

## RESIDENTIAL DEVELOPMENT

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

DA No. Mod2010/0130

Assessment Officer: Phil Lane

Property Address: Lot C, DP 954998, No.1156 Pittwater Road, Collaroy

Proposal Description: Modification of Consent No: REV2008/0026 for a new dwelling following demolition of an existing dwelling



**Existing site: demolished dwelling with outbuilding located along the northern side boundary**

**Proposal in detail:** The application seeks to modify the following:

#### Garage

The southern wall of the garage has been modified to comply with Condition No. 5 within REV2008/0026 which states the following:

#### **5. Garage**

The garage in the front setback area is to be amended in the following manners:

- The storage area along the southern perimeter of the garage is to be deleted, so that the width of the garage is to have a maximum width of 6.2 metres.
- Landscaping is to be provided in the front setback area along the southern perimeter of the garage.

Amended plans demonstrating compliance is to be submitted to a Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** *To ensure consistency with the Desired Future Character statement of the locality and to reduce the visual impact of the development on the streetscape.*

#### Eastern wall (lounge –ground floor)

The eastern wall in the lounge has been straightened parallel to the eastern boundary.

#### Roof line (Above outdoor entertaining)

The roof over the outdoor entertaining area has been straightened in accordance with the eastern wall beneath it.

#### Windows/doors

Majority of windows have been reduced in size, two have been deleted and five added.

#### Internal Layout

Minor modifications to the internally within the building on both the ground and first floor levels.

**Plan Reference: B-00, B-01, B-02, B-03, B-04, B-05, B-06, B-07, B-08 & B-09**

#### **Relevant Background:**

DA2008/0177 was lodged for “new dwelling following demolition of existing dwelling,” which was refused 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.

REV2008/0026 was lodged which was Section 82A Application to review DA2008/0177 for “partial demolition, and alterations and additions to an existing dwelling”, which was approved 23 February 2009.

<b>Report Section</b>	<b>Applicable</b>	<b>Complete &amp; Attached</b>
Section 1 – Code Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2 – Issues Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 3 – Site Inspection Analysis	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 4 – Application Determination	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

#### **SECTION 96(1a) EPA ACT 1979**

<b>Section 96(1A) (a) – Is the Modification to Consent of Minimal Environmental Impact?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 96(1A) (b) – Would the consent as proposed to be modified be substantially the same development as the development for which the consent was originally granted and</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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before that consent as originally granted was previously modified?	
Section 96(1A) (c) & (d) – Has the application been on Public Exhibition?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have you considered any submissions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Section 96 (3) – Have you considered such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Estimated Cost of Works: \$ Nil

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Submissions Received?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

No. of Submissions: 1 (one)

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

## SECTION 1 – CODE ASSESSMENT REPORT

### ENVIRONMENTAL PLANNING INSTRUMENTS

#### WLEP 2000

Locality: D1 Collaroy/Narrabeen

*"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."*

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

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



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**Draft WLEP 2009 Permissible or Prohibited Land use: Permissible**

Desired Future Character:

☒ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)  
Is the development considered to be consistent with the Locality's Desired Future Character Statement? ☒ Yes ☐ No

☐ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

**Built Form Controls:**

Required	Approved (Section 82A Review) REV2008/0026	S96(1A) Proposed
Building Height (overall): <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Requirement: <input checked="" type="checkbox"/> 8.5m	8.77 metres	<input checked="" type="checkbox"/> Unchanged
Building Height (underside of upper most ceiling): <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Requirement: <input checked="" type="checkbox"/> 7.2m	8.4 metres	<input checked="" type="checkbox"/> Unchanged
Front Setback: <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No No  Requirement: <input checked="" type="checkbox"/> 6.5m	6.0 metres to building, 0.175 to garbage area.	<input checked="" type="checkbox"/> Unchanged
Housing Density: <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1 dwelling for 610m2	<input checked="" type="checkbox"/> Unchanged (1 dwelling for 610m2)



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Landscape Open Space: <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <input checked="" type="checkbox"/> 40% (537.8 sqm)		63.49% of the site area	<input checked="" type="checkbox"/> Unchanged - 63.49% of the site area
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.	<input checked="" type="checkbox"/> Unchanged
Side Boundary Envelope: <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Requirement: <input checked="" type="checkbox"/> 4m / 45 degrees		Northern: The first floor and second floor exceed by a maximum of 0.5 metres and 1.2 metres respectively.  Southern: The first floor and the second floor exceed by a maximum of 0.4 metres and 1 metres respectively.	<input checked="" type="checkbox"/> Unchanged
<u>Side setbacks</u>  0.9 metres		Northern: <ul style="list-style-type: none"> <li>• 0 metres to the existing kitchen</li> <li>• 0 metres to garage</li> <li>• 2.655 metres to the ground floor of dwelling</li> <li>• 1.339 metres to the veranda to the first floor of dwelling</li> </ul> Southern: 1.382 metres	<input checked="" type="checkbox"/> Unchanged

