

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0045
Responsible Officer:	Kent Bull
Land to be developed (Address):	Lot 1 DP 88028, 77 Bassett Street MONA VALE NSW 2103 Lot 4 DP 707291, 77 Bassett Street MONA VALE NSW 2103
Proposed Development:	Alterations and additions to an existing industrial building, including signage
Zoning:	IN2 Light Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Harrington Mona Vale Pty Ltd
Applicant:	Cullen Feng Pty Ltd

Application Lodged:	02/02/2021	
Integrated Development:	No	
Designated Development:	No	
State Reporting Category:	Industrial	
Notified:	08/02/2021 to 22/02/2021	
Advertised:	Not Advertised	
Submissions Received:	2	
Clause 4.6 Variation:	Nil	
Recommendation:	Approval	

## PROPOSED DEVELOPMENT IN DETAIL

Estimated Cost of Works:

The application seeks consent for the alterations and additions to an existing industrial building, including signage. In particular, the proposal includes the following:

\$ 250,000.00

- 1. Freestanding pylon sign (not illuminated);
- 2. Awning with associated posts to the rear Unit 3 of the building (dimensions: 19.5m X 17m); and
- 3. Existing sliding door to Unit 3 demolished and replaced with industrial grade roller door.

### 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 21 Development Control Plan - C3.12 Signage

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

Pittwater 21 Development Control Plan - D9.6 Front building line

Pittwater 21 Development Control Plan - D9.7 Side and rear building line

### SITE DESCRIPTION

Property Description:	Lot 1 DP 88028 , 77 Bassett Street MONA VALE NSW 2103 Lot 4 DP 707291 , 77 Bassett Street MONA VALE NSW 2103
Detailed Site Description:	The subject site consists of two (2) allotments located on the southern side of Bassett Street. 77 Bassett Street, Mona Vale comprises of both Lot 1 in Deposited Plan 88028 and Lot 4 in Deposited Plan 707291.
	Lot 1 in Deposited Plan 88028 is 13790m <sup>2</sup> and contains the industrial buildings on site. Lot 4 in Deposited Plan 707291 is located to the rear is 723.0m <sup>2</sup> and contains a stormwater easement.
	The site is located within the IN2 Light Industrial zone and accommodates two, one and two storey industrial buildings, hard surface areas and, at the front, vegetation including native canopy trees. A central driveway separates the two buildings.
	The site is generally flat, with a gradual slope from the road frontage to the rear boundary. The site is also mapped as being on Flood Prone Land.



# Detailed Description of Adjoining/Surrounding Development

Adjacent the site to the north, are residential dwelling houses. Adjoining both the eastern and western sides of the property as well as the rear are industrial premises.



## SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for industrial purposes for an extended period of time.

## **APPLICATION HISTORY**

### 16 September 2021

Amended architectural plans, detail survey of stormwater drainage easement, stormwater engineering plans and stormwater engineers response to Council's Development Engineer concerns with the proposed development.

In accordance with the Northern Beaches Community Participation Plan, re-notification is not required where the *"changes result in a lesser or reduction of environmental impacts"*.

### **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	See discussion on "Environmental Planning Instruments" in this



Section 4.15 Matters for Consideration'	Comments
of any environmental planning instrument	report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
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)(iiia) – 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)	<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>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information wasnot formally requested, however following concerns raised by Counci's Development Engineer in relation to Council drainage easement and pipelines possibly being impacted by the proposed works, additional information was received.
	<u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This can be addressed via a condition of consent.
	<u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(i) <b>Environmental Impact</b> 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.
the locality	(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.
	(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
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 from 08/02/2021 to 22/02/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Mr Jens Frei	96 Bassett Street MONA VALE NSW 2103
Mr Mario Francisco Benitez	94 Bassett Street MONA VALE NSW 2103

The following issues were raised in the submissions and each have been addressed below:

### • Traffic and Parking Impacts

#### Comment:

Submissions were received from an adjacent properties raising concerns with traffic and parking impacts, in particular attesting to the impacts that arose following the neighbouring Mitre 10 moving to Bassett Street. In this regard, the proposal does not seek to reduce designated off-street vehicular parking on site. The application is therefore not recommended for refusal on this basis.

