

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2014/0201
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<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	<p>Lot 23 DP 218990 , 1060 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 21 DP 218990 , 1064 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 22 DP 218990 , 1062 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 20 DP 218990 , 1066 Pittwater Road COLLAROY NSW 2097</p>
<b>Proposed Development:</b>	Modification of Development Consent DA2011/0204 granted for Alterations and Additions to Collaroy Beach Hotel (previously known as the Surf Rock Hotel)
<b>Zoning:</b>	<p>LEP - Land zoned B2 Local Centre</p> <p>LEP - Land zoned B2 Local Centre</p> <p>LEP - Land zoned B2 Local Centre</p> <p>LEP - Land zoned B2 Local Centre</p>
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Warringah Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Sun Valley Properties Pty Limited
<b>Applicant:</b>	The Waugh Group

<b>Application lodged:</b>	15/09/2014
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	03/10/2014 to 20/10/2014
<b>Advertised:</b>	Not Advertised in accordance with A.7 of WDCP
<b>Submissions:</b>	1
<b>Recommendation:</b>	Approval

## ASSESSMENT INTRODUCTION

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

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

## SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 23 DP 218990 , 1060 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 21 DP 218990 , 1064 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 22 DP 218990 , 1062 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 20 DP 218990 , 1066 Pittwater Road COLLAROY NSW 2097</p>
<b>Detailed Site Description:</b>	<p>The site is located on the eastern side of Pittwater Rd. The site's legal description is Lot 20, 21, 22 and 23 DP 218990 – 1060 -1066 Pittwater Road, Collaroy. The Hotel (i.e. No 1060 - 1066 Pittwater Road) is part of a group of terraces built circa 1920 known as “The Amusement Hall” which comprises Nos 1056 – 1066 Pittwater Road and is identified as a heritage item.</p> <p>The site adjoins a public car park to the north, and the Collaroy Beach Services Club to the south and east.</p>

Map:



## **SITE HISTORY**

The Hotel has been on this site since 1991 and originally occupied No. 1064 Pittwater Road. In 2003 the hotel was expended into No's 1060 and 1062 and traded as Surf Rock Hotel. In 2007 the hotel expanded into the northernmost terrace at No. 1066 Pittwater Road.

DA2011/0204 was approved by Council on 17 November 2011 for *Alterations and additions to Collaroy Beach Hotel (previously known as the Surf Rock Hotel)*.

## **PROPOSED DEVELOPMENT IN DETAIL**

The Statement of Environmental Effects sets out the proposal as follows:

The modifications propose to extend the roof shed North by 0.9m and East by 2.5m, to a resultant 5.7m by 14.4m shed. The shed will serve the same function as previously for storage of Hotel furniture and plant equipment. In addition, new stud walls will be built internally to create staff locker and changeroom areas to improve the functionality of the Hotel.

The extension will be clad all around to match the existing cladding materials. Only the Northern wall of the extended shed will be clad differently – in vertical lining boards. This will be painted in the same colour to match the existing cladding (Colorbond 'Ironstone').

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

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

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are: The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2011/0204, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<b>Yes</b> The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2011/0204.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require, or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any	See discussion on "Public Exhibition" in this report.

<b>Section 96(1A) - Other Modifications</b>	<b>Comments</b>
period prescribed by the regulations or provided by the development control plan, as the case may be.	

## Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

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

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p>

Section 79C 'Matters for Consideration'	Comments
	<p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.</p>
Section 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	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental

Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

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

Name:	Address:
Robert Ingram	62 Aubreen Street COLLAROY PLATEAU NSW 2097

The following issues were raised in the submissions and each have been addressed below:

- Application involves new habitable floor level and requires re-assessment with regard to BCA and fire code requirements
- No mention in application of previous structure built on roof and subsequently removed
- Two separate Private Certifiers have been utilised
- The garbage and waste area provisions should be reviewed
- The prime access point for the development is the existing Pittwater Road entry
- Requests for Information

The matters raised within the submissions are addressed as follows:

- Application involves new habitable floor level and requires re-assessment with regard to BCA and fire code requirements  
Comment: Concerns were raised that the modifications resulted in a new, habitable, 3rd storey, and that this would mean reassessment against the BCA and fire code requirements was necessary. The applicant responded by stating that the Private Certifier did not consider the modified upper level to be habitable in relation to the BCA, and no further assessment was necessary. Council's Building Certifier's confirmed this position, and the extension to the roof top storage shed to provide for a staff changing room is not considered to be a habitable area.

