

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1086
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Responsible Officer:	Nick Armstrong
Land to be developed (Address):	Lot 2 DP 542640, 58 Darley Street MONA VALE NSW 2103
Proposed Development:	Alterations and Additions to a transport depot
Zoning:	IN2 Light Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Urban Transit Authority
Applicant:	State Transit Authority

Application lodged:	26/06/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Infrastructure
Notified:	12/07/2018 to 30/07/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 666,215.07
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ASSESSMENT INTRODUCTION

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

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils

Pittwater Local Environmental Plan 2014 - 7.3 Flood planning

Pittwater 21 Development Control Plan - B3.6 Contaminated Land and Potentially Contaminated Land

Pittwater 21 Development Control Plan - C3.8 Building Facades

Pittwater 21 Development Control Plan - C3.14 Car/Vehicle/Boat Wash Bays

Pittwater 21 Development Control Plan - D9.3 Building colours and materials

SITE DESCRIPTION

Property Description:	Lot 2 DP 542640 , 58 Darley Street MONA VALE NSW 2103
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Darley Street.</p> <p>The site is battle-axe in shape with a frontage of 25m along Darley Street and a depth of 200m. The site has a surveyed area of approximately 17,000m².</p> <p>The site is located within the IN2 Light Industrial zone and accommodates an existing bus depot.</p> <p>The site is largely flat, with no predominate slope.</p> <p>The site is almost entirely devoid of vegetation, with a small pocket of turf located within the southern corner.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by varying light industrial uses.</p>

Map:



SITE HISTORY

The land has been used for industrial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

26 October 2017

Pre-lodgement Report PL0018/2017 was prepared by Council for State Transit in relation to the construction of a double decker bus workshop. The report raised no issues over the design of the workshop, although identified that several environmental assessments (contaminated land, acoustic, acid sulphate soils, flooding) would need to be provided with the lodgement of any future development application.

04/05/2018

Development Application DA2018/0186 for the construction of a double decker bus workshop was withdrawn due to a lack of detail in relation to flooding.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for alterations and additions to the existing Monna Vale Bus Depot. The works included within this application involve:

- Construction of a new double deck bus port for servicing and maintenance B-Line double decker buses
- Minor slab demolition and reinstatement to accommodate the bus port and footings

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 C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the</p>

Section 4.15 Matters for Consideration'	Comments
	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 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