**General Principles of Development Control:**

<b>CL38 Glare &amp; reflections</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL39 Local retail centres</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL40 Housing for Older People and People with Disabilities</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<b>CL41 Brothels</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL42 Construction Sites</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL43 Noise</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL44 Pollutants</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL45 Hazardous Uses</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL46 Radiation Emission Levels</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL47 Flood Affected Land</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL48 Potentially Contaminated Land</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <b>Based on the previous land uses if the site likely to be contaminated?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Is the site suitable for the proposed land use?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>CL49 Remediation of Contaminated Land</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL49a Acid Sulfate Soils</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: Type 4 & 5 Acid Sulphate Soils
<b>CL50 Safety &amp; Security</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<b>CL51 Front Fences and Walls</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL53 Signs</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL54 Provision and Location of Utility Services</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL55 Site Consolidation in 'Medium Density</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL56 Retaining Unique Environmental Features on Site</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL57 Development on Sloping Land</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL58 Protection of Existing Flora</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL59 Koala Habitat Protection</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL60 Watercourses &amp; Aquatic Habitats</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL61 Views</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<b>CL62 Access to sunlight</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL63 Landscaped Open Space</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL63A Rear Building Setback</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL64 Private open space</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL65 Privacy</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL66 Building bulk</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL67 Roofs</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL68 Conservation of Energy and Water</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL69 Accessibility – Public and Semi-Public Buildings</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL70 Site facilities</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL71 Parking facilities (visual impact)</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL72 Traffic access &amp; safety</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No





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<b>CL73 On-site Loading and Unloading</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL74 Provision of Carparking</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL75 Design of Carparking Areas</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL76 Management of Stormwater</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL77 Landfill</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL78 Erosion &amp; Sedimentation</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL79 Heritage Control</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL81 Notice to Heritage Council</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL82 Development in the Vicinity of Heritage Items</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL83 Development of Known or Potential Archaeological Sites</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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**Schedules:**

<b>Schedule 5 State policies</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 6 Preservation of bushland</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 7 Matters for consideration in a subdivision of land</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 8 Site analysis</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 9 Notification requirements for remediation work</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 10 Traffic generating development</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 11 Koala feed tree species and plans of management</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 12 Requirements for complying development</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 14 Guiding principles for development near Middle Harbour</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<b>Schedule 15 Statement of environmental effects</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>Schedule 17 Carparking provision</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

**Other Relevant Environmental Planning Instruments:**

**SEPPs: Applicable?** ☒ Yes ☐ No

**SEPP Basix: Applicable?**

☒ Yes ☐ No

If yes: Has the applicant provided Basix Certification?

