

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1235
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Responsible Officer:	Penny Wood
Land to be developed (Address):	Lot 2 DP 1241568, 888 Pittwater Road DEE WHY NSW 2099
Proposed Development:	Use of premises as a car wash facility including fitout
Zoning:	Warringah LEP2011 - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Charles Fortin

Application Lodged:	08/10/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	19/10/2020 to 02/11/2020
Advertised:	Not Advertised
Submissions Received:	17
Clause 4.6 Variation:	Nil
Recommendation:	Refusal

Estimated Cost of Works:	\$ 80,000.00
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Executive Summary

The development proposed is for a car wash within the basement car park level B2 of the subject site. The car wash will use ten (10) existing parking spaces for the use of two (2) drop off zones, two (2) self contained car wash bays and two (2) vacuum / detailing areas. The development also proposes the construction of a small office to serve customers and the construction of a plant room which results in the removal of an existing trolley bay.

The public exhibition period generated a total of seventeen (17) individual submissions. The

submissions raised a number of concerns relating to noise / vibration impacts, traffic / parking, safety of pedestrians, moisture / dampness, use of hazardous chemicals and products, and possible flooding. All concerns have been addressed and considered within the report. An Acoustic Report and Plan of Management were submitted during the assessment process to ensure a detailed assessment of the proposal was undertaken and in response to the number of submissions raising concern with possible noise vibration impacts to the residential component of the development. Both documents were reviewed by Council's Environmental Health Section with no objections raised subject to conditions.

The application is likely to result in significant traffic congestion and pedestrian safety issues, and is recommended for refusal primarily for this reason. The development also proposes to use ten (10) existing parking spaces dedicated to the retail / commercial component of the development. The proposed car wash will further reduce the non-compliant parking space requirement for the retail / commercial component of the development. The provision of off-street carparking was a significant issue during the assessment of the original development application (2016/0705) with an independent Traffic Consultant engaged to review the proposed non-compliant number of parking spaces. The proposed car wash will result in a shortfall of a total of 71 parking spaces for the retail / commercial component which is not acceptable and forms part of the reason for refusal of the development application.

The Traffic Report is considered to provide insufficient information and justification to support the possible concerns around pedestrian safety and congested traffic conditions. The two (2) proposed drop off bays fail to comply with the standard parking bay length resulting in vehicles protruding into the circulation aisle of the car park, partially blocking access for vehicles. This along with the location of the proposed car wash located in close proximity to the access ramp serving B3 and lifts and stairs utilised by pedestrians results in unsafe conditions and is therefore unable to be supported from a traffic perspective.

The application has been assessed against the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulations 2000 (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed within this report.

Accordingly, the application is referred to the NBLPP with a recommendation for refusal for the reasons detailed within the 'Recommendation' section of this report.

PROPOSED DEVELOPMENT IN DETAIL

The development application proposes the following:

- A car wash located in the south eastern corner of basement B2 car parking level;
- The car wash involves the allocation of ten (10) existing parking spaces;
- Two (2) drop off areas, two (2) fully self-contained wash bays and two (2) vacuum/detailing areas;
- Construction of a new office to be used in conjunction with the use of the car wash on the eastern side of lift shaft and internal staircase. The office will measure 2.15m in height. The

- office proposes a window/counter along the eastern elevation to service customers;
- Construction of plant room along the northern side of lift shaft and internal staircase which will result in the removal of a trolley bay.

Hours of Operation

Monday to Friday: 7.00am - 6.00pm
 Saturday and Sunday: 8.00am - 5.00pm

Staff

The application proposes 2 - 3 staff and 6 (six) staff on Saturdays and Sundays.

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

Assessment - Dee Why Town Centre Contributions Plan 2019
 Warringah Development Control Plan - A.5 Objectives
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D20 Safety and Security

SITE DESCRIPTION

Property Description:	Lot 2 DP 1241568 , 888 Pittwater Road DEE WHY NSW 2099
Detailed Site Description:	The site is irregular in shape and is bound by Howard Avenue to the north, Oaks Avenue to the south and Pittwater Road to the west. The site is further bound by

shared boundaries between itself and several other development sites both to the east and south west.

The site has a total area of 14,466m².

The site is centrally located within the Dee Why Town Centre as defined in the Dee Why Town Centre Master Plan 2013 (DYTC Masterplan).

