

**3.3****5 Perrey Street Collaroy Plateau – Alteration to the Roof Approved under DA2006/0909 to Create a Roof Terrace****RESIDENTIAL DEVELOPMENT****Section 96(1a) Application to Modify a Development Consent ASSESSMENT REPORT****DA2006/0909 (Parent)****Mod2009/0258 (Child)****Assessment Officer: Keith Wright****Property Address: Lot 7 DP 24493, 5 Perrey Street, COLLAROY PLATEAU NSW 2097****Proposal Description: Alteration to the roof approved under DA2006/0909 to create a roof terrace****Plan Reference: 0503CC20**

<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 subject to conditions <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 before that consent as originally granted was previously modified?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 96(1A) (c) &amp; (d) – Has the application been on Public Exhibition?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Have you considered any submissions?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>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</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Estimated Cost of Works: \$ N/a****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**Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

## SECTION 1 – CODE ASSESSMENT REPORT

### ENVIRONMENTAL PLANNING INSTRUMENTS

#### WLEP 2000

Locality: E1 Dee Why North

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

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

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

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

Built Form Controls:	
Building Height (overall): <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 8.5m	<input type="checkbox"/> Existing and unchanged <b>Proposed:</b> .....4.5m <b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building Height (underside of upper most ceiling): <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Front Setback: <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – at rear Is the Corner Allotment / Secondary Street Frontage control applicable?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Existing and unchanged <b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing Density: <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Existing and unchanged
Landscape Open Space: <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Existing and unchanged

Built Form Controls:	
<p>Rear Setback:</p> <p><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 6.0m</p> <p>Outbuildings:</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 50% of rear setback</p>	<p><input checked="" type="checkbox"/> Existing and unchanged</p> <p><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Outbuildings:</b></p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Side Boundary Envelope:</p> <p><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 4m / 45 degrees</p> <p><input type="checkbox"/> 5m / 45 degrees</p> <p><input type="checkbox"/> Other .....</p>	<p><b>Boundary:</b> <input checked="" type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Boundary:</b> <input type="checkbox"/> Nth <input checked="" type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Side Setbacks:</p> <p><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 900mm</p>	<p><b>Boundary</b> <input checked="" type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Boundary</b> <input type="checkbox"/> Nth <input checked="" type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> <p><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

General Principles of Development Control:	
<p><b>CL38 Glare &amp; reflections</b></p> <p><b>Applicable:</b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><b>Complies:</b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p><b>CL39 Local retail centres</b></p> <p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><b>Complies:</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>

General Principles of Development Control:	
<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
<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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> No <b>Is the site suitable for the proposed land use?</b> <input 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 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

General Principles of Development Control:	
<b>CL50 Safety &amp; Security</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>CL51 Front Fences and Walls</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>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</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>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 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>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 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>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

General Principles of Development Control:	
<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 <p>The proposed modification to not increase the height of the development. Upon a site inspection it is considered that the development will not result in any unreasonable view loss or intrusions. Accordingly the proposal is considered to be satisfactory with regard to the General Principle.</p>
<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 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>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 type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No <p>Privacy is considered to be an issue with this proposal. As a solution, meetings with the owners have resulted in an agreement for placement privacy screens around the deck and that these screens are to be of obscure/translucent glass of specific heights. On the section of balustrade, which is directly opposite the Master Bedroom doors, the height may be reduced to 1200mm with the use of a fixed planter along the length of this section. See Section 2 of this report for further details.</p>
<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 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>CL68 Conservation of Energy and Water</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>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

General Principles of Development Control:	
<b>CL70 Site facilities</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>CL71 Parking facilities (visual impact)</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>CL72 Traffic access &amp; safety</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>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 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>CL75 Design of Carparking Areas</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>CL76 Management of Stormwater</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>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 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>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

General Principles of Development Control:	
<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

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



Schedules:	
<b>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</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 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
<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

**SEPP 55 Applicable?**

☐ 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

**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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No

**REFERRALS – not required**

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> EPA Act 1979             | <input type="checkbox"/> SEPP No. 55 – Remediation of Land         |
| <input checked="" type="checkbox"/> EPA Regulations 2000     | <input type="checkbox"/> SEPP No. 71 – Coastal Protection          |
| <input type="checkbox"/> Disability Discrimination Act 1992  | <input 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 type="checkbox"/> S94A Development Contributions Plan       |
| <input type="checkbox"/> Water Act 1912                      | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation) |
| <input checked="" type="checkbox"/> Swimming Pools Act 1992; | <input type="checkbox"/> Other .....                               |

### 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 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 DCP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iia) - 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 submission 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

Land Use Zone: R2 – Low Density Residential

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: N/a

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	N/a			
Rural Subdivision:	N/a			
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/a			
Height of Buildings:	8.5m	4.5m	Yes	

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 a submission from:

Name	Address
Brown	1 Perrey Street, Collaroy Plateau

The following issues were raised in the submissions:

- Privacy;
- Bulk;

The matters raised within the submissions are addressed as follows:

- There is concern that persons using the area as a deck will have an intrusive view into the objector's property.;

#### **Comment:**

- Mrs Brown's property is on the northern side and one removed from the development site at 5 Perrey Street, Collaroy Plateau.