### • Increase in number of businesses

#### Comment:

Concern was raised in a submission from an adjacent property raising concern that the proposal was "adding more businesses". The proposal does not seek to increase the number of businesses on site. The proposed awning structure is in association with an existing glass manufacturing business (Unit 3). The application is therefore not recommended for refusal on this basis.



#### • Noise Generation

#### Comment:

Concerns was raised submissions regarding noise being generated from businesses on Bassett Street. In this regard, it should be noted that the southern side of Bassett Street is zoned as IN2 Light Industrial. The proposal does not seek any changes to the delivery of goods to and from the subject site. It should also be noted that the alterations and additions for the awning structure and roller door is located to the rear-most, south-eastern side of the building and therefore a sited a significant distance away from the residential dwellings along Bassett Street. The application is therefore not recommended for refusal on this basis.

### • Visual pollution and confusion associated with the proposed signage

#### Comment:

A submission was received raising concern with confusion and visual pollution associated with the existing and proposed signage on site. In this regard, it should be noted that pylon signs are permitted with consent in a IN2 Light Industrial and that there is currently no signs within the building setback of the site to Bassett Street. The application is therefore not recommended for refusal on this basis. Refer to futher discussion in this report under Clause C3.12 Signage of the P21 DCP.

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.
	Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.
NECC (Coast and Catchments)	The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP. The subject site is not located within the coastal zone. Hence, assessments under the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 are not
	Pittwater LEP 2014 and Pittwater 21 DCP

#### REFERRALS



Internal Referral Body	Comments	
	Estuarine Risk Management	
	However, the subject property is identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.	
	On internal assessment, the floor level for the proposed awning roof and pylon signage locations are above the applicable EPL for the site.	
	The proposed development is therefore able to satisfy the relevant estuarine risk management requirements of P21 DCP.	
NECC (Development Engineering)	The subject site is burdened by a Council drainage easement and pipelines which may be impacted as part of the proposed works. In this regard, the applicant is required to demonstrate compliance with Council's Water Management Policy Clause 6.1. This consists of accurately locating, confirming dimensions and plotting Council's stormwater pipelines and associated infrastructure to scale on the DA plans which show the proposed works. This should be carried out by a service locating contractor and registered surveyor. (The applicant will need to provide evidence of the methodology used for locating). A plan outlining the indicative locations of Council's stormwater infrastructure is available from Council's website. Northern Beaches Council has public stormwater drainage maps online. Please follow the relevant link below and select the 'Stormwater' map from the 'No Overlay Map' drop down menu. You can then search by address and use the zoom functionality to see pipe diameters and asset id numbers. https://services.northernbeaches.nsw.gov.au/icongis/index.html Development Engineers cannot support the proposal due to insufficient information to assess Clause B5.15 of Pittwater DCP. Additional information and amended plans satisfy the requirements of the DCP.	
NECC (Stormwater and Floodplain Engineering – Flood risk)	No objection to the proposal, subject to conditions as recommended. The proposed development comprises a new non-illuminated identification sign at the front and a new unenclosed awning roof over an existing paved area at the rear in the car park. The sign and the northern part of the awning are in the Low Flood Risk Precinct, whilst the southern part of the awning is in the Medium Flood Risk Precinct	



Internal Referral Body	Comments
	and affected by the 1% AEP flood level of 2.7m AHD. With a freeboard of 0.3m, the Flood Planning Level in this location is 3.0m AHD.
	The proposed development generally complies with the flood requirements of the DCP and LEP.

External Referral Body	Comments
	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

## 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 industrial 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 industrial land use.

### SEPP 64 - Advertising and Signage

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

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

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



Matters for Consideration	Comment	Complies
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and desired future character of particular area of Mona Vale.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The overall design, colours and size of the pylon signage is consistent with other similar scale industrial developments within the area and in Mona Vale.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not located within an environmentally sensitive area, heritage area or the like. It is recognised that the site is adjacent to residential dwellings along Bassett Street. In this regard, it should be noted only one (1) sign is proposed within the front setback area to the site which has a combined frontage of 102.745m. Further the pylon sign is of an acceptable size, colours and is not to be illuminated/	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal will not impinge on the viewing rights of other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Given the context of this site within an industrial zone and its overall frontage to Bassett Street, the proposed scale, proportion and form of the proposed signage is considered appropriate.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage provides clear/well designed business identification of major business tenants within the industrial complex. In this regard, the proposal is considered to contribute visual interest from the Bassett Street streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed pylon sign reduces the potential for visual signage clutter that may arise from multiple business tenants with the complex. The pylon sign allows for the major tenants to occupy a dedicated row, therefore allowing for a rationalised and simple advertising arrangement.	YES
Does the proposal screen unsightliness?	It is not considered that there unsighliness to screen. As such this requirement is not considered applicable.	YES
Does the proposal protrude above buildings, structures or tree canopies in	No, the proposed pylon sign will be viewed as being below the canopy of existing trees. The	YES