The existing topography of the site slopes from west to east, with a cross-fall of approximately 4m from the highest point on the south western corner of the Pittwater Road frontage to the lowest point.

The site consists of a Mixed Use Development including retail, commercial and residential uses and a child care centre.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mix of commercial and residential. The surrounding development consists generally of older style commercial developments, generally two to three storeys in height, with retail uses at ground level and offices and residential development above. Adjoining the site to the north on the opposite side of Howard Avenue, to the west on the opposite side of Pittwater Rd is a mixture of older retail and commercial office buildings and more recently developed shop top housing developments. Land adjoining the site to the east comprises five storey shop-top housing developments, which front Howard Avenue together with a triangle shaped Council reserve and another five (5) storey shop top development further to the rear.

Dee Why Lagoon is located approximately 500m to the north of the subject site and Council's Dee Why office and Library are located on land diagonally opposite the site on the western side of Pittwater Road to the north-west.

Map:



SITE HISTORY

Development Application (DA2016/0705) for the redevelopment of the site as a Mixed use Development was approved by the Sydney Planning Panel on 10 May 2017.

DA2020/0714 was lodged on 29 June 2020 for a car wash in the same location as the current development application. The assessment of the application identified a number of issues including potential noise / vibration concerns and traffic concerns. The noise vibration issues were due to the proposed car wash being located within an enclosed space with hard reflective surfaces. The application was referred to Council's Environmental Health Section for comment and was not supported. An acoustic assessment by a suitably qualified and experienced professional such as an Acoustic Engineer was required in order to undertake a full assessment of the noise impacts. Council's Traffic section raised concern with the reduction in car parking spaces. A Traffic Report was requested demonstrating that the reduced parking supply will still accommodate the demand via a parking study over 1 week.

The application was withdrawn on 13 August 2020 following correspondence from Council on 6 August 2020.

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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land).

Section 4.15 Matters for Consideration'	Comments
environmental planning instrument	Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential / commercial purposes for an extended period of time. The proposed development retains the mixed use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 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 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to an Acoustic Report and a Plan of Management (POM). This information was received on 24 February 2021 and 25 February 2021 respectively.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 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 93 and/or 94</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely	(i) Environmental Impact

Section 4.15 Matters for Consideration'	Comments
impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. The proposal will result in unreasonable impacts to the adjoining and nearby land that cannot be addressed by conditions, specially in regards to traffic and parking and pedestrian safety.</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 unsuitable for the proposed development being a mixed use development, in so far as the proposal represents an inappropriate operation with inadequate parking, pedestrian activity and circulation of vehicles resulting in an unsafe location to support the proposed car wash. These issues re considered to create adverse impacts to the surrounding area.
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	This assessment has found the proposal to be contrary to the relevant requirements and will result in a development which will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be 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 19/10/2020 to 02/11/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 17 submission/s from:

Name:	Address:
Mrs Linda Hodge	9 Minmai Road MONA VALE NSW 2103

Name:	Address:
Mr Graham Paul Smith	265 / 28 Oaks Avenue DEE WHY NSW 2099
Alper Soylu	563 / 28 Oaks Avenue DEE WHY NSW 2099
Mrs Beverley Fay Cadby	360 / 28 Oaks Avenue DEE WHY NSW 2099
Wyndham Fitzgerald Cramer	257 / 28 Oaks Avenue DEE WHY NSW 2099
Ms Shirley Hedy Taylor	259 / 28 Oaks Avenue DEE WHY NSW 2099
Mrs Adelina Lalic	340 / 17 Howard Avenue DEE WHY NSW 2099
Ms Colleen Catherine Parrett	530 / 17 Howard Avenue DEE WHY NSW 2099
Mr Biao Han	7A Knox Place NORMANHURST NSW 2076
Guner Orucu	475 / 16 Oaks Avenue DEE WHY NSW 2099
Mr Casey Glenn Bruce Aimer	335 / 17 Howard Avenue DEE WHY NSW 2099
Dr Alexandra Claire Elizabeth Beckwith	5 / 69 - 71 Oaks Avenue DEE WHY NSW 2099
Campbell Donald Reade	11 / 104 Oaks Avenue DEE WHY NSW 2099
Mr Sam Drup Jehru	562 / 28 Oaks Avenue DEE WHY NSW 2099
Mr Iain Stephen Ayres	5 / 69 - 71 Oaks Avenue DEE WHY NSW 2099
Karen Blain Lane	358 / 28 Oaks Avenue DEE WHY NSW 2099
Mr Vyacheslav Gorbunov	339 / 17 Howard Avenue DEE WHY NSW 2099