Internal Referral Body	Comments

Internal Referral Body	Comments																						
Building Assessment - Fire and Disability upgrades	<p>The application proposes construction of a new double decker bus port within the North Western corner of the existing Mona Vale Bus Depot to accommodate Double Decker Buses for scheduled servicing and maintenance in association with the <i>Northern Beaches B Line</i> service.</p> <p>Proposal is capable of compliance with the National Construction Code via 'Deemed to Satisfy' provisions or an 'Alternate Solution'. The proposal is therefore acceptable with condition/s.</p>																						
Environmental Health (Acid Sulphate)	<table border="1"> <tr> <td>Was sufficient documentation provided appropriate for referral?</td><td>YES</td></tr> <tr> <td>Are the reports undertaken by a suitably qualified consultant?</td><td>YES</td></tr> <tr> <td>What class is the site in on the WLEP2011 Acid Sulfate Soils Map?</td><td>Class 3</td></tr> <tr> <td>Is there risk of acid sulfate soil disturbance?</td><td>YES</td></tr> <tr> <td>Will the excavations exceed the depth determined in the risk map?</td><td>NO</td></tr> <tr> <td>Does the report adequately address acid sulfate risk mitigation?</td><td>YES</td></tr> <tr> <td>Have you considered disposal of water during excavation, pump out etc.</td><td>N/A</td></tr> <tr> <td>Have you considered disposal of contaminated soil.</td><td>YES</td></tr> <tr> <td colspan="2"> General Comments No objections subject to a condition: Compliance with ENRS Acid Sulfate Management Plan December 2017 </td></tr> <tr> <td>Recommendation</td><td>APPROVAL - subject to conditions</td></tr> <tr> <td colspan="2"> Comments completed by: Anthony Foy EHO Date: 19.7.2018 </td></tr> </table>	Was sufficient documentation provided appropriate for referral?	YES	Are the reports undertaken by a suitably qualified consultant?	YES	What class is the site in on the WLEP2011 Acid Sulfate Soils Map?	Class 3	Is there risk of acid sulfate soil disturbance?	YES	Will the excavations exceed the depth determined in the risk map?	NO	Does the report adequately address acid sulfate risk mitigation?	YES	Have you considered disposal of water during excavation, pump out etc.	N/A	Have you considered disposal of contaminated soil.	YES	General Comments No objections subject to a condition: Compliance with ENRS Acid Sulfate Management Plan December 2017		Recommendation	APPROVAL - subject to conditions	Comments completed by: Anthony Foy EHO Date: 19.7.2018	
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Environmental Health (Contaminated Lands)	<p>Comments were previously received into an original Development Application (DA2018/0186) for an almost identical proposal. Council's Environmental Health Team provided comments in relation to contaminated land for the original application. After review, the original assessing officer from Environmental Compliance confirmed that the previous comments and conditions are still relevant to the current application without change. The comments provided are as follows:</p> <table border="1"> <tr> <td>Was sufficient documentation provided</td><td>YES</td></tr> </table>	Was sufficient documentation provided	YES																				
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Internal Referral Body	Comments	
	appropriate for referral?	
	Is the site potentially contaminated?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Do the reports reflect the requirements of SEPP 55 & Guidelines for Assessing Contaminated Sites?	YES
	Is the site potentially contaminated?	YES
	Have you considered the list of potential contamination sites where phase 1 is required under SEPP55?	YES
	Does the information submitted, and/or imposition of conditions, allow the the site to be validated safe for its intended use?	YES
	General Comments	
	The proposed workshop is believed to be outside the contaminated area.	
	Voluntary Management Agreements held with the EPA including VMP's 20141707, 20164409 and 20174407. Evidence of compliance is provided in a separate report titled Contaminated Lands Management Plan, Mona Vale Depot, December 2017.	
The proposed siting of the workshop garage has been determined not to be in the area of hydrocarbon impacted soils or groundwater. Although not within the impacted zone, State Transit will require construction contractors to take account of the State Transit Environment Management Plan - Mona Vale Bus Depot - June 2017 that documents specific management requirements for subsurface works at the site.		
Recommendation		APPROVAL - subject to conditions
Comments completed by: Anthony Foy EHO		
Date: 19.2.2018		
Environmental Health (Industrial)	Council's Environmental Health Team provided comments with the recommendation of consent with conditions under the previous application. The comments are still relevant to the current application as the reports associated with the use of the premises are unchanged. The comments provided are as follows: Officer Comments	

Internal Referral Body	Comments
	<p>Is the proposal for industrial use? Yes</p> <p>Was sufficient information provided appropriate for referral? Yes</p> <p>Are the reports undertaken by a suitably qualified consultant? Yes</p> <p>Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: Yes</p> <ul style="list-style-type: none"> - Processes with emphasis on environmental pollution (air, noise, water and land) - Hazardous materials, liquids stored on site - Waste storage, disposal - Mechanical ventilation <p>Have you considered impact of noise, hours of operation, location to nearest residential property, location of equipment, times and deliveries, noise management plans, acoustic reports etc. Yes</p> <p>If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH? N/A</p> <p>General Comments</p> <p>These comments relate to noise, other referrals deal with other relevant issues.</p> <p>Recommendation</p> <p>Concern is raised with regard to noise especially with a proposed 5am start.</p> <p>Although there are no immediate residential premises, noise can be expected to travel some distance to residential receivers who will be less than accepting of the early 5am start compared to the 8pm finish.</p> <p>The Acoustic Report quotes the 2000 NSW Industrial Noise Policy not the 2017 Industrial Noise Guideline however the differences not being significant in this case. The use of the bus depot is not considered unreasonable in an industrial area, although it is noted that there are no 5am early morning start businesses adjacent and this will be a precedent.</p> <p>The acoustic report acknowledges the potential nuisance and therefore recommends:</p> <p>"6.0 NOISE CONTROL RECOMMENDATIONS</p> <p>6.1 Restriction on Operation for Early Morning/Night Time in order to meet the requirements of the NSW Industrial Noise Policy and Northern Beaches Council, we recommend that the workshop operations between the early hours of 5:00am to 7:00am are restricted to low noise producing activities. Therefore no rattling guns, grinders, cutters or sanders are to be used before 7:00am.</p> <p>6.2 Noise Management Plan</p>