Her complaint relates to MOD2009/0258, which I am assessing and also with the parent approval DA2004/0909 for a new dwelling, which is nearing completion but not yet occupied.

The complaint generally is about privacy intrusion not only from the MOD proposal to change a flat roofed area into a deck but also from windows along a first floor hallway of the new dwelling. Mrs Brown claims that the privacy that she once had was now seriously affected.

Mrs Brown was advised of Council's intention to condition any MOD approval with 1650mm high obscure/translucent glass privacy screens for the deck conversion and that this had been agreed to by the owner. The impact of privacy from the deck will be negated by this requirement and the impact of bulk will have of minimal impact on her property. With regard to the new dwelling and the windows, Council cannot condition an approval, which already has been determined.

### MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No

Has the applicant agreed to mediation?

☐ Yes / ☐ No

Has mediation been conducted?

☐ Yes / ☐ No

### SECTION 3 – SITE INSPECTION ANALYSIS



**Property Address: Lot 7 DP 24493, 5 Perrey Street, COLLAROY PLATEAU NSW 2097**

Site area .....653sqm

Detail existing onsite structures:

- ☐ None
- ☒ Dwelling (under construction)
- ☐ Detached Garage
- ☐ Detached shed
- ☒ Swimming pool (under construction)
- ☐ Tennis Court
- ☐ Cabana
- ☐ Other .....

Site Features:

- ☒ None
- ☐ 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

**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



## SECTION 4 – APPLICATION DETERMINATION

### Conclusion:

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council and the proposed development is considered to be:

- ☒ Satisfactory  
☐ Unsatisfactory

### Recommendation:

That Council as the consent authority

- ☒ **GRANT APPROVAL TO MODIFY CONSENT** to the development application as follows:

### RECOMMENDATION (APPROVAL)

That the proposed modification application number MOD2009/0258, of DA2006/0909 granted for alterations to the roof approved under DA2006/0909 at Lot 7 DP24493 5 Perrey Street Collaroy Plateau be approved subject to the following modified conditions of consent.

#### A. Condition 1 of Development Consent DA2006/0909 be replaced with –

##### 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
0503DA00 drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd.	June 2006
0503DA01 (Revision C) drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd	June 2007
0503DA03 (Revision C) - drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd	June 2007
0503DA06- drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd	June 2007
0503DA07- drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd	June 2007
0503DA08- drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd	September 2006

As amended by –

Drawing Number	Dated
0503CC20 drawn by Nicholas Mossop Carter and Assoc. Pty. Ltd.	July 2009

Engineering Drawings	Reference	Dated
Stormwater Management Plan & details - D01 - drawn by Peninsula Consulting Engineers	BL-07-709	August 2007
Stormwater Mngt –OSD Tank details- D02 – drawn by Peninsula Consulting Engineers	BL-07-709	August 2007

No construction works (including excavation) shall be undertaken prior to the release of the amended 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.  
**[A1 (1)]**

#### B. Insert a new condition 1a, Amended Plans.

##### 1a Amended Plans

- (i) Amended plans are to be provided showing balustrades / privacy screens to all outermost projections of the roof deck (located to the east of the dwellings) off the Master Bedroom at the uppermost level.
- (ii) All balustrades / privacy screens to the roof deck are to be provided with obscure/translucent glass for the entire height of the balustrades / privacy screens
- (iii) All balustrades / privacy screens to the roof deck are to be provided with a minimum height of 1650mm (with the exception of the section of balustrade directly opposite the door of the Master Bedroom (measuring 4.5metres in length in an easterly direction from the eastern wall of the ensuite off the master bedroom) which maybe reduced to 1200mm in height (unless height requirements are otherwise stipulated by the Building Code of Australia) and is to have a fixed, 600mm wide planter between the balustrade and the adjacent roof sky-light) above the finished floor surface of the deck. The planter is to be provided with and maintained (in perpetuity) with suitable screen planting which shall reach a minimum height of one (1) metre at maturity for the entire length of the planter.
- (iv) This condition does not prevent the requirement for full compliance with the provisions of the Building Code of Australia (BCA).

Details of the amendments indicated above are to be provided with the issue of a Construction Certificate.

**Reason:** In order to maintain privacy to the adjoining properties.





Site and Elevations

