review, and therefore complies in this regard.</p>
<p>(3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4)(c).</p>	<p>This application has made amendments in accordance to subsection (4)(c) and therefore is permissible in this regard.</p>
<p>(4) The council may review the determination if:</p> <p>(a) it has notified the request for review in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and</p> <p>(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and</p>	<p>This application for review was notified in accordance with the Warringah Development Control Plan. One submission was received in response to the notification for this application and addressed in "Notification and Submission" in this report.</p> <p>This application has deleted the previously proposed work inside the wave impact zone to address the reasons for refusal. However, it continues to seek consent for partial demolition of the existing dwelling and construction of a dwelling, and will continue the existing residential use of the site. Therefore, the proposal is substantially the same development as the development described in the original application and is permissible in this regard.</p>



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Section 82A	Comments
(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.	
(4A) As a consequence of its review, the council may confirm or change the determination.	Noted
(5) The decision whether or not to review the determination must not be made by the person who made the determination unless that person was the council, but is to be made by a person who is qualified under subsection (6) to make the review.	Noted.
(6) If the council reviews the determination, the review must be made by: (a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or (b) if the determination was made by the council—the council.	Noted.
(7) The council must give notice of the result of the review to the applicant as soon as practicable after the review.	Noted.
(8) If on the review the council grants development consent, or varies the conditions of a development consent, the council must endorse on the notice the date from which the consent, or the consent as varied, operates.	Noted.
(9) If on a review the council changes a determination, the changed determination replaces the earlier determination as from the date of the review.	Noted.
(10) If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.	Noted.
(11) A decision on a review may not be further reviewed under this section.	Noted.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:



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Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	The proposal is consistent with the relevant environmental planning instrument. See “SEPP” and “WLEP 2000” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	This application was notified in accordance with the Warringah Development Control Plan.
Section 79C (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	Clause 98 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Conditions adequately address the provisions.
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) The engineers report prepared for this proposal demonstrates that the proposal at the site identified with acid sulphate soil is unlikely to have a detrimental impact on the environment and is considered of an appropriate relationship with the adjoining Collaroy Beach. The proposed replacement of a dwelling in an urban setting is unlikely to have a detrimental impact on the natural environmental.</p> <p>(ii) The proposal will not have a detrimental impact on the streetscape, or the amenity of the surrounding residents. Therefore, the proposal will not have a detrimental impact on the built environment.</p> <p>(iii) The proposal will continue the existing residential use of the site and is consistent with the surrounding residential development. Therefore, it will not have detrimental social or economic impacts on the locality.</p>
Section 79C (1) (c) – The suitability of the site for the development	The proposal is substantially located outside the wave impact zone and is considered of an appropriate relationship with the adjoining Collaroy Beach. Conditions are imposed to ensure that the part of the proposal within the slope adjustment zone is adequate in its geotechnical stability. Subject to the condition, there are no physical constraints preventing the proposal from taking place at the site, and therefore the site is considered suitable for the proposed development.
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	One submission was received in response to the notification of this application. See “Notification and Submissions” in this report.
Section 79C (1) (e) – The public interest	The wider public interest is served by ensuring that the proposal is consistent with the relevant planning controls. The proposal is consistent and is therefore in the public interest.

State Environmental Planning Policies

State Environmental Planning Policy No.55- Remediation of Land

The site has been used for residential purposes for a period of time and there is no indication of land contamination. Also, the proposal is consistent with the existing land use of the site. Therefore, no further consideration of this SEPP is required.



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State Environmental Planning Policy- Building Sustainability Index (BASIX) 2004

This application includes a BASIX Report in accordance to the requirement of this SEPP. The Report demonstrates that the proposed scheme achieves the minimum water, thermal and energy targets. Therefore, this application satisfies the provisions of the SEPP.

State Environmental Planning Policy- Infrastructure 2007

Pursuant to this SEPP, this application requires a referral to the energy supply authority as the proposed work is within 5m of an exposed overhead electricity power line.

Energy Australia has reviewed the proposal and provided required conditions of approval for specified types of development. The relevant conditions for the proposed development which is within 5 metres of an exposed overhead electricity power line is included in the consent.

