

10 September 2019



RCI Group
Po Box 302
THE ENTRANCE NSW 2261

Dear Sir/Madam,

Development Application No: DA2019/0479 for Construction of a service station at 79 Barrenjoey Road MONA VALE.

Council has completed an assessment of your application which was received by Council on 14/05/2019 and on the additional information that was received by Council on 15 August 2019. The assessment has identified a number of areas of non-compliance and insufficient information that will not allow Council to support the application in its current form.

These matters are as follows:

Stormwater Management

Council's Development Engineer has advised that the proposal does not comply with Council's policy for the management of stormwater in particular Clause B5.10 of Pittwater 21 Development Control Plan. The relevant commentary from the engineer is provided below:

"The proposed development is flood affected and as such on-site stormwater detention (OSD) in accordance with Council's DCP is not required. The submitted drainage design indicates the connection of stormwater from the site into an inter-allotment drainage system through the adjoining property(s) to the south west of the site. No evidence of any easement rights have been provided with the application. Also there is no evidence that there is any pipeline within the easement with sufficient capacity to cater for the proposal. In this regard the applicant must provide Council with evidence of the drainage easement rights and capacity check of the pipeline within the easement prior to the full assessment of the application.

It appears that portions of the site are to be filled as part of the works. The proposed extent of fill exceeds 1 metre in height and as such a Geotechnical report in accordance with Council's Geotechnical Risk Management Policy is required for the proposal.

The proposed development cannot be supported due to insufficient information to assess:-

- *the management of stormwater in accordance with Clause B5.10 of Pittwater 21 DCP 2014*
- *the proposed landfill in accordance with Clause B8.1 of Pittwater 21 DCP 2014*



Additional Information Received 15/08/2019

The Water Cycle Management Plan and Flood Management Report has been reviewed and the document does not provide evidence of the drainage easement rights or capacity check of any pipeline within the easement. The above comments still apply."

To summarise the issue with stormwater management, Council is not in a position to support this proposal until evidence is provided that an easement exists to drain stormwater through the downstream property at No.2 Polo Avenue. And further, that it can be proven that the existing stormwater infrastructure on this property can support the additional stormwater generated by your development.

Floodplain Management

Council's Specialist Floodplain Engineer has advised that the proposal does not comply with Clause A1 and A3 of Clause B3.11 Flood Prone Land of Pittwater 21 Development Control Plan. Their comments are provided below, which are self explanatory:

"The proposed development does not comply with Controls A1 and A3 of Clause B3.11 of the DCP.

As per the flood referral comments on the previous DA, the proposed development involves filling below the 1% AEP flood level, which reduces the available flood storage. A Flood Management Report has now been provided (Eclipse, 13.8.19), however it does not address this issue. Section 5.4 of the Flood Management Report contains a list of responses to the flood controls in Clause B3.11 of the DCP. It indicates a response of "Not Applicable" to all controls except for control A3, which it has left blank.

As per the detailed specifications in the Flood Prone Land Design Standard, which gives further detail on what is required for the controls, the development must be designed and constructed so that in a 1% AEP flood event, there is no net loss of flood storage and no adverse effects on surrounding properties. The Flood Management Report needs to address this issue, and demonstrate how the proposed development complies."

Geotechnical Risk Management

Council's Development Engineer has advised that the proposed development does not comply with Clause B8.1 Construction and Demolition - Excavation and Landfill of Pittwater 21 DCP 2014. Their specific concerns are outlined below:

"It appears that portions of the site are to be filled as part of the works. The proposed extent of fill exceeds 1 metre in height and as such a Geotechnical report in accordance with Council's Geotechnical Risk Management Policy is required for the proposal."

Advice for the Applicant

Please accept Council's sincere apologies for the delay in this correspondence.

Unfortunately, due to the extent of the issues outlined in this correspondence, Council is unable to support the proposal in its current form.

In particular, the fact that the proposal relies on a stormwater connection through an adjoining property (that is not subject to the application) and has not demonstrated the



legal right to do so, precludes Council from issuing a development consent, even via a condition of consent.

You are therefore strongly encouraged to withdraw this application and resubmit a new application that addresses all of the issues listed above. Should you choose to withdraw this application within fourteen (14) days of the date of this letter, Council will refund **75%** of the Development Application fee.

If you have not contacted Council by 24 September 2019, Council will assume that you are not withdrawing this application. In this case, no fees can be refunded and the application will be assessed and determined in its current form.

Should you agree to withdraw and in order for Council to process the request, confirmation must be received in writing to council@northernbeaches.nsw.gov.au. To speed up the processing of your refund, please supply bank details using the table provided below, otherwise your refund will be forwarded by way of cheque.

Please note that bank details supplied should match the name listed on the top line of your tax invoice receipt for the application. If bank details supplied do not match this name, then the refund will be forwarded by way of cheque. Council cannot be held responsible if the bank account details provided by you are incorrect.

Bank	
Account Name	
BSB	
Account Number	

If you have not contacted Council by the aforementioned date, Council will assume that you are not withdrawing this application. No fees will be refunded and we will assess this application in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nick England on 1300 434 434 between 8.30am to 5.00pm Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Anna Williams'.

Anna Williams
Manager, Development Assessment