Internal Referral Body	Comments
	<p><i>A Noise management plan should be implemented and should include the following:</i></p> <p><i>Install a contact number at the front of the stone cutting workshop so that complaints regarding the operation can be made</i></p> <p><i>Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a complaint form. The complaint form should contain the following:</i></p> <ul style="list-style-type: none"> <i>- Name and Address of the Complainant</i> <i>- Time and Date the Complaint was received</i> <i>- The nature of the complaint and the time/date the noise was heard</i> <i>- The name of the employee that received the complaint</i> <i>- Actions take to investigate the complaint and the summary of the results of the investigation</i> <i>- Indication of what was occurring at the time the noise was happening (if applicable)</i> <i>- Required remedial action (if applicable)</i> <i>- Validation of remedial action</i> <i>- Summary of feedback to the complaint</i> <p><i>Also a permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to.</i></p> <p><i>All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation."</i></p> <p>This does not address the potential nuisances before they become complaints or the practicality of running the workshop from 5am without significant noise or nuisance; essentially the workshop would need to effectively operate from 7am not what the applicant intends.</p> <p>Noise from the workshop itself can (at a cost) be acoustically treated if necessary.</p> <p>However, bus reversing "beeper" noise appears to be the main problem outside the workshop which will be very difficult to control and likely to result in complaints.</p> <p><i>(An ideal solution may have been a drive through workshop so no bus has to reverse.)</i></p> <p>Although Council has had some success elsewhere with workshops, by requiring trucks to have less offensive reversing "quackers" this is not considered feasible here although we raise this option here.</p> <p>One option is for buses to be parked up in the workshop in the evening the previous day thus limiting 5am reversing. If this is acceptable to the applicant, conditioned approval can be given.</p>

Internal Referral Body	Comments
	<p>APPROVAL IS RECOMMENDED ON THIS BASIS If the applicant cannot do this the application should be refused and a 7am operating start time imposed however buses could reverse from 6:30am.</p> <p>There will also be a benefit in an acoustic review upon operations commencing within 3 months. This may also benefit the applicant in requesting increased operating hours if the results are compliant.</p> <p>Comments completed by: Anthony Foy EHO</p> <p>Date: 20.2.2018</p> <p>Planner Comment</p> <p>The comments provided by Council's Environmental Health Officer were discussed with the applicant, who was in agreement with the conditions as recommended in regards to the start time of the workshop and the maneuvering of buses.</p>
NECC (Development Engineering)	As the site is flood affected and fully impervious OSD is not required. No objection to approval, subject to conditions as recommended.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed bus depot generally complies with the flood requirements of the DCP and LEP. The plans and the Flood Management Report by Pitt & Sherry (May 2018) indicate that the openings in the walls of the bus port are up to a level of the FPL of 3.14m AHD, however it is considered sufficient that the openings are up to the 1% AEP level of 2.84m AHD. The perimeter bund must also have corresponding openings from natural ground level up to at least the level of 2.84m AHD.
Strategic and Place Planning (Urban Design)	<p>Please find following Urban Design Response;</p> <p>Built Form Controls</p> <p>PITTWATER LEP 2014</p> <p><i>C3.3 View Sharing</i></p> <p><i>Outcomes</i> <i>Maintain reasonable sharing of views from public places and living areas. (S)</i> <i>No one development is sited to maximise the views of its occupants to the exclusion of adjoining residences. (S)</i> <i>Public views and vistas are protected, maintained and where possible, enhanced. (S)</i> <i>Canopy trees take priority over views. (En, S)</i></p> <p><i>Controls</i> <i>Building lines and height are to be sympathetic to the topography of the site and to maintain a reasonable sharing of views available from surrounding and nearby properties and those available to the public</i></p>

Internal Referral Body	Comments
	<p><i>from nearby public domain areas.</i></p> <p>RESPONSE Roofing material is to be selected so as to not cause reflective glare to the residential development to the north west escarpment above the general industrial area of the proposed siting of the bus shelter.</p> <p>Darker tones or colours that recede into the general landscape view are preferred along with the complementary colour selection for façade material. Refer DCP D9.3 Building Colours and Materials as outlined below and reference to the colour swatch available online through DCP portal..</p> <p>PITTWATER DCP 2014 <i>D9.3 Building colours and materials</i> <i>Outcomes</i> <i>Achieve the desired future character of the Locality.</i> <i>The development enhances the visual quality and identity of the streetscape. (S)</i> <i>To provide attractive building facades which establish identity and contribute to the streetscape.</i> <i>To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.</i> <i>The colours and materials of the development harmonise with the natural environment. (En, S)</i> <i>The visual prominence of the development is minimised. (S)</i> <i>Damage to existing native vegetation and habitat is minimised. (En)</i></p> <p><i>Controls</i> <i>External colours and materials shall be dark and earthy tones as shown below:</i> <i>White, light coloured, red or orange roofs and walls are not permitted:</i> <i>Limited use of corporate colours may be permitted within Business and Light Industrial zoned land.</i> <i>Finishes are to be of a low reflectivity.</i></p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	Ausgrid has provided conditions to ensure that the proposed development is consistent with Ausgrid's requirements. These conditions will be included should consent be granted.