SEPP No. 71 – Coastal Protection

The site is identified within a Sensitive Coastal Location on the Coastal Zone map gazetted. Accordingly, the aims and the matters of consideration of this SEPP are considered as follows:

Matters for Consideration	Comment	Complies
<p>This Policy aims:</p> <ul style="list-style-type: none"> (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and to encourage a strategic approach to coastal management. 	<p>The proposal is a replacement of an existing dwelling and will continue the existing residential use of the site. Therefore, it is unlikely to have a detrimental impact on the natural, cultural, recreational and economic attributes of the coast, or Aboriginal culture.</p> <p>The proposal building height and bulk is not inconsistent with that of the surrounding development in the locality. Therefore, the proposal will not have a substantial impact on the visual amenity of the coast.</p> <p>The proposal will essentially maintain the existing building setback from the beach. Therefore, it will not have a substantial impact on the beach environment and beach amenity, native coastal vegetation, and natural scenic quality.</p> <p>Council's Coastal Management Unit has reviewed the proposal and raised no particular concern in its relationship with the marine environment or being an ecologically sustainable development.</p> <p>The proposal makes no changes to the public access to and along the coastal foreshore. Also, there are no rock platforms in the immediate vicinity of the site.</p> <p>In summary, the proposal is consistent with the aims of the SEPP.</p>	<p>YES</p>



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(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal makes no changes to the existing public access to and along the coastal foreshore.	YES
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The proposal is for a detached style dwelling, where public access through the site is not considered appropriate for reasons of safety and security of the residents.	YES
(d) The suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed dwelling is consistent with the residential development in surrounding area.	YES
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal essentially maintains the existing building setback from the beach. Therefore, it will not have a substantial impact in overshadowing and views, and amenity of the coastal foreshore.	YES
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal is consistent with the building height and bulk of the development in the surrounding area. It will not have a substantial impact on the scenic qualities of the New South Wales coast.	YES
(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	The site is in an urban area and contains an existing dwelling house, with no remnant native vegetation or potential habitat for threatened species.	N/A
(h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	Council's Development Engineers have reviewed the proposal and raised no particular concern on the proposed stormwater management. Council's Coastal Management Unit has reviewed the proposal and made no objection. Accordingly, the proposal will not have a detrimental impact on the marine environment.	YES
(i) Existing wildlife corridors and the impact of development on these corridors.	The site is in an urban area and contains an existing dwelling house, with no existing wildlife corridors.	N/A
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	<p>The proposal is located outside the wave impact zone. Conditions are imposed to ensure that the part of the proposal within the slope adjustment zone is adequate in its geotechnical stability. Subject to the condition, the site is suitable for the proposal.</p> <p>Council's Coastal Management Unit has reviewed the proposal and the specialist coastal engineering advice prepared by GBA Coastal Engineering Pty Ltd dated 2 February 2009 indicating that the proposal is unlikely to impact on coastal processes and coastal hazards, and the proposal is unlikely to impact on coastal processes and coastal hazards. The report satisfactorily addresses the unit's concern and there is no further objection.</p>	YES subject to condition



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	In summary, the proposal is satisfactory in addressing this matter of consideration.	
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal will essentially maintain the existing building setback from the coast, and thereby the relationships with coastal activities.	YES
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The site is identified with high Aboriginal heritage potential. However, the site has been previously disturbed. A condition is imposed in case of the unearthing of Aboriginal relics. Subject to the condition, the proposal is satisfactory in addressing this matter of consideration.	YES subject to condition
(m) Likely impacts of development on the water quality of coastal waterbodies.	Council's Development Engineers have reviewed the proposal and raised no particular concern on the proposed stormwater management. Council's Coastal Management Unit has reviewed the proposal and made no objection. Accordingly, the proposal will not have a detrimental impact on the water quality of coastal waterbodies.	YES
(n) The conservation and preservation of items of heritage, archaeological or historic significance.	The site is identified with high Aboriginal heritage potential. However, the site has been previously disturbed. A condition is imposed in case of the unearthing of Aboriginal relics. Subject to the condition, the proposal is satisfactory in addressing this matter of consideration.	YES subject to condition
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Council has not prepared a draft LEP that specifically applies to the site in regards to compact towns and cities.	N/A
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	The proposal is appropriate in its current form, and will not have detrimental cumulative impacts. This application includes a BASIX Certificate which effectively ensures efficient water and energy usage. In summary, the proposal is satisfactory in addressing this matter for consideration.	YES

