

STATEMENT OF ENVIRONMENTAL EFFECTS

**TO ACCOMPANY A REVIEW OF DETERMINATION UNDER
SECTION 8.2A (1)(a) OF THE ENVIRONMENTAL PLANNING
& ASSESSMENT ACT**

**FOR THE PROPOSED FIT OUT AND USE OF AN EXISTING
PREMISES FOR HARDWARE & BUILDING SUPPLIES**

LOCATED AT

**UNITS 1 AND 2, 77-79 BASSETT STREET,
MONA VALE**

FOR

JOHNSON BROS INVESTMENTS (AVALON) PTY LTD



**Prepared
June 2024**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by JJ Drafting Australia Pty Ltd on behalf of the proponent, Johnson Bros Investments (Avalon) Pty Ltd, Project No. 1182/23, Drawings No's DA.01 – DA.21, dated 17 August 2023, to detail the proposed use of existing Unit 1 & 2 as a hardware and building supplies facility, including minor alterations and additions at **Units 1 & 2/77-79 Bassett Street, Mona Vale.**

This application seeks a review of the determination of DA2023/0735 under the provisions of Section 8.2(1)(a) of the Environmental Planning and Assessment Act.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Act, 1979 as amended (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (PDCP)*

2.0 Executive Summary

A Development Application (DA2023/1841) seeking consent for “*Use of the Premises as a hardware and building supplies facility and associated internal alterations*” was lodged with Council on 19 December 2023.

The application was refused by Council’s Northern Beaches Development Determination Panel at its meeting of 22 May 2024 and Notice of Determination letter dated 27 May 2024.

The reasons for refusal are detailed as:

1. *Pursuant to Section 4.15(1)(b)(i)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the environmental impact and social impact provisions of the Environmental Planning and Assessment Act 1979.*
2. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause A1.7 Considerations before consent is granted of the Pittwater 21 Development Control Plan.*
3. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B6.3 Off-Street Vehicle Parking Requirements of the Pittwater 21 Development Control Plan.*
4. *Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is unsuitable for the site and therefore inconsistent with the provisions of the Environmental Planning and Assessment Act 1979.*

5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Whilst the reasons for refusal do not outline the specific issues which form the basis for the refusal,, it is understood that the Panel held concerns regarding the location and management of the proposed car parking spaces which are provided for the proposed use, together with the long-term dedication of carparking to ensure that parking is provided to the Units 1 & 2 in perpetuity.

This request to review the determination has responded to the issues raised by the NBDDP and the following information is provided to further assist Council in its assessment of this Review Application.

1. Revised Parking Site Plan – Units 1 & 2 + 3 prepared by JJ Drafting Australia P/L, Job No 1182/23, Drawing No DA.24, Revision J dated 11 June 2024.
2. Carpark Management Plan prepared by Traffic and Transport Planning Solutions, Reference No N318/2024/RTC/03 dated 17 June 2024.
3. Property owner’s letter prepared by Harrington Mona Vale Pty Ltd, dated 12 June 2024 which note the following commitments to address the concerns raised by the NBDDP in relation to the allocation of the available parking to Units 1 & 2 and the parking to be provided in perpetuity to the units, irrespective of any future change in lease arrangements.

The owners letter notes the following commitments:

Nominated Parking Spaces

It is our understanding that in order for the Tenant to obtain require approval from Council, the Landlord is required to provide Council written confirmation of the following:

- *We, the Landlord have no objection to the imposition of an appropriate condition of consent in the Tenant’s development approval requiring the provision of the nominated car parking for Units 1 & 2 and Unit 3 being specifically allocated to the individual units until such time as any modification or variation to this requirement is issued by Northern Beaches Council.*
- *The agreed allocation is as per the annexed Parking Site Plan drawing prepared by JJ Drafting Australia Pty Limited and dated June 2024 (signed by the Landlord) as follows*

<u>Units 1 & 2</u>	10 Single Car Spaces 6 Tandem Car Spaces 1 Disabled Car Space 1 Motorcycle Space Total - 23 Car Spaces and 1 Motorcycle Space
Unit 3	7 Single Car Spaces 1 Tandem Car Space Total – 9 car Spaces

- *The car parking shown in the annexed plan and nominated above will be available to these respective units irrespective of any alteration to a lease agreement for the use of the Units, and any variation or modification to the consent condition must be to the*

satisfaction of Northern Beaches Council

The submission prepared by the property owners confirms that the car parking which is to be allocated for the use of the units will remain in perpetuity for the individual units, irrespective of any change in the lease arrangements.