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.

In response to the above requirements of the SEPP, the applicant has submitted information in relation to land contamination. Based on the information submitted, the proposed workshop appears to be located beyond the contaminated area. Council's Environmental Health Officer has provided further comments in the referrals section previously within this report confirming the information submitted is satisfactory.

Pittwater Local Environmental Plan 2014

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:	11m	8.4m	N/A	Yes
Floor Space Ratio	1:1	<1:1	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Detailed Assessment

7.1 Acid sulfate soils

The site has been identified within Class 3 of the Acid Sulfate Soils Map. As the proposed footings require greater than 1m of excavation, an Acid Sulfate Soils Management Plan is required. An Acid Sulfate Soils Management Plan (Environment and Natural Resource Solutions, dated 05/12/2017) has been prepared for the subject site in relation to the proposed development. Council's Environmental Health Officer has assessed the submitted documentation and considered it appropriate as per the referral comments previously within this report. Conditions have been included to ensure that this management plan is complied with at all times.

7.3 Flood planning

Council's Specialist Floodplain Officer has assessed the submitted Flood Risk Management Report (Pitt & Sherry, dated 25/05/2018) and considers the recommendations in relation to the subject development to be acceptable. Comments have been provided within the referral section previously within this report. Conditions have been included to ensure compliance with these recommendations at all times.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*
Front building line	6.5m	173m	N/A
Rear building line	nil	1.9m	N/A
Side building line	nil	1.7m	N/A
	nil	77m	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C3.2 Safety and Security	Yes	Yes
C3.3 View Sharing	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.8 Building Facades	Yes	Yes
C3.14 Car/Vehicle/Boat Wash Bays	Yes	Yes
C3.20 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	No	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes
D9.16 Character of the Public Domain - Mona Vale Commercial Centre	Yes	Yes

Detailed Assessment

B3.6 Contaminated Land and Potentially Contaminated Land

Assessment of contaminated land has been carried out by Council's Environmental Health Officer and considered under SEPP 55 Remediation of Land.

C3.8 Building Facades

The development is only partially able to be viewed from the surrounding streets of Darley Street and Perak Street. Based on the schedule of finishes, the proposed external walls are intended to be painted a combination of dark grey and grey to minimise visual impact on the public domain. All elements of the proposal are consistent with Council's built form criteria for industrial development. Council's Urban Design Team has also considered the impact of the development on the Public Domain and are satisfied, with the inclusion of a condition for the roof of the structure to be consistent with Council's P21 DCP Control D9.3 Building Colours requiring dark and earthy tones for external finishes to minimise reflectivity into neighbouring properties. This is acceptable.

C3.14 Car/Vehicle/Boat Wash Bays

The existing bus depot contains multiple wash bays.

D9.3 Building colours and materials

Technically non-compliant as the proposed roof of the workshop is intended to be painted white. Council's Urban Design team has also raised concerns regarding the colour choice and its potential impact to neighbouring properties and the public domain. A condition is recommended to be included for colours to be dark and earthy to ensure consistency with Council's desired external finishes for development and to maintain reasonable amenity to the surrounding area.

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

Pittwater Section 94 Development Contributions Plan

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;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1086 for Alterations and Additions to a transport depot on land at Lot 2 DP 542640, 58 Darley Street, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Noise

The development is to comply with findings and recommendations with the Acoustic Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd dated 8 December 2017 including:

NOISE CONTROL RECOMMENDATIONS

6.1 Restriction on Operation for Early Morning/Night Time in order to meet the requirements of the NSW Industrial Noise Policy and Northern Beaches Council, we recommend that the workshop operations between the early hours of 5:00am to 7:00am are restricted to low noise producing activities.

Therefore no rattling guns, grinders, cutters or sanders are to be used before 7:00am.