STATUTORY CONTROLS

Warringah Local Environmental Plan 2000

Desired Future Character

The subject site is located in the D1 Collaroy/Narrabeen Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:



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LOCALITY D1

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

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

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

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

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

The proposed development is identified as Category 1 development in this locality, being housing. It is considered that the proposal is consistent with the Desired Future Character Statement of the locality, for the following reasons:

Detached style housing

- The part of Pittwater Road the subject site is located is characterised by residential developments, including flat buildings and detached style housing. The proposal is detached style housing and is not unreasonable or excessive in scale in relation to the visual pattern and predominant scale of existing detached style housing in the locality.

Landscaped settings

- The proposed front setback area is occupied by a garage, waste/ recycling bins, porch and no landscaping. Therefore, a condition is imposed so that the front setback area includes landscaping in place of a reduced garage size to allow a landscaped setting. The proposed non complying garage is currently more than complying with the minimum dimensions provision such that a reduced size will continue to be functional.

Spaces between buildings, seaside character of the locality and visual interest

- The new part of the dwelling generally complies with the side building setback control. The existing part of the dwelling to be retained and the proposed garage encroaching in the side setback area is single storey structures that do not immediately abut the adjoining building. Therefore, the proposal will allow reasonable spaces between buildings.



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- The proposal makes no substantial changes to the rear part of the site and will substantially maintain the existing seaside character of the locality.
- The proposed is modest in design and will integrate into the existing developments in the locality.

Use of materials

- The proposal is a replacement of an existing dwelling and will be consistent with the existing colours and textures, and will maintain its relationship with the natural landscape.

Buildings and development along the Collaroy/ Narrabeen Beachfront

- The proposal is satisfactory in addressing Schedule 13. It has adequately addressed the suitability of the site, in its relationship with the wave impact and coastal erosion.

Built Form Controls for Locality D1 Collaroy/Narrabeen

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed	Compliance
Maximum Building Height	8.5 metres	8.77 metres	NO
Maximum Building Height: Natural ground to upper ceiling	7.2 metres	8.4 metres	NO
Minimum Setback to Beach	Development is to be set back from Narrabeen/ Collaroy Beach in accordance with the Zone of Wave Impact, the Zone of Slope Adjustment and the Zone of Reduced Foundation Capacity.	The proposal abuts the wave impact zone and is partially located within the slope adjustment zone.	YES
Minimum Front Setback	6.5 metres	<ul style="list-style-type: none"> • 0- 2.177 metres to garage • 3 metres to the ground floor of dwelling • 3.5 metres to first floor of dwelling • 7.9 metres to the second floor of dwelling 	NO
Housing Density	1 dwelling for 600m2	Existing maintained: 1 dwelling for 610m2	N/A
Minimum Landscaping	40% of the site area	63.49% of the site area	YES
Maximum Side Boundary Envelope	45 degrees per 4 metres	<p>Northern: The first floor and second floor exceed by a maximum of 0.5 metres and 1.2 metres respectively.</p> <p>Southern: The first floor and the second floor exceed by a maximum of 0.4 metres and 1 metres respectively.</p>	NO NO
Minimum Side Setbacks	0.9 metres	<p>Northern:</p> <ul style="list-style-type: none"> • 0 metres to the existing kitchen • 0 metres to garage • 2.655 metres to the ground floor of dwelling 	N/A NO YES



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Built Form Standard	Required	Proposed	Compliance
		<ul style="list-style-type: none"> 1.339 metres to the veranda to the first floor of dwelling Southern: 1.382 metres	YES

The Built Form Control also provides that consent may be granted for development along the Collaroy/ Narrabeen beachfront only after the consent authority has taken into account the “Development Guidelines for Colaroy/ Narrabeen Beach”, set out in Schedule 13. Accordingly, the proposal is assessed against Schedule 13 elsewhere in this report and is considered consistent. Therefore, consent maybe granted for this proposal.

Clause 20 Variation

Consent may be granted to proposed development even if the development does not comply with one or more development standards, providing the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy.

