

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1453
Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 2184 DP 752038, 94 Allambie Road ALLAMBIE HEIGHTS NSW 2100 Lot 2183 DP 752038, 92 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Alterations and additions to expand a Veterinary hospital, including change of use to a dwelling house and site consolidation (2 lots into 1)
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Brian George Mills Elaine Patricia Mills
Applicant:	Rapid Plans Pty Ltd
Application lodged:	03/09/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	20/09/2018 to 04/10/2018
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 304,000.00

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 the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

Property Description:	Lot 2184 DP 752038 , 94 Allambie Road ALLAMBIE HEIGHTS NSW 2100 Lot 2183 DP 752038 , 92 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Detailed Site Description:	The site consists of two (2) allotments being No. 92 and No. 94 Allambie Road, Allambie Heights. The site is located on the northern side of Allambie Road at the intersection of Kirra Road and Allambie Road, Allambie Heights. The property at No. 92 has a frontage of 21.3m and rear of 21.45m the western boundary has length of 38.6 m and the eastern boundary a length of 40m with a total area of 833.6sqm and contains an existing ground floor veterinary hospital and first floor residential residence. The property at No. 94 contains an existing single storey dwelling and has a vehicle crossing from Allambie Road and Kirra Road.

Map:



SITE HISTORY

Development Application DA2002/1680

On 9 April 2003 Council approved Development Application No. DA2002/1680 for demolition of existing structures and construction of a new veterinary hospital and residential unit.

Modification MOD2002/1680/1

On 6 December 2006 Council approved Section 4.55(1A) Modification No. MOD2002/1680/1 to modify works under consent DA2002/1680.

Modification MOD2010/0234

On 5 November 2010 Council approved Section 4.55(1A) Modification No. MOD2010/0234 to modify consent DA2002/1680.

Modification MOD2012/0190

On 17 October 2012, Council approved Section 4.55(1A) Modification No. MOD2012/0190 to modify Condition 11 (hours of operation) of consent DA2002/1680.

Development Application DA2018/1453

Development Application No. DA2018/1453 for the consolidation of No. 92 and 94 Allambie Road and modifications to the buildings to connect them into one single veterinary hospital was lodged with Council on 3 September 2018. This application is the subject of this assessment.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks to combine the existing building forms at No. 92 and No. 94 Allambie Road, Allambie Heights to extend the existing Veterinary surgery into both structures and consolidation of both lots.

The works do not seek to increase the number of Vets consulting within the practice or change the parking provision currently on the site.
Specifically the works include:

Refurbish internal areas to both buildings.
The additions to No.92 include:

- a new front entry addition,
- new rear addition with internal access stairs to the upper floor to act as a sound barrier to adjoining properties,
- convert the front storeroom to a cat ward & a new laundry/store room with ramp linking to the adjacent building.

Externally the proposal encompasses:

- New ground floor walls to the front additions of both buildings and new rear walls to the rear addition for No.92
- New ground floor walls linking the 2 buildings
- New external stairs for side and rear access
- New sheet metal roof over No.94 front addition and infill addition between buildings
- New alloy windows and doors
- New planter box across the existing Allambie Road driveway crossing of No. 94
- Removal of the existing kerb crossing and layback on Allambie Road to No. 94

Internally the proposal encompasses:

- New ground floor reconfiguration and refurbishment of all rooms to both buildings
- New rear internal stairs to No.92
- New timber floor to match existing FFL's
- New timber framed ramp linking each buildings existing FFL's

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 50(1A)</u> of the EP&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&A Regulation 2000. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&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 of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&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 of consent.</p> <p><u>Clause 143A</u> of the EP&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 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact 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.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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 the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mrs Renee Jane Jacobs	41 Kirra Road ALLAMBIE HEIGHTS NSW 2100
Mr Benjamin Voorderhake	43 Kirra Road ALLAMBIE HEIGHTS NSW 2100
Ms Selina Caroline Kosak	43 Kirra Road ALLAMBIE HEIGHTS NSW 2100

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

- Traffic
- Noise
- Suitability of the site
- Smell

The matters raised within the submissions are addressed as follows:

- **Traffic**
Additional cars parking in Kirra Road from Vet.
Increased traffic and parking
Staff park in front of driveways and bins preventing collection.