☐ Yes ☒ No

**SEPP 55 Applicable?**

☒ Yes ☐ No

**Based on the previous land uses if the site likely to be contaminated?**

☐ Yes ☒ No

**Is the site suitable for the proposed land use?**

☒ Yes ☐ No

**SEPP Infrastructure**

**Applicable?**

☒ Yes ☐ No

**Is the proposal for a swimming pool:**

**Within 30m of an overhead line support structure?**

☐ Yes ☒ No

**Within 5m of an overhead power line ?**

☐ Yes ☒ No

**Does the proposal comply with the SEPP?**

☒ Yes ☐ No

**Does the proposal comply with the SEPP 71?**

☒ Yes ☐ No

REPs: Applicable?: ☐ Yes ☒ No

**EPA Regulation Considerations:**

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

**REFERRALS**

**Referral Body/Officer**

**Development Engineering**

**Required**

☐ Yes ☒ No

**Response**

- ☐ Satisfactory  
☐ Satisfactory, subject to condition  
☐ Unsatisfactory

**Landscape Assessment**

☐ Yes ☒ No

- ☐ Satisfactory  
☐ Satisfactory, subject to condition  
☐ Unsatisfactory

**Bushland Management**

☐ Yes ☒ No

- ☐ Satisfactory  
☐ Satisfactory, subject to condition



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**Catchment Management**

☐ Yes ☒ No

☐ Unsatisfactory

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

**Aboriginal Heritage**

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

**Env. Health and Protection**

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

**NSW Rural Fire Service**

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

**Energy Australia**

☒ Yes ☐ No

☒ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

**Applicable Legislation/ EPI's /Policies:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> EPA Act 1979            | <input checked="" type="checkbox"/> SEPP No. 55 – Remediation of Land   |
| <input checked="" type="checkbox"/> EPA Regulations 2000    | <input checked="" type="checkbox"/> SEPP No. 71 – Coastal Protection    |
| <input type="checkbox"/> Disability Discrimination Act 1992 | <input checked="" type="checkbox"/> SEPP BASIX                          |
| <input type="checkbox"/> Local Government Act 1993          | <input checked="" type="checkbox"/> SEPP Infrastructure                 |
| <input type="checkbox"/> Roads Act 1993                     | <input checked="" type="checkbox"/> WLEP 2000                           |
| <input type="checkbox"/> Rural Fires Act 1997               | <input checked="" type="checkbox"/> WDCP                                |
| <input type="checkbox"/> RFI Act 1948                       | <input type="checkbox"/> S94 Development Contributions Plan             |
| <input type="checkbox"/> Water Management Act 2000          | <input checked="" type="checkbox"/> S94A Development Contributions Plan |
| <input type="checkbox"/> Water Act 1912                     | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation)      |
| <input type="checkbox"/> Swimming Pools Act 1992;           | <input checked="" type="checkbox"/> Other (Draft WELP 2009)             |

**SECTION 79C EPA ACT 1979**

Section 79C (1) (a) (i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any draft environmental planning instrument	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Section 79C (1) (a) (iv) - Have you considered all relevant provisions of any Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (c) – Is the site suitable for the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

### Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling House: means a building containing only one dwelling.

Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

Principal Development Standards: Not applicable

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Height of Buildings:	8.5m	8.77 metres	Yes	Not applicable – given the approval granted previously under REV2008/0177

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

## SECTION 2 – ISSUES

### PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000 and the applicable Development Control Plan.

As a result of the public exhibition of the application Council received submissions from:

Name	Address
Mrs J Martin	1154 Pittwater Road Collaroy

The following issues were raised in the submissions:

- Privacy;
- Overshadowing;
- Chimney over the boundary;
- Access;

The matters raised within the submissions are addressed as follows:

- Privacy;

**Comment:** The proposed door referred to by the objector is actually the deletion of a window (W6) via this modification. Therefore, there will be no further amenity or privacy implications.

- Overshadowing;

**Comment:** The proposed chimney is 6.9m in height and 0.4m in width from the originally approved chimney which was 6.4m in height and 0.8m in width. Given the minor nature of the change from the original approval and the submitted solar access diagrams, which is compliant with Clause 62 Access to Sunlight is deemed that this amendment is does not warrant refusal or amendment.

- Chimney over the boundary;

**Comment:** The proposed chimney is located wholly within the subject site of No. 1156 Pittwater Road, Collaroy.

- Access;

**Comment:** The adjoining property at No. 1154 Pittwater Road is built at or near the common side boundary with No. 1156 Pittwater Road, Collaroy. The location of the gates will be located solely within the subject site and thus any access for maintenance or repairs to the northern elevations of No. 1154 Pittwater Road will require consent from the owners of No. 1156 Pittwater Road.

## MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No

Has the applicant agreed to mediation?

☐ Yes / ☒ No

Has mediation been conducted?

☐ Yes / ☒ No

## BUILT FORM CONTROLS

All variations to the built form controls have been addressed within the previous approval granted via REV2008/0177. Additionally, the modifications to the proposed front garage have been conditioned via Condition No. 5 for the original consent and thus a Clause 20 variation is not required in this instance.

## SECTION 3 – SITE INSPECTION ANALYSIS







Warringah Council

- ☐ Detached Garage  
☒ Detached shed  
☐ Swimming pool  
☐ Tennis Court  
☐ Cabana  
☐ Other .....

Site Features:

- ☒ Sand  
☐ Trees  
☐ Under Storey Vegetation  
☐ Rock Outcrops  
☐ Caves  
☐ Overhangs  
☐ Waterfalls  
☐ Creeks / Watercourse  
☐ Aboriginal Art / Carvings

- ☐ Any Item of / or any potential item of heritage significance

**Potential View Loss as a result of development**

- ☐ Yes ☒ No

If Yes where from (in relation to site):

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

**View of:**

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

**Bushfire Prone?**

☐ Yes ☒ No

**Flood Prone?**

☐ Yes ☒ No

**Affected by Acid Sulfate Soils**

☒ Yes ☐ No

**Comment:** Type 4 & 5 Acid Sulphate Soils

**Located within 40m of any natural watercourse?**

☐ Yes ☒ No

**Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?**

☒ Yes ☐ No

**Located within 100m of the mean high watermark?**

☒ Yes ☐ No

**Located within an area identified as a Wave Impact Zone?**

☒ Yes ☐ No

**Any items of heritage significance located upon it?**

☐ Yes ☒ No

**Located within the vicinity of any items of heritage significance?**

☐ Yes ☒ No

**Located within an area identified as potential land slip?**

☐ Yes ☒ No

**Is the development Integrated?**

☐ Yes ☒ No

**Does the development require concurrence?**

☐ Yes ☒ No

**Is the site owned or is the DA made by the "Crown"?**

☐ Yes ☒ No

**Have you reviewed the DP and s88B instrument?**

☒ Yes ☐ No

**Does the proposal impact upon any easements / Rights of Way?**

☐ Yes ☒ No



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**Site Inspection / Desktop Assessment Undertaken by:**