In assessing these non-complying elements of the proposal, consideration must be given to its consistency with the following:

General Principles of Development Control

The proposal is generally consistent with the general principles of development control.

Desired Future Character of the Locality

The proposal is consistent with the Desired Future Character Statement of the locality, subject to the condition so that the garage complies with the minimum side setback requirement to help provide spaces between buildings to retain the seaside character of the locality.

Relevant State Environmental Planning Policies

The proposal is consistent with the relevant State Environmental Planning Policies.

Accordingly, the proposal qualifies to be considered for a variation to the development standard under the provisions of Clause 20.

Variations Sought

Building Height

The Building Height Control provides that buildings are not to exceed 8.5 metres in height from the natural ground level, nor 7.2 metres to the underside of the ceiling on the uppermost floor of the building from natural ground level. The proposed building measures at 8.77 metres and the uppermost ceiling height measures at 8.4 metres, and does not comply.

The merit objectives of the building height controls are to:

- *Ensure that development does not become visually dominant by virtue of its height and bulk*
- *Preserve the amenity of surrounding land*
- *Ensure that development responds to site topography and minimises excavation of the natural landform*



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- *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

The non compliances are consistent with the merit objectives of the control for the following reasons:

- The 0.27 metres is minor and will not be visually prominent, in relation to the taller residential flat buildings in the vicinity.
- The proposal will not have a detrimental impact on the amenity of the surrounding land, in views, privacy and sunlight access.
- The proposal includes a pitched roofs.
- Merit considerations are given to the site constrains, where the wave impact zone and Collaroy Beach limits the development potential at the eastern side of the site, to allow a reasonable dwelling size on the large site.

Front Building Setback

The Front Building Setback provides that development is to maintain a minimum front building setback of 6.5 metres. The proposed garage is setback between 0 and 2.177 metres, the ground level of the dwelling is set back 3 metres, and the first level of the dwelling is set back 3.5 metres from the western boundary of the street, and do not comply with the control.

The merit objectives of the front building setback controls are to:

- *Create a sense of openness*
- *Provide opportunities for landscaping*
- *Minimise the impact of development on the streetscape*
- *Maintain the visual continuity and pattern of buildings, front gardens and landscape elements*

The non compliances are consistent with the merit objectives of the control for the following reasons:

- Merit considerations are given to the site constrains, where the wave impact zone and Collaroy Beach limits the development potential at the eastern side of the site, to allow a reasonable dwelling size on the large site.
- Conditions are imposed so that the front setback area includes landscaping opportunities, in place of the reduced width of the garage, that will also allow a sense of openness
- Merit considerations are also given to the design of the garage which fronts Pittwater Road at an angle to provide a sense of openness, as opposed to a garage which abuts the front boundary of the site that would be more visually prominent and dominating.
- The non complying front building setback is not unlike some of the recently approved developments along Pittwater Road at the locality.

Side Boundary Envelope and Side Building Setback

The merit objectives of the side boundary envelope are to:

- *Ensure that development does not become visually dominant by virtue of its height and bulk*



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- *Preserve the amenity of the surrounding land*
- *Ensure that development responds to site topography*
- *Provide separation between buildings*
- *Provide opportunities for landscaping*
- *Create a sense of openness*

Side Boundary Envelope

The Side Boundary Envelope provides that the buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries. The first floor and second floor exceed the northern side boundary envelope by a maximum of 0.5 metres and 1.2 metres respectively. The first floor and the second floor exceed the southern side boundary envelope by a maximum of 0.4 metres and 1 metres respectively.

The non complying side boundary envelopes are consistent with the merit objectives of the control for the following reasons:

- The non complying building height is a marginal breach. Notwithstanding the existing non complying part of the dwelling that is to be retained and the proposed non complying garage, the balance of the proposal is more than complying with the minimum side setback requirements. Therefore, the proposal is not excessive in height and bulk, and will provide separation between buildings, opportunities for landscaping and a sense of openness.
- The proposal will not have a detrimental impact on the amenity of the surrounding land, in views, sunlight access and privacy.
- Merit considerations are given to the site constraints, where the wave impact zone and Collaroy Beach limits the development potential at the eastern side of the site, to allow a reasonable dwelling size on the large site.

