

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2013/0222
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<b>Responsible Officer:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot 72 DP 752017 , 337 Mona Vale Road TERREY HILLS NSW 2084
<b>Proposed Development:</b>	Modification of Development Consent DA2012/1554 granted for Demolition works and Construction of a Child Care Centre
<b>Zoning:</b>	LEP - Land Zoned RU4 Primary Production Small Lots LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Warringah Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Maria Pollifrone
<b>Applicant:</b>	Maria Pollifrone

<b>Application lodged:</b>	12/11/2013
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	22/11/2013 to 09/12/2013
<b>Advertised:</b>	Not Advertised in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

### ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the

applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B7 Front Boundary Setbacks

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 72 DP 752017 , 337 Mona Vale Road TERREY HILLS NSW 2084
<b>Detailed Site Description:</b>	<p>The subject land has a site area of 3,389sqm with a variable width of 31m (Mona Vale Road frontage) to 28m and a depth of 113.9m. The land has an even slope and falls 7.5m from (east to west) away from Mona Vale Road, with access to an easement at the rear for water to drain to Myoora Road along the northern boundary of Lot 100 DP 630909. Existing development on the site consists of a number of minor structures (sheds, landscaping display structures, masonry walls and nursery buildings) relating to the current nursery operation's being conducted on the land. There are no unique rock outcrops and no significant vegetation on the site with the exception of one mature eucalypt tree beside the northern boundary.</p> <p>The adjacent lot to the south, addressed as No.339 Mona Vale Road, contains a two storey brick dwelling and is occupied by operations for nursery and landscape / garden supplies that have expanded onto this property from the approved nursery on No.337 Mona Vale Road. Both properties are under the same ownership and consequently used as a single holding.</p> <p>Development adjacent the site to the north consists of a bus depot and main administration building for "Forest Coach Lines", and land to the west is used for a pine tree plantation in association with "Forest Way Fresh" fruit store at No.2 Myoora Road. 'Austlink Business Park' is also located nearby, at the south-west corner of Forest Way and Mona Vale Road. Garigal National Park is situated opposite the site on the eastern side of Mona Vale Road.</p> <p>The site is approximately 100m north-east of the signalised intersection of Forest Way, Mona Vale Road and Myoora Road. Mona Vale Road is a divided 4 lane arterial road and therefore vehicle access is only possible from a south-western approach (on the northern side of Mona Vale Road). The speed zone in front of the site is 80km/h and the <i>NSW Roads</i></p>

and Maritime Service traffic manage this road

Map:



## SITE HISTORY

**Development Application No.2012/1554** was approved for a 100 place childcare centre, by Council on 10 May2013.

**Development Application No.2013/1001** was approved for tree removal, by Council on 2 September 2013.

**Development Application No.2013/0923** for a private sewerage scheme (for Myoora Road) was withdrawn.

for more detailed site history refer to DA2012/1554 assessment report.

## PROPOSED DEVELOPMENT IN DETAIL

The proposed modifications as submitted by the applicant for the childcare centre involve:

- Internal and external changes to the floor configuration within the centre involving relocation of toilets, cot rooms and kitchen facilities;
- Change to work hours to permit construction work on Saturday from 7am to 5pm;
- Reduction to the Section 94A Levy;
- Change to the water Usage Model to permit 3800 litres usage per day;

- Increase in the permitted enrolment to 110 children; and
- Change to fencing to 'colorbond' style up to 2.1m (including on top of an unspecified retaining wall height in places).

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

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

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

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

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2012/1554, in full, with amendments detailed and assessed as follows:

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

Section 96(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<b>Yes</b> The modification, as proposed in this application, is considered to be of minimal environmental impact for the internal floor plan, however the increase in enrolment and additional carparking is not supported.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2012/1554, however the proposed changes are, in part, not consistent with the original conditions.

<b>Section 96(1A) - Other Modifications</b>	<b>Comments</b>
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

### Section 79C Assessment

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

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

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<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 in the original consent.



Section 79C 'Matters for Consideration'	Comments
	<p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development, subject to conditions.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest, and any submission/s made under the original DA2012/1554 have been reconsidered in the context of the proposal. In this regard, no change to increase enrolment is supported and no increase in carparking is supported.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and

Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

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

## REFERRALS

Internal Referral Body	Comments	
Environmental Health and Protection (unsewered lands)	Was sufficient documentation provided appropriate for referral?	NO - No adequate information for wastewater performance for the Modification. NO - No adequate information of a noise report to extend jackhammering and excavation hours to early in the morning. Saturday afternoon work is permitted as surrounding activity on Saturday afternoon is not likely to create noise problems.
	Are the reports undertaken by a suitably qualified consultant?	Not available
	Is there a proposed on site sewage management system or an impact to existing onsite sewage management system?	YES - previous conditions applied and concerns raised regarding overloading and sustainable performance. No increase in childcare numbers should be permitted until the development demonstrated the AWTs system actually performs properly after full installation and