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

- Noise/Vibration
- Traffic congestion within car park
- Increase in traffic for the locality
- Moisture / dampness
- Security issues for residents
- Use of hazardous chemicals
- Fire risk
- Increased insurance for residents

The matters raised within the submissions are addressed as follows:

- Noise / Vibration impact for residential properties and the child care centre located within the development.
Comment:
Concern was raised in regard to potential noise and vibration impacts the proposed car wash may generate towards the occupants of both the commercial and residential components of the development. It was noted that an acoustic report was not initially submitted with the development application. The information submitted within the Statement of Environmental Effects did not adequately address potential noise / vibration issues and therefore a letter requesting an acoustic report was sent to the applicant on 10 February 2021. An acoustic report prepared by Acoustic Dynamics dated 24 February 2021 was submitted to Council on 24 February 2021 and was referred to Council's Environmental Health section for comment. On review, no objections were raised by Environmental Health subject to conditions.

- Traffic congestion within car park

Comment:

Concern was raised in the submissions regarding the potential traffic congestion issues and the location of the car wash would have within the basement car park which could in turn lead to queuing and safety issues for vehicles and pedestrians. The application was referred to Council's Traffic Engineer who raised concern with the location of the car wash within Level B2 of the basement car park. The location of the car wash is in close proximity to the ramp serving the B3 parking level which may result in congested conditions at the junction of the ramp and circulation aisle, particularly if vehicles are queuing in the circulation aisle. Concern has also been raised within the submissions regarding pedestrian safety given the car wash's being adjacent to the car park stairs and lift. Council's Traffic Engineer has also raised concern with this issue stating this area is subject to a higher level of pedestrian activity and therefore could lead to unsafe conditions for pedestrians moving to and from the lift and stairs.

- Increase in traffic for the locality

Comment:

The development is not anticipated to impact on the traffic flow of vehicle accessing the car park. The car wash will primarily service patrons of the development who are likely to use the service while utilising the facilities of the development. At capacity the car wash will service four (4) cars.

- Moisture / dampness

Comment:

Concern has been raised regarding potential issues surrounding potential moisture / dampness as a direct result of the use of the car wash. The development proposes two self contained wash bays with grated flooring that is located above a fibreglass tub. The applicant has advised that all waste water will be collected and diverted to an adjacent water treatment system and treated and recycled in accordance with all relevant Australian Standards and Sydney Water requirements. The ventilation provided for the basement car park was addressed in the original development application. It is not anticipated that the use of two wash bays would create substantial moisture to the car park to generate damage to the storage cages located within the B2 level.

- Hazardous chemicals

Comment:

Concern has been raised regarding the use of hazardous chemicals in association with the proposed car wash. The applicant has advised that the cleaning chemicals will be of low risk and environmentally friendly water based detergents.

- Fire Risk

Comment:

Fire safety measures have been implemented into the existing basement car park as part of the original development consent. The application proposes smoke alarms and fire extinguishers within the proposed office and plant room associated with the car wash. This issue would be dealt with at construction certificate stage.

- Security Issues

Comment:

Concern has been raised in the submissions regarding potential security issues resulting in the use of the proposed car wash within the basement level car park. The retail / commercial component of the car park is accessible to the residents, visitors, retail, commercial and child care customers. The mixed use development has a CCTV security system in place and it is

anticipated that the use of a commercial business within the basement car park will provide for additional surveillance of the car park area. The capacity to service a maximum of four (4) cars at one time is not anticipated to create any security issues.

- Increased insurance for residents

Comment:

Concern is raised regarding increased insurance costs for residents of the subject development. This is not a planning matter and is therefore not required to be assessed as part of the subject application.

