

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0519
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot A DP 405025, 79 Barrenjoey Road MONA VALE NSW 2103
Proposed Development:	Construction of a three 3 storey building to be used as a carwash, gym and lounge with basement parking
Zoning:	IN2 Light Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	The Shed Group Pty Ltd
Applicant:	The Shed Group Pty Ltd

Application lodged:	04/04/2018
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Mixed
Notified:	12/12/2018 to 21/01/2019
Advertised:	Not Advertised
Submissions Received:	2
Recommendation:	Refusal

Estimated Cost of Works:	\$ 5,863,610.00
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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 - Zone IN2 Light Industrial
 Pittwater Local Environmental Plan 2014 - 7.10 Essential services
 Pittwater 21 Development Control Plan - A4.9 Mona Vale Locality
 Pittwater 21 Development Control Plan - B5.1 Water Management Plan
 Pittwater 21 Development Control Plan - B5.10 Stormwater Discharge into Public Drainage System
 Pittwater 21 Development Control Plan - C2.11 Signage
 Pittwater 21 Development Control Plan - C2.16 Undergrounding of Utility Services
 Pittwater 21 Development Control Plan - C3.12 Signage
 Pittwater 21 Development Control Plan - C3.15 Undergrounding of Utility Services
 Pittwater 21 Development Control Plan - D9.6 Front building line

SITE DESCRIPTION

Property Description:	Lot A DP 405025 , 79 Barrenjoey Road MONA VALE NSW 2103
Detailed Site Description:	The site is legally known as Lot A in Deposited Plan 405025, and is commonly referred to as 79 Barrenjoey Road, Mona Vale. The site is slightly irregular in shape, with a 49.6m wide frontage to Barrenjoey Road, and a total area of 1628m². The site is currently vacant and free of any significant vegetation. A service station was formerly located on the site and remediation works have been undertaken with regard to contaminated land. Two access driveways remain within the road reserve fronting Barrenjoey Road. The front portion of the site is relatively level, with a 2m drop occurring at the rear of the site. The site is located within an industrial area, with light industrial and commercial developments to the north, west and south and residential development located across to the eastern side of Barrenjoey Road. The site is zoned IN2 - Light Industrial pursuant to the Land Use Table in Part 2 of Pittwater Local Environmental Plan 2014.

Map:



SITE HISTORY

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

- Application 0189/90 for a fuel storage tank was approved on 31 May 1990.
- Application 0123/93 for signage was approved on 27 August 1993.
- Application 8030/93 for advertising structure was approved on 27 October 1993.
- N0125/00 for a commercial development - signs was approved on 28 April 2000 by
- N0488/00 for upgrading the Caltex service station signage was withdrawn on 6 September 2000.
- N0793/01 for Retail upgrading including replacement of existing advertising signs was refused on 10 October 2001.
- N0140/03 for Replacement and upgrading signage at service station was approved on 18 June 2003.
- N0532/06 for demolition of site buildings and removal of petroleum infrastructure was approved on 13 October 2006.
- N0286/14 for Construction of a self-storage facility was refused on 5 February 2015.
- N0533/15 for Construction of a 3-storey mixed use building including car wash and gym with underground parking was refused on 13 October 2016.
- Pre-lodgement Meeting PLM2017/0170 was held on 11 January 2018 in response to the refusal of Development Application N0533/15.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for construction of a commercial development, comprising:

- Two levels of basement parking for 45 cars;
- Ground floor car wash operating 7am-7pm during daylight savings months and 7am-5:30pm during remaining months; and

- First and second floor gym operating 6am-9pm.

On 27 July 2018, Council requested withdrawal of the application for the following reasons:

- Potential for contaminated groundwater seepage into basement;
- Insufficient parking justification;
- Insufficient pedestrian access;
- Floor space ratio non-compliance;
- No details on hours of operation;
- No acoustic report submitted;
- No demonstration of rights over drainage easement at 45 Bassett Street.

Throughout August and September, the Applicant provided information to satisfy the above concerns, with the exception of the matter relating to the drainage easement. This did not warrant re-notification of the application, as the amended information was substantially the same as the original proposal, and resulted in lesser environmental impact than the original proposal.

In relation to the insufficient information, Applicant was unable to demonstrate that a drainage easement existed over 45 Bassett Street, and thus were unable to demonstrate rights over an easement for the proposed stormwater arrangements. As such, the proposal would require the extension of the proposed stormwater piping from the subject site and along 45 Bassett Street. No easement or owners consent for these works has been able to be obtained, and no details of the works that would be required on 45 Bassett Street have been provided. On 3 December 2018, the Applicant provided options for re-routing stormwater measures to the reserves along Barrenjoey Road and Bassett Street. Council's Development Engineer reviewed and detailed that the footpath reserves are allocated for public utility services only and use of Council land for the proposed private drainage lines to the extent proposed is not supported.

Given the above, the proposal is not supported by satisfactory stormwater arrangements.