6.2 Noise Management Plan

A Noise management plan should be implemented and should include the following:

Install a contact number at the front of the stone cutting workshop so that complaints regarding the operation can be made

Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a complaint form. The complaint form should contain the following:

- Name and Address of the Complainant
- Time and Date the Complaint was received
- The nature of the complaint and the time/date the noise was heard
- The name of the employee that received the complaint
- Actions take to investigate the complaint and the summary of the results of the investigation
- Indication of what was occurring at the time the noise was happening (if applicable)
- Required remedial action (if applicable)
- Validation of remedial action
- Summary of feedback to the complaint

Also a permanent register of complaints should be held on the premises, which shall be reviewed monthly by staff to ensure all complaints are being responded to.

All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation."

This register must be made available to Council on request.

2. Noise

1. Buses for service being reverse parked in the workshop, must be parked the evening prior to service, to ensure no reversing at 5am and limited reversing prior to 6:30am.
2. Within 3 months of commencement of the use of the workshop an acoustic assessment is to be carried out from 5am to 7am during a typical service day to ensure the achievement of findings within the Acoustic Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd dated 8 December 2017 and any works necessary to achieve compliance being immediately commenced. A copy of the final report is to be submitted to Council.

Reason: To maintain the amenity of the nearby residential area

3. 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
SY17071-S100 - Site Plan	23 May 2018	Pitt & Sherry
SY17071-S101 - Roof Plan	23 May 2018	Pitt & Sherry
SY17071-S102 - Elevations	23 May 2018	Pitt & Sherry
SY17071-S150 - Footing & Slab Layout Plan	23 May 2018	Pitt & Sherry

Engineering Plans		
Drawing No.	Dated	Prepared By
SY17071-S151 - Footing & Slab Concrete Details	23 May 2018	Pitt & Sherry
SY17071-S152 - Footing & Slab Reinforcement Details	23 May 2018	Pitt & Sherry
SY17071-S200 - Roof Framing Plan	23 May 2018	Pitt & Sherry
SY17071-S201 - Steel Framing Elevations	23 May 2018	Pitt & Sherry
SY17071-S202 - Roof and Roller Door Details	23 May 2018	Pitt & Sherry
SY17071-S250 - Framing Details	23 May 2018	Pitt & Sherry
SY17071-S251 - Framing Details	23 May 2018	Pitt & Sherry
SY17071-S300 - Precast Panel Elevations	23 May 2018	Pitt & Sherry
SY17071-S301 - Precast Panel Reinforcement and Connection Details	23 May 2018	Pitt & Sherry
SWD1683 Sheet 1 - Stormwater Plan	28 November 2017	BMB Engineers
SWD1683 Sheet 2 - Stormwater Plan	28 November 2017	BMB Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Environmental Management Plan	June 2017	Parsons Brinckerhoff
Flood Management Report	25 May 2015	Pitt & Sherry
BCA Report	06 February 2018	Private Certifiers Australia
Contaminated Lands Management Plan	June 2018	NSW State Transit
Geotechnical Risk Management Report, Ref. 30646ZNRpt	7 August 2017	JK Geotechnics
Fire Systems Complaints Report	22 September 2017	EWFW Consulting Engineers
Acoustic Report, Ref. 2017-677	8 December 2017	Acoustic Noise & Vibration Services
Acid Sulfate Soils Management Plan, Ref. ENRS0212	5 December 2017	Environmental & Natural Resource Solutions

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

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)

4. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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.
- (c) 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) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent

unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

6. **Ausgrid Requirements - Method of Electricity Connection**

The method of electricity connection will be in line with Ausgrid's Electrical Standard (ES)1 - 'Premise Connection Requirements'.

7. **Ausgrid Requirements - Streetlighting**

The developer is to consider the impact that existing street lighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developer should either review the development design, particularly the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases it is not possible to relocate streetlighting due to its strategic positioning.

FEES / CHARGES / CONTRIBUTIONS

8. **Security Bond**

A bond (determined from cost of works) of \$2,000 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.northernbeaches.nsw.gov.au).

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

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

9. **Contaminated Land Requirements**

Compliance with the State Transit report MONA VALE BUS DEPOT Double Decker Bus Workshop Development Application CONTAMINATED LANDS MANAGEMENT PLAN December 2017 as applicable to the specific workshop building site.

Reason: Protection of the environment

10. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood level of 3.76m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 3.14m AHD.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.14m AHD unless adequately protected from floodwaters in accordance with industry standards.