REFERRALS

Internal Referral Body	Comments
Strategic and Place Planning (S94 Warriewood Valley)	<p>The Application proposes a new car wash facility within the basement of the existing car park at 888 Pittwater Road, Dee Why. This will require the removal of 10 existing shopping centre car parking spaces to be replaced by a proposed car wash bays, office, vacuum/detailing bays and plant room.</p> <p>The Dee Why Town Centre Contribution Plan 2019 applies to this land. The Contributions Plan levies additional non-residential development at a rate of \$16,817.38/100sqm of GFA, or \$168.17/sqm. The proposed car wash will result in a 149.8sqm increase of non-residential GFA.</p> <p>The proposed development is considered acceptable, with conditions of consent.</p>
Traffic Engineer	<p>Revised comments (25/2/21)</p> <p>There is concern with regard to the size of the drop off bays which appear to be approximately 4m in length. This is less than a standard parking bay length and less than that for a small vehicle bay and would mean that vehicles entering these bays would protrude into the circulation aisle, partially blocking the circulation aisle. Such vehicles may also impede egress from the parking bay(s) on the opposite side of the aisle.</p> <p>In addition, the proximity of the car wash bays to the bend in the circulation aisle and in particular to the ramp serving the B3 parking level may result in congested conditions at the junction of the ramp and the circulation aisle, particularly if vehicles are queuing in the circulation aisle.</p> <p>The car wash bays are also located adjacent to the carpark stairs and the lift. This means this area of the carpark is subject to higher levels of pedestrian activity and there is concern that queuing and activity generated by the car wash process will lead to unsafe conditions for pedestrians moving to and from the lift and stairs.</p> <p>While introduction of the car wash is not opposed, concern is raised</p>

Internal Referral Body	Comments
	<p>with regard to the appropriateness of the location selected. A location which is further removed from critical circulation areas and pedestrian activity is considered more appropriate in terms of safety.</p> <p>Further information is required addressing the above prior to further consideration of the application.</p> <p>Original comments (14/10/20)</p> <p>The proposal is for a car wash locating in the B2 level of the existing site. The proposal involves the allocation of 10 existing parking spaces within the retail and commercial carparking area to the proposed car wash.</p> <p>Reviewing the proposal, no objection is raised on the proposal on traffic grounds subject to the responsible planning assessment officer to consider the proposal in the context of the Light House site.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential and commercial purposes for since completion of the Dee Why Town Centre development. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the use. The car wash is a retrofitted hand washing / cleaning operation for cars and contained within a concrete basement carpark. The use of water is limited within the "booth" to contains spills and water / chemicals. Waste water is disposed of to sewer connections / recycling services.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an

application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Other Service Infrastructure Authorities

The application was not required to be referred to the Roads and Maritime Service and no other service authority referral issues are raised pursuant to the SEPP.

SEPP (Major Development) 2005

The proposal is situated within an existing major development, however the car wash is lodged as a separate development application within the basement car parking area as a complimentary use to the commercial uses. The proposal is consistent with the aims and objectives of the SEPP.

Consultation Draft SEPP (Competition) 2010

The proposal is consistent with the aims and objectives of the draft SEPP.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

The car wash facility is within an existing basement (underground) carpark and uses retrofitted equipment within the selected car spaces. Therefore, the height control is not applicable to the proposal.

Compliance Assessment

Clause	Compliance with Requirements

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.3 Flood planning	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.6 Height of buildings	Yes
7.12 Provisions promoting retail activity	Yes
7.13 Mobility, traffic management and parking	Yes

Warringah Development Control Plan

Built Form Controls

The car wash facility is within an existing basement (underground) carpark and uses retrofitted equipment within the selected car spaces. Therefore, the built form controls are not applicable to the proposal.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	No	No
C2 Traffic, Access and Safety	No	No
C3 Parking Facilities	No	No
C4 Stormwater	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	No	No
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

A.5 Objectives

A detailed assessment of the proposal has found that the proposed car wash is not consistent with the following provisions of the WDCP 2011:

- *Provide a high level of access to and within development.*

Comment:

The proposal fails to demonstrate adequate and safe access within the development. There is lack of detail surrounding the practical access within the development between the levels of the car park given the close proximity to access ramps and the inadequate size of drop off bays leading to unsafe conditions for both pedestrians and vehicles. A level of safe access is required due to the location of the car wash adjacent to the lift and stairs which will intensify the use of the immediate area. The Traffic Report does not sufficiently address these issues and is not supported by Council's Traffic Engineer.