the area or locality?	signage does not protrude above the existing building.	
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is considered compatible with the scale, proportion and characteristics of the site or building.	YES
Does the proposal respect important features of the site or building, or both?	The proposal is considered to respect important features of the site or building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal demonstrates innovation and imagination in relation to the site and building through a coherent signage and colour arrangement.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal includes a consistent signage style and colour arrangement with the site for which is relates. No illumination is proposed as part of the signage.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illumination of the sign is proposed.	YES
Can the intensity of the illumination be adjusted, if necessary?	No illumination of the sign is proposed.	YES
Is the illumination subject to a curfew?	No illumination of the sign is proposed.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	There will be no unacceptable impact on the safety of pedestrians or cyclists as a result of the proposed signage.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is not considered to result in an unacceptable impact on the safety of pedestrians along Bassett Street.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

### SEPP (Infrastructure) 2007

## <u>Ausgrid</u>

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. A response was received, the requirements for which have been included as a condition of consent.

### 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	7.5m (rear awning)	-	Yes
		5.5m (pylon sign facing Bassett Street)		

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	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 is an Acid Sulphate Soils risk area – Class 2 and 3 on the Acid Sulphate Soils Map. In this regard, the submitted Statment of Environmental Effects state the following:

"The proposed works will only require pad footings for the eight new columns to be constructed below



existing ground level and will not have any effect on water table. Pursuant to Clause 7.1 .6, Development Consent is not required where less than 1 tonne of soil will be disturbed and the works are not likely to lower the water table. Approx. 1 cubic metre of soil disturbance will be required for footings to the new awning roof and approximately half a cubic metre of soil for the proposed awning sign. The two areas are a considerable distance apart and there should be no effect at all on ground water table. It is submitted Clause 7.1.6 should therefore apply and DA consent in relation to AS soils is not required."

Council's Environmental Health Officer reviewed the proposed development, providing support subject to standard conditions in relation to acid sulfate soils.

### Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Variation	Complies
Front building line	6.5m	1m (pylon sign) >6.5m (rear awning)	85% (5.5m) -	<b>No</b> Yes
Rear building line	3m	14.5m	-	Yes
Side building line	3m	>3m (West)	-	Yes
	3m	1m (East)	2m	No

## 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
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.9 Estuarine Hazard - Business, Light Industrial and Other Development	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C3.1 Landscaping	Yes	Yes
C3.2 Safety and Security	Yes	Yes
C3.3 View Sharing	Yes	Yes
C3.4 Accessibility	Yes	Yes
C3.6 External Storage Areas	Yes	Yes
C3.7 Pollution Control	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
C3.9 Energy and Water Conservation	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes
C3.12 Signage	Yes	Yes
C3.13 Industrial Development Adjoining Residential Land	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	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	No	Yes

#### **Detailed Assessment**

#### C3.12 Signage

The proposed sign is best described as a 'Freestanding sign' or a 'Pylon sign' based on the sign types listed in the table of Clause C3.12 Signage.

The control requirements for a Freestanding sign are as follows:

*Freestanding sign (not being a sign elsewhere listed in this table, and includes a hoarding, bulletin board, list of businesses within a complex, and the like) i) shall not have a signage area greater than 4.5sqm; ii) shall not project beyond the boundary of the premises; iii) shall not extend beyond the height of the built form within whose context it sits; and iv) shall not be illuminated.* 

The control requirements for a Pole or Pylon sign are as follows:

Pole or pylon sign (erected on a pole or pylon independent of any building or other structure) i) shall not be less than 2.6m above ground; ii) shall not have a signage area greater than 4.5sqm;

iii) shall not project beyond the boundary of the premises; and

iv) shall not extend beyond the height of the built form within whose context it sits.

