

22 September 2021

Northern Beaches Council
PO Box 1336 Dee Why

Attention: Development Advisory Service Team

Subject: Review of Determination Statement - REV2021/0038 - PAN-145220
8/252 Allambie Road, Allambie Heights NSW 2100

Reference: Ver22SEPT2021-Review of Determination Statement

To whom it may concern,

A Review of Determination Statement of Modifications which addresses the reasons for refusal of the Development Application REV2021/0038 - PAN-145220 is provided regarding the relevant sections of the EPA Act, 1979 and EPA Regulation 2000, including a description of any amendments to the proposal in detail and how the amendments address the reasons for refusal.

Refer below to a list of amendments and supplementary information to the proposal: -

- Update of internal areas to drawing number DA02-02 to clarify common areas and shared spaces with the Health Services Facility. The total area of 439m2 over ground and first floor remains unchanged.
- Update of total GFA to exclude any area for common vertical circulation, such as stairs and any space used for the loading or unloading of goods (including access to it).
- Inclusion of drawing number DA02-05 noting Gross Floor Area (GFA) and Area Plan.
- Update of Statement of Environmental Effects to include amended total GFA and Appendix 1 DCP Car Parking Requirements.
- Update of Annexure 01 - Health Services Facility within the Statement of Environmental Effects dated 14 September 2021, to provide an extensive definition of the services provided.
- Letter of advice from Mills Oakley Lawyers dated 3 June 2021 noting areas of the premises identified as 'Medical Store', 'Consulting Room' and 'Waiting Room' (in the drawings prepared by Styleness Pty Ltd: Project No. 001, drawing numbers DA02-01 – DA02-04, dated 29 March 2021) and the ancillary use of the balance of the premises for the purposes of these areas) — is permissible with consent as a 'health services facility' under the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*.
- Letter of advice from Mills Oakley Lawyers dated 15 September 2021 noting advice in relation to the above development application to identify the car parking requirements under the car parking controls set out in the *Warringah Development Control Plan 2011 (the DCP)*.

Refer below to extract from the Notice of Determination dated 3 June 2021 and a reference of reply to how the amendments address the reasons for refusal.

1. The categorisation of the land use as a "health care facility" is incorrect. The proposed use should be properly characterised as a "business premises". A "business premises" is a prohibited land use in the B7 Business Park zone under the Warringah Local Environmental Plan 2011 (WLEP 2011) and therefore inconsistent with section 4.3 of the Environmental Planning & Assessment Act 1979.

REPLY to item 1

Refer to Letter of Advice from Mills Oakley dated 3 June 2021

2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy 64 - Advertising and Signage.

REPLY to item 2

Refer to Letter of Advice from Mills Oakley dated 3 June 2021

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.

REPLY to item 3

Refer to Letter of Advice from Mills Oakley dated 3 June 2021

4. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause Zone B7 Business Park of the Warringah Local Environmental Plan 2011.

REPLY to item 4

Refer to Letter of Advice from Mills Oakley dated 3 June 2021

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 A.5 Objectives of the Warringah Development Control Plan.

REPLY to item 5

Refer to Letter of Advice from Mills Oakley dated 3 June 2021

6. 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.

REPLY to item 6

Refer to Letter of Advice from Mills Oakley dated 15 September 2021 and Statement of Environmental Effects dated 14 September 2021.

7. 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 D23 Signs of the Warringah Development Control Plan.

REPLY to item 7

Refer to Letter of Advice from Mills Oakley dated 3 June 2021

If you have any questions with the above information, please do not hesitate to contact the undersigned on 0437 275 275.

Regards,



Tony Johnson
Director
Styleness Pty Ltd