

cityscapeplanning+projects

MODIFICATION OF CONSENT DA 2012/1000

**COLLARROY SERVICES BEACH CLUB
1058 PITTWATER RD, COLLARROY**

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This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for Network Interiors ('the client') exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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1.0 INTRODUCTION

Cityscape Planning + Projects has been engaged by *Network Interiors* to prepare a Planning Report to accompany an application to modify the subject Development Consent Notice.

The report identifies the nature of the proposed modification and undertakes an assessment of the proposed modification pursuant to the *Environmental Planning & Assessment Act, 1979*.

It has been prepared through research analysis and discussion with officers of Warringah Council and should be read in conjunction with all accompanying plans and the reports that were lodged as part of the original DA.

2.0 THE SUBJECT SITE

The subject site is a relatively large irregular shaped parcel located on the eastern side of Pittwater Rd directly opposite its intersection with Alexander St.

The site is known as 1058 Pittwater Rd but has the following real property description:

Lot: 25 DP 218990

The site currently accommodates a large Services Club facility and adjoins a large surface car park at the south of the site. It has its primary and broadest frontage to Collaroy Beach and secondary narrow frontage to Pittwater Rd.

The location of the subject site is shown at figure 1. Figure 2 provides an aerial photo of the site which demonstrates the location of the various building and land uses on site.

Figure 3 provides a photo of the sites address to Pittwater Rd.

FIG 1: LOCATION OF SUBJECT SITE

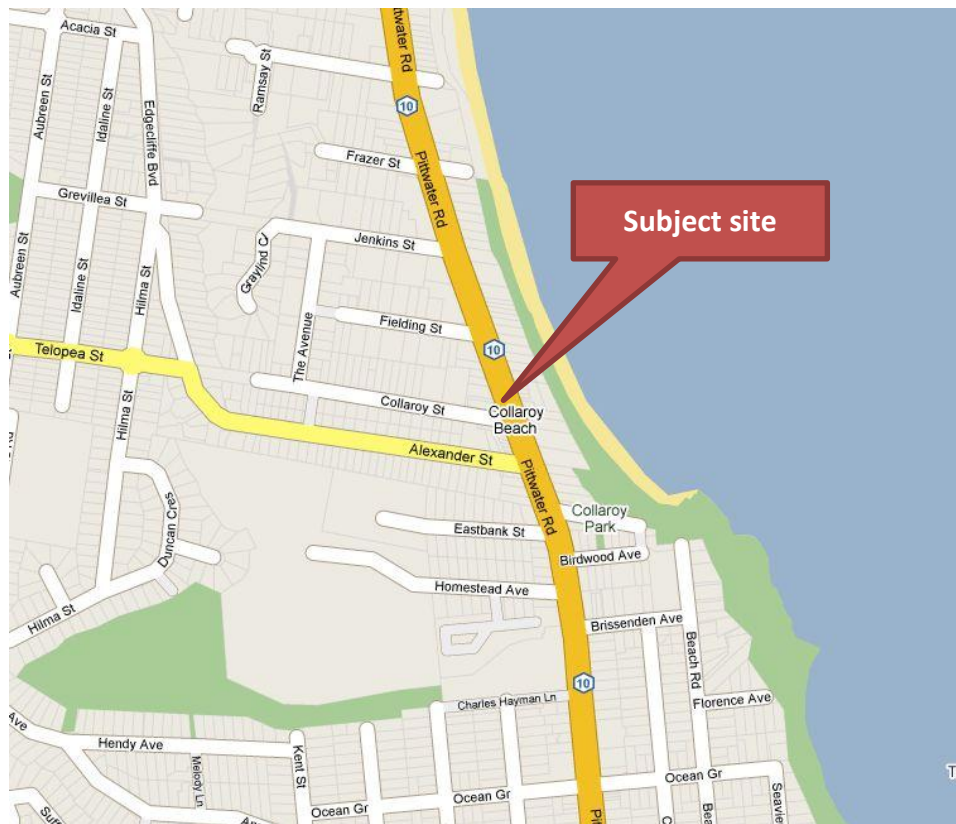


FIG 2: AERIAL PHOTO OF SITE



FIG 3: VIEW FROM PITTWATER RD



3.0 THE SUBJECT DA

The subject Development Application that modification is being sought for is **DA 2012/1000** which was approved by Warringah Council on 16th October 2012.

The previously approved Development Application granted approval to the development of relatively minor alterations and additions to the existing cool room.