The proposed pylon sign is a freestanding and provides the street address number and a list of key businesses located on the site. It is a freestanding pylon type of sign similar to others along Bassett Street and is setback 1m from the front boundary of the site. It does not exceed the height of the existing buildings on the site (sign total height: 5.05m). It is not illuminated and the total actual signage area is approximately 3.96sgm which is less than the maximum allowable signage area.

The proposal also does not result in more than 1 sign within building setback of the site to Bassett Street. Further, the signage (which includes signage for individual units within an industrial premises) is of a uniform design and harmonious with the architectural integrity of the building.

### D9.3 Building colours and materials



The limited use of the colour 'orange' for the site address on the proposed sign is considered acceptable and permissible for a Light Industrial zoned site. The colour scheme is consistent with that of the industrial complex for which the sign relates. Furthermore, the dominant external finish for the sign and associated building is 'dark grey' which is consistent with the requirement for 'dark and earthy tones' under this clause.

### D9.6 Front building line

#### Description of non-compliance:

The proposed pylon sign is located 1m from the boundary facing Bassett Street and is therefore noncompliant with the 6.5m front setback requirement.

#### Merit consideration:

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

• Achieve the desired future character of the Locality.

### Comment:

The desired future character statement for the Mona Vale locality makes specific reference to the following in relation to industrial developments:

"Retail, commercial and light industrial land uses will be employment-generating." "Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas."

Reference is also made for future developments to maintain a height below the tree canopy and be of minimal bulk and scale. In this regard, the proposal, specifically the pylon sign within the front setback, is considered to designed in orderly fashion and below the height of surrounding trees when viewed from Bassett Street. Further, the sign allows the promotion of businesses within the industrial complex which is considered to provide wayfinding for customers and the like from the Basset Street frontage.

• Equitable preservation of views and vistas to and/or from public/private places. (S)

#### Comment:

The proposed development is not seen to restrict any existing views or vistas from Bassett Street or neighbouring properties.

• The amenity of residential development adjoining a main road is maintained. (S)

### Comment:

Not applicable.

• Vegetation is retained and enhanced to visually reduce the built form. (En)



### Comment:

The proposal does not seek the removal of any trees or shrubs. A number of established native canopy trees line the frontage of the site, assisting with visually reducing the built form of the industrial complex.

• Vehicle manoeuvring in a forward direction is facilitated. (S)

## Comment:

N/A

• To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

### Comment:

The proposed sign is of a cohesive design and consistent in size with other pylon/free standing signs within the industrial zoned lands of Mona Vale. The overall height and scale of the proposed sign is also in keeping with the surrounding natural environment.

• To encourage attractive street frontages and improve pedestrian amenity.

### Comment:

As discussed throughout this report, the design of the signage incorporates a colour scheme that is consistent with that of the industrial complex for which it relates. The colour scheme is largely 'dark grey' with limited use of 'orange' for lettering and numbering elements. The size and scale of the proposed sign is considered appropriate and compliant with Council requirements. Furthermore, the sign provides legible wayfinding for pedestrians and motorists alike who may need to located businesses within the site.

• To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

### Comment:

Consideration has been given that there are numerous examples within the vicinity of the site and nearby of pylon/free standing signs of similar size and scale. The sign is also not to be illuminated which assists with protecting amd responding to the residential amenity along the northern side of Bassett Street.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

### D9.7 Side and rear building line

### Description of non-compliance:

DA2021/0045



The proposed awning with associated posts to the rear Unit 3 of the building is measured at 1m from the eastern side boundary and therefore non-compliant with the 3m control requirement.

#### Merit consideration:

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

• To achieve the desired future character of the Locality.

### Comment:

The desired future character statement for the Mona Vale locality makes specific reference to the following in relation to industrial developments:

"Retail, commercial and light industrial land uses will be employment-generating." "Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas."

Reference is also made for future developments to maintain a height below the tree canopy and be of minimal bulk and scale. In this regard, the proposal, specifically the pylon sign within the front setback, is considered to designed in orderly fashion and below the height of surrounding trees when viewed from Bassett Street. Further, the sign allows the promotion of businesses within the industrial complex which is considered to provide wayfinding for customers and the like from the Basset Street frontage.

• The bulk and scale of the built form is minimised. (En, S)

#### Comment:

The proposed awning with associated posts is largely 'open-in-style' thereby minimising the bulk and scale of the built form.

• Equitable preservation of views and vistas to and/or from public/private places. (S)

#### Comment:

The proposed development is not seen to restrict any existing views or vistas from Bassett Street or neighbouring properties.