Northern Side Building Setback

The Side Setback Control provides that the minimum setback from a building to a side boundary is 0.9 metre. The proposed garage abuts the northern side boundary of the site and does not comply with the requirement.

- *Ensure that development does not become visually dominant by virtue of its height and bulk*
- *Preserve the amenity of the surrounding land*
- *Ensure that development responds to site topography*
- *Provide separation between buildings*
- *Provide opportunities for landscaping*
- *Create a sense of openness*

The non complying side building setback is consistent with the merit objectives of the control for the following reasons:

- The non complying garage is subject to a reduced width by condition to address the landscaped setting required in the Desired Future Character of the locality. A reduced width returning more visibility to the dwelling which is set back from the front boundary will also help minimise the visual impact on the street frontage of the building. Therefore, the reduced width of the single storey structure will not be visually dominant by virtue of its height and bulk.



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- The garage will not have a detrimental impact on the surrounding land, in view, privacy and sunlight access.
- The 5.6 metres long garage is not unreasonable in length for its purpose and is not excessive in bulk. Also, there is a proposed courtyard to the rear of the garage at the side building setback area that helps provide additional separation between buildings. The garage does not immediately abut the adjoining building and being a single storey structure will provide reasonable separation between buildings and sense of openness.
- The proposal complies with the minimum landscaping requirement.
- Merit considerations are given to the site constrains, where the wave impact zone and Collaroy Beach limits the development potential at the eastern side of the site, to allow a reasonable dwelling size on the large site.

Variations Supported

Having regard to the above, it is considered that the proposal, notwithstanding the numerical variations, is consistent with the desired future character of the locality and the general principles for development control. Merit considerations are given to the site constrains, where the wave impact zone and Collaroy Beach limits the development potential at the eastern side of the site, to allow a reasonable dwelling size on the large site. Accordingly, the variations to the building controls are supported.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	YES	This Clause provides that development is not to result in overspill or glare from artificial illumination, or sun reflection, and is not to unreasonably diminish the amenity of the locality. Conditions adequately address the provisions.	YES subject to condition
CL39 Local retail centres	NO	No Comment	N/A
CL40 Housing for Older People and People with Disabilities	NO	No Comment	N/A
CL41 Brothels	NO	No Comment	N/A
CL42 Construction Sites	YES	This Clause provides that proposed construction site is not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment. Conditions adequately address the provisions.	YES subject to condition
CL43 Noise	YES	<p>This Clause provides that all noise emissions to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and these works must also comply with the provisions of the Protection of the Environment Operations Act 1997. Conditions adequately address the provisions.</p> <p>The proposal is a continuation of the existing residential use of the site and is consistent with the surrounding residential development. It is unlikely to result in noise emission, which would unreasonably diminish the amenity of the area and will not result in noise intrusion, which would be unreasonable to surrounding residents.</p> <p>In summary, subject to condition, the proposal is satisfactory in addressing this Clause.</p>	YES subject to condition