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	None applicable.
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)(iia) – 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)	<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. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the

Section 4.15 Matters for Consideration'	Comments
	building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested. <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. <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. <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. <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. <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.
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	(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 2014 section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
Section 4.15 (1) (c) – the suitability of the	The site is considered suitable for the proposed

Section 4.15 Matters for Consideration'	Comments
site for the development	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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Ms Ann Trewin Payne	4 / 60 Barrenjoey Road MONA VALE NSW 2103
Ms Fionna Thomas	

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

- Noise from the car wash.
- Impacts on privacy.
- Impacts on natural light.
- Impacts on wildlife.
- This is not an industrial zone.
- Height of building is excessive, out of character and non-compliant.
- Previous refusal reasons have not been addressed.
- No pedestrian entry.
- Building colours are out of character.
- Setbacks are insufficient and non-compliant.
- Landscaping on the roof should not be allowed.
- Traffic and parking concerns:
 - Excessive traffic generation.
 - Inadequate accessible parking.
 - Parking spaces should be marked with their purpose (i.e. carwash or gym).
 - The car waiting area is insufficient.
 - No stopping signs should be included along the main road.
 - Swept paths indicate conflict with other cars on the driveway or proposed buildings, and that the ramp is not wide enough.
- The car park will flood.
- The land is contaminated.
- The plans show an unidentified roller shutter.

- Stormwater and wastewater are not adequately managed.
- Waste collection and business deliveries are not adequately managed - conflict with cars, cannot be done 'outside operating hours'.
- The pylon signage is excessive.
- The rooftop area will be used for entertaining.
- No operating hours have been provided.
- Undergrounding of services is not achieved.
- The basement is not adequately ventilated.

The matters raised within the submissions are addressed as follows:

- Noise
Comment:
The proposed development is acceptable in relation to acoustic amenity of nearby development. The proposed development is located approximately 36m from the nearest residential property. The proposal is supported by an acoustic report that demonstrates the development is acceptable in relation to noise, subject to compliance with recommendations. The proposal (including the acoustic report) has been reviewed by Council's Environmental Health Officer, who raised no objections to the proposal in this regard.
- Privacy
Comment:
Being an industrial and business development in an industrial zone, the proposed development is not subject to controls relating to privacy. However, proposed glazed walls/windows are either well set back from boundaries (upper level) or are screened, and the outdoor terrace spaces at the upper level are screened with planter boxes, thereby adequately managing overlooking from the subject site to adjacent sites. The proposed development is acceptable in relation to privacy.
- Natural Light
Comment:
Being an industrial and business development in an industrial zone, the proposed development is not subject to controls relating to solar access. However, the proposed development is sited and orientated in such a way that overshadowing will affect the adjacent industrial developments to the south and south-west, and Barrenjoey Road to the south and east. The proposed development is acceptable in relation to solar access.
- Wildlife
Comment:
Being an industrial and business development in an industrial zone, the proposed development is not subject to controls relating to wildlife. The subject site is cleared of significant vegetation and is surrounded by similar development. The subject site does not currently contribute to biodiversity. The proposed development is acceptable in this regard.
- Industrial Zoning
Comment:
The subject site is zoned IN2 Light Industrial.
- Height of Building
Comment:

The maximum height of building permitted on the site and surrounding sites to the north, west and south is 11 metres. The proposed development is a maximum of 10.9 metres in height. The proposed development is consistent with the desired character of the area, is compliant with Clause 4.3 height of Buildings of the PLEP 2014 and is acceptable.

- Previous Refusal

Comment:

This application is a new development and does not relate to the previous development application on site. That is, it does not seek to modify or review the previous determination. As such, there is no requirement for this application to address the reasons for refusal for the previous development on site.

- Pedestrian Entry

Comment:

Amended plans submitted on 21 September 2018 demonstrate acceptable pedestrian entry.

- Building Colours

Comment:

The proposed building colours and materials are consistent with Clause D9.3 Building Colours and Materials of the P21 DCP and are acceptable.

- Setbacks

Comment:

The proposed development is permitted to incorporate nil setbacks to the sides and rear. The proposed development is compliant in this regard. The proposed development includes a non-compliant front setback, which is acceptable for the reasons detailed in the section of this report relating to Clause D.6 Front Building Line of the P21 DCP.

- Landscaping on the Roof

Comment:

Planting above structures is acceptable subject to certain requirements, and is encouraged in order to soften built form. The proposed development is compliant with the relevant requirements. The proposed development has been reviewed by Council's Senior Landscape Architect, who raised no objections to the proposal.

- Traffic and Parking

Comment:

The proposed development (including original and amended information) has been reviewed by Council's Traffic Engineer. Council's Traffic Engineer is satisfied with the stated estimated rates of traffic generation arising from the proposed development. The proposed development provides accessible parking spaces in accordance with the requirements of the P21 DCP. There is no requirement in the P21 DCP to mark spaces according to their use. The proposed waiting area on site is adequate for the purpose and does not unreasonably impede upon vehicular movements on the site. There is no requirement for 'no stopping' signs to be installed along the street frontage. The swept path diagrams provided demonstrate compliance with the relevant requirements.