Additionally, the previously approved plans clearly show the roof top storage shed, and the minor modifications to this area are not creating a whole new storey. No further information is required in this respect. The issue does not warrant amendment or refusal of the application.

- No mention in application of previous structure built on roof and subsequently removed  
Comment: The application is for modifications to the roof top storage shed, including provision of staff facilities. There is no requirement to mention any previous structure that has been removed. The proposed modifications have been shown on the plans submitted. It is the responsibility of the Certifying Authority to ensure any building works are outside the approved plans or conditions of consent. The issue does not warrant amendment or refusal of the application.
- Two separate Private Certifiers have been utilised  
Comment: This is not a relevant matter for consideration in assessing the proposed modifications to the development. The issue does not warrant amendment or refusal of the application.
- The garbage and waste area provisions should be reviewed

Comment: The modifications proposed under this application relate to a small extension of the roof top storage shed, providing for a staff change room. The garbage and waste provisions previously approved under DA2011/0204 are outside the scope of the current proposed modifications, and no further assessment is required in this respect. The issue does not warrant amendment or refusal of the application.

- The prime access point for the development is the existing Pittwater Road entry  
Comment: Again, this issue is outside the scope of the proposed modifications, and no assessment of the entry provisions of the development are relevant to the current application. The issue does not warrant amendment or refusal of the application.

- Requests for Information

Comment: The submission made the following requests for information:

*"Copies of all further information submitted by the applicant"*

Comment: The applicants submitted an email addressing the submission. This email has been placed on the Council website under the modification application number, along with the other application documents. No further action is required. A formal request to Councils Records Department (GIPA) can also be made to view this application and the subject site.

*"Response from Council as to why no further information is requested from applicant if that occurs"*

Comment: No further information has been requested from the applicant, as the assessment of the modification application has found the proposal to be acceptable under all relevant planning controls and legislation.

*"Council to forward a copy of the lease and the related development conditions of the kiosk located on the adjacent Northern Collaroy car park Reserve"*

Comment: The objector should make a request under GIPA to gain access to Council records. All relevant information to the current modification application has been placed on Council's website in accordance with Council's notification procedures.

*Forward this submission to the divisional Councillors*

Comment: The Councillors do not form part of the assessment process of development applications, and it would be improper to forward this submission onto them. The normal assessment process has been carried out, including consideration of the objections raised in the submission.

These issues do not warrant amendment or refusal of the application.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments
Heritage Advisor	<b>HERITAGE COMMENTS</b>
	Discussion of reason for referral
	<p>This application has been referred as the land contains a listed heritage item. The subject site at 1060-1066 Pittwater Road, Collaroy is listed as Item I20 Former Arlington Amusement Hall, under the provisions of Schedule 5 of Warringah Local Environmental Plan 2011.</p>
	<p>This application is also within the vicinity of a heritage item, being the Former Westpac Bank building at 1121 Pittwater Road, Collaroy, which is located directly opposite the subject site.</p>
	Details of heritage items affected
	<p>Details of these heritage items, as contained within the Warringah Heritage Inventory, are:-</p> <p><b>Item I20 - Former Arlington Amusement Hall, 1056-1066 Pittwater Road, Collaroy</b></p> <p><u>Statement of Significance</u> A rare surviving example of an early 20th century commercial terrace in the area. Displays good integrity &amp; is typically representative of federation commercial terraces. Historically provides evidence of important role of recreational/commercial development</p> <p><u>Physical Description</u> Terrace of 5 shops of face brickwork with rendered details. Entrance to former Amusement Hall asymmetrically located with a semi-circular pediment &amp; the name. Some stone features in detailing. Recessed porches on 1st floor, majority infilled &amp; altered. No evidence of original shops on ground floor.</p> <p><b>Item I23 - Former Westpac Bank, 1121 Pittwater Road, Collaroy</b></p> <p><u>Statement of Significance</u> A locally rare example of a suburban bank in the inter-war Georgian revival style, representative of bank architecture at the time. Historically provides evidence of the development of commercial infrastructure to serve residential growth. Local landmark.</p> <p><u>Physical Description</u> Two storey face brick bank building designed to address corner site. Stone dressings as horizontal string courses and as carved motifs between ground &amp; first floor windows. Tiled hipped roof. Art deco detailing in carved stone dressings. Multi-paned windows</p>