Internal Referral Body	Comments	
		inspections have been undertaken, with the AWTS operating to the satisfaction of Council for human and environmental health and safety.
	For residential applications have you considered AS1547 and Environmental Health & Protection Guidelines?	YES
	For commercial applications have you considered Guidelines for Management Private Recycled Water Schemes and applied the residential guidelines where applicable?	YES
	Are separate land application areas provided for pool water, waste water from the premises and storm water?	YES however this is very close to the childrens outdoor area and the system will be under a high loading for water. Potential saturation and continuous seepage downslope is a risk.
	Is approval to install and approval to operate applicable? - if so, recommend the DAO refer commercial waste water systems to Department of Energy & Water.	YES
	<b>General Comments</b>  Applicant has not proved system will perform to Council's satisfaction on an annual basis.	
	<b>Recommendation</b>	REFUSAL of modification to condition 43 and 50.
	<u>Comment:</u> In the absence of the above information being supplied and concerns about environmental health risks no change to conditions 43 and 50 are recommended.	
Traffic Engineer	The proposed parking meets the requirements of the DCP.	



Internal Referral Body	Comments
	<p>There are still concerns regarding the following matters outlined in comments provided for the original DA:</p> <ul style="list-style-type: none"> <li>• The potential for parents to perform U-turns at the intersection of Mona Vale Road and Kamber Road in order to travel south during the morning and afternoon peaks.</li> <li>• The need for a clearly marked pedestrian pathway from the southern most car park spaces to the front entry of the child care centre.</li> </ul> <p><u>Comment:</u> In the absence of the above information and the centre not being able to demonstrate that the parking area will actually operate in a satisfactory manner (despite meeting the minimum compliance) during peak periods no increase in enrolment should be permitted at this stage.</p>

External Referral Body	Comments
Integrated Development - NSW Rural Fire Service – head office	The NSW Rural Fire Service have no objection to the proposed modifications under Section 100B of the <i>Rural Fires Act 1997</i> , subject to compliance with bush fire safety authority dated 11 February 2013.
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	The NSW <i>Roads and Maritime Service</i> has no objection to the modification and no changes to the RMS previous comments or conditions are provided.

### 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)

Nil

### Warringah Local Environment Plan 2011

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

aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.8m	No change	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.5 Additional permitted uses for particular land	Yes
Land Use Table	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
18 Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills	Yes

#### Warringah Development Control Plan

##### Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	5.8m	No change	Yes
B2 Number of storeys	N/A	2	No change	N/A
B4 Site Coverage (Site area 3,389 sqm)	30% (1,016 sqm)	29% (1,005 sqm) (Carparking and driveway not included)	N/A	Yes
B5 Side Boundary Setbacks Northeast  Southwest	7.5m  7.5m	5.5m  5.5m to 6.5m	No change  No change	As approved  As approved
B7 Front Boundary Setbacks (Refer also to B14 - Main Roads Setback)	30m	41m (Building wall) 15m (Carparking)	No change	Yes

B9 Rear Boundary Setbacks	7.5m	26.5m (Building)	No change	Yes
B14 Main Roads Setback - Primary Setback (Mona Vale Road) Secondary Setback - 50% carparking permitted	30m  15m (Carparking exception)	41m (Building wall) 15m (85% Carparking)	N/A  90% carparking	Yes  No
D1 Landscaped Open Space and Bushland Setting (Site area 3,389 sqm)	50% (1,694 sqm)	54% (1,825 sqm)	52%	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B4 Site Coverage	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Mona Vale Road	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
Front Boundary Setbacks - RU4	No	Yes
RU4 Land with frontage to Mona Vale Road	Yes	Yes
Front Boundary Exceptions - RU4	Yes	Yes
Front Boundary Exceptions - All Zones	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Land in the vicinity of Mona Vale Road - RU4	Yes	Yes
B14 Main Roads Setback	Yes	Yes
Part C Siting Factors	Yes	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
Non-Residential Development	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
Part D Design	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

### **B7 Front Boundary Setbacks**

#### Description of non-compliance

The subject proposal complies with the 30m Primary Front Boundary setback. The land is also subject to a Secondary Front Boundary Setback of 15m and the area between these setbacks has a requirement that permits only 50% (224.5sqm) of this area to be used for parking and driveway, with no other structures. In this case the area between the primary and secondary setback is 449 sqm, however 72% has been permitted to be used for parking under DA2013/1554. The modification proposes to further reduce landscaping so that 78% of the area between the primary and secondary setbacks will be used for carparking area leaving only 22% or 49.8 sqm of landscaping.

#### Merit consideration:

The development is considered against the underlying purpose (aim and / or objective) of the Control as follows:

- *To create a sense openness.*

#### Comment:

The location of the building further back from Mona Vale Road maintains a sense of openness by not having large building structures within the front setback area. This however has enabled a concentration of carparking between the primary and secondary setback, but it is not supported that the remaining balance of landscaping to carparking should be further compromised, since the DCP requirement of using only 50% for carparking between these setbacks has already been substantially exceeded.

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

#### Comment:

The increased non-compliance against the maximum carparking area permitted between the primary and secondary setbacks reduces the ability to maintain the desired continuity of

landscaping features to the frontage of Mona Vale Road that will be consistent with the desired development pattern required under the DCP. A considerable proportion of the primary to secondary setback is already allocated (and approved) for use as carparking and therefore is prevented from being able to provide any off set for landscaping changes within the visible setback area to Mona Vale road. The increase in carparking creates more opportunity for visual exposure of other non-complying elements, particularly in the side setbacks and does not enhance remaining landscaping.

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

Comment:

The increased non-compliance creates greater visual impact of other structures on the site such that trees, of commensurate height and scale with the adjacent buildings, cannot be provided to enhance the desired streetscape for a landscaped setting in a rural environment. The site has been subject to a later approval for tree removal within the front setback, under DA2013/1001. This approval came after the approval of DA2013/1554 and does not authorise any substitution of landscaping to increase the carparking and therefore enable childcare enrolment to increase. The replacement of landscaping for carparking does not protect and enhance the visual quality of the streetscape. A condition is recommended that the tree removed under DA2013/1001 be replaced with a new native canopy tree and the surrounding landscape area shown on the approved plans be retained.

- *To achieve reasonable view sharing.*

Comment:

The non-compliance will not create an unreasonable impact on view sharing.

In consideration of the proposal and the merit consideration would the development maintain the ability for the development to be consistent with the:	
• objectives of the DCP?	NO
• zone objectives of the LEP?	NO
• objectives of the LEP?	NO
• objects specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	NO

Based on a merit consideration, the circumstances of this application / site and an assessment of the proposal against the underlying objectives of the clause, is:	
• Compliance with the requirement unreasonable?	NO
• Compliance with the requirement unnecessary?	NO
• Is the proposal acceptable?	NO

## POLICY CONTROLS

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

Section 94 contributions were levied on the Development Application.

### **CONCLUSION**

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

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

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

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

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

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

### **RECOMMENDATION**

THAT Council as the consent authority grant approval Modification Application No. Mod2013/0222 for Modification of Development Consent DA2012/1554 granted for Demolition works and Construction of a Child Care Centre on land at Lot 72 DP 752017,337 Mona Vale Road, TERREY HILLS, subject to the conditions printed below:

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

The development must be carried out in compliance (except as amended by any other condition of



consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Floor Plan A11 Issue B	19 February 2014	Artiva Architects

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent, including DA2012/1554.

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

**B. Modify Condition 4 - General requirements** to read as follows:

(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 Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Saturday 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 or land controlled by the *Roads and Maritime Service*.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

(k) 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.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

#### **C. Insert Condition 39A - Tree Replacement to read as follows:**

The tree to be removed under DA2013/1001 is to be replaced with a new large native canopy tree selected from Council's Tree Replacement Guide. The surrounding landscape area shown on the approved plans shall be retained and not used for carparking.

Reason: Requirement to maintain landscaping to front setback areas.

#### **D. Insert Condition 39B - Side Boundary Fencing to read as follows:**

The boundary fencing is to remain as per the approved plans by JCA Dwg No.CP/L/337MV/DA/D dated 21.12.12 with adjacent screen tree planting to complement the landscaped surroundings for the building.

Reason: Maintain privacy and retain and landscaped setting.

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

**Signed**

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**Alex Keller, Development Assessment Officer**

The application is determined under the delegated authority of:

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**Lashta Haidari, Development Assessment Manager**










**ATTACHMENT A**

Notification Plan	Title	Date
 2013/329686	plan notification	15/11/2013

**ATTACHMENT B**

No notification map.

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2013/325710	invoice for ram applications - Maria Pollifrone	12/11/2013
 2013/325715	DA Acknowledgement Letter - Maria Pollifrone	12/11/2013
 2013/329669	application to modify a consent	15/11/2013
 2013/329672	applicant details	15/11/2013
 2013/329686	plan notification	15/11/2013
 2013/329693	statement of environmental effects	15/11/2013
 2013/330842	File Cover	18/11/2013
 2013/330850	Integrated referral to RFS head office	18/11/2013
 2013/330852	Roads Traffic Authority referral (SEPP Infra. Traffic generating dev)	18/11/2013
 2013/333104	Traffic Engineer Referral Response	19/11/2013
 2013/335191	referral - Development Application Mod2013/0222 337 Mona Vale Road TERREY HILLS NSW 2084 - Rural Fire Service	19/11/2013
 2013/337029	Notification Letters 8 - Mod 1	21/11/2013
 2013/337034	Notification Map - Mod 1	21/11/2013
 2013/337650	Notification Letter to Terrey Hills Progress Assoc	22/11/2013
 2013/352231	additional info - MOD2013/0222 - 337 Mona Vale Road, Terrey Hills	06/12/2013
 2013/354551	Response - Roads and Maritime Services - No Objection to Section 96 MOD2013/0222	10/12/2013
 2014/107916	Environmental Health and Protection Referral Response - unsewered land	16/04/2014