

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0792
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Responsible Officer:	Grace Facer
Land to be developed (Address):	Lot 567 DP 813147, 1509 Pittwater Road NORTH NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a service station and signage
Zoning:	R2 Low Density Residential
Development Permissible:	No
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	One Fund Services Ltd
Applicant:	Slr Consulting Australia Pty Ltd

Application Lodged:	27/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	03/07/2023 to 17/07/2023
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 275,415.43
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PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for the installation and operation of an electric vehicle (EV) charging point at the existing Ampol service station. Specifically, the proposal comprises of the following works:

- Installation of one (1) EV charging station
- Marking of two (2) new parking spaces to facilitate EV charging
- Trenching for laying cables for the EV charging station
- Installation of bollards located in front of the EV charging stations
- New panel installed to the existing pylon sign
- Other minor works including line markings and new switchboard

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 - 2.5 Additional permitted uses for particular land
Pittwater Local Environmental Plan 2014 - Zone R2 Low Density Residential
Pittwater Local Environmental Plan 2014 - 7.1 Acid sulfate soils
Pittwater Local Environmental Plan 2014 - 7.2 Earthworks
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements
Pittwater 21 Development Control Plan - C2.11 Signage
Pittwater 21 Development Control Plan - D14.7 Front building line
Pittwater 21 Development Control Plan - D14.12 Landscaped Area - General

SITE DESCRIPTION

Property Description:	Lot 567 DP 813147 , 1509 Pittwater Road NORTH NARRABEEN NSW 2101
Detailed Site Description:	<p>The subject site is legally described as Lot 567 DP 813147 and is known as 1509 Pittwater Road, North Narrabeen.</p> <p>The site is irregular in shape and has a dual street frontage with a splayed primary frontage of 41.22m along Pittwater Road and a splayed secondary frontage of 95.605m. The site has a surveyed area of 1,840m².</p> <p>The site is located within the R2 Low Density Residential zone pursuant to the Pittwater Local Environmental Plan 2014 and accommodates a service station, convenience store, associated car parking and</p>

signage.

The site is generally flat with small landscaped areas along the lot boundaries.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by low density residential dwellings to the north and west. A public reserve and Narrabeen Lagoon are located opposite the site to the east.

Map:



SITE HISTORY

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

Application **0194/90** for a Fuel Storage tank was approved on 18/06/1990.

Application **0377/90** for alterations to Service Station was approved on 05/03/1991.

Application **0234/91** for Advertising Signs was approved on 10/09/1991.

Application **0308/91** for Underground Fuel Tanks was approved on 10/09/1991.

Application **0397/91** for Advertising Signs was approved on 30/10/1991.

Application **N0566/00** for upgrade of service station/convenience store was approved on 04/10/2000.

Application **DA2020/1741** for Alterations and additions to an existing service station involving replacement business identification signs was approved on 11/02/2021.

Application **DA2022/0185** for Alterations and additions to a service station including click and collect lockers and signage was approved on 24/06/2022.

Application History

Following referral to Council's Flood team, the Applicant was requested to confirm that the EV Charging Unit and associated infrastructure can be protected from flood damage to the Flood Planning Level (FPL). Subsequently, the Applicant provided the requested information.

Additionally, in response to a submission received, the Applicant removed the solar panels from the scope of works of this Development Application.

The amended plans did not alter the environmental impact and therefore, the application was not required to be re-notified, in accordance with the Northern Beaches Community Participation Plan (CPP).

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested from Council's Flood Management team to confirm that the EV Charging Unit and associated infrastructure can be protected from</p>

Section 4.15 Matters for Consideration	Comments
	<p>flood damage to the Flood Planning Level (FPL). Subsequently, the Applicant provided the requested information.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	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 03/07/2023 to 17/07/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 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 Benjamin Joseph Arthurs Ms Belinda Louise Norrie	20 Garden Street NORTH NARRABEEN NSW 2101
Mr Graham David Perry Mrs Michele Joanne Perry	30 Garden Street NORTH NARRABEEN NSW 2101

The following issues were raised in the submissions:

- Lighting and Signage
- Traffic Access and Traffic Congestion
- Gathering of People / Loss of Acoustic Privacy
- Pollution
- View Loss

The above issues are addressed as follows:

- **Lighting and Signage**

The submissions raised concerns that changing the signs will compound the visual pollution of the streetscape and contribute to excessive light pollution. Additionally, there are nocturnal animals living on the edges of the street and light pollution will adversely impact biodiversity.