Parking – G6

The bus port is to be designed to allow flood waters to pass through and is to have a minimum of 50% open area below the 1% AEP flood level of 2.84m AHD, ie the perimeter bund and the openings in the walls of the bus port must both be designed to have openings from natural ground level up to 2.84m AHD.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

11. **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)

12. **External Finishes**

The external finish to the roof and external walls shall have a medium to dark range (BCA classification M and D) and be consistent with the colour schedule within Council's P21 Development Control Plan Control D9.3 in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

13. **Contaminated Site environmental management -Works near contaminated area**
Compliance with the State Transit Environment Management Plan – Mona Vale Bus Depot – June 2017 that documents specific management requirements for subsurface works at the site and the contaminated site report MONA VALE BUS DEPOT Double Decker Bus Workshop Development Application CONTAMINATED LANDS MANAGEMENT PLAN December 2017.

Reason: To ensure contractors and workers are aware of potential contamination issues

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

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

Reason: Public Safety.
15. **Requirement to Notify about New Contamination Evidence**
Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)
16. **Acid Sulfate Soil**
At all times throughout excavation and construction the ENRS Acid Sulfate Soils Management Plan dated December 2017 shall be complied with

Reason: To Manage Acid Sulfate Soil
17. **Off-site Disposal of Contaminated Soil - Chain of Custody**
'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the contaminated part of the site where disturbed or excavated on the subject premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of the environment

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

18. **Stormwater Disposal**

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

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

19. **Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development

20. **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)

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

21. **Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort of a person who is outside the premises by any 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 Environment Operations Act 1997.

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

Signed




Nick Armstrong, Planner

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




Matthew Edmonds, Manager Development Assessments











ATTACHMENT A

Notification Plan	Title	Date
 2018/403563	Plan - Notification	12/06/2018












ATTACHMENT B

Notification Document	Title	Date
 2018/442314	Notification Map	11/07/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/403613	Owners Consent	05/06/2018
 2018/403574	Report - Acid Sulfate Soil Management Plan	12/06/2018
 2018/403575	Report - Acoustic	12/06/2018
 2018/403595	Report - Contaminated Lands Management Plan	12/06/2018
 2018/403610	Report - Context and Site Analysis Plan	12/06/2018
 2018/403611	Report - Erosion and Sediment Control Plan	12/06/2018
 2018/403580	Report - Fire Systems Compliance	12/06/2018
 2018/403581	Report - Geotechnical	12/06/2018
 2018/403569	Schedule of Colours and Materials	12/06/2018
 2018/403608	Report - Site Environmental Management Plan	12/06/2018
 2018/403625	Plans - Stormwater	12/06/2018
 2018/403587	Report - Waste Management & Waste Management Site Plan	12/06/2018
 2018/403598	Report - BCA	12/06/2018
 2018/403602	Report - Flood Management	12/06/2018
 2018/403563	Plan - Notification	12/06/2018
 2018/403583	Report - Stormwater Management Plan	13/06/2018
 2018/403567	Report - Statement of Environmental Effects	13/06/2018
 DA2018/1086	58 Darley Street MONA VALE NSW 2103 - Development Application - New	26/06/2018
 2018/389170	DA Acknowledgement Letter - State Transit Authority	26/06/2018
 2018/403512	Development Application Form	03/07/2018
 2018/403514	Applicant Details	03/07/2018
 2018/403529	Cost Summary Report	03/07/2018
 2018/403656	Plans - External	03/07/2018
 2018/403657	Plans - Master Set	03/07/2018
 2018/441877	Environmental Health (Acid Sulphate) - Assessment Referral - DA2018/1086 - 58 Darley Street MONA VALE NSW 2103	11/07/2018
 2018/441885	Environmental Health (Industrial) - Assessment Referral - DA2018/1086 - 58 Darley Street MONA VALE NSW 2103	11/07/2018
 2018/441913	Environmental Health (Contaminated Lands) - Assessment Referral - DA2018/1086 - 58 Darley	11/07/2018

Street MONA VALE NSW 2103

	2018/444260	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/1086 - 58 Darley Street MONA VALE NSW 2103	11/07/2018
	2018/442292	ARP Notification Map	11/07/2018
	2018/442307	DA Acknowledgement Letter (not integrated) - State Transit Authority	11/07/2018
	2018/442314	Notification Map	11/07/2018
	2018/442333	Notification Letter - 129	11/07/2018
	2018/458818	Natural Environment Referral Response - Flood	19/07/2018
	2018/471562	Building Assessment Referral Response	26/07/2018
	2018/562828	Urban Design Referral Response	30/08/2018
	2018/596284	Request for DA update - 58 Darley Street Mona Vale	13/09/2018
	2018/627301	Discussion with State Transit RE: Health Comments	18/09/2018
	2018/627071	Development Engineering Referral Response	28/09/2018