The property owners have indicated that they have no opposition to Northern Beaches Council including appropriate condition of consent to this effect in any determination issued for the proposed use.

On the basis of the above information, it is submitted that the issues which have been identified as of concern to the Northern Beaches Development Determination Panel in its determination dated 27 May 2024 are appropriately addressed in the revised information which accompanies this Review of Determination Application.

As an internal management process for the property owners, the location of car parking spaces within the site has been rearranged to provide for the required car parking provisions for the proposed use of Units 1 & 2 and the existing Unit 3, which is not part of the Development Application or this Review of Determination.

As a result of the rearrangement, the nominated car parking for Unit 3 has been repositioned (See Figure 1 below) with 7 additional car spaces identified on the site to the south of the entry to Unit 3, as noted within the Revised Parking Site Plan – Units 1 & 2 + 3 prepared by JJ Drafting Australia P/L, Job No 1182/23, Drawing No DA.24, Revision J dated 11 June 2024.



Fig 1: Location of additional car space provided on site and to form part of allocated car parking to Unit 3

The Swept Path details prepared by Traffic and Transport Planning Solutions within its submission dated 17 June 2024 also notes appropriate large vehicle turning and manoeuvring to access Unit 3. It is submitted that the revised information appropriately addresses the reasons of refusal within the

Notice of Determination and Council's review of its decision and issue of consent is requested.

3.0 Property Description

The subject allotment is described as **Units 1 & 2 /77-79 Bassett Street, Mona Vale**, comprising Lot 4 within DP 707291 & Lot 1 within DP 88028 and is zoned E4 General Industrial under the Pittwater Local Environmental Plan 2014.

The site is not heritage listed nor is it within a conservation area.

The site is identified within the Class 2 and 3 Acid Sulfate Soils area. This will be discussed further within this report.

The site is also identified as Low & Medium Risk Flood Prone Land, and a Flood Risk Assessment has been prepared by WaterPlan Pty Ltd, Reference No. R-mbas-1-2-231212, dated 12 December 2023, which accompanies this Review of Determination submission.

There are no further hazards affecting this site.

4.0 Site Description

The subject property is located on the south-western side of Bassett Street and is located within the wider industrial precinct in Mona Vale.

The subject site and the surrounding tenancies has been previously used for a range of light industrial purposes.

This application will seek to formalise the land use as a hardware and building supplies facility.

The surrounding units comprise a range of similar hardware and building materials supplies facilities & light industrial uses.



Fig 2: Location map
(Source: Six Maps)



Fig 3: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

This Review of Determination Application considers the proposal which is seeking consent for the use of the subject units, known as Units 1 & 2, 77-79 Bassett Street as a hardware and building supplies outlet. The works will involve only minor internal alterations and additions to the existing light industrial / commercial premises.

It is understood the previous use of the units was for a showroom, warehouse & office for a furniture business.

This application will seek to formalise the land use as a hardware and building supplies facility, which will operate as an adjunct of the Johnson Bros Mitre 10 hardware and building supplies operation at the adjoining premises at 75 Bassett Street.

The proposed use will support the industrial uses within the area together with the trade and home handyman requirements of the local community.

The main building façade will remain unchanged.

The proposal seeks consent for the following operating hours:

- Monday to Friday: 7.00am-5.30pm
- Saturday 8.00am-5.00pm
- Sunday – 9.30am – 3.00pm

The proposal will also have a maximum of five staff on site at any given time.

A Traffic and Parking Impact Assessment has been prepared by Traffic and Transport Planning Solutions, dated 15 November 2023, with a supplementary addendum Carparking Management Plan prepared under Report Reference N318/2024/RTC/03 dated 17 June 2024.

The Assessment reports supports proposal and concludes that the available parking for the unit and customers is considered to be appropriate and the development will not have a significant impact on street parking in the area.

Additionally, the Addendum Report dated 17 June 2024 includes specific consideration of the management procedures to ensure that the parking is available and readily identifiable by staff and visitors/customers.

The tandem spaces immediately adjacent to the entry to the proposed use within Units 1 & 2 will be separately line marked to identify long-term staff spaces and clearly identify the visitor car parking arrangements for customers. Customer parking will be provided immediately adjacent to the entry to the Units and additional customer parking is provided at the rear of the building, accessed via the central driveway.

All car parking spaces will be clearly line marked and directional signage will inform customers/visitors of the location of the visitor car parking spaces.

Additionally, the business operators will provide a car parking plan within their website to clearly identify the location of the available car parking for visitors/customers.

The proposal does not involve any increase in the floor space of the building.

6.0 Zoning and Development Controls

The proposed development is identified as local development under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and the relevant planning instruments and policies of Pittwater Council.

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of light industrial use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.2 State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 and in particular- Chapter 3 – Advertising and Signage, is applicable to the proposed development. The aims and objectives of the SEPP are as follows:

3.1 Aims, objectives etc

- (1) *This Policy aims:*
 - (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
 - (b) *to regulate signage (but not content) under Part 4 of the Act, and*
 - (c) *to provide time-limited consents for the display of certain advertisements, and*
 - (d) *to regulate the display of advertisements in transport corridors, and*
 - (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) *This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.*

The proposal does not propose any signage. A separate Development Application has been prepared

to address the business identification signage.

There are no other provisions of the SEPP that applies to the proposed development. It is considered that the proposal complies with the requirements and objectives of the SEPP.

6.3 Pittwater Local Environmental Plan 2014

The site is zoned E4 General Industrial under the provisions of the PLEP 2014.

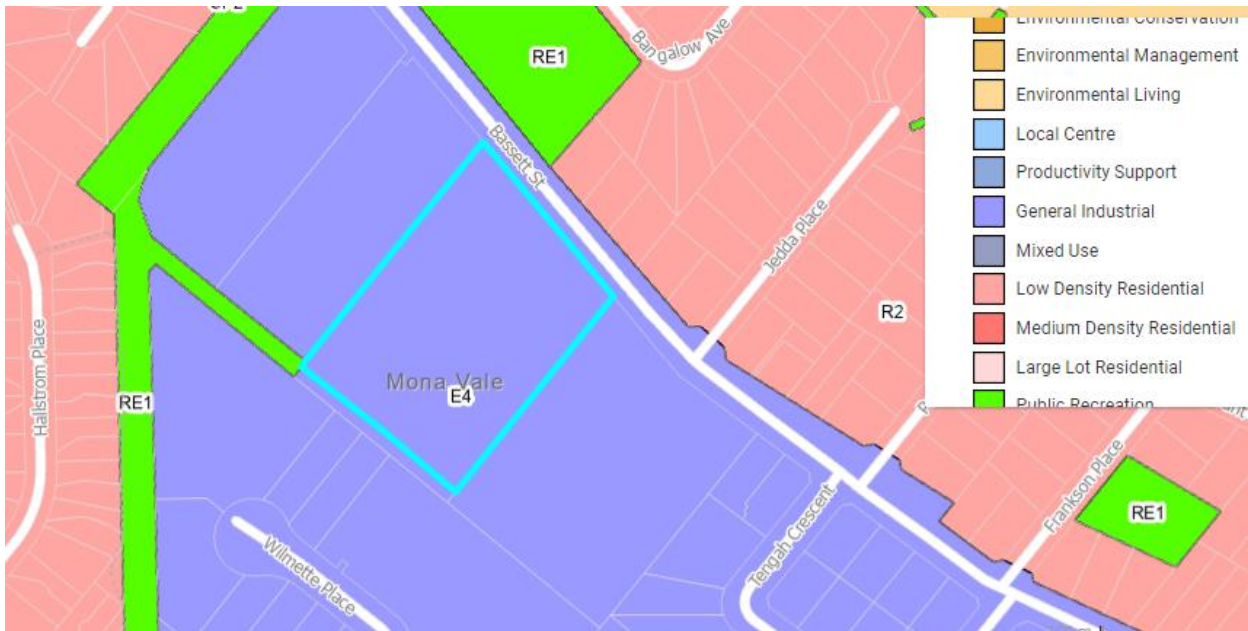


Fig 3: Extract of Pittwater Local Environmental Plan 2014

The proposed use of the premises will be for “hardware and building supplies” which is defined in the LEP as:

“means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.”

The premises will be used for the display and sale of power tools and hand tools and other general hardware.

The proposed use of the premises is permissible in the zone.

The development of and use of the land for general industrial purposes is consistent with the zone objectives, which are noted as:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*

- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be, or are inappropriate to be, located in other zones.*
- *To provide healthy, attractive, functional and safe light industrial areas.*

It is considered that the proposed hardware and building supplies use will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal seeks consent to utilise an existing building for the display and sale of power tools and hand tools and general hardware and will provide a service to residents within the Northern Beaches locality.
- The proposed use will enhance the employment opportunities and the range of services in the area.
- The proposal use of the unit will not reduce the amenity of any nearby properties.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Mona Vale is 11.0m. The proposal will not see any change to the existing building height.

Clause 4.4 – Floor space ratio

The floor space ratio for this portion of Mona Vale is 1:1. The proposed works will not increase the gross floor area of the building and will therefore comply with this control.

Clause 5.21 – Flood planning

The site is also identified as Low & Medium Risk Flood Prone Land, together with Land within Risk to Life H2-4 Flood Category.

The objectives of this clause seek to achieve:

- a) to minimise the flood risk to life and property associated with the use of land,*
- b) to allow development on land that is compatible with flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The proposed use of the existing premises for sale of hardware and building supplies will utilise the current floor levels and existing floor area. The proposed works do not propose use does not require

any physical change to the land.

A Flood Risk Assessment has been prepared by WaterPlan Pty Ltd, Reference No. R-mbas-1-2-231212, dated 12 December 2023, which supports the proposed development and provides recommendations to be observed during the ongoing use of the building.



Fig 11: Extract of Flood Risk Management Policy Map 2017

Clause 7.1 – Acid sulfate soils

As no excavation is required, it is not anticipated that any acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The proposal will seek to provide for a change of use only, with no earthworks required.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the PLEP.

6.4 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.4.1 Section A Introduction

The desired c outcomes for the Mona Vale Locality are summarised as:

A4.9 Mona Vale Locality

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

It is considered that the proposal is consistent with the desired character of the locality by providing for a hardware and building supplies premises which will serve the industrial and commercial needs of the local residents and will support the desired future character of Mona Vale as a centre for retail and commercial activities.

6.4.2 Part B General Controls

The General Controls applicable to the proposed use of the premises are summarised as:

B3.11 Flood Prone Land

The controls seek to achieve the outcomes of:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

The proposed use will not alter the existing floor levels and will occupy the existing ground and first floor space.

As required, a shelter in place area is available at the first floor level of the building.

A Flood Risk Assessment has been prepared by WaterPlan Pty Ltd, Reference No. R-mbas-1-2-231212, dated 12 December 2023, which supports the proposed development and provides recommendations to be observed during the ongoing use of the building.

The proposal does not involve any significant change to the building fabric, with the exception of the minor internal fit out works.

B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)

The controls seek to achieve the outcomes of:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The proposal will not result in an intensification of the development and this control therefore does not apply.

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes of:

The long-term viability and enhancement of locally native flora and fauna and their habitats.(En)

The proposal provides for a change of use only and will not impact any soft landscaped area or native vegetation.

B6.3 Off-Street Vehicle Parking Requirements

The controls seek to achieve the outcomes of:

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

As previously discussed, the original Traffic and Parking Impact Assessment prepared by Traffic and Transport Planning Solutions, dated 15 November 2023 has been supplemented with a supplementary addendum Carparking Management Plan prepared under Report Reference N318/2024/RTC/03 dated 17 June 2024, to specifically respond to the issues raised in the Notice of Determination of DA2023/1841.

The Assessment reports supports proposal and concludes that the available parking for the unit and customers is considered to be appropriate and the development will not have a significant impact on street parking in the area.

Additionally, the Addendum Report dated 17 June 2024 includes specific consideration of the management procedures to ensure that the parking is available and readily identifiable by staff and visitors/customers.

