

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 24 August 2015

12 Killawarra Road Duffys Forest - Demolition works and Construction of a new kennel building

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2014/1332
Responsible Officer:	Nick England
Land to be developed (Address):	Lot 412 DP 752017 , 12 Killawarra Road DUFFYS FOREST NSW 2084
Proposed Development:	Demolition works and Construction of a new kennel building
Zoning:	LEP - Land Zoned RU4 Primary Production Small Lots
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warragah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Rosslyn Margaret Morrison Stephen William Peam
Applicant:	David Anderson Ferrier
Application lodged:	17/12/2014
Application Type:	Local
State Reporting Category:	Other
Notified:	08/01/2015 to 23/01/2015
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	7
Recommendation:	Deferred Commencement Approval
Estimated Cost of Works:	\$ 275,000

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 - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 412 DP 752017 , 12 Killawarra Road DUFFYS FOREST NSW 2084
Detailed Site Description:	The subject site consists of one (1) allotment located on the eastern side of Killawarra Road and the junctions of Thuddungra and Wyong Roads. The site is regular in shape with a frontage of 86.92m along Killawarra Road and a depth of 209.82m. The site has a surveyed area of 1.82 hectares. The site is located within the RU4 Primary Production Small Lots zone and accommodates an animal boarding and training establishment, dwelling house and ancillary outbuildings. Surrounding development consists of small lot rural properties and residential dwellings. The adjoining land to the north (No.10 Killawarra Road) is also currently used as an animal boarding & training establishment. The site adjoins Ku-ring-gai Chase National Park on its eastern (rear) boundary. The site has an easterly aspect with remnant areas of native vegetation and rock outcrops traversing the site in a north-south direction, however is predominated by cleared areas of pasture.

Map:



SITE HISTORY

The subject site has an extensive development history, related to both the animal boarding and training establishment and other activities that are ancillary to the land use and the associated dwelling. Further discussion on how these consents are relevant to the proposed application is contained elsewhere in the "Summary of Assessment" section of this report.

Consents Relevant To The Current Application

The following development consents and applications relevant to the existing animal boarding and training establishment are listed below:

62/49: Consent granted for "dog boarding kennels" on 15 May 1962. This consent provides no condition limiting the number of animals on the premises.

83/227: Consent granted for land filling in association with animal boarding establishment (dog exercise yard) and facilitate wildflower propagation on 23 June 1983. The report to Council regarding this application (Page 6 of Development Unit Report of 15 June 1983) states that the site accommodates a maximum of 21 dogs.

89/402: Consent granted for additions to existing boarding kennels on 5 October 1989. Council's records (specifically the minutes of the Development Unit of 27 September 1989) indicate no specific number of animals are governed by this consent. An application to modify this consent was refused on 1 May 1991.

DA1991/374: Application for "Erection of additional kennel building for existing dog boarding kennels" refused on 2 December 1991. This application sought to accommodate up to 46 dogs.

2000/4930DA: Consent granted for cattery to house 30 cats (to replace existing kennels and cattery) on 19

September 2000. No consent relates to the maximum number of dogs permitted on the land, however information provided with the application, and referenced in the assessment report, states that up to 70 dogs will be housed on the site.

DA2008/1408: Consent granted for "Two new rainwater tanks associated with kennel/ cattery" dated 14 November 2008.

MOD2009/0272: Application to modify development consent 2000/4930DA (cattery) to include a veterinary hospital land use withdrawn by the applicant on 12 October 2009.

DA2009/1365: Application to use an existing outbuilding to accommodate three (3) cats or dogs refused by Application Determination Panel (ADP) on 18 March 2013. The application was refused as the proposal provided insufficient information to determine if the proposal could comply with Clause 43 (Noise) of Warrarah Local Environmental Plan 2000.

Consents Not Related to Current Application

Other development consents on the land, not specifically related to the animal and boarding training establishment, include the following:

A175/59: Consent granted for the "erection of a country dwelling" on 8 August 1959.

80/280: Consent for "Construction of a swimming pool to be used ancillary to the country dwelling" granted on 23 September 1980

83/95: Consent for "Extensions to existing dwelling" granted on 10 March 1983.

DA2008/1174: Consent granted for "Filling-in an existing swimming pool" on 20 August 2008.