Comment:

The application does not seek to increase the number of employees for the veterinary hospital. Accordingly, Council's Traffic Engineer raises no objection on traffic and parking grounds.

Vehicles parked illegally within the public road should be reported to Council's Rangers or the Police. This issue does not warrant refusal of the application.

- **Noise**

Increase in hours of operation will increase noise in and out of business hours.

Increased vet operations could expose area to increased noise from animal during the day and kept overnight.

Comment:

The application does not seek to change the approved hours of operation which were approved as part of Modification Application MOD2010/0234 on 5 November 2010. The approved hours of operation will remain:

"The hours of operation for the Vet Hospital are to be restricted to 8.00am to 7.00pm Monday to Saturday, and Sundays 10.00am to 4.00pm."

- **Suitability of the site**

Not suitable for expansion

Currently zoned residential and should not be eligible to change to commercial without significant community input. Notification.

Concern about the changing nature of neighbourhood with expansion of commercial property setting a precedent.

Comment:

The site is zoned R2 Low Density Residential pursuant to Warringah Local Environmental Plan 2011. "Veterinary hospitals" are permissible with consent.

- **Smell**

Comment:

The proposed development does not introduce any new uses on the site which would be considered to create any adverse smells. Should there be concerns about smells from the existing Vet Hospital, Council's Environmental Health or Rangers should be notified. This issue does not warrant refusal of the application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Supported</p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as</p>

Internal Referral Body	Comments
	<p>this however may be determined at Construction Certificate Stage.</p> <p>Change of Use/Fire Safety Upgrade The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000.</p> <p>The fire safety upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part. Relevant conditions of consent are recommended in this regards.</p>
Landscape Officer	<p>Supported There are recorded sites of Aboriginal significance in close proximity to the development. Referral to the AHO is required.</p> <p>From a landscape perspective, there is a predominance of native planting around the existing Veterinary facility and the adjoining reserve. It is recommended that this be extended across to the site at No. 94 Allambie Rd, particularly in consideration of the sites of significance in this vicinity and to assist in reducing the bulk and scale of the proposed joined buildings across two existing Lots.</p> <p>The landscape plan provided indicates turf (as currently exists) in the setbacks to Allambie Rd and Kirra Rd. It is recommended that this area be converted to mixed native planting for the reasons indicated above.</p> <p>Subject to concurrence of the AHO, no objections are raised subject to conditions as recommended.</p>
NECC (Development Engineering)	<p>Supported Development Engineering has no objection to the application subject to the following conditions of consent.</p>
Parks, reserves, beaches, foreshore	<p>Supported No objections to the proposed development.</p>
Traffic Engineer	<p>Supported The proposal only seeks to provide separation of the waiting rooms for animal types as well as better amenity for the staff. As such there is no change in the yield of the site. Hence no additional traffic is to be expected, and no additional parking is required.</p> <p>Traffic Team raise no objection.</p>

External Referral Body	Comments
Aboriginal Heritage Office	<p>Supported subject to conditions The application was referred to the Aboriginal Heritage Office and was reviewed by the Office of Environment and Heritage (OEH) and the</p>

External Referral Body	Comments
	<p>Metropolitan Local Aboriginal Land Council (MLALC) in relation to the recorded rock engravings which are located within one of the rock platforms on the site.</p> <p>The Applicant has provided amendments to the proposal which include the following:</p> <ul style="list-style-type: none"> • A planter box constructed along the southern boundary of No.94 Allambie Road constructed on small brick plinths to allow water to flow off the site avoiding silt build up on the rock surface and preventing vehicular access to this area, and • Removal of the existing layback and driveway crossing in this location to be replaced with kerb and guttering to prevent further use of this rock platform as a carpark. <p>Subject to the above physical works on the site, the MLALC have provided management procedures and recommendations as part of their support for the works. These recommendations are incorporated as part of this consent.</p>

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 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 (No.94) has been used for residential purposes and No. 92 has been used as a veterinary hospital for a significant period of time with no prior land uses. In this regard it is considered that the site poses 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 veterinary hospital land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A325164 dated 13 August 2018).