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General Principles	Applies	Comments	Complies
CL44 Pollutants	NO	No Comment	N/A
CL45 Hazardous Uses	NO	No Comment	N/A
CL46 Radiation Emission Levels	NO	No Comment	N/A
CL47 Flood Affected Land	NO	No Comment	N/A
CL48 Potentially Contaminated Land	YES	The site has been used for residential purposes for a period of time and there is no indication of land contamination. Also, the proposal is consistent with the existing land use of the site. Therefore, no further consideration of this Clause is required.	YES
CL49 Remediation of Contaminated Land	NO	No Comment	N/A
CL49a Acid Sulfate Soils	YES	<p>The site is identified with Class 4 and Class 5 Acid Sulfate Soils on the WLEP 2000 map.</p> <p>DA2008/0177 includes a Statement prepared by Jack Hodgson Consultants dated 9 October 2007 that identifies no Acid Sulfate Soils at the two samples taken 2.5 metres below ground, and that the geography of the site lacks the reducing environment and Fe to generate acid sulphate conditions. The proposal is within the proposed building footprint of DA2008/0177 and is unlikely to involve more earthwork, such that the Statement also stands for this application.</p> <p>However, pursuant to Schedule 13 of the WLEP 2000, piling must extend to a depth below 1 metre AHD in the Zones of Slope Adjustment. The depth may have implications to the disturbance of Acid Sulfate Soils. Accordingly, a condition is imposed to address the requirement of this Clause.</p>	YES subject to condition
CL50 Safety & Security	YES	The proposed first and second floor will overlook Pittwater Road and Collaroy Beach, and will allow casual surveillance. It will not be detrimental to the safety and security of the locality, and is satisfactory in addressing this Clause.	YES
CL51 Front Fences and Walls	YES	<p>The proposal includes solid walls on part of the front boundary of the site.</p> <p>The part of Pittwater Road where the subject site is located is characterised by various types of front fences and wall. Therefore the proposal is unlikely to have a detrimental visual impact on the streetscape.</p> <p>The wall is located on part of the front boundary that it is not excessive in width and will allow casual surveillance. It is not unreasonable given with its location along Pittwater Road to mitigate traffic noise.</p> <p>In summary, the proposal is considered satisfactory in addressing this Clause.</p>	YES
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	The site is adjacent to the Collaroy Beach. The proposal is a replacement of an existing dwelling at the site, and will essentially maintain the existing building setback from the Beach whilst the rear yard will continue its existing relationship with the Beach. The proposed building height and bulk is not inconsistent with the development in the vicinity, and will maintain the existing views to and from the Beach. Therefore, the proposal will not have a substantial impact on the landscape character, and public use and enjoyment of the Beach, and is satisfactory in addressing this Clause.	YES

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General Principles	Applies	Comments	Complies
CL53 Signs	NO	No Comment	N/A
CL54 Provision and Location of Utility Services	YES	The site is currently satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and management of sewage and drainage. Accordingly, the proposal is considered satisfactory in addressing this Clause.	YES
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A
CL56 Retaining Unique Environmental Features on Site	NO	No Comment	N/A
CL57 Development on Sloping Land	NO	No Comment	N/A
CL58 Protection of Existing Flora	NO	No Comment	N/A
CL59 Koala Habitat Protection	NO	No Comment	N/A
CL60 Watercourses & Aquatic Habitats	NO	No Comment	N/A
CL61 Views	YES	<p>In assessing view loss resulting from this development, the Planning Principles of View Sharing identified by Dr John Roseth, Senior Commissioner of the Land and Environment Court have been adopted to provide a framework for assessment of views in this instance as follows:</p> <p><u>Assessment of views to be affected.</u> The adjoining properties along the foreshore have frontages to Collaroy Beach and have views to the beach/ ocean. The view is considered of significance.</p> <p>The properties opposite the site across Pittwater Road are located at similar RLs and do not substantially exceed the building height along the eastern side of the street. As such, they do not have views to the ocean.</p> <p><u>From what part of the property are the views obtained</u> The view being considered can be obtained from the eastern elevation and principle private open spaces of the adjoining properties fronting the beach/ ocean.</p> <p><u>Assessment of the extent of the impact</u> The proposal includes upper storey additions to the existing building footprint that will be lesser set back from the foreshore than the adjoining No.1154 Pittwater Road. As such, the proposal will interfere the northeastern view obtained from No.1154 Pittwater Road. However, the ocean view to the east obtained from the affected property will substantially maintain. Therefore, the extent of the impact is minor.</p> <p><u>Reasonableness of the proposal</u> The proposed development complies with the setback control from the wave impact zone and the setback control from the common boundary with No.1154 Pittwater Road. The non complying overall building height and building envelope exceeds the building height of the affected property that is not in the direct or natural sightline. Were these areas to be fully compliant, there would be minimal if any additional view retained. Also, the non compliance is considered acceptable and supported on their merits. Accordingly, the proposal is not unreasonable.</p>	YES