PLM2008/0065: A prelodgement meeting was held in respect to a proposal for "Re-installation of bushfire access, re-shaping of existing sloping land into terraces, and installation of rainwater tanks" on 23 September 2008.

DA2008/1669: Consent granted for "Reinstate access trail, terracing of eastern part of the site, three new rainwater tanks and sound mound" on 17 June 2009.

DA2009/0954: Consent granted for "Water storage tank" on 19 August 2009.

XC2012-04298: Consent granted via a Complying Development Certificate (external certifier) for "Installation of an above ground swimming pool & deck" on 23 October 2012.

PROPOSED DEVELOPMENT IN DETAIL

The application consists of the demolition of two (2) existing buildings and the erection of a one (1) building in association with an existing animal boarding and training establishment on the subject land.

The demolition works involve the demolition of two existing buildings, which contains a total of 28 kennels for dogs.

The building works involve the construction of a new kennel building to accommodate 28 dogs, two (2) indoor exercise areas and ancillary storage and office areas with a total floor area of approximately 242m².

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:

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 a 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 therefore consider 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 a 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 via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the

Section 79C 'Matters for Consideration'	Comments
	Home Building Act 1989. This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent. <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 process council is in receipt of 7 submission/s from:

Name:	Address:
Mr Peter Eric Grumont	11 Kinka Road DUFFYS FOREST NSW 2084
Mrs Alicia Kanisa Grumont Mr Adam Leigh Grumont	11 Kinka Road DUFFYS FOREST NSW 2084

Name:	Address:
Mr Michael Charles Moylan Ms Joanne Moylan	10 Killawarra Road DUFFYS FOREST NSW 2084
Mr John Paxton	Lot 283 Thudungra Road DUFFYS FOREST NSW 2084
Mrs Marcia Anne Paxton	283 / 0 Thuddungra Road DUFFYS FOREST NSW 2084
Mrs Helen Rowe	411 Thuddungra Road DUFFYS FOREST NSW 2084
Mr Greg Rowe	411 Thuddungra Road DUFFYS FOREST NSW 2084

The following issues were raised in the submissions which have been summarized and are addressed below:

- *The application does not provide a sufficient site or survey plan, in particular to demonstrate the existing approved structures on the site.*
- *The submitted survey plan is not a full site survey plan.*
- *The application does not provide an acoustic impact assessment report.*
- *The submitted acoustic impact assessment report does not assess the impact of the external dog runs on the site.*
- *The proposal does not provide a management plan for the proposed use.*
- *Insufficient details are provided to demonstrate the impact on the existing sewage management system.*
- *Details of the materials used in the construction of the new building, in particular the acoustic performance of this material, should be provided in the application.*
- *The proposed building will have inadequate ventilation for animals and staff.*
- *The existing premises causes adverse noise impact, in particular the outdoor exercise yards for dogs.*
- *The proposed building does not comply with the minimum front setback control in WDCP 2011.*
- *Inadequate parking is provided for the proposal.*
- *A condition of consent should require that all doors and windows to the proposed building are adequately soundproofed.*
- *A condition of consent should specify that the maximum number of dogs on site be restricted to a maximum of 70 dogs and 30 cats.*
- *A condition of consent should require that the dog runs adjacent the Killawarra Road boundary of the site and the northern side boundary of the site be demolished as they have no legal status.*

The matters raised within the submissions are addressed as follows:

- ***The application does not provide a sufficient site or survey plan, in particular to demonstrate the existing approved structures on the site.***

Comment: The applicant has now submitted a site survey, prepared by a registered surveyor, received by Council on 30 June 2015. This plan adequately illustrates the position of all structures on the site that are in the vicinity of the proposed structure, being the western (front) and northern (side) boundaries. It should be noted that this survey demonstrates that there is an encroachment by the existing structures on the northern (side) boundary of the site, whilst the site plan provided with the application indicates that these structures are a unspecified distance off this boundary.

To rectify this ambiguity, a condition of consent is recommended to ensure that no consent is granted or implied for these structures as part of this consent.

- ***The submitted survey plan is not a full site survey plan.***

Comment: The registered surveyors plan provided with the application is not a full site survey plan. However, the detail shown on the partial survey of the land is considered adequate to undertake a full assessment of the proposed works against the relevant provisions.