The BASIX Certificate indicates that the development will meet the NSW Government requirements for sustainability.

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

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.

Warringah Local Environmental 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

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600m ²	The proposal seeks to consolidate No. 92 and 94 No. 92: 841m ² No. 94: 771.4m ² Total new site area = 1616.4m ²	N/A	Yes
Height of Buildings:	8.5m	7.46m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Pro
B1 Wall height	7.2m	!
B3 Side Boundary Envelope	4m	Withir
	4m	Withir
B5 Side Boundary Setbacks	North - 0.9m	1.
	East - 0.9m	0.
B7 Front Boundary Setbacks	Allambie Road - 6.5m	No.92 - 1
	Kirra Road - 3.5m	No. 9 8.9m to
B9 Rear Boundary Setbacks *	Corner lot	
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	3

***Note:** The site (No. 92 and No.94) to be consolidated as part of this consent. Accordingly, the rear boundary setback has not been applied.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	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
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B7 Front Boundary Setbacks

Description of non-compliance

The proposed development includes a new set of stairs at the Allambie Road frontage of No.94 Allambie Road which will have a setback of only 5.5m

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The proposed new stair access at the front of No.94 Allambie Road sits against the southern facade of the dwelling and has a landing height of 0.9m and a height to the top of the handrail of 1.9m. This element is not considered to adversely impact on the sense of openness of the site.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The works to the existing built form do not change to visual continuity of the buildings and maintains the landscaped front setback.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The new works are located against the existing structure and will not adversely impact the visual quality of the streetscape.

- *To achieve reasonable view sharing.*

Comment:

There are no views identified as impacted by the proposed development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking Facilities

Merit consideration

The site at No. 94 Allambie Road currently contains an approved Veterinary Hospital with 9 parking spaces and a loading space.

The proposed development seeks to consolidate with the adjacent property at No. 92 Allambie Road to expand the internal spaces within the existing practice. The works do not seek to increase the number of staff of practicing Veterinarians. The consolidation of the site will result in an additional two (2) parking spaces being available for the use of the practice which are currently contained within the double carport accessed off Kirra Road.

As there is no intensification in terms of the number of staff within the practice, the on-site parking as it was approved and with the additional spaces available from No.92, the proposed development is considered to provide adequate off-street parking.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The proposed consolidation of this site will result in a total landscaped area measuring approximately 39%.

Merit consideration

While the extent of variation is considered minor, the following consideration against the underlying Objectives of the Control is provided:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

As part of the approval from the Metropolitan Local Aboriginal Council, the existing driveway

crossing from Allambie Road to No. 92 is to be removed and a planter box installed along the boundary to prevent access across the Aboriginal engravings on the rock shelf. The planting will enhance this part of the site and provide some additional vegetation buffer at the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The site as part of this consent is required to preserve and protect the Aboriginal engravings within the Allambie Road frontage of the site by preventing unnecessary access in this location. The site is considered to satisfy this requirement.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The development maintains the sites existing landscaped areas which provide established garden areas and canopy trees which are commensurate with the size and scale of the building forms on the site.

- *To enhance privacy between buildings.*

Comment:

Both properties are oriented toward Allambie and Kirra Road frontages. The site is adjoined to the east by reserve and to the north by residential dwellings. There are no new elements as part of this proposal which will adversely change the privacy between the site and these adjoining properties.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The site is to accommodate the extension of the existing veterinary hospital. The outdoor spaces will facilitate the needs of the onsite caretaker.

- *To provide space for service functions, including clothes drying.*

Comment:

Adequate space is provided for the requisite service functions associated with the veterinary hospital use.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The site's existing water management is not proposed to change with the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent

with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$3,040 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$304,000.