- Car Park Flooding

Comment:

The property is partially affected by flooding. However, the ground floor and the basement car park driveway crest are above the Flood Planning Level. Additionally, the proposal includes satisfactory flood storage measures to satisfy the relevant requirements. The proposed development complies with the flood requirements of the P21 DCP and PLEP 2014. The proposed development has been reviewed by Council's Specialist Floodplain Engineer, who raised no objections to the proposal in this regard.

- Contaminated Land

Comment:

The proposed development is supported by adequate documentation that provides assessment of the land's contamination and appropriate contamination prevention measures. The proposed development has been reviewed by Council's Environmental Health Officer who raised no objections to this matter.

- Roller Shutter

Comment:

The identified roller shutter on the original submitted plans has been removed from the amended plans received on 21 September 2018.

- Stormwater Management

Comment:

The proposed development is not supported by adequate stormwater management measures. This has been included as a recommended reason for refusal.

- Waste Collection / Business Deliveries

Comment:

The proposed development includes a service truck loading area for waste collection and deliveries, separate to the proposed driveway. The loading area does not impede upon vehicular movements on the site. The proposed development has been reviewed by Council's Traffic Engineer, who has raised no objections to this matter.

- Signage

Comment:

The proposed signage is acceptable for the reasons detailed in the sections of this report relating to the State Environmental Planning Policy No. 64 - Advertising and Signage, and Clauses C2.11 Signage and C3.12 Signage of the P21 DCP.

- Rooftop Area

Comment:

The rooftop is inaccessible. The level below the roof contains indoor and outdoor spaces. These spaces are intended for passive recreation, in association with the user of the proposed gym.

- Operating Hours

Comment:

Operating hours were omitted from the original documentation submitted with the application. On 21 September 2018, the Applicant confirmed the operating hours are proposed to be 6am-9pm 7 days.

- Undergrounding Services

Comment:

The proposed development does not adequately demonstrate undergrounding of services, or that undergrounding of services is impractical or unreasonable. This has been included as a recommended reason for refusal.

- Basement Ventilation

Comment:

The proposed basement is adequately ventilated. The proposed development has been reviewed by Council's Environmental Health Officer who raised no objections to this matter.

As a result of amended plans, the following additional objections were raised:

- No schedule of amendments was provided.
- No survey is provided.
- The accessible parking space is blocked.
- Excavation is too close to the boundary.
- Traffic report is inaccurate.

The matters raised within the submission are addressed as follows:

- Schedule of Amendments

Comment:

A list of amendments was provided to Council via email. No formal schedule of amendments is required.

- Survey Plan

Comment:

A survey plan was submitted with the application. This plan was placed online for public viewing.

- Accessible Parking

Comment:

The proposed development provides accessible parking spaces in accordance with the requirements of the P21 DCP. The proposal has been reviewed by Council's Traffic Engineer, who raised no objections to this matter.

- Excavation

Comment:

The subject site is not classified as being subject to geotechnical hazard. The proposed development is supported by a geotechnical investigation and assessment providing recommended methods of safe excavation and shoring. Should the application be approved, the recommendations of these reports would be required to be complied with via condition of consent.

- Traffic Report Inaccuracies

Comment:

The submitted traffic and parking report has been reviewed by Council's Traffic Engineer, who found the information sufficient for assessment of the proposal, and raised no objections, subject to recommended conditions of consent.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments	
Environmental Compliance (Building Control)	No comments were received at the time of finalising this report.	
Environmental Health (Acid Sulphate)	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	What class is the site in on the WLEP2011 Acid Sulfate Soils Map?	Class 3
	Is there risk of acid sulfate soil disturbance?	YES
	Will the excavations exceed the depth determined in the risk map?	YES
	Does the report adequately address acid sulfate risk mitigation?	YES
	Have you considered disposal of water during excavation, pump out etc.	YES
	Have you considered disposal of contaminated soil.	YES
	General Comments An acid Sulphate soil (ASS) management plan MP was submitted. The assessment stated that the risk for disturbing ASS during excavation and pilling work is considered high and has recommended a management procedure to best deal with the treatment, manage water run off, excavation and handling, treatment, monitoring and disposal. Environmental Health recommends that works undertaken on this property shall be in accordance with the management procedure outlined in the ASS MP titled Acid Sulphate Soil Management Plan (ASS MP) Proposed Commercial Development 79 Barrenjoey Road, Mona Vale dated 14 October 2015 ref. no. E28476KGlet-ASSMP.	
	Recommendation	

