

29 May 2025



Figgis & Jefferson Tapa Pty Ltd
Suite 203 70-76 Alexander Street
CROWS NEST NSW 2065

Dear Sir/Madam,

Development Application No: DA2025/0042 for Demolition works and construction of a mixed use development including light industry, a vehicle body repair workshop, a take away food and drink premises and business identification signage at 35, 37 & 39 Carter Road BROOKVALE.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

DSAP Report and Urban Design

The application was subject to a Design and Sustainability Advisory Panel (DSAP) meeting on 24 April 2025. The DSAP Report can be viewed on Council's application tracker.

While generally supportive of the development, the DSAP provided several recommendations in relation to the built form, pedestrian and vehicular access, landscaping, internal amenity and sustainability. These recommendations are concurred with.

You are required to address these recommendations appropriately via way of amendments to the architectural plans and an addendum to the Statement of Environmental Effects (SEE) that addresses each recommendation. Where it is not feasible to incorporate one or more of the DSAP recommendations, the SEE addendum must provide appropriate justification.

The areas of most concern relate to the extent of development proposed within the Carter Road front setback area. Amendments to the pedestrian ramps and café terrace area are required to enable more deep soil landscaping with planting in the primary front setback area.

Council's Traffic Engineer has also provided correspondence to the assessing officer (separate to the referral response) requesting that a 1.5-metre-wide pedestrian pathway be provided along the West Street frontage. This is consistent with the recommendations within the DSAP Report.

Car Parking, Access and Traffic

Council's Traffic Engineer has reviewed the application and raised the following concerns:

Access



Vehicular access to the proposed Lower Ground Floor and First Floor parking areas are provided via separate 6m wide entry/exit driveways located at the southern end of the site off Carter Road.

Existing vehicular access to warehouse units No. 1-3 will be retained via separate roller doors off West Street. The proposed driveways in Carter Road would result in the removal of one on-street parking space, and a replacement parking space should be created due to the high demand for parking in the area. There is currently a kerb extension on the West Street frontage which separates a single 90 degree angled parking space with the main parking area. The kerb extension and nature strip should be removed and paved surface provided to create the additional parking space. The parking space should be 2.5m wide with the end space near Carter Road wider due to the kerb edge.

The proposed Lower Ground Floor Plan, Drawing No.3857 DA 110 Issue A, shows the driveway ramp ending halfway beyond the P19 space for Unit IN01. The current design may cause additional difficulties accessing the parking spaces allocated for the Café and IN01, and also access to the Turning Bay located on the opposite side of the ramp. The design levels at the end of the ramp should be at least level with the adjacent parking spaces and the overall Driveway Profile modified to accommodate the changes. There also appears to be some errors in the Driveway Profiles Drawing No.C07-0001, with Chainage 14.72 and design levels repeated multiple times on the Section 01 profiles.

The TPA includes a swept path analysis for SRV access to the car park areas. The plans show that there is insufficient width for an SRV to pass an exiting vehicle on the access ramp to the First-Floor level. Convex mirrors are therefore required at the top of the ramp to improve visibility on the curve for both the entering SRV and exiting vehicle.

The TPA states that each of the proposed light industrial units have been designed to accommodate a 6.4m long SRV truck, with the exception of Warehouse Tenancy IN10, which is intended for light industrial uses where loading will be minimal, if any. All tenancies should be provided with some level of SRV access which does not obstruct access for other users especially as the car park is shared with multiple tenancies requiring deliveries for larger vehicles. It is therefore recommended that P17 Visitor space and P19 space for Unit IN10 be swapped over so that in the instances that SRV access is required for this unit there will be sufficient space for the delivery vehicle to park temporarily in the Visitor space without affecting access to the other designated parking spaces on the First Floor level. A Visitor space for temporary parking at this location would also assist with SRV access for the adjacent units IN08 and IN09 which are situated on the western side of the First Floor.

Car Parking Facilities

The TPA has calculated the parking space requirements for the development by applying the rate for light industry (1.3 spaces per 100m²). The TPA states that no additional parking is required for the café component but 1 space is still allocated for these premises. The TPA previously applied a restaurant rate for calculation of traffic generation. Similarly, the restaurant rate is appropriate and should be applied for the café parking requirements. According to the Warringah Development Control Plan



(WDCP) 2011, the parking requirement for a restaurant is the greater of 15 spaces per 100m² GFA, or 1 space per 3 seats.

The new café (22.98m² GFA) requires 4 spaces based on the GFA. The proposal includes an outdoor seating area which could easily accommodate 12 seats if the seating rate were applied. Based on this assessment, the minimum parking required for the café component will result in a shortfall of 3 spaces. Due to the site constraints and shortfall of on-site parking for the café, the 3 angled parking spaces in West Street closest to the intersection with Carter Road should be changed to 1P timed parking restrictions. The proposal to change the existing parking in West Street to create 1 additional space and introduction of timed parking restrictions would require reporting to the Northern Beaches Local Traffic Committee for consideration prior to Council approval.

Application of the WDCP parking rates for light industry would require that the proposed 8 light industrial tenancies provide 26 parking spaces. The Lower Ground Floor Plan shows that the parking spaces allocated for the Smash Repairs IN06 are located within the building. The allocated parking spaces should be external and not included in the GFA. Therefore, it is considered that only 24 spaces are provided on the Lower Ground Floor and First Floor car park areas, resulting in a shortfall of 2 spaces for the industrial tenancies.