The tandem spaces immediately adjacent to the entry to the proposed use within Units 1 & 2 will be separately line marked to identify long-term staff spaces and clearly identify the visitor car parking arrangements for customers. Customer parking will be provided immediately adjacent to the entry to the Units and additional customer parking is provided at the rear of the building,

accessed via the central driveway.

All car parking spaces will be clearly line marked and directional signage will inform customers/visitors of the location of the visitor car parking spaces.

Additionally, the business operators will provide a car parking plan within their website to clearly identify the location of the available car parking for visitors/customers.

B6.7 Transport and Traffic Management

The controls seek to achieve the outcomes of:

Safe and orderly traffic, pedestrian and cyclist access to and from all development via the surrounding road network and transport infrastructure. (En, S)

The developer meets the cost of upgrading the surrounding road, and traffic and transport infrastructure to meet the needs generated by the development. (S, Ec)

The change of use from one light industrial use to another similar use will have little impact on the local road network. The vehicular access to the site is via the existing driveways from Bassett Street.

The proposal will not place any unreasonable demand on the public infrastructure and will cater for the required vehicle access which will not present any unreasonable constraint to traffic movement in the locality.

6.4.3 Part C Development Type Controls

C3.2 Safety and Security

The controls seek to achieve the outcomes of:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (Ec, S)*
- Unobtrusive security devices that are sympathetic to the character of the building and the streetscape. (S)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The proposed change of use and associated works will maintain the existing safety and security arrangements on site which are considered appropriate for the proposed development.

C3.4 Accessibility

The controls seek to achieve the outcomes of:

- The community's accessibility needs are met within Pittwater through well designed adaptable development. (S)*
- All members of the community enjoy equitable access to buildings to which the general public have access. (S)*
- Equitable access in the public domain. (S)*

As this proposal is seeking a change of use within an existing industrial unit, the ground floor level of the building can be accessible for people with a disability, with wheelchair access available from the car park area.

C3.8 Building facades

The controls seek to achieve the outcomes of:

- Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.*

The proposed use will not alter the built form of the building façade with the proposed signage for the building is to be considered under a separate Development Application.

C3.10 Waste and Recycling Facilities

The controls seek to achieve the outcomes of:

Adequately sized, accessible, convenient waste and recycling facilities that integrate with the development.

Waste and recycling facilities located such that they do not adversely impact upon amenity of the adjoining development or natural environment.

The proposal will retain area within the site for the storage of the commercial waste, which will be removed by a waste contractor.

C3.12 Signage

The controls seek to achieve the outcomes of:

Signage is compatible with the desired amenity and visual character of the locality. (S)

Signage does not adversely impact upon any heritage item or conservation area. (S)

Signage does not result in visual clutter of the landscape. (S)

Signage is of high quality design and finish. (S)

The proposal does not seek to provide any signage, with a separate Development Application being considered for the proposed business identification signage.

6.4.4 Part D Design Criteria

The **D9 Mona Vale Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing commercial/retail character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D9 Mona Vale Locality** is provided below:

D9.1 Character as Viewed from a Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

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

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (EN, S)

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

It is considered that as the proposal is for the internal use of an existing unit without significant internal or external change the building, the development will retain its contribution to the local streetscape. The proposal will respect the desired outcomes by maintaining a compatibility with the existing style and range of building finishes in the locality, together with integrating the new works with the existing building.

7.0 Section 4.15 of The Environmental Planning and Assessment Act 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

The subject property is zoned E4 General Industrial under the Pittwater Local Environmental Plan 2014 and the proposed use is a permissible use within this zone.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing commercial character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the use of an existing premises as a hardware and building supplies premises, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and DCP.

7.7 The suitability of the site for the development

The subject land is currently zoned E4 General Industrial under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

The proposal seeks consent for the use of an existing premises for the purposes of a hardware and building supplies premises, which is noted as a permissible use within this zone. The works will involve only minor internal changes, with the building facade and parking arrangements to be unaltered.

The revised proposal appropriately addresses the reasons for refusal detailed in Council's Notice of Determination dated 18 March 2024.

The proposed use of the premises is not anticipated to have any detrimental impact on the adjoining properties or the locality.

This submission seeks a review of the determination in accordance with Section 8.2(1) (a) of the Environmental Planning & Assessment Act 1979.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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