Internal Referral Body	Comments	
		APPROVAL - subject to conditions
	Comments completed by: Mary Shimon Date:13 April 2018	
Environmental Health (Contaminated Lands)		
	Was sufficient documentation provided appropriate for referral?	NO
	Is the site potentially contaminated?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Do the reports reflect the requirements of SEPP 55 & Guidelines for Assessing Contaminated Sites?	NO
	Is the site potentially contaminated?	YES
	Have you considered the list of potential contamination sites where phase 1 is required under SEPP55?	N/A
	Does the information submitted, and/or imposition of conditions, allow the the site to be validated safe for its intended use?	NO
	General Comments The report states that contaminated groundwater may seep through the concrete of the basement resulting in a damp patch on walls or on the floor of the basement from which the chemicals may evaporate creating a potential exposure pathway. The report states that people using the facility will be exposed to petroleum hydrocarbons via inhalation of the hydrocarbon that has volatilised out of the seepage groundwater. The report created a model assessment to determine the compounds volatilisation from water that may seeps into the basement. The assessment was to the determine the required air exchange that would be necessary to ensure the risk to health is acceptable. The outcome of the assessment recommended that each car park provides a minimum ventilation exchange rate of 5 air exchanges per 24 hours to account for any vapor intrusion. Environmental Health is not satisfied that the contaminated groundwater is still going to be exposed to the public and will be relying on ventilation exchange to manage any hydrocarbon that have been volatilised out. Environmental Health recommend that	

Internal Referral Body	Comments		
	the applicant submit a phase 3 remedial action plan (RAP) to determine if the site is safe for its indented use. The REP shall be preparation in general accordance with NSW OEH and NSW EPA Managing Land Contamination Planning Guidelines SEPP 55– Remediation of Land. <table border="1" data-bbox="520 533 1428 611"> <tr> <td data-bbox="520 533 1155 611">Recommendation</td><td data-bbox="1155 533 1428 611">REFUSAL</td></tr> </table> Comments completed by: Mary Shimon Date: 23 April 2018 <u>Assessing Officer Comments:</u> On 16 August 2018, the Applicant provided further contamination investigation detailing that the basement will be tanked, with ventilation as a back up measure. The Environmental Health Officer was satisfied with this, subject to compliance with the recommendations of a Remedial Action Plan. The application is recommended for refusal in relation to stormwater management and undergrounding of services. However, should the application be approved, conditions of consent could be applied requiring the preparation of a Remedial Action Plan.	Recommendation	REFUSAL
Recommendation	REFUSAL		
Environmental Health (Industrial)	General Comments To protect public health and amenity of the area. A review of the acoustic report prepared by Renzo Tonin & Associates dated 31 August 2018 TK517-01F02 DA Acoustic report (r2) has identified possible noise issues and suggested mitigation measures. Recommendation APPROVAL - subject to conditions		
Landscape Officer	The landscape component of the development is acceptable subject to the completion of works in accordance with the landscape plan, the amended ground floor plan demonstrating pedestrian footpath access along Barrenjoey Road and into the site, and any associated conditions. Council's landscape section has assessed the development application against the following Pittwater 21 DCP 2014 Controls: C1.1 Landscaping C3.1 Landscaping C3.4 Accessibility C3.18 Public Road Reserve - Landscaping and Infrastructure		
NECC (Development Engineering)	Access and parking to comply with Traffic and RMS comments.		

Internal Referral Body	Comments
	The stormwater management plan is generally acceptable, however the submitted stormwater plan indicates a drainage easement over the adjoining property at 45 Basset Street Mona Vale. No evidence of of easement rights have been provided with the DA. Applicant is requested to provide Council with evidence of drainage easement rights prior to the full assessment of the proposed development. Dated 12/12/2018 The original stormwater drainage option provided with the DA is the best option since it direct and has minimal impact to Council land. The proposal new option are not satisfactory for the following reasons: • The private drainage line along the footpath reserve in Bassett Street is not supported. The footpath reserve is allocated for public utility services. • Use of Council land for private drainage line in 43A Bassett Street is not supported and requires approval from Council property/Land Dealing team. As result the application is not supported.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The property falls from Barrenjoey Road to the rear of the site, with 1 in 100 year flooding affecting the rear and southern part. The ground floor level of 5.55m AHD and the basement carpark driveway crest of 5.4m AHD are both above the Flood Planning Level of 5.1m AHD. Compensatory works are incorporated to satisfy flood storage requirements. The proposed development generally complies with the flood requirements of the DCP and LEP. The amendments made prior to submitting the plans in Sept 2018 are not considered to increase flood risk.
Road Reserve	No objections raised and no conditions required.
Strategic and Place Planning (Urban Design)	The proposed development is generally supported with the following conditions; 1. Built Form Controls <i>Pittwater 21 LEP 2014 (PLEP) - Part 4 Principal Development Standards</i> <i>(1) The objectives of this clause are as follows:</i> <i>(a) to ensure that any building, by virtue of its height and scale, is</i>