Whilst Council's development application form states that a survey plan is to show all existing structures, this is not considered necessary under the circumstances. In particular, as the land is a significant area and the works are located on the front portion of this land, then a full survey of the land is not considered to derive any further benefit in the assessment of the application.

- ***The application does not provide an acoustic impact assessment report.***

Comment: A noise impact assessment report has been provided, prepared by Rodney Stevens Acoustics dated 1 May 2015.

- ***The submitted acoustic impact assessment report does not assess the impact of the external dog runs on the site.***

Comment: The acoustic impact assessment report is considered to make an appropriate assessment of the potential impact of the proposal. It is not reasonable to expect this report to address the external dog runs as the applicant has not specifically sought these as part of their application.

However, it is recognised that as the dog runs are not strictly legitimate, no consent should be implied in this application. To this effect, a condition of development consent is recommended to delete these structures from the approved plans.

- ***The proposal does not provide a management plan for the proposed use.***

Comment: Whilst no management plan has been provided with the application, sufficient information has been provided in the application to determine the extent and nature of the development sought. The proposal is effectively a consolidation of 2 existing buildings through their demolition and replacement by 1 new building, which will house the same number of dogs as the previous buildings (28).

In its amended form and with the additional information provided (specifically survey plan and noise impact assessment report), the proposal is considered to not have an adverse impact and conditions of development consent will further ensure no adverse impact is likely. In this regard, the provision of a plan of management of not considered necessary.

It is also worth noting that this information is not required to be provided with any application under the provisions of the Environmental Planning & Assessment Regulation 2000.

- ***Insufficient details are provided to demonstrate the impact on the existing sewage management system.***

Comment: Council's Environmental Health and Protection Officer has inspected the existing on-site system. Subject to a condition of development consent requiring approval to operate an on-site waste water system from the land, the existing system is considered adequate to accommodate the proposed development.

- ***Details of the materials used in the construction of the new building, in particular the acoustic performance of this material, should be provided in the application.***

Comment: The application has provided sufficient information to determine that the extent of the noise impact of the proposed development.

- ***The proposed building will have inadequate ventilation for animals and staff.***

Comment: This is not a relevant matter for consideration at the development application stage. A standard condition of consent will apply that the approved development be consistent with the relevant Australian Standards for mechanical ventilation, which in operation will ensure that sufficient ventilation is provided for the occupants of the proposed building.

- ***The existing premises causes adverse noise impact, in particular the outdoor exercise yards for dogs.***

Comment: The assessment of this application is primarily concerned with the impact of the proposed development, which is a new building to house the existing number of dogs on the land. In effect, the development will act to reduce the impact of the existing land use by consolidating two (2) existing kennel buildings on the site, into a contemporary solid structure which will contain noise impacts more effectively than the existing structures. All impacts caused by the existing land use are primarily a matter for investigation by Council's compliance officers. However, as the existing external dog runs are considered to be not strictly legitimate, a condition of consent is recommended to delete these structures from the approved plans.

- ***The proposed building does not comply with the minimum front setback control in WDCP 2011.***

Comment: The proposed building represents a non-compliance with the front setback built form control (estimated at 24%) specified in WDCP 2011. A consideration of this variation is provided elsewhere in this report. In summary, the variation is acceptable under the circumstances.

- ***Inadequate parking is provided for the proposal.***

Comment: An assessment of the parking provided as part of the proposal is provided elsewhere in this report. In summary, as the proposal will effectively represent no increase in the intensity of the existing land use then no change to the existing parking provisions are required.

- ***A condition of consent should require that all doors and windows to the proposed building are adequately soundproofed.***

Comment: Council's Environmental Health Officer has recommended a condition of development consent that will ensure the adequate on-going performance of the proposed building with respect to emissions of noise.

- ***A condition of consent should specify that the maximum number of dogs on site be restricted to a maximum of 70 dogs and 30 cats.***

Comment: An investigation of Council's records has indicated that whilst an existing condition of consent in respect to the number of cats exists, no similar condition exists to regulate the maximum number of dogs on the site. Therefore, a condition of consent is recommended that all dogs on the land be located within the proposed building and that the maximum number of dogs be restricted to 28. The amended Statement of Environmental Effects provided with the application demonstrates that the applicant is willing to accept this condition.