Comment:

The proposed development includes installing a panel to the existing illuminated pylon sign and will be consistent with the existing, approved and long established signage on the site. No changes are proposed to the size, location or luminosity of the sign. Therefore, the proposal will have a negligible impact on the streetscape and biodiversity.

- **Traffic Access and Traffic Congestion**

The submissions raised concerns that the electric vehicle charging stations will compound congestion and "Garden Street is a residential area and this is a potential dangerous hazard to pedestrians and motorists." Use of the electric vehicle charging facilities will result in an increase in traffic at unpredictable hours and also contribute to noise pollution.

Comment:

Any increase in traffic as a result of the installation of the electric vehicle charging station and bays will not place unreasonable additional pressure on the local road network. The proposal is compatible with the existing use of the site as a service station which regularly has vehicles passing through at different times during the day and night. Furthermore, the proposal will result in no net loss of parking on the site and will continue to adequately meet existing parking demands.

- **Gathering of People / Loss of Acoustic Privacy**

The submissions raised concerns that the car park is already a regular gathering point of people "late at night, particularly on weekends, with loud conversation, shouting, sometimes smashing bottles or revving cars. With increased reason to gather there, this is likely to increase." In addition, a submission notes that 24 hour lockers have been approved adjacent to the charging stations will add additional congestion and noise on a suburban street.

Comment:

The proposed electric vehicle charging station is not anticipated to result in any unreasonable noise intrusion. The proposed electric vehicle charging station will be located along the Garden Street frontage and Garden Street provides substantial spatial separation between the site and surrounding residential development to minimise any acoustic impacts from the operation of customers using the electric charging station. Moreover, the electric vehicle charging bays are likely to be used by motorists who would ordinarily place demand on the service station in the existing arrangement. Noise produced from the use of the approved Click & Collect Lockers has been assessed under DA2022/0185 and its impact on adjacent and nearby properties was determined to be negligible. Additionally, the proposed development has been assessed against the principles of Crime Prevention Through Environmental Design (CPTED). The proposal is considered to adequately address the principles of CPTED.

A condition of consent will be imposed restricting the hours of operation of the EV Charging Station to the operating hours of the service station.

- **Pollution**

The submissions raised concerns that rubbish regularly blows across Garden Street from the existing petrol station and convenience store and "this will increase as people retrieve packages and discard the over-packaging which major grocery chains use."

Comment:

The electric vehicle charging station will not result in the increased production of waste and electric vehicle charging stations will serve the needs of electric vehicles which produce less noise and air pollution than petrol cars. It is noted that the submission's concerns regarding waste from the approved Click & Collect Lockers is not relevant to this application.

- **View Loss**

The submissions raised concerns that existing water views are hindered by the service station and adding solar panels will further restrict current views.

Comment:

The Applicant has removed the solar panels from the scope of works of this Development Application, therefore this concern is no longer relevant to this application. The electric vehicle charging station will be smaller in scale than the existing built form on the site and will not present excessive additional bulk to the public domain. Moreover, the additional signage panel

will not alter the dimensions of the existing pylon sign on the site. Adjoining residential properties are larger in height than the proposed electric vehicle charging station and therefore the proportions of the proposed development are modest in scale commensurate to the development potential afforded to neighbouring land by way of the prevailing planning controls. In this regard, the proposal will not result in any view loss from surrounding properties.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>The proposed installation of an electric vehicle (EV) charging station and solar panels at the existing Ampol service station</p> <p>The site has been operating as a service station, with the current works allowing for the continued operation of a service station. This will not change the risk profile of the existing land. Furthermore, risk of underlying potential contaminants are remediated by the trenching being backfilled with excavated material in situ.</p> <p>Recommendation</p> <p>SUPPORTED - no conditions</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>The proposed installation of an electric vehicle (EV) charging station and solar panels at the existing Ampol service station should not impact the amenity of the surrounding properties or impact public health or environment.</p> <p>Recommendation</p> <p>SUPPORTED - no conditions</p>
NECC (Coast and Catchments)	<p>Whilst the development is located within the coastal environment and use areas, it is unlikely to have an impact on the coastal environment.</p>
NECC (Flooding)	<p>The proposal seeks consent for the installation and operation of an EV charging unit at the existing Ampol service station as well as the installation of solar panels.</p> <p>The site is affected by the 1% AEP Flood, PMF Flood, High - Medium Flood Risk Precinct, Flood Storage Area and a H5 Flood Life Hazard Category.</p> <p>Subject to the following conditions, council is satisfied that the proposal is compliant with Section B3.11 and B3.12 of the Pittwater</p>

Internal Referral Body	Comments
	21 DCP 2021 and Clause 5.21(2)(a-e) of the Pittwater LEP 2014, with consideration of Clause 5.21(3)(a-d) of the Pittwater LEP 2014