Internal Referral Body	Comments
	<i>consistent with the desired character of the locality,</i> <i>(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</i> <i>(c) to minimise any overshadowing of neighbouring properties,</i> <i>(d) to allow for the reasonable sharing of views,</i> <i>(e) to encourage buildings that are designed to respond sensitively to the natural topography,</i> <i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i> Response The proposed encroachments into the Height of Buildings limit with the proposed roof form is supported, conditional upon encroachment not being exceeded any further outside the Height of Buildings as demonstrated in the RL's on the Approved DA drawings. Pittwater 21 Development Control Plan - 2014 <i>A4.9 Mona Vale Locality</i> <i>D9.16 Character of the Public Domain - Mona Vale Commercial Centre</i> <i>Outcomes</i> <i>Achieve desired character of the Commercial Centres.</i> <i>To ensure consistency in the quality of the design and construction of works in the public domain.</i> Response Minor encroachments into the Front of Building line are acceptable. The articulation and modulation of the façade treatment providing relief to the character of the streetscape will not have any perceived major impacts on view corridors or solar amenity to the street or neighbouring properties. Support for the encroachment is conditional upon the Level one/awning not encroaching any further into the Front Building Line as demonstrated on the relevant floor plans of the Approved DA drawings.
Traffic Engineer	ORIGINAL TRAFFIC ENGINEER COMMENTS: The Traffic Consultant has stated that the parking rates associated with the car wash are in accordance with the RMS Guide to Traffic Generating Developments. This information is incorrect. There is no reference to a car wash in the RMS guide. The applicant should provide the extract as to where they have obtained their information. Alternatively, they can provide a comparative study with a similar sized car wash in a similar environment. The comparative study must be undertaken by a third party for an unbiased assessment. The consultant has identified the need for (one) 1 disabled space based on 49 parking spaces being provided. The DCP rate requires 0.03 disabled spaces per parking space. Therefore this equals 1.47

Internal Referral Body	Comments
	which equates to a need for 2 disabled spaces. The plans should be amended to reflect this requirement. The applicant has specified that a maximum 8.8m MRV waste collection vehicle will be able to access to the servicing bay. This should be conditioned via a Loading Bay Management Plan to ensure compliance from the building manager and/or commercial tenants. Waste Team to confirm. The applicant has not demonstrated the similarity between the comparative Car Wash in order to validate its use as a basis for assessment. The applicant is to provide a description and reasoning for comparison. The applicant has only provided a single day survey count of the comparative site. This is not deemed an accurate representation of generation from a similar car wash. A 5 day count is required to ensure a more accurate assumption. There is an inconsistency in the GFA of the Fitness Centre lounge. According to the 145m² identified on the Site project information table (Architectural Plan A101), the traffic generated should be 8 vehicles. The report identifies 11. This would equate to a GFA of 220m². The report should be amended to identify the correct values and assumptions. It is not clear where the servicing of the site will occur. A dedicated loading bay (which can be used for both waste and deliveries) must be provided onsite and clearly marked. The architectural plans do not adequately address pedestrian desire lines into and out of the building, particularly relating to gym patrons walking to and from the site. The plans will need to show suitable treatment of the pedestrian desire lines along the frontage of the site and from the boundary into the building. AMENDED TRAFFIC ENGINEER COMMENTS: The applicant has provided the following information. 1. <u>Traffic Response:</u> Parking requirements for a development containing a carwash are found in Section 5.7.2 of the RMS Guide To Traffic Generating Developments (2002). The facility has been assessed against the rates for a single unit drive through car wash as the modern style car wash operation is far more efficient than the slow moving mechanical conveyer car wash systems which accommodate one vehicle at a time on a slow moving mechanical conveyer belt.

Internal Referral Body	Comments
	<u>Council Response:</u> The clause they are referring to is in relation to a Car wash in conjunction with a service station. It is not considered a standalone service as is the intent of this application. However Council is willing to accept the adoption of these rates in this instance. 2. <u>Traffix Response:</u> The DCP does not state a requirement to round up for disabled parking, hence the TRAFFIX assessment has rounded to the closest whole number. Nevertheless, a revised set of plans has been produced providing two disabled parking spaces in accordance with Council's request. Please refer to Attachment 2 for reference. <u>Council Response:</u> This point is acknowledged and the additional provision is noted. (For future reference, all rates are to be rounded up as it is impossible to provide a fraction of a space. Therefore a full space is required for any decimal values calculated). 3. <u>Traffix Response:</u> The servicing arrangements under the DA had proposed to make use of the forecourt area outside of the operational hours for the site for truck servicing, up to and including an 8.8m long Medium Rigid Vehicle. In order to meet Council's requirement for a dedicated loading zone the revised plans now show a loading zone for trucks in close proximity to the waste collection area. This zone is capable of accommodating a 6.4m long Small Rigid Vehicle and capable of being used at all times without compromising the operation of the carwash. A private waste contractor shall collect waste using an SRV and this truck size shall be sufficient to accommodate the modest servicing requirements of the site, with all serving undertaken on site and all truck movements entering and exiting site in a forward direction. A swept path assessment has being included in Attachment 3 for review. <u>Council Response:</u>