- ***A condition of consent should require that the dog runs adjacent the Killawarra Road boundary of the site and the northern side boundary of the site be demolished as they have no legal status.***

Comment: As stated elsewhere in this report, the external dog runs shown the site plan are not considered to be strictly legitimate, as no specific consent for these structures has ever been sought from Council. Therefore it is considered reasonable to apply a condition of consent to delete these structures from the approved plans.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions.
Compliance Management	Compliance Management have provided comments on the proposal on 7 April 2015 and 7 August 2015. This site has been inspected by various officers with the main issue relating to external dog runs adjacent to the front western boundary and the side northern boundary. Previous investigations in relation to these external dog runs have determined that they appear to have tacit development consent as they are illustrated on plans for previous development consents. Notwithstanding this previous advice, Council records indicate that consent for these has never been explicitly sought for these external dog runs. Accordingly, as the external dog runs have never been subject to a formal assessment, it is reasonable to place a condition on the current application seeking their removal from the approved plans. Recommendation Approval subject to a condition to delete the external dog runs from the approved

Internal Referral Body	Comments
	plans.
Development Engineers	Council's Development Engineer has advised the following: "Development Engineers reviewed the proposal and advise the proposal cannot be supported due to the following reason: 1.The subject property is located on the low side of Killawarra Road and a sag pit can be found in front of the subject property. In this regard, stormwater may surcharge out of this pit, overtop the grass swale located in front of the property and flow through the development site during a major storm. This may result in the development being inundated by overland flows. No overland flow study has been submitted to Council for assessment. The following details have not been submitted to Development Engineers for consideration (as a minimum): 1.Catchment plan upstream of the subject site. 2.Council's stormwater drainage pit and pipe information relevant to the above catchment. 3.Hydraulic calculations including appropriate pit and pipe losses/blockages. A 50% blockage to the piped drainage system is to be adopted. 4.Assumptions adopted in the determination of the overland flow water surface level. 5.Recommended overland flow mitigation measures that addresses protection of the proposed development. 6.The recommended overland flow mitigation measures must not exacerbate the existing overland flow regime for the adjoining properties. The Hec-Ras computer program is required for this application. It must be noted that the habitable floor levels for the residence are to have a freeboard of 500mm above the 1 in 100 year ARI water surface level. Finished ground surface levels of the proposed development are to have an appropriate freeboard above the 1 in 100 year ARI water surface level.This freeboard also applies to any entry points both vehicular and pedestrian that lead to the proposed development. The overland flow study should be prepared by a suitably qualified and experienced engineer. Recommendation: Not supported for approval due to lack of information to address: 1. Stormwater drainage for the development in accordance with clause C4 Stormwater of the DCP 2. Protection of the development from overland flow inundation in accordance with clause C6 Building over or adjacent to Constructed

Internal Referral Body	Comments																
	Council Drainage Easements" Assessment Officers comment: Notwithstanding the Development Engineers recommendation for refusal, it is the opinion of the assessing officers that this matter can be reasonably addressed via a condition of Deferred Commencement consent. This condition will require a detailed report by a suitably qualified professional and address the matters raised by the Development Engineers.																
Environmental Investigations (Industrial)	<table border="1"> <tr> <td data-bbox="531 674 1187 716">Is the proposal for an industrial use?</td><td data-bbox="1187 674 1476 716">YES</td></tr> <tr> <td data-bbox="531 716 1187 800">Was sufficient documentation provided appropriate for referral?</td><td data-bbox="1187 716 1476 800">YES Acoustic report supplied</td></tr> <tr> <td data-bbox="531 800 1187 884">Are the reports undertaken by a suitably qualified consultant?</td><td data-bbox="1187 800 1476 884">YES</td></tr> <tr> <td data-bbox="531 884 1187 1167"> Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation </td><td data-bbox="1187 884 1476 1167">YES</td></tr> <tr> <td data-bbox="531 1167 1187 1314">Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.</td><td data-bbox="1187 1167 1476 1314">YES</td></tr> <tr> <td data-bbox="531 1314 1187 1430">If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?</td><td data-bbox="1187 1314 1476 1430">N/A</td></tr> <tr> <td colspan="2" data-bbox="531 1430 1476 1692"> General Comments With the additional information provided by Planning Ingenuity Ref No. 0182/15lt1 dated 29 June 2015 Environmental Investigations recommends to provide a condition to delete all external dog runs from the application and plan. </td></tr> <tr> <td data-bbox="531 1692 1187 1766">Recommendation</td><td data-bbox="1187 1692 1476 1766">Approval, subject to condition</td></tr> </table>	Is the proposal for an industrial use?	YES	Was sufficient documentation provided appropriate for referral?	YES Acoustic report supplied	Are the reports undertaken by a suitably qualified consultant?	YES	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A	General Comments With the additional information provided by Planning Ingenuity Ref No. 0182/15lt1 dated 29 June 2015 Environmental Investigations recommends to provide a condition to delete all external dog runs from the application and plan.		Recommendation	Approval, subject to condition
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Are the reports undertaken by a suitably qualified consultant?	YES																
Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES																
Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES																
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Recommendation	Approval, subject to condition																
Health and Protection (unsewered lands)	Council's Environmental Health and Protection Officer has provided the following comments: "I have reviewed this proposal for the replacement of several structures used for the kennelling of dogs and I have no objection to this proposal.																

Internal Referral Body	Comments
	On 5 June 2015 I conducted an on site inspection of the waste water system and the system appears to be operating in accordance with the regulations. As the proposal does not propose an increase the numbers of animals from what is currently housed on site and from what the existing waste water system is designed to cope with conditions for a new installation or alterations to the existing system will not be necessary. A review of councils records indicates that the system does not currently have an approval to operate and as such I have included a condition requiring they obtain an approval to operate from Council for their existing waste water system." A condition of consent is has beenimposed, consistent with the officer's advice.
Natural Environment (Biodiversity)	This development proposal towards the west of the property does not affect native vegetation approximately 38 metres south-east and beyond.
Parks, reserves, beaches, foreshore	The property adjoins Kuringai National Park and unmade road reserve.
Traffic Engineer	No objection with regards to traffic.

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 commercial (animal boarding & training

establishment) 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 alterations and additions to the existing commercial land use.

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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.71m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	5.35m	N/A	Yes
B5 Side Boundary Setbacks	10m	34m (south boundary) 34.5m (north boundary)	N/A N/A	Yes Yes
B7 Front Boundary Setbacks	20m	15.2m	24%	No
B9 Rear Boundary Setbacks	10m	177m	N/A	Yes
B12 National Parks Setback	20m	177m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	30%	14,891m ² or 82%	N/A	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
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
Other land in RU4	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
RU4 - Other land in RU4 zone	No	Yes
B9 Rear Boundary Setbacks	Yes	Yes
All land other than that listed under exceptions	Yes	Yes
B12 National Parks Setback	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	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Easements		
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

It should be noted that whilst the proposed building is consistent with the side setback control, there are various structures on the submitted site plan which are considered to be not strictly legitimate. This matter is discussed in greater detail elsewhere in this report. Relevant conditions of consent are therefore recommended to ensure that these structures do not form part of this consent.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed kennel building is located 15.2m from the front boundary (Killawarra Road) of the site, at its closest point. This represents a 24% variation with the minimum requirement of 20m that applies under 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 create a sense of openness.***

Comment:

The proposed building will effectively retain the setback of the existing kennel building, which is to be demolished as part of the application and replaced by the proposed building. In addition, an existing carport is located forward of the proposed building and located at a much closer distance to the front boundary, estimated at 7 metres. In this regard, the existing sense of openness will not be compromised and the proposed development will achieve this objective.

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

Comment:

As stated previously, the setback of the proposed building is predicated on the setbacks of existing kennel buildings on the site. In this regard, the visual continuity and pattern of buildings on the site will be maintained. The proposed structure is located over existing developed areas on the site and will not reduce or remove any existing landscaped area in the front setback. In this regard, the proposed development is consistent with this objective.

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

Comment:

The proposal will not result in any loss of landscaped open space in the front setback area of the site and not result in any further encroachment of any structures on the site towards the Killawarra Road frontage. In this regard the visual quality of the the streetscape will be adequately maintained and the proposal will achieve this objective of the control.

- ***To achieve reasonable view sharing.***

Comment:

The proposed variation is unlikely to result in the loss of any views currently enjoyed from any adjoining properties. The proposal is hence consistent with this objective.

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.

C3 Parking Facilities

Provision of Car Parking

Council's DCP makes no specific provision for the provision of parking to "animal boarding and training establishments". No additional car parking is set aside to cater for the proposed development. In order to determine if sufficient car parking is provided on the subject site, the development is considered against the underlying Objectives of the Control as follows:

- ***To provide adequate off street carparking.***

Comment:

The existing development provides an unspecified amount of informal car parking on the site, adjacent the existing driveway. The proposed development will result in no increase in the intensity of the existing land use, as the proposed building will consolidate two (2) existing kennel buildings on the site, into one (1). A further condition of consent is recommended to ensure that the number of dogs in the proposed building (28) is to be the maximum number of dogs kept on the land. In this regard, the existing on-site parking arrangements on the site are adequate to cater for all traffic generated by the proposed development.

- ***To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.***

Comment:

This objective is not applicable to the proposed development as no new parking facilities are proposed.

- ***To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.***

Comment:

As stated previously, the proposed development does not include new facilities for parking, hence this objective is not applicable to the proposed development.

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 adequate arrangements are made to provide adequate car parking on the site to accommodate the proposed development.

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

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 275,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,613
Section 94A Planning and Administration	0.05%	\$ 138
Total	1%	\$ 2,750

SUMMARY OF THE ASSESSMENT

Whilst the works sought in this application are generally minor, their relationship with other structures on the land needs to be considered in the context of how the land use operates on the site.

A number of submissions received in respect to this application have raised issue not specifically with the proposed building but rather the existing ancillary works related to the current operations of the animal boarding and training establishment.

These relate to:

- the "dog runs" attached to three (3) buildings adjacent the northern (side) boundary of the site (fifteen in total); and
- eight (8) dog runs adjacent the western (front) boundary.

The submissions essentially contend that these works are not subject to any valid consent. It should be noted that the application as originally lodged showed these dog runs on a site plan. Advice was sought from Compliance Management on this matter and it was confirmed that these runs were notated on previously approved plans and in their opinion formed part of legally approved development on the land.

As stated previously in this report, the site has an extensive development history. This history can be divided into two (2) distinct streams, being those that relate to the kennel / cattery and those that relate to the works ancillary to the dwelling and general management of the site.

In summary, development consents related to the kennel / cattery initially dates from 1962, with further consents issued in 1983, 1989 and 2000.

The most recent kennel / cattery consent, issued in 2000 (Consent No.4930DA), does not demonstrate any of the aforementioned dog runs on its approved plans.

However, the approved plans of subsequent consents (not related to the kennel / cattery) on the land demonstrate these works being on the land. Consideration has been given to the matter of any structures notated on approved plans previously. In principle, it is considered that any structure shown on an approved plan forms part of that consent, whether or not it was implicitly sought in the application. In other words, the external dog runs have a "tacit" development consent.

Nevertheless, the existing records available to Council do not demonstrate that these dog runs were ever explicitly sought in previous applications. Therefore, in practice these structures are not considered to be strictly legitimate. If consent was sought for these structures, it is unlikely they would be supported for two (2) principle reasons: 1) Their close proximity to adjoining properties and the potential noise impact and 2) non-compliance with the front and rear setback controls of WDCP 2011.

The most recent site plan provided with the application clearly illustrates these external dog runs. Therefore, the appropriateness of these structures must be considered as part of the application. As stated previously, these structures are not consistent with the existing planning controls.

A condition of development consent is therefore recommended to delete these external dog runs from the approved plans, to make the proposal consistent with the most recent kennel / cattery consent (4390DA). In this regard, all matters of non-compliance have been satisfactorily addressed. The intensity of the approved land use has been established at 30 cats (as per 4390DA), however no previous consent has specified a maximum number of dogs. Hence, a further condition of consent is recommended that the number of dogs on the site do not exceed 28.

Therefore the application is recommended for approval.