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	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 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 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 (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area 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 new sign maintains the existing character of the site by way of the signage remaining in the same position and of the same dimensions as the existing signs.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no prevailing 'theme' of advertising signage in the immediate vicinity, however this signage is consistent with the theme of existing signage on the site.	YES
2. Special areas 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 sign will not detract from the visual quality of adjoining environmentally sensitive areas and residential areas as the proposed sign will match existing and established signs on the site and will not require any works that will impact the natural environment.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The sign will not obscure or compromise important views	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The sign will not dominate the skyline or reduce the quality of vistas, noting that the proposed sign will be located at the bottom of the existing pylon signage.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage does not obscure any advertising or other signage.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed additional panel sign will be located on an existing pylon signage board and is consistent with the scale and design of signage seen at service stations throughout North Narrabeen.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will maintain the visual interest of the site	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed sign is consistent with existing signage and consolidates advertising on the site.	YES

Does the proposal screen unsightliness?	The proposal does not screen nor contribute to unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage will not extend beyond the existing built form.	YES
5. Site and building 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 proposed signage is compatible with the existing scale of the service station and other signs on the site.	YES
Does the proposal respect important features of the site or building, or both?	The proposal does not detract from any 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 proposed signage is consistent with existing development on the site and is compatible with signage on the site and at other service stations within the locality.	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 proposed signage contains internally illuminated lighting elements which will be concealed.	YES
7. Illumination 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?	The proposed sign will not result in excessive glare, affect the safety of pedestrians or vehicles, nor detract from the amenity of any residences.	YES
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination of the sign will be fixed. No changes are proposed to the existing illumination of the pylon sign.	YES
Is the illumination subject to a curfew?	The signs will operate during the operating hours of the service station as existing.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage will not impact safety for vehicles, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not obscure sightlines from public areas and does not reduce the safety for children.	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 this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

Council is satisfied that the proposed development is appropriately designed and sited to ensure adverse impact to the items referred to in subsection (1) is avoided.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Council is satisfied the proposed development is appropriately designed and sited in a manner that avoids adverse impact to the coastal use area.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock
 - ii) platform for members of the public, including persons with a disability,
 - iii) overshadowing, wind funnelling and the loss of views from public places to
 - iv) foreshores,
 - v) the visual amenity and scenic qualities of the coast, including coastal headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and
- b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The Application has been referred to Council's Coast and Catchments Officer who provided a response stating that whilst the development is located within the coastal environment and use areas, it is unlikely to have an impact on the coastal environment.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

Council is satisfied the proposed development will not cause an increased risk of coastal hazards on the site or surrounding land.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial / commercial 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial / commercial land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	2.2m (EV charging station)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

Detailed Assessment

2.5 Additional permitted uses for particular land

Clause 2.5 of PLEP 2014 allows development on particular land identified as "Area 13" that is described or referred to in Schedule 1 to be carried out with development consent. Schedule 1 permits development for the purpose of a service station with development consent on the subject site, being 1509 Pittwater Road, North Narrabeen, being Lot 567, DP 813147.

The proposed electric vehicle charging station and two car spaces, and an additional panel on an existing pylon sign is considered to be an ancillary use to the permitted service station use and therefore is permitted on the subject site.

Zone R2 Low Density Residential

The site falls within the R2 Low Density Residential zone pursuant to the Pittwater Local Environmental Plan 2014 which precludes the use of the land as a 'Service Station', defined as:

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- (b) the cleaning of motor vehicles,*
- (c) installation of accessories,*

- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- (e) the ancillary retail selling or hiring of general merchandise or services or both.*

Notwithstanding this, the use of the land as a Service Station is deemed to be an existing use in accordance with the definition under Section 4.65 of the Environmental Planning and Assessment Act (1979).

7.1 Acid sulfate soils

The subject site is mapped as containing both Class 5 and Class 2 land as identified on the Pittwater Acid Sulfate Soils Map. The proposed ground works occur entirely within the portion of the site identified as Class 5. Therefore, the minor trenching works proposed under this application are not likely to expose acid sulfate soils and the proposal is not considered to disturb, expose or drain acid sulfate soils and cause environmental damage.