The proposed development is not considered to provide the best outcome for the site in responding to the characteristics of the site which is evident in the number of non-compliance's relating to traffic, access and safety and the number of objections raised.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this circumstance.

C2 Traffic, Access and Safety

Description of non-compliance

The Traffic Report submitted does not demonstrate that the location of vehicular access and pedestrian access meets the objectives of this Clause.

Merit consideration

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

- *To minimise traffic hazards.*

Comment:

The car wash proposes two (2) drop off bays which are located adjacent to the two (2) self contained wash bays. Concern is raised with regard to the size of the drop off bays which appear to measure 4.0m in length. The depth of the drop off bay is less than a standard parking bay length and less than that for a small vehicle parking bay and would result in vehicles parked or entering into these bays, protruding into the circulation aisle. This may result in vehicles impeding egress from the parking bay(s) located on the opposite side of the aisle. It is also noted that the close proximity of the car wash bays in close proximity to the to the bend in the circulation aisle and in particular the proximity to the ramp serving the B3 parking level may possibly result in traffic congestion at the junction of the ramp and the circulation aisle. This could intensify traffic congestion in the instance that vehicles are queuing in the circulation aisle.

- *To minimise vehicles queuing on public roads.*

Comment:

Whilst queuing has been raised as potential resulting in congested conditions in the car park. It is unlikely the proposed car wash will create queuing vehicles on public roads.

- *To minimise the number of vehicle crossings in a street.*

Comment:

No change is proposed to the existing entry and exit crossings along Oaks Avenue and Howard Avenue.

Therefore, no further consideration of this objective is relevant to the application.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

Traffic and pedestrian activity surrounding the proposed use within the basement car park has not been detailed adequately or addressed within the Traffic Report. The survey was undertaken covers a relatively short period of the day (11am - 3pm, Saturday 5 September 2020) which does not allow for an adequate timeframe to accurately assess traffic and pedestrian activity within the basement car park. The location of the car wash is also considered problematic given its location adjacent to the car park stairs and the lift. This results in higher pedestrian activity raising concern that the potential queuing and activity generated by the car wash process, inadequate sized drop off bays and close proximity to access ramps will lead to unsafe conditions for pedestrians moving to and from the lift and stairs. The Plan of Management does not address safe pedestrian access for staff who will be required to cross the aisle between the car wash bays and the allocated vacuuming and detailing areas.

- *To minimise interference with public transport facilities.*

Comment:

The proposed use is located within the basement car park and will not impact or interfere with public transport facilities.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

The proposal for a car wash and subsequent loss of ten (10) parking spaces could potentially reduce the parking available for the retail / commercial component of the development. A further reduction to a non-compliant car parking arrangement is not supported.

As a result, the proposal fails to comply with the requirements of this control and will be included as a reason for refusal in the recommendation of this report.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C3 Parking Facilities

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided (Approved DA2016/0705)	Difference (+/-) Approved (DA2016/0705)	Proposed	Difference (+/-)
Retail (including supermarket) Ground Level	6707m ²	409 (6.1 spaces per 100m ² of GLFA)	523 spaces	- 61 spaces	513 spaces	- 71 spaces
Commercial First Level	7026m ²	175 (1 space per 40m ² GFA)				
Child Care Centre	130 kids	32.5 (1 per 4 kids)	24 spaces	- 8.5 spaces	24 spaces (No change)	- 8.5 spaces (No change)
Residential (1 bed)	78	78	488 spaces	+ 37.3 spaces	488 spaces (No change)	488 spaces (No change)
Residential (2 bed)	161	173.2				
Residential (3 bed)	111	109.5				
Residential Visitors	350 Units	70 (1 per 5 units)				
Total		1067.2	1035	- 33 (rounded up)	1025	- 43 (rounded up)

The development is a permitted use within the B4 Mixed Use zone and is proposing to use ten (10) existing car parking spaces in basement level B2 for the use of a car wash.

The lack of on-site parking is a consequence of the original approval (DA2016/0705) and is considered that any development proposed for the site may not comply.