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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2014/1332 for Demolition works and Construction of a new kennel building on land at Lot 412 DP 752017,12 Killawarra Road, DUFFYS FOREST, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. **Overland Flow Study**

An overland flow study report is to be submitted to Council for approval demonstrating that the proposed dog boarding kennel and any other existing habitable dwellings will not be inundated by stormwater overland flow and must include the following information:

1. A DRAINS study to determine the upstream catchment flows that impact the property up to the 1 in 100 year ARI storm event. This is to include a upstream catchment plan of the site.
2. Hydraulic calculations assuming a 100% blockage to the upstream street piped drainage system is to be adopted.
4. Assumptions adopted in the determination of the overland flow water surface level are to be in accordance with Australian Rainfall and Runoff
5. Recommended overland flow mitigation measures that addresses protection of the proposed new dog kennels and existing habitable dwellings.
6. The recommended overland flow mitigation measures must not impact and make worse the overland flow regime for the adjoining properties.
7. The HEC RAS hydraulics program is to be used to determine the proposed overland flow top water levels within the property and design a safe overland flow route through the site which ensures the proposed dog kennel and existing habitable floor levels have a minimum 300mm Freeboard above the 100 year water surface level .

The report is to be prepared by a suitably qualified hydraulic engineer with NPER certification . The Design Engineer is to certify that the development will be consistent with the provisions of Parts C4 and C6 of the Warringah Development Control Plan 2011.

Reason: Compliance with Council's requirements for management of stormwater (DACPLADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
AR / 348 / 01	7/11/14	Dave Ferrier
AR / 348 / 03	7/11/14	Dave Ferrier
AR / 348 / 04	7/11/14	Dave Ferrier
AR / 348 / 05	-	Dave Ferrier
AR / 348 / 06	07/04/15	Dave Ferrier

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment	10 December 2014	Bushfire Planning Services
Preliminary Geotechnical Assessment D-11-263181	27 November 2014	C & S
Noise Impact Assessment No.150096R1	1 May 2015	Rodney Stevens Acoustics

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Waste Management Plan		
Drawing No.	Dated	Prepared By
-	14 December 2014	David Ferrier

In the event of any inconsistency between conditions of this consent and the

drawings/documents referred to above, the conditions of this consent will prevail.

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

3. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- Deletion of all external dog runs, which do not form any part of this approval.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

4. **Prescribed Conditions**

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

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

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

the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

5. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20

persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(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) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of

the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

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

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

(4) Swimming pools and spas must be registered with the Division of Local Government.

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

6. **Structures adjoining northern boundary of land**

No consent is granted or implied for the existing structures on the boundary of the adjoining land at No.10 Killawarra Road.

Reason: Compliance with Council's requirements for setback of buildings from adjoining boundaries (DACPLBOC1)

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

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Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 275,000		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 2,613
Section 94A Planning and Administration	0.05%	\$ 138
Total	1%	\$ 2,750

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

8. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

9. **Stormwater Disposal from Low Level Property**

Stormwater shall be disposed of to an existing approved system or in accordance with Council's "Stormwater Drainage: From Low Level Properties Policy". Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the "Stormwater Drainage: From Low Level Properties Policy" are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development. (DACENC02)

10. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (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 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (i) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (j) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (k) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (l) 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)

11. **Sewer / Water Quickcheck**

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

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

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council

Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

13. **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

(a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage

(b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage

(c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

14. **Compliance with Noise Impact Assessment**

Prior to the issue of any interim / final occupation certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Noise Impact Assessment have been compliance with throughout development work stages. The certification shall also include:

a) A validation and site monitoring report prepared in accordance with relevant guidelines must be submitted to the Council within one month from completion of the work.

b) A detailed survey of all new acoustic screens, and submitted to Council.

c) Details that all recommendations have been complied with.

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

Reason: Protection of the environment. (DACHPFPOC5)

15. **Waste Water System**

Prior to the issuing of any interim / final occupation certificate, a copy of a s68 (Local Government Act 1993) approval to operate the Waste Water System, and the waste water system must be activated and effectively operating to the satisfaction of the Principal Certifying Authority.

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

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity. (DACHPFPOC6)

16. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

17. Fire Safety Matters

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

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

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

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

18. Deletion of external dog runs

Adequate documentation is to be provided to demonstrate that the external dog runs have been removed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure compliance with the approved development (DACPLFPOC1)

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

19. Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

(DACHPGOG5)

20. Noise Impact On Surrounding Area

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines.

(DACHPGOG5)

21. **Maximum number of dogs**

The maximum number of dogs to be kept on the site is to not exceed twenty-eight (28).

Reason: To ensure compliance with the approved plans and maintain the amenity of adjoining land (DACPLGOG1)