At least one designated parking space should be provided for the Smash Repairs IN06 within the main car park area on the Lower Ground Floor. There is currently a proposed Shared Area for the P11 Accessible Visitor space outside Unit IN06 in the south-eastern corner of the car park. This space could be converted to a 2.4m wide parking space if the entire section of angled parking was shifted 300mm westwards towards Carter Road to account for the corner wall. The P11 Accessible Visitor space could then be swapped over with P03 space for Unit IN05. Although the new location can only be marked as a standard Visitor parking space, the area could still be used for wheelchair access as the adjacent space is not obstructed by any permanent fixture. This would still result in a shortfall of 1 parking space for the industrial component.

Bicycle Parking and End of Trip Facilities

Part C3(A) of the WDCP 2011 specifies bicycle parking and end of trip facilities requirements which would apply to this development. Part 7.6 of the NSW Planning Guidelines for Walking and Cycling provides further particulars on bicycle storage. The rates for the light and general industry are 1 per 200m² GFA (High-Medium Security Level) and 1 per 600m² GFA (High-Low Security Level) for visitors. The proposal provides a total of 8 bicycle racks for the development with 4 racks located on the Lower Ground Floor and 4 racks on the First Floor. There would be difficulties along with safety concerns for a standard bicycle to travel up the ramp to park on the First Floor level.

Bicycle parking for staff should also be in a secure room/enclosure that could be easily accommodated together on the Lower Ground Floor, where the existing 4 bicycle racks are located. If the location of the proposed Unisex WC could be relocated, an enclosure measuring 5.4m long x 2.7m wide can be provided adjacent to the café parking space, to accommodate one row of 10 vertical bicycle parking spaces (1.2 x 0.5m) separated by a 1.5m wide aisle. The 4 bicycle racks for visitors could be located outside of the secure enclosure, under the ramp leading to the First Floor level. It is



noted that Waste management require a storage room to hold 2 waste and 2 recycling bins. It may be possible to store the bins in the same area as the visitor bicycle racks if separate areas are not required. The area allocated for the 4 bicycle parking racks on the First Floor could then be converted to provide 2 motorcycle parking bays (2.5m long x 1.2m wide). This would be required to address the shortfall in on-site parking and provide alternative transport options for the development.

All of the 8 industry units have existing toilet facilities within their premises. As the café shop does not include any toilet facilities it is most likely that the café and their customers will be the main users of the Unisex WC. A more appropriate location for the WC would therefore be closer to the café shop on the other side of the driveway which is also safer for pedestrians as they would not be required to cross the access used by delivery vehicles. An acceptable location would be at the bottom of the stairs in the south-eastern corner of Unit IN04.

Conclusion

The proposal is not acceptable in its current form. It is requested that the above suggestions be considered to address the issues relating to the location and allocation of parking spaces, bicycle parking facilities, access, safety, and additional works to improve parking in West Street. The Architectural Plans should be updated and resubmitted to Council for further review.

Waste Management

Council's Waste Management Officer has reviewed the application and requested that a commercial waste storage room that is capable to hold 2x 240 litre and 2x 240 litre recycling bins for weekly collection by a commercial contractor be incorporate into the development. This is to service the café.

Provisions for commercial waste storage to service the café must be included on the architectural plans, consistent with the advice outlined by Council's Waste Management Officer.

Contamination

Council's Environmental Health Officer has reviewed the application and raised the following concerns:

The applicant has provided information in relation to the potential for site contamination in the form of a Preliminary Site Investigation (PSI) prepared by a specialist consultant. The PSI concludes (in part) that the risk of contamination is "low to medium" and that the site is suitable for the proposed development based on several recommendations, one of which being that a Detailed Site (DSI) Investigation is warranted. A DSI has not been included with the proposal documentation.

Accordingly, Environmental Health does not support the proposal as consent cannot be granted in accordance with clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 until such time as a DSI is submitted and further information considered.

Accordingly, a DSI must be submitted.



Easements

The site is burdened by several easements. The development conflicts with these easements and the applicant has not identified whether these easements would be extinguished.

Insufficient information

The following information/documentation is required to complete the assessment of the application:

1. Operational Management Plan

An Operational Management Plan (OMP) has not been submitted with this application. An OMP must be submitted and include the following information:

- details regarding the potential future tenants, the number of staff that would likely be employed at these tenancies and the proposed operational hours,
- describe the role, responsibility, authority and accountability of all key personnel involved in the on-going management of the premises,
- describe the procedures that would be implemented to:
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise; and
 - respond to emergencies.

2. Café Use

Council's Environmental Health Officer has raised the following concerns in relation to the insufficient information provided to assess the impacts of the café:

The Statement of Environmental Effects does not contain any further information that indicates the specific nature of the food premises (ie coffee, small refrigerated items? cooking? If so to what intensity? Is mechanical ventilation required? etc).

Additionally, the plans supplied with the proposal do not give any similar indication, nor do they demonstrate compliance with the relevant Australian Standard in relation to the fit out of food premises.

The information requested above must be detailed on the architectural plans and within the OMP.

Objector's Concerns

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:



<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options available to the Applicant

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 21 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.



This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that 104 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact the undersigned on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Tom Burns
Principal Planner, Development Assessment