Internal Referral Body	Comments
	This point is acknowledged and the information is noted. 4. <u>Traffic Response:</u> The carwash surveyed is a similar modern style hand wash service of a similar size to the proposed site located on Cleveland Street in Surry Hills. With Council's request for additional surveys a five day count of the hand wash carwash located on the corner of Pittwater Road and Victoria Road has been surveyed. This location was chosen due to the similar location on a main northern beaches arterial road and similar hand wash style. It is noted the surveyed site is a larger operation than the proposed site, containing two hand wash lines rather than one. The results of the survey assessment can be seen in Attachment 4. In summary the results of the survey are as follows: Peak period of operation was 3.30pm to 4.30pm Average peak traffic generation for the site was 34 vehicles per hour (17 in and 17 out) Average traffic generation during the network peak was 16 veh/hr (5in and 11 out) It is considered the traffic generation during the network peak hour for the single lane car wash surveyed for the DA report (8 vehicles per hour) is similar to the results obtained from the additional two lane site surveyed above (16 vehicles per hour). Hence the peak hour traffic generation of the DA traffic report is considered a reasonable basis for assessment. <u>Council Response:</u> This point is acknowledged and the information is deemed acceptable. 5. <u>Traffic Response:</u> The traffic assessment for the lounge had been based on a lounge GFA of 212m². A revised estimate based on a GFA of 145m² yields a modest reduction in expected traffic generation with a total of 8

Internal Referral Body	Comments
	vehicles assumed. As such the traffic impact assessment can be considered to be a conservative assessment of the expected traffic generation of the proposal. <u>Council Response:</u> This point is acknowledged and the information is deemed acceptable. 6. <u>Traffix Response:</u> The revised set of plans produced now incorporates pedestrian facilities, both within site and improved pedestrian facilities on the footway of Barrenjoey Road. <u>Council Response:</u> This point is acknowledged and the information is deemed acceptable. 7. <u>Traffix Response:</u> TRAFFIX understands the hours of operation proposed for each component are as follows: Carwash – 7am – 5.30pm during winter months and 7am -7pm during daylight savings months Gym – 6am to 9pm <u>Council Response:</u> This point is acknowledged and the information is deemed acceptable.

Internal Referral Body	Comments
	8. Council: One item that was not raised earlier but has been noted as a requirement is the provision of Bicycle parking onsite. Only one space can be seen for a motorbike. In accordance with Council's DCP Section B6.3 – Off-Street Vehicle Parking Requirements – Bicycle Storage, bicycle parking provisions and associated 'End of Trip' facilities are required for those who may choose to cycle to utilise the training facilities. These must be provided at the rate of 1 per 1000m² or 4 per site. Whichever is greater. Council Traffic Staff raise no objection to the proposal subject to conditions.
Waste Officer	

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	The proposal was referred to Roads and Maritime Services (RMS) under Section 138 of the <i>Roads Act 1993</i> for concurrence. The RMS provides concurrence under Section 138 of the <i>Roads Act 1993</i> subject to the following conditions being included in any consent issued by Council: 1. Roads and Maritime has previously resumed & dedicated a strip of land as road along the Barrenjoey Road frontage of the subject property, as shown by grey colour on the attached Aerial – "X". All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Barrenjoey Road boundary. 2. Redundant driveways along Barrenjoey Road shall be replaced with kerb & gutter matching existing. The design and construction of the kerb and gutter crossing on Barrenjoey Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, State Wide Delivery, Parramatta (telephone 9598 7798). Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime. 3. All vehicles are to enter and leave the site in a forward direction.

External Referral Body	Comments
	4. All vehicles are to be wholly contained on site before being required to stop. 5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Barrenjoey Road are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766. 6. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Details and any enquiries should be forwarded to Mr Suppiah Thillai at Suppiah.Thillai@rms.nsw.gov.au or Phone at 8849 2114. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work. 7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Barrenjoey Road. 8. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Barrenjoey Road during construction activities. Should the application be approved, the above would be added as conditions of consent.

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. A service station was formerly located on the site and remediation works have been undertaken with regard to contaminated land. In response to the above requirements of the SEPP, the applicant has submitted:

- Addendum (dated 18 April 2016) to Review of human health risks specific to the proposed development at 79, Barrenjoey Road, Mona Vale prepared by WSP Parsons Brinckerhoff dated March 2016
- Basement Seepage Risk Assessment Addendum prepared by Environmental Risk Sciences Pty Ltd dated 19 February 2018

The documentation states that contaminated groundwater may seep through the concrete of the basement resulting in a damp patch on walls or on the floor of the basement from which the chemicals may evaporate creating a potential exposure pathway. The report states that people using the facility will be exposed to petroleum hydrocarbons via inhalation of the hydrocarbon that has volatilised out of the seepage groundwater.

Therefore, as the Investigation indicates that there is a potential for contaminants to exist on the site, Clauses 7(1)(b) and 7(1)(c) of the SEPP must be considered. Clause 7(1)(b) stipulates that *"if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out"*.

The report created a model assessment to determine the compounds volatilisation from water that may seeps into the basement. The assessment was to determine the required air exchange that would be necessary to ensure the risk to health is acceptable. The outcome of the assessment recommended that each car park provides a minimum ventilation exchange rate of 5 air exchanges per 24 hours to account for any vapor intrusion.