Internal Referral Body	Comments		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
	Consideration of Application		
	<p>This application is for a modification of previous consent DA2011/0204 which was approved in 2011. A storage shed on the roof, was approved as part of this application. This modification requests that this shed be extended 0.9m to the east and 2.5m to the east. It is noted that the shed, as constructed, has a maximum roof height of 2.7m (RL 14.560), which is below the height of the parapet fronting Pittwater Road (RL 14.710).</p>		
	<p>The application is accompanied by a Statement of Heritage Impact dated 2 September 2014, prepared by Graham Brooks and Associates. This document has been reviewed and its conclusions agreed with.</p>		
	<p>Given that the storage shed is already approved and constructed, it is considered that its expansion will not have an unacceptable impact upon the heritage significance of the heritage item. It is clear from the Statement of Significance for the Former Arlington Amusement Hall, that the remaining architectural significance and original fabric is embodied in the front façade on Pittwater Road, and the view of this building from the road.</p>		
	<p>As the storage shed is lower than the front parapet height and will not be visible from Pittwater Road, no objections are raised on heritage grounds, to the proposed modification. In addition, there will be no impact upon the heritage item in the vicinity, being the Former Westpac Bank building on the western side of Pittwater Road.</p>		
	<p>Therefore, no objections are raised on heritage grounds and no conditions required.</p>		

Internal Referral Body	Comments
	<p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? NO Has a CMP been provided? N/A</p> <p>Is a Heritage Impact Statement required? YES Has a Heritage Impact Statement been provided? YES</p> <p><b>Further Comments</b></p> <p>COMPLETED BY: Janine Formica</p> <p>DATE: 3 December 2014</p>
Natural Environment (Coastal)	The proposed modification will not have an impact on coastal process and can be approved without condition.
Parks, reserves, beaches, foreshore	No objections.

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

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

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

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

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

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

### **SEPP (Infrastructure) 2007**

Ausgrid

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

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

Comment:

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

### SEPP 55 - Remediation of Land

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

### SEPP 71 - Coastal Protection

Matters for Consideration	
Is the development located in an area identified as being within:	
100m of the coastline mean high water mark?	Yes
A Sensitive Coastal Location under SEPP 71?	Yes
A Zone of Wave Impact under WLEP 2000?	No
A Zone of Slope Adjustment under WLEP 2000?	No
A Reduced Foundation Capacity under WLEP 2000?	No
Within an area identified under the report entitled Review of Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParsons Issue 8, July 2009 as being subject to coastal impact?	Yes
Note: Prior to any consideration of the proposed development it should be noted that Coastal Processes are constantly changing. Statutory Planning processes however, cannot be varied at the same rate. Notwithstanding, Council has recently received a report entitled Review of	<p><b>General Comments:</b></p> <p>The modifications only relate to a small extension to the rooftop storage shed. Council's Natural Environment Unit (NEU) has reviewed the proposed modifications and is satisfied that the proposal will not have an impact on coastal process and can be approved without condition.</p>

Coastline Hazard Lines for Collaroy-Narrabeen Beach and Fishermans Beach prepared by WorleyParson Issue 8, July 2009 to review the Coastal Hazard Zones and potential impacts of coastal processes, such as erosion, rising sea levels and large storm events.

Whilst Warringah Local Environment Plan 2011 stipulates legislative provisions for consideration, this report provides additional information which has been brought to Council's attention.

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

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

### Requirements under SEPP 71 – Coastal Protection

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

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

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
<p>Is the development acceptable with regard to the SEPP 71 Policy aims to be considered by Natural Environment Unit detailed as follows:</p> <p><i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and...</i></p> <p><i>(f) to protect and preserve beach environments and beach amenity,</i></p>	Yes	<p>The proposed modifications relate to a small extension of the roof top storage shed, and will not have any significant impact on the matters listed.</p>

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
<p>and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(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...</p> <p>(l) to encourage a strategic approach to coastal management.</p>		
Does the development implement measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats?	N/A	N/A
Does the development implement measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats?	N/A	N/A
Does the development take into consideration existing wildlife corridors and the impact of development on these corridors?	Yes	Council's NEU has reviewed the proposal and raised no concerns.
Are the likely impact of coastal processes and coastal hazards on the development and any likely impacts of the development on coastal processes and coastal hazards acceptable?	Yes	Council's NEU has reviewed the proposal and raised no concerns.
Are the likely impacts of development on the water quality of coastal	Yes	The proposed modifications will not have any significant impacts on