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General Principles	Applies	Comments	Complies
		In summary, the proposal is consistent with the planning principle and will allow a reasonable sharing of view, and is satisfactory in addressing this Clause.	
CL62 Access to sunlight	YES	The shadow diagrams prepared for the proposal indicate that the proposal will detract from the adjoining properties to the south. However, 50% of the private open space of No.1152 and 1154 Pittwater Road will receive no less than 2 hours of sunlight between 9am and 3pm on June 21. Therefore, the proposal will allow reasonable sunlight access to the adjoining properties and is satisfactory in addressing this Clause.	YES
CL63 Landscaped Open Space	YES	The landscaped open space, namely the rear yard including part of the Collaroy Beach, is of such dimensions and slope and characters that will: <ul style="list-style-type: none"> • Enable the establishment of appropriate plantings • Accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants • Provide space for service functions • Facilitate water management. In summary, the proposal is considered satisfactory in addressing this Clause.	YES
CL63A Rear Building Setback	YES	The rear building setback area, including part of the Collaroy Beach, will: <ul style="list-style-type: none"> • Create a sense of openness in the rear yard • Maintain the visual continuity and pattern of buildings, rear gardens and landscape elements • Provide opportunities for planting. Accordingly, the proposal is considered satisfactory in addressing this Clause.	YES
CL64 Private open space	YES	The private open space namely the rear yard, including part of the Collaroy Beach is: <ul style="list-style-type: none"> • Directly accessible from a living area of the dwelling • Capable of receiving not less than 2 hours of sunlight between 9am and 3pm on June 21 over at least 50% of the areas • Greater than 60m² with dimensions of greater than 5m. The site currently contains no fence/ wall on its eastern boundary to delineate its boundary from the beach. However, this is an existing situation, also the fence/ wall to the adjoining properties together with the maintained lawn of the site is adequate territorial enforcement. <p>Accordingly, the proposal is considered satisfactory in addressing this Clause.</p>	YES
CL65 Privacy	YES	<ul style="list-style-type: none"> • The proposed north facing windows to the first and second floor exceed the adjoining property. The proposed south elevation includes no transparent openings. • The east facing veranda on the first floor and the east facing window on the second floor, to the respective bedrooms which are low occupancy rooms, will have sightlines to the rear yard of the adjoining neighbour. However, the sightlines are not unreasonable or uncommon in residential context. Therefore, the proposal will not result in unreasonable privacy issues and is satisfactory in addressing this Clause.	YES



General Principles	Applies	Comments	Complies
CL66 Building bulk	YES	<p>Considerations of this Clause are given to the following:</p> <ul style="list-style-type: none"> The proposed side setbacks, namely the second level, increased as wall height increases. The ground floor part of the northern elevation to the sitting area is a blank wall. However, this is an existing situation, so that no further consideration is required. The southern elevation of the building is a large area of wall plane. However, a substantial part of it fronts the adjoining No.1144 Pittwater Road and will not be visible from the public spaces. The part visible from the public space is includes glazing which provides visual relief. The proposal is a replacement of an existing dwelling. Therefore, no specific landscaping requirement is required to reduce the visual bulk of the new building. <p>Accordingly, the proposal will not be visually prominent or dominating the surrounding spaces, and is considered satisfactory in addressing this Clause.</p>	YES
CL67 Roofs	YES	The proposed roof form will complement the local skyline is therefore satisfactory in addressing this Clause.	YES
CL68 Conservation of Energy and Water	YES	This application includes a BASIX Certificate which effectively addresses the requirement of this Clause.	YES
CL69 Accessibility – Public and Semi-Public Buildings	NO	No Comment	N/A
CL70 Site facilities	YES	The proposal contains adequate space for general waste and recycling storage and open air clothes drying facilities which will be suitably screened from the street and is therefore satisfactory in addressing this Clause.	YES
CL71 Parking facilities (visual impact)	YES	<p>The proposed garage in the minimum required front setback area is 6.8 metres wide and represents a substantial street frontage of the street. A condition is included so that garage reduces in width to a maximum of 6.2 metres. The reduced width will help minimise the visual dominance of the garage, whilst complying with the minimum dimension such that a reduced size will remain functional.</p> <p>The proposal is not unacceptable, subject to the condition and given with consideration of the following:</p> <ul style="list-style-type: none"> Merit considerations are given to the site constrains, where the wave impact zone and Collaroy Beach limits the development potential at the eastern side of the site, to allow a reasonable dwelling size on the large site. The garage fronts Pittwater Road at an angle, as opposed to a garage abutting the front boundary that would be more visually prominent and dominant. The non complying front building setback is not unlike some of the recently approved developments on Pittwater Road in the locality. <p>As such, the proposal is considered satisfactory in addressing this Clause.</p>	YES subject to condition
CL72 Traffic access & safety	YES	The proposal will continue to use the existing vehicle access points to the site, and therefore will maintain the existing traffic access and safety. Accordingly, the proposal is considered satisfactory in addressing this Clause.	YES