Council's Environmental Health Officer was not satisfied that the contaminated groundwater may be exposed to the public and would be relying on ventilation exchange to manage any hydrocarbon that have been volatilised out. The Environmental Health Officer recommended that the applicant submit a phase 3 Remedial Action Plan (RAP) to determine if the site is safe for its intended use.

On 16 August 2018, the Applicant provided further contamination investigation prepared by Environmental Risk Sciences Pty Ltd dated 16 August 2018 detailing that the basement will be tanked, with ventilation as a back up measure. The Environmental Health Officer was satisfied with this, subject to compliance with the recommendations of a Remedial Action Plan. The application is recommended for refusal in relation to stormwater management and undergrounding of services. However, should the application be approved, conditions of consent could be applied requiring the preparation of a Remedial Action Plan.

Clause 7(1)(c) stipulates that *"if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*.

As above, Council is satisfied that the land can be made suitable for the purpose for which the

development is proposed to be carried out, subject to conditions of consent.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy 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 1 of SEPP 64, 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 subject site is zoned IN2 Light Industrial. The proposed use is permissible within this area. The subject site is located on a street characterised by light industrial uses (on the western side of the road). As such, the proposed signage is consistent and compatible with the existing and desired future character of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No specific theme for outdoor advertising exists in the locality. However, the proposed signage is complementary to the colours and finishes of the proposed development and surrounding development in the streetscape.	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 subject site is not classified as, or within the vicinity of environmentally sensitive areas, heritage areas, conservation areas or rural landscapes. The proposed signage does not detract from the amenity or visual quality of nearby open space areas, waterways, or residential areas.	YES
3. Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not project beyond the proposed building (being three storeys in height, consistent with the desired character of the locality) and therefore does not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not unreasonably obscure any other advertisements.	YES
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the	The scale, proportion and form of the proposed	YES

proposal appropriate for the streetscape, setting or landscape?	signage is consistent with other existing comparable uses within the street, and within the zoning of the site, and is therefore appropriate in the streetscape and setting.	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed in a clear and modern manner, and therefore create visual interest within the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is located at a key point of the proposed building and therefore does not create visual clutter.	YES
Does the proposal screen unsightliness?	The proposed development does not contain unsightliness. The proposed signage does not give rise to unsightliness, being neat and limited to a key point on the approved building.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude beyond the proposed building.	YES
Does the proposal require ongoing vegetation management?	The proposed signage does not require vegetation management.	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 of compatible scale and proportion to the proposed building and the existing buildings in the street.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract from important features of the site or proposed building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is located logically to achieve an adequate level of exposure, while remaining visually compatible with the proposed building and the streetscape.	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 will not require safety devices, platforms or lighting devices.	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?	Illumination of the proposed signage will not result in unreasonable or unacceptable glare, will not impact upon safety for pedestrians, vehicles or aircraft, and will not impact upon nearby residences or other accommodation.	YES
Can the intensity of the illumination be adjusted, if necessary?	Illumination of the proposed signage can be adjusted by technicians, as required.	YES
Is the illumination subject to a curfew?	The proposed signage will be illuminated for the hours of operation of only.	YES

8. Safety

Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage will not reduce the safety of any public road, and will not reduce the safety of pedestrians and bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure any sightlines, and will therefore not reduce pedestrian safety.	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 the SEPP and its underlying objectives.

Pittwater Local Environmental Plan 2014

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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	10.9m	N/A	Yes
Floor Space Ratio	1:1 1,628sqm	0.68:1 1,112sqm	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
4.6 Exceptions to development standards	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	No

Detailed Assessment

Zone IN2 Light Industrial

Gym -

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Car Wash -

Light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

Industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

Development for the purpose of a recreation facility (indoor) and light industry is permissible in the IN2 Light Industrial zone under the Land Use Table of the PLEP 2014.

7.10 Essential services

The proposed development is not supported by adequate stormwater drainage arrangements, and is therefore inconsistent with the requirements of Clause 7.10 Essential Services of the PLEP 2014.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	10m	5.5m to Basement 9.5m to Ground, First and Second Floors	45% 5%	No No
Rear building line	Nil	700mm to Basement 1.03m to Ground, First and Second Floors	N/A N/A	Yes Yes
Side building line	Nil (North)	800mm to Basement 1.08m to Ground, First and Second Floors	N/A N/A	Yes Yes
	Nil (South)	200mm to Basement 200mm to Ground Floor 4.9m to First and Second Floors	N/A N/A N/A	Yes Yes Yes