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
waterbodies acceptable?		water quality.
<p>Is the development acceptable with regard to:</p> <p><i>(i) the cumulative impacts of the proposed development on the environment, and</i></p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient</p>	Yes	The proposed modifications are minor and will not create a significant change to any impacts caused by the building.
<p>Does the development, include a non-reticulated system?</p> <p>No</p> <p>If Yes:</p> <p>Will the system, or is likely to, result in a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform?</p>	N/A	N/A
<p>Does the development seek consent, or result in, untreated stormwater being discharged into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform?</p>	No	N/A

### Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	11m	No change to existing overall height	The proposed modifications do not alter the overall height. The modified plans show the height of the lift overrun and kitchen exhaust which were not previously shown on the approved plans, however these are as a result of conditions of consent to ensure compliance with Australian Standards.	N/A	Yes

#### Compliance Assessment

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

#### Warringah Development Control Plan

##### Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B2 Number of storeys	3	3	3	Yes
B5 Side Boundary Setbacks	Merit assessment	No changes to existing	No change. The upper level store room will be extended to the north and east, but will not alter the overall building setbacks.	Yes
B7 Front Boundary Setbacks	Ground and first floor maintain street front, second floor up 5m	No changes to existing	No change. The upper level store room will be extended to the north and east, but will not alter the overall building setbacks.	Yes
B9 Rear Boundary	Merit assessment	No change to existing	No change. The upper level store room will be extended to the north and east, but will not alter the overall	Yes

Setbacks			building setbacks.	
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#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B2 Number of Storeys	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
Other land in B2 zone	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C4 Stormwater	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

#### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

#### POLICY CONTROLS

## **Warringah Section 94A Development Contribution Plan**

Section 94 contributions were levied on the Development Application.

### **CONCLUSION**

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

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

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

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

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

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

### **RECOMMENDATION**

THAT Council as the consent authority grant approval Modification Application No. Mod2014/0201 for Modification of Development Consent DA2011/0204 granted for Alterations and Additions to Collaroy Beach Hotel (previously known as the Surf Rock Hotel) on land at Lot 23 DP 218990, 1060 Pittwater Road, COLLAROY, Lot 21 DP 218990, 1064 Pittwater Road, COLLAROY, Lot 22 DP 218990, 1062 Pittwater Road, COLLAROY, Lot 20 DP 218990, 1066 Pittwater Road, COLLAROY, subject to the conditions printed below:

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

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

a) Modifications highlighted in blue and yellow on the following plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
S96-014 Issue A	29.08.14	AN+A
S96-150 Issue A	29.08.14	AN+A
S96-160B Issue A	29.08.14	AN+A

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

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

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**

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**David Auster, Planner**

The application is determined under the delegated authority of:

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**Phil Lane, Development Assessment Manager**

**ATTACHMENT A**

No notification plan recorded.

**ATTACHMENT B**

Notification Document	Title	Date
 2014/305274	notification map	03/10/2014

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2014/283324	Report Statement of Environmental Effects from CD	11/09/2014
 2014/283308	Plans - Notification from CD	11/09/2014
 2014/283329	Report - Statement of Heritage Impact from CD	11/09/2014
 MOD2014/0201	1066 Pittwater Road COLLAROY NSW 2097 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	15/09/2014
 2014/282789	invoice for ram applications - The Waugh Group	15/09/2014
 2014/282790	DA Acknowledgement Letter - The Waugh Group	15/09/2014
 2014/283190	Development Application Form	15/09/2014
 2014/283193	Applicant Details	15/09/2014
 2014/283196	Plans - External	15/09/2014
 2014/283199	Plans - Internal	15/09/2014
 2014/283335	Plans - Master Set from CD	15/09/2014
 2014/285803	File Cover	17/09/2014
 2014/285812	Request further information	17/09/2014
 2014/285962	Referral to AUSGRID - SEPP - Infrastructure 2007	17/09/2014
 2014/297876	Natural Environment Referral Response - Coastal	29/09/2014
 2014/298835	Additional information - Owners Consent - 1066 Pittwater Road Collaroy - Architects Nicholas and Associates	29/09/2014
 2014/305268	Notification letter 81	03/10/2014
 2014/305274	notification map	03/10/2014
 2014/305276	notification letter & plans posted	03/10/2014
 2014/317597	Online Submission - Ingram	17/10/2014
 2014/372386	Heritage Referral Response - Mod2014/0201 - 1060-1066 Pittwater Rd Collaroy	03/12/2014