4.0 PROPOSED MODIFICATION

The application seeks modifications of the previous development approval by altering condition “5. *Risk to Life and Property due to Coastal Erosion*”, of the development consent notice.

The proposed modification would simply remove the requirement for the condition to be satisfied prior to issue of a construction or occupation certificate and instead revert to a simple ‘ongoing’ type condition.

5.0 STATUTORY ASSESSMENT

Section 96 (1A) of the EP& A Act (as stated below) provides for Councils to modify a development consent notice, subject to its consideration of a number of matters.

The relevant sections of the EP & A Act and consideration of those relevant matters is provided below:

(1A) Modifications involving minimal environmental impact

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 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 proposed modification seeks no changes to the development proposal but rather seeks only to alter the timing arrangements associated with one of the conditions of the approval.

The modified development consent could therefore clearly be considered the same development that was originally approved by Council.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

It is considered that the development does not necessitate consultation with any Minister or Public authority.

(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 that requires the notification or advertising of applications for modification of a development consent, and

There is no expectation that any notification of the modified proposal is necessary.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Given the statement above, there is not expected to be any submissions made. However, should Council notify the application, we are prepared to respond to any submissions.

(3) In determining an application for modification of a consent under this section, 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.

An assessment pursuant to S79(c) of the EP & Act is provided at section 6 of this report. This assessment reveals no adverse impact.

Accordingly, Council has the authority to approve the proposed modification.

6.0 PLANNING ASSESSMENT ACT

The following section undertakes an assessment of the modified development proposal against the heads of consideration identified at section 79(c) of the EP & A Act, 1979.

6.1 PROVISIONS OF ANY LEP

The relevant planning instrument for the assessment of the development proposal is Warringah LEP 2011.

Clause 6.5 of the LEP provides a clause pertaining to Coastline Hazard. This clause is provided below together with an assessment of the proposed modification against it:

6.5 Coastline hazards

(1) The objectives of this clause are as follows:
(a) to avoid significant adverse impacts from coastal hazards,
(b) to enable evacuation of coastal risk areas in an emergency,
(c) to ensure uses are compatible with coastal risks,
(d) to preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.

COMMENT:

The relevant condition seeks to 'avoid damage through wave impact.' by requiring a structural engineer to identify measures that will mitigate this impact.

The proposed modification does not seek to remove that requirement, but rather seeks only to modify the timing when such reporting is required. Accordingly, the proposed modification causes no conflict with the objectives of this clause.

FIG 4: EXTRACT OF COASTLINE HAZARD MAP



6.2 PROVISIONS OF ANY DRAFT LEP

There are no known draft LEP's relevant to the subject site and development.

6.3 PROVISIONS OF ANY DCP

All relevant DCP matters were addressed as part of the original Statement of Environmental Effects. The proposed modification does not necessitate a review of this assessment.

6.4 LIKELY IMPACTS OF DEVELOPMENT

6.4.1 IMPACT ON THE NATURAL ENVIRONMENT

The site is located within the Wave Impact Zone but does not propose any further encroachment into that zone.

Similarly it does not propose any new subsurface structural works that would cause any potential increase in coastal erosion or release of acid sulphate soils.

The proposed development is therefore considered to cause no adverse impact to the natural environment.

2.5.2 IMPACT ON THE BUILT ENVIRONMENT

The modified development proposal will still afford suitable mitigation to the built environment of any future adverse impact from coastal erosion.

As such the development is considered to have no adverse impact on the built environment.

2.5.3 ECONOMIC IMPACT

The development is not considered to be of scale that would have any impact upon either the local or regional economy.

2.5.4 SOCIAL IMPACT

The development seeks to provide additional utility area for an existing club facility, which currently represents an important asset for the local and district communities.

The development is therefore considered to represent a positive social impact.

2.6 SUITABILITY OF THE SITE FOR DEVELOPMENT

The site has already been approved for use as a Services Club and is operating satisfactorily within its local environment.

It is therefore ideally suited to accommodating the proposed minor alterations and additions and proposed condition of consent modification.

7.0 CONCLUSION

The application seeks modifications of the previous development approval by removing the requirement for Condition No. 5 to be satisfied prior to issue of a construction or occupation certificate and instead revert to a simple 'ongoing' type condition.

The proposed modifications do not alter architectural integrity of the already approved DA and the proposed modification would cause no adverse amenity or environmental impacts.

The proposed modifications are permissible pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979*, and satisfy all requirements pursuant to that clause.

It is therefore considered that Council should approve the proposed modification.