
From: Mario Francisco Benitez-Martinez
Sent: 16/07/2024 2:11:14 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: submission for REV 2024/1841
Attachments: submission_3_VM_a.pdf;

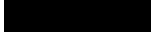
Dear Council officer:

Could you please ensure that my submission is posted under the REV 2024/1841 as my letter is in response to the amended documents.

Please find a submission to be placed on REV 2024/1841 which is part of the DA2024/0530.

Kind regards

Mario Benitez (Structural Engineer)



Re: REV2024/1841

Dear Council Officer/s:

This submission is in response to DA2024/0530 and subsequent REV2024/1841 at 77 Bassett St, Mona Vale.

The reports annexed to REV2024/1841 are an attempt to convince Northern Beaches Council that the development does comply with Council conditions, using tactics of smoke and mirrors. Below is a summary outlining how the development does not comply with Council's requirements and should not be recommended for approval.

We oppose to the development for the following reasons:

- The SEE prepared May 2024 (Revised July 2024) is flooded with photographs of the original building. The original building consisted of black, grey and brown coloured finishes, consistent with Pittwater 21 DCP. This is not a true representation of what the building looks like today. The applicant has painted the building red which is not permitted in Pittwater 21 DCP Section 9.3 refer extract blow.

The screenshot shows the Pittwater 21 Development Control Plan (DCP) website. The left sidebar lists the hierarchy of controls, with 'D9.3 Building colours and materials' selected. The main content area displays the following information:

- Seniors housing**
 - Shop top housing
 - Signage
 - Telecommunications facility
 - Tourist and visitor accommodation
 - Waste water disposal system
 - Water recreation structure
- Outcomes**
 - Achieve the desired future character of the Locality.
 - The development enhances the visual quality and identity of the streetscape. (S)
 - To provide attractive building facades which establish identity and contribute to the streetscape.
 - To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater
 - The colours and materials of the development harmonises with the natural environment. (En, S)
 - The visual prominence of the development is minimised. (S)
 - Damage to existing native vegetation and habitat is minimised. (En)
- Controls**
 - External colours and materials shall be dark and earthy tones as shown below:

The color palette shows the following colors and their status:

Black	Dark grey	Dark green
Dark brown	Mid grey	Green
Brown	Dark blue	

White, light coloured, red or orange roofs and walls are not permitted:

White	Light blue	Red
Orange	Light grey	Beige

Limited use of corporate colours may be permitted within Business and Light Industrial zoned land.

Finishes are to be of a low reflectivity.

Applications in commercial areas shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.

- Variations**
- Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map, and for non-reside

- Ownership - This application references Unit 1 and 2 ONLY. There should be no reference or reliance on Unit 3 as this Unit does not form part of this application. The owners consent letter also acknowledges/identifies that Unit 3 does not form part of the proposed 'Total Tools' store.
- Parking – parking numbers include 6 tandem car spaces. In real terms, 6 of these car spaces should not be included in the total sum. Even if some car spaces were allocated to staff you will note that the precedent of the adjacent tenancy at Mitre 10, most staff park on Bassett Street or the adjoining streets, already causing a lack of parking in the nearby vicinity. Therefore, there is a shortfall of at least 6 car spaces.
- Parking – Further to the point above, this application relies on the use of Unit 3's car spaces and re-distributing car spaces for Unit 3 elsewhere within the site. This is on the basis that there is insufficient parking for Unit 1 and 2. As mentioned Unit 3 does not form part of this DA therefore its car spaces should not be relied on. In addition, would this be considered a change of use? It is currently used as boat/material storage. From hardstand to parking?
- Parking – the development has insufficient parking as is seeking to overtake parking that is allocated to Unit 3. As previously stated, this development should not rely on the car spaces pertained to a different allotment. This has the potential impact on reducing the necessary parking required by Unit 3.
- Parking - In addition to the above, there is not legal binding document relating to the distribution of car spaces allocated to each Unit.
- Traffic Report – Swept Path – The Traffic and Transport Planning Solutions report only has swept paths for a small truck with a length of 8.8m, without mentioning larger trucks and/or mentioning whether they comply with AS2890.2-2018 Parking Facilities-off street commercial vehicle facilities or HB72 AUSTROADS-Design vehicles and turning path templates (publication No AP34/95). Table 5.1-AS 2890 refers for an MRV Lock-to-Lock is 4s not 6s as shown?
- Access - How will access be managed to the rear spaces when there is a gate that is actively closed?
- Unauthorised works - Clause 2 – Executive Summary (SEE-Revised July 2024) states: *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 Applicant has undertaken external and internal works without Consent. So far, Northern Beaches Council has not taken any action in regards to the unauthorised works. Section 8 of the Local Government Act 1993 states: that its regulatory activities are carried out in a consistent manner and without bias. Will Council ask the Applicant to return the building to its original appearance?

- Character of the Area - The application Revised – July 2024 SEE (Page 11) states:
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?*
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

- *The proposal maintains the existing built form, and will therefore maintain consistency with the existing and desired future character of the locality. The proposal provides for appropriate business identification signage only, which is located on the building's façade.*

It is correct in describing the form of the building as being maintained. However certainly not its character. Looking at the buildings on either side, they do conform with Council by having the buildings predominantly neutral colours blacks, browns, greys with colour in the signage component only. This is not the case at 77 Bassett Street. The red painted façade has complete disregard with the Pittwater 21 DCP as stated earlier. It also has disregard with the collection of Units at 77-79 Bassett Street all having the same external colour facade with orange signage only.

It is evident that the proposed development does not comply for a number of reasons as stated above, and I reiterate that works have already commenced without approval. This is considered unauthorised works and we would expect Northern Beaches Council to enforce the applicant to revert the building to its original appearance and seek that Council once again refuse this application due to its lack of Merit and Non-conformances/non-compliances.

In reference to the following clause of the revised SEE

D9.3 Building Colours

The control seeks to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The controls suggest that building finishes should be primarily dark earthy colours.

The building has been painted and the works do not form part of this application, as they are considered to be exempt development.

Response MB

It is quite evident that:

- In using prohibited colours (not permitted in Pittwater 21 DCP Section 9.3 refer to chart above), that's NOT achieve the future character of the Locality. There are no buildings in the surrounding area or any other industrial area in the Pittwater precinct that have this red colour
- The development if anything detracts from enhancing the visual quality of the streetscape and/or the building façade
- The red colour does not compliment and/or harmonise the natural landscape of Pittwater
- The visual prominence is not minimised, if anything, detracts from the subtle Pittwater colours (refer to photograph below)
- If the controls suggests that the building colours are primarily dark earthy colours, this red colour it detracts from any form of earthy tones.



Building as is, including signed car parking "Total Tools". DA not approve yet.