Council's review of the proposed development indicates that the proposal will create a further non-compliance to the required parking for the commercial / retail component of the development. An assessment of the car parking provisions under the original application was undertaken having regard to the requirements under the Warringah Development Control Plan (WDCP) 2011, the RMS Guide to Traffic Generating Development and the location of the site within the Dee Why Town Centre. This was undertaken by an independent traffic consultant engaged by Council (WSP Parsons Brinckerhoff) with the car parking spaces approved under DA2016/0705 as indicated in the above table.

If car parking was to be provided strictly in accordance with the WDCP 2011, an additional 33 car parking spaces would be required for the retail / commercial component and the proposed child care centre. It was determined in the report carried out by WSP Parsons Brinckerhoff, that 547 car parking spaces for the non-residential component (retail / commercial and child care centre) was adequate to cater for the development. The rate used to determine the appropriate car parking rate for the non-residential uses of the development was based on a Peak Parking Accumulation, which equated to a rate of one car parking space per 23.9m² of commercial / retail space. This specific rate was adopted by the *Dee Why Grand* mixed use development.

The application proposes to utilise ten (10) existing car parking spaces for the proposed car wash, creating an increased non-compliance with the required car parking rate for the site. The proposal will result in a shortfall of 71 spaces required for the commercial / retail component of the development and an overall shortfall of 43 spaces given the proposed surplus of space for the residential component of the development.

The applicant provided a Traffic Report prepared by TTPA (Transport and Traffic Planning Associates) dated 28 September 2020 (Ref: 500/2020) to accompany the proposed car wash. Council did request for any investigation into the occupation of the car wash that the reduced parking supply will still accommodate the demand via a parking study over 1 week. The survey undertaken as part of the Traffic report application does not provide a sufficient period to demonstrate the demand for parking (i.e. that is the study is based on one Saturday being 5 September 2020 between the hours of 11am and 3pm).

Whilst the Traffic Report provided with the application supports the further reduction in parking spaces, the additional shortfall (10 spaces) as a result of the proposed development is not considered to be acceptable as would further impact the extensive work that was undertaken in approving the development for Site B.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The proposed car wash is located within the basement car park (Level B2) and therefore will not be visible from a public space.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The proposed car wash is located within the basement car park (Level B2) and therefore will not dominate the street frontage nor will be visible from a public space.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

D3 Noise

An Acoustic Report prepared by Acoustic Dynamics dated 24 February 2021 for the proposed car wash was received by Council on 24 February 2021. Council's Environmental Health Officer has reviewed the submitted acoustic report and is satisfied that noise can be mitigated and result in an acceptable outcome for surrounding development, subject to compliance with the recommendations of the report.

D20 Safety and Security

Merit consideration

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

- *To ensure that development maintains and enhances the security and safety of the community.*

Comment:

Concern is raised in regard to the safety of the proposed development, in particular pedestrian access to the stairs and lift located adjacent to the car wash bays. Council's Traffic Engineer has also raised concern with the location of the car wash being in close proximity to the ramp serving the B3 parking level which may result in congested conditions at the junction of the ramp and the circulation aisle, possibly resulting in vehicles having to queue. Given the level of pedestrian activity associated within this area of the car park, there is concern that queuing and activity generated by the car wash will lead to unsafe conditions for pedestrians moving to and from the lift and stairs. The Traffic Report submitted with the application does not adequately address the issues surrounding pedestrian activity for the staff employed with the car wash, customers and residents.

In summary, the proposal is not supported by the Council's Traffic Section due to the location of the car wash and insufficient information to address the significant concerns in relation to the safety of the community.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

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.

Dee Why Town Centre Contributions Plan 2019

Commentary and condition provide by Principal Development Infrastructure Officer. See referral section of the report.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Inconsistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposed car wash is not suitable and results in unacceptable pedestrian safety issues, parking and traffic impacts for the area. The Traffic Report submitted with the application has not adequately addressed the potential traffic concerns in regards to pedestrian and vehicle safety. It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council , as the consent authority REFUSE Development Consent to Development Application No DA2020/1235 for the Use of premises as a car wash facility including fitout on land at Lot 2 DP 1241568,888 Pittwater Road, DEE WHY, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.
2. Pursuant to 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Objectives of the Warringah Development Control Plan 2011.
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 C2 Traffic, Access and Safety of the Warringah Development Control Plan.
4. 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 C3 Parking Facilities of the Warringah Development Control Plan.
5. 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 D20 Safety and Security of the Warringah Development Control Plan.