• To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

#### Comment:

As highlighted above, the proposal is not considered to impede on any existing views.

• To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)



#### Comment:

The proposed development does not result in any unreasonable impacts to privacy, amenity or solar access for the development site or to neighbouring properties.

NB: The adjoining sites are largely industrial properties.

• Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

#### Comment:

The proposed awning structure is located over an existing hardstand area and therefore does not require the removal of any vegetation. As discussed within this report, the established native canopy trees along the Bassett Street frontage of the site are to be retained.

• Flexibility in the siting of buildings and access. (En, S)

#### Comment:

Flexibility in the siting of awning structure provides for an appropriate alignment with business operating out of Unit 3. The roller door also provides for improved building access.

• Vegetation is retained and enhanced to visually reduce the built form. (En)

#### Comment:

The proposal does not seek the removal of any trees or shrubs. A number of established native canopy trees line the frontage of the site, assisting with visually reducing the built form of the industrial complex.

• To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

#### Comment:

As discussed throughout this report, there is a substantial landscape buffer between the industrial buildings on site and the residential dwellings along the northern side of Bassett Street.

Based on the above, the proposed development is considered acceptable in merit and consistent with the outcomes of this clause in this particular instance.

#### THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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

### Northern Beaches Section 7.12 Contributions Plan 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$2,500 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$250,000.

#### 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 DA2021/0045 for Alterations and additions to an existing industrial building, including signage on land at Lot 1 DP 88028, 77 Bassett Street, MONA VALE, Lot 4 DP 707291, 77 Bassett Street, MONA VALE, subject to the conditions printed below:

## **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**



### 1. 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	
DA01, Rev. A (Site Plan)	23/08/2021	Cullen Feng Architects	
DA02 (Pylon Signage Plan)	15/09/2020	Cullen Feng Architects	
DA04 (Proposed Pylon Signage Detail)	15/09/2020	Cullen Feng Architects	
DA05, Rev. A (Unit 3 Proposed Awning Plan/Section)	23/08/2021	Cullen Feng Architects	

# Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Stormwater Drainage & Flood Issues Ref. R-mbas-210908	8 September 2021	WaterPlan Pty Ltd

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

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

Waste Management Plan			
Drawing No/Title.	Dated	Prepared By	
Northern Beaches Council Waste Management Plan	16/1/21	Jon Cullen	

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.

#### 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	18/02/21

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website <u>www.northernbeaches.nsw.gov.au</u>)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.



## 3. **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.

### 4. 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) 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) 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.

- (k) 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.

- (I) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (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 2018
- (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.

## FEES / CHARGES / CONTRIBUTIONS

#### 5. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$2,500.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$250,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 6. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and 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

#### 7. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the proposed awning structure, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the existing drainage system on the site.

Details demonstrating compliance 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 the development.

#### 8. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and

(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: To provide public and private safety.

### 9. Flooding

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

#### Building Components and Structural Soundness - C2

The southern part of the awning must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 3.0m AHD, taking into account the forces of floodwater, immersion and flowing water with debris such as buoyant cars. Structural certification shall be provided confirming the above.

#### Building Components and Structural Soundness - C3

Any 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 3.0m AHD.

#### Storage of Goods - D1

Hazardous or potentially polluting materials shall not be stored below the Flood



Planning Level of 3.0m AHD unless adequately protected from floodwaters in accordance with industry standards.

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 floodprone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### 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.

#### 11. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

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

- "Tap in" details see http://www.sydneywater.com.au/tapin
- o Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

#### 12. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

#### 13. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005;



and

• The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

#### 14. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

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

Reason: To demonstrate the proposal complies with the approved plans.

#### 15. Requirement to Notify About New Acid Sulfate Soils Evidence

Any new information revealed during works that has the potential to alter previous conclusions about Acid Sulfate Soils, shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

Reason: Protection of the environment.

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

#### 16. 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 the Occupation Certificate.

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

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

## 17. No Approval for Illuminated Signage

Signage is not to be illuminated at any time.

Reason: To ensure the signage does not result in unacceptable glare, affect safety for pedestrians and vehicles or detract from the aemnity of surrounding residences.

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

Signed

Kent Bull, Planner

DA2021/0045



The application is determined on 21/10/2021, under the delegated authority of:

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Rodney Piggott, Manager Development Assessments