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 Development Consent to DA2018/1453 for Alterations and additions to expand a Veterinary hospital, including change of use to a dwelling house and site consolidation (2 lots into 1) on land at Lot 2184 DP 752038, 94 Allambie Road, ALLAMBIE HEIGHTS, Lot 2183 DP 752038, 92 Allambie Road, ALLAMBIE HEIGHTS, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1005 - Site Plan - Rev1	7/06/2019	Rapid Plans
DA1011 - Demolition Ground Floor Plan No. 92 - Rev 1	7/06/2019	Rapid Plans
DA1012 - Demolition Ground Floor Plan No. 94 - Rev 1	7/06/2019	Rapid Plans
DA1013 - Demolition First Floor Plan No. 92 - Rev 1	7/06/2019	Rapid Plans
DA1014 - Demolition Roof Plan No.92 - Rev 1	7/06/2019	Rapid Plans
DA1015 - Demolition Roof Plan No. 94 - Rev 1	7/06/2019	Rapid Plans
DA1016 - Excavation & Fill Plan - Rev 1	7/06/2019	Rapid Plans
DA1019 - Landscape Plan - Rev 1	7/06/2019	Rapid Plans
DA1020 - Sediment & Erosion Plan - Rev 1	7/06/2019	Rapid Plans
DA1022 - Stormwater Plan - Rev 1	7/06/2019	Rapid Plans
DA2001 - Ground Floor Plan 92 - Rev 1	7/06/2019	Rapid Plans
DA2002 - Ground Floor Plan 94 - Rev 1	7/06/2019	Rapid Plans
DA2003 - First Floor Plan 92 - Rev 1	7/06/2019	Rapid Plans
DA2004 - Roof Plan 92 - Rev 1	7/06/2019	Rapid Plans
DA2005 - Roof Plan 94 - Rev 1	7/06/2019	Rapid Plans
DA3001 - Section 1 and Section 2 - Rev 1	7/06/2019	Rapid Plans
DA3002 - Section 6 - Rev 1	7/06/2019	Rapid Plans
DA3004 - Section 5 and Section 7 - rev 1	7/06/2019	Rapid Plans
DA4001 - Elevations 1 - Rev 1	7/06/2019	Rapid Plans
DA4002 - Elevations 2 - Rev 1	7/06/2019	Rapid Plans
DA4003 - Elevation 3 - Rev 1	7/06/2019	Rapid Plans

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

c) The development is to be undertaken generally in accordance with the following:

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Metropolitan Local Aboriginal Land Council	MLALC Signed Support Letter	28 June 2019

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

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

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until

the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009

- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

5. **Sewer / Water Quickcheck (Crown Land Only)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

FEES / CHARGES / CONTRIBUTIONS

6. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$3,040.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$304,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash

contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

7. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. Stormwater Disposal

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

9. Amended Plans - Landscape

a) Landscape plans are to be amended to provide mixed native tree, shrub and groundcover planting in the front setback area on the corner frontage to Allambie Road and Kirra

road indicated as turf on the Landscape Plan.

- b) Amended plans are to provide a minimum of 2 locally native trees capable of attaining a minimum height of 5 metres at maturity as well as local native shrub planting at a minimum rate of 1 shrub and 2 groundcovers per m², watered and planted to industry best practice standards.
- c) The garden area is to be mulched to a minimum depth of 75mm.
- d) Amended Landscape plans are to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.

Reason: Local environmental amenity

10. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

11. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. **Tree protection**

(a) Existing trees which must be retained

- i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
- ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. **Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

14. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

15. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

16. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features.

17. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

18. **Landscape completion certification**

- a) Planting is to be implemented in accordance with the approved Landscape Plan.
- b) Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any relevant conditions of consent.

Reason: Landscape amenity.

19. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

20. **Reinstatement of Kerb**

All redundant laybacks and vehicular crossings on Allambie Road shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To facilitate the preservation of on street parking spaces

21. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings.

22. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

23. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire

Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

24. **Consolidation of Lots**

Lot 2183 in DP 752038 known as No. 92 Allambie Road and Lot 2184 in DP 752038 known as No. 94 Allambie Road, Allambie Heights must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land and Property Information Service (NSW Department of Lands).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Final Occupation Certificate. (DACPLFPOC1)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

25. **Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

26. **Protection of Aboriginal Heritage**

All items of Aboriginal Heritage on the site are to be protected at all times from any disturbance or damage. At no times shall vehicles, machinery or vegetation be permitted on the areas identified and protected under the National Parks and Wildlife Act 1974.

Reason: To ensure the protection of Aboriginal Heritage on the site in perpetuity (DACPLGOG1)

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Renee Ezzy, Principal Planner

The application is determined on 30/08/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments