

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2014/0272
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Responsible Officer:	Nick England
Land to be developed (Address):	Lot 27 DP 752017 , 335 Mona Vale Road TERREY HILLS NSW 2084
Proposed Development:	Modification of Development Consent DA2014/0427 Alterations and additions to existing premises and use of premises as an emergency veterinary service and associated signage.
Zoning:	LEP - Land Zoned RU4 Primary Production Small Lots LEP - Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes
Existing Use Rights:	
Consent Authority:	Warringham Council
Land and Environment Court Action:	No
Owner:	Royle Pacific Investments Pty Ltd Sydney Corporate Tours Pty Ltd S.Greencorp Pty Ltd
Applicant:	Boston Blyth Fleming Pty Ltd

Application lodged:	05/12/2014
Application Type:	Local
State Reporting Category:	Other
Notified:	16/12/2014 to 16/01/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	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

Warringham Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 27 DP 752017 , 335 Mona Vale Road TERREY HILLS NSW 2084
Detailed Site Description:	<p>The subject site consists of one (1) allotment located between Mona Vale Road and Myoora Road. The site is legally known as Lot 27 in DP 752017, No.335 Mona Vale Road, Terrey Hills.</p> <p>The site is regular in shape with a frontage of 63m along both Mona Vale Road and Myoora Road and a depth of 267m. The site has an area of approximately 16,943m².</p> <p>The site is located within the RU4 Primary Production Small Lots zone and accommodates a transport depot (Forest Coachlines) which is accessed from Myoora Road. An associated two-storey office building is located in close proximity to Myoora Road. The offices of Forest Coachlines are located on the 1st floor of this building, with three (3) separate occupancies at the ground floor, one of which is subject to the proposed land use.</p> <p>Surrounding development consists of a range of land uses, including landscape and garden supplies retail, hotels, restaurants, conference/function centres and agriculture. Pylon signage is located at No.331 Mona Vale Road, to the northeast of the site, of approximately 3.5m in height. The site has a gentle slope with a north-westerly aspect and is sparsely vegetated.</p>

Map:



SITE HISTORY

Development consents relevant to the subject application include the following:

DA2014/0427: Development consent was granted on the subject site for a veterinary hospital on 22 July 2014. This consent is the subject of the proposed modification and relates to a veterinary hospital in one of the three ground floor units of the existing building. The approved veterinary hospital provides emergency services under this consent which will operate 24 hours a day. Conditions No.8 and 16 applied to the business identification signage associated with the approved use. In summary, these conditions were to reduce the overall height of the signage and ensure no illumination of that signage. The purpose of these conditions were to ensure compliance with the objectives and requirements of Part D23 of WDCP 2011, in particular Requirement No.9 which restricts any illumination of signage on the subject land.

PROPOSED DEVELOPMENT IN DETAIL

The application is lodged pursuant to Section 96(1A) and involves the modification of development consent DA2014/0427 issued on the subject site for "Alterations and additions to existing premises and use of premises as an emergency veterinary service and associated signage".

The modification seeks to delete Condition No.17 of the consent, which states:

17. No Illumination

No consent is given to the illumination or floodlighting of any signage.

Reason: To ensure consistency with Council's controls and to maintain the amenity of the area. (DACPLG13)

The submitted plans demonstrate that the overall height of the pylon signage (business identification signage) has been reduced, from a maximum height of four (4) metres to a lower maximum height of two

(2) metres. These plans demonstrate compliance with Condition No.8 of the consent.

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 DA2014/0427, 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	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact, subject to a modified condition of development consent to restrict the level of illumination from the business identification sign.</p>
(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	<p>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 DA2014/0427.</p>
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require,	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringham Local</p>

Section 96(1A) - Other Modifications	Comments
<p>or</p> <p>(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</p>	<p>Environment Plan 2011 and Warringah Development Control Plan.</p>
<p>(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.</p>	<p>No submissions were received in relation to this application.</p>

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:

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

Section 79C 'Matters for Consideration'	Comments
	<p>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, permits Council to request additional information and therefore consider the number of days taken in this assessment in light of this clause within the Regulations. However, 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 in the original 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 in the original 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 in the original 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 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringham Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

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

No referrals were sent in relation to this application

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 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity

and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
<p>1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>Condition No.8 of the existing consent required that the pylon signage be amended so that total height does not exceed 2 metres in height, which is the maximum height which applies to freestanding signs under the provisions of Part D23 of WDCP 2011. The submitted plans demonstrate that this sign has been amended to be consistent with this condition, hence the proposed modification is consistent with this matter.</p>	<p>YES</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.</p>	<p>YES</p>
<p>2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.</p>	<p>YES</p>
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p>	<p>This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.</p>	<p>YES</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.</p>	<p>YES</p>
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.</p>	<p>YES</p>
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the</p>	<p>This matter was addressed in the assessment of</p>	<p>YES</p>

proposal appropriate for the streetscape, setting or landscape?	the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
Does the proposal screen unsightliness?	Not applicable to the proposed modification.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
Does the proposal respect important features of the site or building, or both?	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or	Not applicable to the proposed modification.	N/A