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General Principles	Applies	Comments	Complies
CL73 On-site Loading and Unloading	NO	No Comment	N/A
CL74 Provision of Carparking	YES	The proposal includes two (2) carparking spaces and complies with Schedule 17 of the WLEP2000. Accordingly, the proposal is considered satisfactory in addressing this Clause.	YES See Schedule 17
CL75 Design of Carparking Areas	YES	The condition to reduce the width of the garage refers to the deletion of a storage space along the southern perimeter of the garage, whilst the carparking spaces will continue to comply with the minimum dimension and area requirement contained in this Clause.	YES
CL76 Management of Stormwater	YES	Council's Development Engineers have reviewed the proposal and raised no particular concern in regards to the management of stormwater. Accordingly, the proposal is considered satisfactory in addressing this Clause.	YES
CL77 Landfill	NO	No Comment	N/A
CL78 Erosion & Sedimentation	YES	This Clause provides that development is to be sited and designed and related construction work carried out, so as to minimise the potential for soil erosion. Conditions adequately address this provision.	YES subject to condition
CL79 Heritage Control	NO	No Comment	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	NO	No Comment	N/A
CL81 Notice to Heritage Council	NO	No Comment	N/A
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	N/A
CL83 Development of Known or Potential Archaeological Sites	NO	No Comment	N/A

SCHEDULES

Schedule 13 - Development Guidelines for Collaroy/Narrabeen Beach

The site is identified within the Collaroy Beach Hazard Line Map on the WLEP2000 map. In particular, part of the proposal is located within the slope adjustment zone. Therefore, this application is subject to the consideration of Schedule 13. It is noted that the proposal retains the existing part of the structure within the wave impact zone that is not subject to the consideration of this assessment.

This Schedule defines the proposal as major development which is subject to the following relevant principles contained in Schedule 13 (3b):

Major development should be appropriately sited on allotments west of the Zone of Wave Impact and having regard to the Zones of Slope Adjustment and Reduced Foundation Capacity.	Satisfactory. The proposed major development is sited to the west of the Wave Impact Zone and partially at the Slope Adjustment Zone.
The Hazard Zones are to be marked on all plans submitted to the Council.	Satisfactory.
In the Zone of Wave Impact, major development will not be permitted.	Satisfactory.
In the Zone of Adjustment, structures are to be supported on piles to withstand loads which may be induced in the pile by slumping of the soil face.	Satisfactory, subject to conditions to ensure that structures are to be supported on piles.
Criteria for structural pile design for residential development is detailed in Criteria for the Siting and Design of Foundations for Residential Development,	Satisfactory, subject to conditions imposed in this regard.

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February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No.69021 R02.	
A suitably qualified engineer must undertake the geotechnical/ structural design of the foundations in accordance with Criteria for the Siting and Design of Foundations for Residential Development, February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No.69021 R02	Satisfactory, subject to conditions imposed in this regard.
Unless demonstrated as being adequate to the Council's satisfaction, piling must extend to a depth below 1 metre AHD in the Zones of Slope Adjustment	Satisfactory, subject to conditions imposed in this regard.
Piling requirements for major development extend to the whole structure, with any part of the structure located east of the zone of Stable Foundation.	Satisfactory, subject to conditions imposed in this regard.

Schedule 13 (4) and (5) also provide conditions and advice to be included in consent. Accordingly, the conditions and advice are included in the consent.

Schedule 17 - Carparking Provision

	Required	Proposed	Complies
Detached style housing	2	2	YES

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

Warringah Section 94A Development Contribution Plan 2006 is applicable to the proposal, as which the value of work is greater than \$100,000.

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$	495,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$4,703	6923
S94A Planning and Administration	0.05%	\$248	6924
Total	1.0%	\$4,950	

Relevant condition is included in the consent.

MEDIATION

Mediation was not requested for this development application.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy No.71- Coastal Protection, Warringah Local Environmental Plan 2000 and the relevant codes and policies of Council.