**Does the site inspection  
<Section 3> confirm the  
assessment undertaken against  
the relevant EPI's <Section's 1 &  
2>?**

☒ Yes ☐ No

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

☐ Yes ☒ No

If yes provide detail:

Signed

Date 14 July 2010

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**Phil Lane, Senior Development Assessment Officer**

**SECTION 4 – APPLICATION DETERMINATION**

**CONCLUSION**

The site has been inspected and the application assessed having regard to the provisions of Section 96(1A) and Section 79C of the Environmental Planning and Assessment Act 1979, Warringah Local Environmental Plan 2000, Warringah Development Control Plan and the relevant 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 submission and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

The proposed modification seeks consent for internal and external to the new dwelling. After viewing the site and the submission onsite the proposed modifications are deemed reasonable and it is deemed that the proposed modification can be supported. Accordingly, it is recommended that the application be determined by way of approval, with Condition No. 1 Approved Plans and Supporting Documentation being amended with the addition of Condition No. 4A Compliance with External Department, Authority or Service Requirements as detailed below.

**1. Approved Plans And Supporting Documentation**

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

<b>Drawing Number</b>	<b>Dated</b>	<b>Prepared By</b>
B-00 Site analysis/ landscape Revision A	1/06/2010	Jo Gillies Architect
B-01 Roof Plan/Site analysis Revision A	1/06/2010	Jo Gillies Architect
B-02 Ground Floor Plan Revision A	1/06/2010	Jo Gillies Architect
B-03 First floor plan Revision A	1/06/2010	Jo Gillies Architect
B-04 Loft floor plan Revision A	1/06/2010	Jo Gillies Architect
B-05 Section AA, AA1 Revision A	1/06/2010	Jo Gillies Architect
B-06 Section BB, CC, DD Revision A	1/06/2010	Jo Gillies Architect
B-07 North elevation Revision A	1/06/2010	Jo Gillies Architect
B-08 South elevation Revision A	1/06/2010	Jo Gillies Architect
B-09 East, West elevation Revision A	1/06/2010	Jo Gillies Architect

No building works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.



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

#### 4A. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service name	Letter Reference	Dated
Energy Australia	G:\Planning\Correspondence\CJP	23 June 2010

(NOTE: For a copy of the above referenced document/s, please see Council's E-Services system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) <<http://www.warringah.nsw.gov.au>>)

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Body's. (DACPLB02)

It is considered that the proposed modification application (as amended) satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

#### RECOMMENDATION (SECTION 96 APPROVAL)

That the Section 96(1A) Application No. MOD2010/0130 to Modification of Consent No: REV2008/0026 for "a new dwelling following demolition of an existing dwelling" on land at Lot C, DP 954998, No.1156 Pittwater Road, Collaroy be approved in accordance with the following:

##### Condition 1 be amended as follows:

##### 1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated	Prepared By
B-00 Site analysis/ landscape Revision A	1/06/2010	Jo Gillies Architect
B-01 Roof Plan/Site analysis Revision A	1/06/2010	Jo Gillies Architect
B-02 Ground Floor Plan Revision A	1/06/2010	Jo Gillies Architect
B-03 First floor plan Revision A	1/06/2010	Jo Gillies Architect
B-04 Loft floor plan Revision A	1/06/2010	Jo Gillies Architect
B-05 Section AA, AA1 Revision A	1/06/2010	Jo Gillies Architect
B-06 Section BB, CC, DD Revision A	1/06/2010	Jo Gillies Architect
B-07 North elevation Revision A	1/06/2010	Jo Gillies Architect
B-08 South elevation Revision A	1/06/2010	Jo Gillies Architect
B-09 East, West elevation Revision A	1/06/2010	Jo Gillies Architect

No building works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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



Warringah Council

**Condition 4A be inserted as follows:**

**4A. Compliance with External Department, Authority or Service Requirements**

The development must be carried out in compliance with the following:

External Department, Authority or Service name	Letter Reference	Dated
Energy Australia	G:\Planning\Correspondence\CJP	23 June 2010

(NOTE: For a copy of the above referenced document/s, please see Council's E-Services system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) <<http://www.warringah.nsw.gov.au>>)

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Body's. (DACPLB02)

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"

Signed \_\_\_\_\_ Date 14 July 2010

**Phil Lane, Senior Development Assessment Officer**

The application is determined under the delegated authority of:

Signed \_\_\_\_\_ Date 14 July 2010

**Rodney Piggott, Team Leader, Development Assessment**