7.2 Earthworks

The objective of Clause 6.2 - 'Earthworks' requires development to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the Waste Management Plan for the

development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Conditions are included in the recommendation of this report that will minimise the impacts of the development.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site is not a heritage item, in the vicinity of a heritage item or in a conservation area or archaeological site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	Primary Frontage (Pittwater Road): 6.5m	0.1m (sign) - Unaltered	-	As existing
	Secondary Frontage (Garden Street): 3.25m	5m (EV charging unit and parking)	-	Yes
Rear building line*	6.5m	N/A	N/A	N/A
Side building line	N: 2.5m	13.8m	-	Yes
	E: 1m	11.7m	-	Yes
Building envelope	N: 3.5m	Within Envelope	-	Yes
	E: 3.5m	Within Envelope	-	Yes
Landscaped area	50% (920m ²)	24.34% (448.5m ²) - Unaltered	-	As existing

*The site has two frontages, therefore there is no rear boundary in this instance

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood 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
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	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
C2.1 Landscaping	Yes	Yes
C2.2 Safety and Security	Yes	Yes
C2.5 View Sharing	Yes	Yes
C2.7 Building Facades	Yes	Yes
C2.8 Energy and Water Conservation	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	Yes	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.16 Undergrounding of Utility Services	Yes	Yes
C2.23 Service Stations	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	Yes	Yes
D14.11 Building envelope	Yes	Yes
D14.12 Landscaped Area - General	No	Yes

Detailed Assessment

B6.3 Off-Street Vehicle Parking Requirements

The use of the site as a service station is not listed in the table for onsite car parking requirements under Clause B6.3 of the DCP. The control stipulates that for development not included in this table,

the minimum number of vehicle parking requirements must be determined using the appropriate guidelines for parking generation and servicing facilities based on development type comparison based on the *Roads and Maritime Services Guide to Traffic Generating Development* or analysis drawn from surveyed data for similar development uses.

The *Roads and Maritime Services Guide to Traffic Generating Development* states that parking at the rate of 5 spaces per 100m² gross floor area is recommended. As such, 9 spaces are required in this instance based on a GFA of 180m². Whilst the proposal will involve the removal of one (1) parking bay, the two (2) proposed EV charging spaces will continue to service the parking demands of the service station and therefore the proposal will result in a net increase of one (1) parking space.

The site contains six (6) fuel pumping bays, two (2) spaces for click and collect pickup and six (6) spaces for patron parking on the site in addition to the two (2) EV charging station car spaces. These spaces are considered to provide adequate short-term parking on the site, consistent with the parking demands anticipated for a service station and convenience store.

C2.11 Signage

The additional panel on the existing pylon sign will be approximately 1.6m² in size, will not project beyond the boundary of the premises and will not extend beyond the height of the built form within whose context it sits. The height of the additional panel within the pylon signage will be 1.6m above ground. Therefore the proposed signage under this Development Application complies with the requirements and outcomes of this control.

D14.7 Front building line

The existing pylon signage is setback 0.1m from the primary frontage, which is non-compliant with Clause D14.7 of the DCP which requires that all structures are to be setback 6.5m from the front building line. This Development Application proposes an additional panel on the pylon sign with no changes to the size or location of the existing pylon. Therefore, a detailed merit assessment of the existing approved non-compliant front setback is not required in this instance.

D14.12 Landscaped Area - General

It is noted that the subject site exhibits an existing numerical non-compliance with the required landscaped area pursuant to Clause D14.12 of the DCP. The proposed works will not impact existing landscaped areas on the site as all works will occur above impervious built surfaces, therefore a detailed merit assessment is not required in this 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 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$2,754 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$275,415.

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 2021;
- 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 DA2023/0792 for Alterations and additions to a service station and signage on land at Lot 567 DP 813147, 1509 Pittwater Road, NORTH NARRABEEN, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
22120-A100	D	Site Plan	Ampol	17 August 2023
22120-A101	C	EV Elevation	Ampol	8 March 2023
22120-S110	A	Signage Details	Ampol	16 November 2022

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan	1	SLR	Undated

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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	Ausgrid Referral Response	30 June 2023

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

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 Certifier 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 Certifier 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 Certifier 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 an 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 \$250,000. The Long Service Levy is calculated on 0.25% 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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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.
- (l) 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 Section 7.12 Contributions Plan 2022

A monetary contribution of \$2,754.15 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 (as amended).

The monetary contribution is based on a development cost of \$275,415.43.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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 \$2,000 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 Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building components and structural soundness

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 3.53m AHD, protected from flood water or have

residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

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

8. 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 Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

DURING BUILDING WORK

9. 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 Certifier when the external structure of the building is complete.

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

10. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

11. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

12. Hours of Operation of Electric Vehicle Charging Station

The hours of operation for the electric vehicle charging station is restricted to the existing approved hours of operation of the service station.

Upon expiration of the permitted hours, all service shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

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

Signed



Grace Facer, Planner

The application is determined on 21/08/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments