

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2012/0241
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Responsible Officer	Nick England
Land to be developed (Address):	Lot 13 DP 248495 , 31 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Modification of Development Consent DA2012/0653 granted for alterations and additions to a dwelling house
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Dawn Marie MacLeod Mr Michael Charles Hunter
Applicant:	Mr Michael Charles Hunter

Application lodged:	27/11/2012
Application Type	Local
State Reporting Category	Residential - Alterations and additions
Notified:	30/11/2012 to 17/12/2012
Advertised	Not Advertised in accordance with A.7 of WDCP
Submissions	0

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

Environmental Planning and Assessment Act 1979 - Section 96(1A) -
 Warringah Development Control Plan - B3 Side Boundary Envelope
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - Side Setbacks - R2
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - R2 - All other land in R2 Zone

RECOMMENDATION

Approval

SITE DESCRIPTION

Property Description:	Lot 13 DP 248495 , 31 Arnhem Road ALLAMBIE HEIGHTS NSW 2100
Detailed Site Description:	The subject site consists of one (1) allotment located on the western side of Arnhem Road. The site is legally known as Lot 13 Section 101 in DP 248495, No.31 Arnhem Road, Allambie Heights. The site is irregular or "wedge" shaped with a frontage of 21.185m along Arnhem Road and a depth of 46.765/48.89m. The site has a surveyed area of 720.2m². The site is located with the R2 Low Density Residential zone and accommodates a single-storey detached dwelling and swimming pool. Surrounding development consists of detached dwellings. The topography of the site consists of a moderate slope that falls down from the rear boundary in a south-easterly direction towards the frontage. There are significant landform features or large canopy trees (above 5m) on the site.

Map:



SITE HISTORY

Past development consents / applications on the subject site include the following:

C861/67: Building application for a brick veneer dwelling dated 1967.

C1219/75: Building application for a swimming pool dated 1975.

DA2010/2029: Development consent for "Tree Removal (2)" approved 13 December 2010.

DA2012/0653: Development consent for "Alterations and additions to a dwelling house" approved 26 July 2012.

PROPOSED DEVELOPMENT IN DETAIL

The subject application consists of a modification to existing development consent DA2012/0653 under the provisions of Section 96(1A). The modification is described below:

Site / Lower Ground Floor

- Modified entry stairs;
- demolish existing pool and replace with new pool;
- modified privacy screen on southern boundary;
- modify rear deck to incorporate new pool and modified lawn area; and
- new external stairs to lower ground floor parking area on southern elevation.

Ground Floor

- Two (2) external stairs on southern elevation;
- new rainwater tank adjacent swimming pool;

- relocation of window W2 and modification of dimensions of window W4 and W7;
- internal modifications to kitchen; and
- reduced length of sunshade to living room on eastern elevation.

Roof

- Modified to provide a double skillion, raising overall height of building by 0.257m
- replace approved vergola at rear of dwelling to extend approved new roofing element; and
- new skylight to master bedroom wardrobe.

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 DA2012/0653, 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)	Comments
Section 96(1A) (a) – Is the Modification to Consent of Minimal Environmental Impact?	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
Section 96(1A) (b) – Would the consent as proposed to be modified be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was previously modified?	Yes The modification, as proposed in this application, would result in a development which is substantially the same as that approved in the original Notice of Determination.
Section 96(1A) (c) & (d) – Public Exhibition of subject application / submission	The application was notified under the provisions Clause 90(1) of the EP&A Regulations 2000.

Section 96 (3) - Consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application

See discussion on “Matters for Consideration under Section 79C” in this report.

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
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 an existing condition of consent. <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. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, permits Council to request additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. However, no additional information was requested. <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 an existing condition of consent. <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

Section 79C 'Matters for Consideration'	Comments
	via an existing condition of consent. <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 matter has been addressed via an existing condition of consent. <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 an existing condition of consent. <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.
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 Warringah 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 (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.

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

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

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 has been used for residential purposes 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 residential land use.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A137952_03). This certificate amends BASIX Certificate No.A137952 issued for DA2012/0653 and that the development will achieve the NSW Government's sustainability commitments.

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 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
Minimum subdivision lot size:	600m ²	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	8.1m	8.357m	N/A	Yes
Rural Subdivision:	N/A	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	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
Wall height	7.2m	7.1m	7.1m	Yes
Minimum Floor to Ceiling Height	N/A	N/A	N/A	N/A
Number of storeys	N/A	N/A	N/A	N/A
Side Boundary Envelope	4m	North Elevation: complies South Elevation: partial breach	North Elevation: partial breach South Elevation: no change	No N/A
Site Coverage	N/A	N/A	N/A	N/A
Side Boundary Setbacks	0.9m	2.4m (north) 0.9m (south)	2.4m (north - no change) 0m (side access)	Yes No

			stairs)	
Front Boundary Setbacks	6.5m	3.4m (entry stairs)	4.4m	No
Rear Boundary Setbacks	6m	9.2m (pool)	6.7m (pool)	Yes
Foreshore Building Setback	N/A	N/A	N/A	N/A
National Parks Setback	N/A	N/A	N/A	N/A
Coastal Cliffs Setback	N/A	N/A	N/A	N/A
Main Roads Setback	N/A	N/A	N/A	N/A
Landscaped Open Space and Bushland Setting	40%	43%	43%	Yes

***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
B3 Side Boundary Envelope	No	Yes
R2 Side Boundary Envelope Exceptions	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
Side Setbacks - R2	No	Yes
B7 Front Boundary Setbacks	No	Yes
R2 - All other land in R2 Zone	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
All other land under R2	Yes	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
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
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

B3 Side Boundary Envelope

Description of non-compliance

The modified skillion roof results in a breach on the northern elevation of the dwelling, varying between 1.0m at its highest to 0.4m and a length of approximately 8m.

Merit consideration

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

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment: The modified roof will present as a portion of the built form that is not dissimilar to the existing approved dwelling. The breach of the envelope control would presents as a relatively small area of the facade of the northern elevation (approximately 5.6m² in area), being maximum 1m in height and running for an approximate length of 8m. Taken in context with the remainder of the approved dwelling, the proposed breach proposed in the modification is not considered to be visually dominant by virtue of its height and bulk.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment: Notwithstanding the proposed breach, there is an adequate separation between the building and its northern boundary, of 2.4m. This generous setback serves to mitigate the proposed breach of the building envelope control. No adverse impact in respect to solar access and privacy would be generated as a result of the breach. The proposed variation is hence consistent with this obejctive.

- *To ensure that development responds to the topography of the site.*

Comment: The modified double skillion roofs are pitched up to the northern boundary at 8 degrees, which when viewed from the frontage of Arnhem Road, reflects the general topography of the site and street with the slope falling down to the south-east. This has the effect of reducing the perceived bulk of the northern-most skillion roof when viewed from the Arnhem Road frontage. In this regard, the proposed modification adequately responds to the topography of the site.

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.

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?	YES
• zone objectives of the LEP?	YES
• objectives of the LEP?	YES
• objects specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	YES

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?	YES
• Compliance with the requirement unnecessary?	YES
• Is the proposal acceptable?	YES

B5 Side Boundary Setbacks

Description of non-compliance

The proposed access stairs and landing adjacent the southern boundary have a nil setback from this boundary. The stairs and landing are more than 1m in height (approximately 1.3m at highest point) and hence do not qualify for the exemption from this control as specified in Part B5 of WDCP 2011.

Merit consideration

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

- *To provide opportunities for deep soil landscape areas.*

Comment: The proposed stairs and landing are relatively minor in size and will not result in a substantial loss in the opportunities to provide deep soil landscaped areas. The proposed variation will hence not hinder the achievement of this objective.

- *To ensure that development does not become visually dominant.*

Comment: The stairs are a minor building element, mostly screened by an existing boundary fence and setback a significant distance from the front boundary of the site (14.6m). Hence, this structure is not visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment: The stairs are a minor element of the existing building and will not present or contribute to the bulk and scale of the existing building in an adverse manner. The proposed variation will hence not hinder the achievement of this objective.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment: The stairs are ancillary to the main structure of the dwelling, which are setback 0.9m from the southern boundary. Hence an adequate separation is provided and there is no adverse impact in regard to privacy or solar access as a result of the non-compliance.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment: The stairs have a maximum height of 2.1 (measured from the top of the railing) from the natural ground level and are hence unlikely to adversely affect any views enjoyed by adjoining property owners.

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.

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?	YES
• zone objectives of the LEP?	YES
• objectives of the LEP?	YES
• objects specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	YES

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?	YES
• Compliance with the requirement unnecessary?	YES
• Is the proposal acceptable?	YES

Side Setbacks - R2

Refer to assessment in "Part B5 Side Setbacks".

B7 Front Boundary Setbacks

Description of non-compliance

The modified entry stairs are located approximately 4.4m from the front property boundary, as opposed to a distance of 3.4m as in the approved development. The existing building's ground floor and approved 1st floor are setback 7.1m from the front boundary.

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 openness.*

Comment: The modified entry stairs will setback the entry stairs a further 1m from the front boundary of the property. Nonetheless, this structure will not result in any substantial loss in landscaped open space nor add substantial visual bulk to the existing dwelling. Hence the variation is considered to achieve a sense of openness.

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

Comment: The proposed modification to the entry stairs will have the effect of setting these stairs further from the front boundary than the approved development. As stated previously, the existing dwelling is setback 7.1m from the front boundary. Hence as the stairs will be set back further and the existing dwelling is set back beyond the required front setback, the visual continuity and pattern of buildings is enhanced and this objective has been satisfied.

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

Comment: The proposed modification will have the effect of reducing the approved non-compliance and therefore the application is considered to protect and enhance the visual quality of streetscapes and public spaces.

- *To achieve reasonable view sharing.*

Comment: The minor size and relatively low height of the modified entry stairs would not have the effect of adversely affecting any existing view enjoyed by an adjoining property.

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.

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?	YES
• zone objectives of the LEP?	YES
• objectives of the LEP?	YES
• objects specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	YES

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?	YES
• Compliance with the requirement unnecessary?	YES
• Is the proposal acceptable?	YES

R2 - All other land in R2 Zone

Refer to assessment in "Part B7 - Front Setbacks".

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

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.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 specified in S.5(a)(i) and (ii) 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. Mod2012/0241 for Modification of Development Consent DA2012/0653 granted for alterations and additions to a dwelling house on land at Lot 13 DP 248495,31 Arnhem Road, ALLAMBIE HEIGHTS, subject to the conditions printed below:

A. Add Condition No.1B - 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
DA1003	26/11/2012	Rapid Plans
DA1006	26/11/2012	Rapid Plans
DA1007	26/11/2012	Rapid Plans
DA1008	26/11/2012	Rapid Plans
DA2001	26/11/2012	Rapid Plans
DA2002	26/11/2012	Rapid Plans
DA2003	26/11/2012	Rapid Plans
DA2004	26/11/2012	Rapid Plans
DA3001	26/11/2012	Rapid Plans
DA3002	26/11/2012	Rapid Plans
DA3003	26/11/2012	Rapid Plans
DA4001	26/11/2012	Rapid Plans

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.16 Swimming Pool Requirements (existing pool) to read as follows:

16. Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards

(including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009;
- (ii) Swimming Pools Regulation 2008
- (iii) Australian Standard AS1926 Swimming Pool Safety
- (iv) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (v) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

(b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite 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. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL' has been installed.

(e) All signage shall be located in a prominent position within the pool area.

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

Reason: To protect human life (DACPLF09)

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

Nick England, Development Assessment Officer

The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager

ATTACHMENT A

Notification Plan	Title	Date
 2012/410384	plan notification	26/11/2012

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2012/410377	plan survey from CD	07/02/2012
 2012/410393	Report Statement of Environmental Effects from CD	26/11/2012
 2012/410398	report BASIX certificate from CD	26/11/2012
 2012/410384	plan notification	26/11/2012
 2012/408572	invoice for ram applications - Michael Charles Hunter	27/11/2012
 2012/408574	DA Acknowledgement Letter - Michael Charles Hunter	27/11/2012
 2012/410223	modification application form	28/11/2012
 2012/410227	applicant details	28/11/2012
 2012/410232	plans - internal	28/11/2012
 2012/410236	plans - external	28/11/2012
 2012/410240	certification of shadow diagrams with plans	28/11/2012
 2012/410403	plans - master set	28/11/2012
 2012/412415	File Cover	30/11/2012
 2012/412432	Referral to AUSGRID - SEPP - Infrastructure 2007	30/11/2012