structure on which it is to be displayed?		
<p>7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?</p>	<p>The area of signage subject to the proposed illumination is relatively small, having a dimension of 1.2 metres x 0.9m in height (or approximately 1m² in area). The signage is no more than 1.65m in height from the ground level beneath.</p> <p>In this regard the illuminated signage will be minor in size and height. No residential properties are within close vicinity of the subject site.</p> <p>Hence it is not likely that the proposed modification will result in an unacceptable glare given the size and location of the signage and the application is consistent with this matter.</p>	YES
Can the intensity of the illumination be adjusted, if necessary?	<p>An existing condition of consent (No.7 - Compliance with Australian Standards) applies which requires the consent to be consistent with a range of Australian Standards. Of particular relevance is the Australian Standard AS/NZS 1158.5 "Lighting for roads and public places" . This is not referenced in the current condition, therefore it is proposed to include this in the existing Condition No.7, to ensure the applicant is aware of the relevant Australian Standard.</p> <p>Further, it is proposed to apply Council's standard condition of consent for the control of illuminated signage, to replace the existing condition no.17.</p> <p>These amended conditions will serve to adjust the level of illumination if so required and in turn this matter is satisfied.</p>	YES
Is the illumination subject to a curfew?	The proposed illuminated signage will not be subject to a curfew, as the sign is to support the emergency services of the approved veterinary hospital, which has 24 hour per day operation.	YES
<p>8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?</p>	This matter was addressed in the assessment of the original application and as the proposed modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	This matter was addressed in the assessment of the original application and as the proposed	YES

	modification makes no change to the development relevant to this matter no further consideration of this matter is considered necessary.	
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Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

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	2m	2m	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
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	N/A	N/A	N/A
B4 Site Coverage	20%	No change	No change	N/A
B5 Side Boundary Setbacks	7.5m	25.3m (NE	No	Yes

		boundary)	change	
	7.5m	24.3m (SW boundary)	No change	Yes
B7 Front Boundary Setbacks	30m (Mona Vale Road) 10m (Myoora Road)	No change 0.5m	No change No change	Yes Yes
B9 Rear Boundary Setbacks	7.5m	N/A	N/A	N/A
D1 Landscaped Open Space and Bushland Setting	70%	No change	No change	N/A

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

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
Other land in RU4	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
RU4 Land with frontage to Mona Vale Road	No	Yes
Front Boundary Exceptions - RU4	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
Land in the vicinity of Mona Vale Road - RU4	Yes	Yes
B14 Main Roads Setback	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	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
Non-Residential Development	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
Part D Design	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D23 Signs		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D23 Signs

Description of non-compliance and/or inconsistency

The proposed modification involves the deletion of Condition 17 of the existing consent, which specifies that the approved pylon sign is not be illuminated in any manner. In this regard, the proposed modification is inconsistent with Requirement No.9 of D23 which states:

" 9. For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non obtrusive and non illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape."

Merit consideration

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

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment:

The proposed illumination of the approved signage relates to the veterinary hospital land use, which provides an after hours emergency service. In this regard, the illumination is suitable given the nature of the proposed land use and strict compliance with requirement No.9 is not considered necessary under the circumstances.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment:

The signage will relate only to the veterinary hospital, particularly as the sign has now been modified to reduce its overall height and remove the other five (5) signage panels on the pylon signage and provide only one (1) signage panel which relates to the veterinary hospital. In this regard the proposed modification is considered to be well designed and coordinated and consistent with this objective.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment:

The reduced area and height of the pylon signage will be consistent with the height requirements of Part D23 and ensure no adverse visual impact on the immediate locality within Mona Vale Road. The illuminated sign is very minor in size (approximately 1m² in area) and in this respect will likewise have a limited visual impact on this area. Therefore the proposed modification is consistent with this objective.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment:

The site is not located in an area that is either zoned for residential purposes or predominated by residential development. Hence the proposed modification is generally consistent with this objective.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

The signage is located on land that is adjacent land zoned RE1 National Park and Nature Reserves under WLEP 2011. Hence to protect the setting of this conservation area it is important that the signage complies with the relevant requirements of Part D23. The proposed modification will ensure the height of the freestanding sign is reduced to the maximum height permitted under Part D23 (2m) will ensure the proposal is compliant with this objective and the proposed illumination is unlikely to hinder the achieve of this objective.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2014/0272 for Modification of Development Consent DA2014/0427 Alterations and additions to existing premises and use of premises as an emergency veterinary service and associated signage. on land at Lot 27 DP 752017,335 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
WD 1.1 Revision D	14.08.14	Therian

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

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

B. Modify Condition No.7 - Compliance with Standards to read as follows:

7. 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. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS/NZS 1158.5 "Lighting for roads and public places"
- (e) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (f) AS 4970 - 2009 'Protection of trees on development sites'***
- (g) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (h) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (i) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (j) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (k) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (l) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (m) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (n) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (o) AS 4674 Design, construction and fit out of food premises

(p) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

C. Modify Condition No.17 - No Illumination to read as follows:

17. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

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

Signed

Nick England, Planner


The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager












ATTACHMENT A

Notification Plan	Title	Date
 2014/376543	plan notification	08/12/2014

ATTACHMENT B

Notification Document	Title	Date
 2014/384698	Notification map	16/12/2014

ATTACHMENT C

Reference Number	Document	Date
 MOD2014/0272	335 Mona Vale Road TERREY HILLS NSW 2084 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	05/12/2014
 2014/374340	DA Acknowledgement Letter - Boston Blyth Fleming Pty Ltd - S.Greencorp Pty Ltd - Sydney Corporate Tours Pty Ltd - Royle Pacific Investments Pty Ltd	05/12/2014
 2014/376540	modification application form	08/12/2014
 2014/376542	applicant details	08/12/2014
 2014/376543	plan notification	08/12/2014
 2014/376546	report statement of environmental effects	08/12/2014
 2014/376548	plan - site	08/12/2014
 2014/381675	File Cover	12/12/2014
 2014/384696	Notification letter 7	16/12/2014
 2014/384698	Notification map	16/12/2014
 2014/384712	Notification letter & plan posted	16/12/2014