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	No	No
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B2.4 Subdivision - Light Industrial and Business Park Zoned Land	N/A	N/A
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
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.1 Water Management Plan	No	No
B5.10 Stormwater Discharge into Public Drainage System		
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.5 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	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
C2.11 Signage	No	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.15 Car/Vehicle/Boat Wash Bays	Yes	Yes
C2.16 Undergrounding of Utility Services	No	No
C2.20 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C2.22 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C3.1 Landscaping	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3.2 Safety and Security	Yes	Yes
C3.3 View Sharing	Yes	Yes
C3.4 Accessibility	Yes	Yes
C3.6 External Storage Areas	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.8 Building Facades	Yes	Yes
C3.9 Energy and Water Conservation	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes
C3.12 Signage		
C3.14 Car/Vehicle/Boat Wash Bays	Yes	Yes
C3.15 Undergrounding of Utility Services	No	No
C3.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	No	Yes
D9.7 Side and rear building line	Yes	Yes
D9.12 Fences - General	N/A	N/A
D9.16 Character of the Public Domain - Mona Vale Commercial Centre	Yes	Yes

Detailed Assessment

A4.9 Mona Vale Locality

Clause A4.9 Mona Vale Locality of the P21 DCP requires that future development is to be located so as to be supported by adequate infrastructure. The proposed development is not supported by adequate stormwater drainage measures, in that it would rely on stormwater works at 45 Bassett Street, though no easement or owners consent for this work is provided. Additionally, no detail of the works required on the adjacent land have been provided.

B5.1 Water Management Plan

The proposed development is not supported by adequate stormwater drainage arrangements, and is therefore inconsistent with the requirements of Clause B5.1 Water Management Plan of the P21 DCP.

B5.10 Stormwater Discharge into Public Drainage System

The proposed development is not supported by adequate stormwater drainage arrangements, and is therefore inconsistent with the requirements of Clause B5.10 Stormwater Discharge into Public Drainage System of the P21 DCP.

C2.11 Signage

The proposed signage has an advertising area of 5.3sqm, where a maximum of 4.5sqm is allowed under Clause C2.11 Signage of the P21 DCP. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Signage is compatible with the desired amenity and visual character of the locality. (S)

The proposed signage is compatible with the existing and desired amenity of the site and the immediate locality. The proposed signage is consistent with signage of comparable developments nearby.

Signage does not adversely impact upon any heritage item or conservation area. (S)

Not applicable. The proposed development is not heritage-listed or in a heritage conservation area, and is not in the vicinity of any heritage items or heritage conservation areas.

Signage does not result in visual clutter of the landscape. (S)

The proposal includes on pylon sign at the entrance of the development, and does not present visual clutter in the landscape.

Signage is of high quality design and finish. (S)

The proposed signage is modern and clean in its styling, being a high quality design that is appropriate in the context of the site and the proposed development with which it is associated.

C2.16 Undergrounding of Utility Services

The proposed development does not adequately demonstrate undergrounding of services, or that undergrounding of services is impractical or unreasonable.

C3.12 Signage

The outcomes and requirements of Clause C3.12 Signage of the P21 DCP are identical to those at Clause C2.11 Signage of the P21 DCP. The proposal is acceptable for the reasons detailed in the section of this report relating to Clause C2.11 Signage of the P21 DCP.

C3.15 Undergrounding of Utility Services

The proposed development does not adequately demonstrate undergrounding of services, or that undergrounding of services is impractical or unreasonable.

D9.6 Front building line

The proposed development includes front setbacks of 5.5m to the basement and 9.5m to the ground, first and second floors, where 10m is required. The proposed development is acceptable in relation to the relevant outcomes of this clause, as follows:

Achieve the desired future character of the Locality.

The proposed development is consistent with the requirements of Clause A4.9 Mona Vale Locality of the P21 DCP, with the exception of provision of adequate infrastructure. This matter is addressed in the section of this report relating to the clause. However, this matter does not result in the development being inconsistent with the character of the locality. The subject site is zoned IN2 Light Industrial. The proposed development is permissible within this zone and is therefore consistent with development envisaged on site. The proposed front setback is compatible with the prevailing building line along Barrenjoey Road.

Equitable preservation of views and vistas to and/or from public/private places. (S)

The proposed development does not unreasonably impact upon views and vistas to or from public or

private places.

The amenity of residential development adjoining a main road is maintained. (S)

The proposed development is acceptable in relation to amenity of nearby development. The proposed development is located approximately 36m from the nearest residential property. The proposal is supported by an acoustic report that demonstrates the development is acceptable in relation to noise, subject to compliance with recommendations. The proposal (including the acoustic report) has been reviewed by Council's Environmental Health Officer, who raised no objections to the proposal in this regard.

Vegetation is retained and enhanced to visually reduce the built form. (En)

The proposed development is supported by a landscape plan, which adequately demonstrates that the built form of the proposal will be sufficiently softened and screened by vegetation.

Vehicle manoeuvring in a forward direction is facilitated. (S)

The proposal includes a double-width driveway and facilitates movement into and out of the site in a forward direction.

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

The proposed development is compliant with the maximum permissible height of building on site, and with the relevant side and rear setbacks. The bulk, scale and height of the proposal is consistent with surrounding development and is set below the general height of vegetation proposed on site, and surrounding. As such, the proposal is appropriate in the context and streetscape.

To encourage attractive street frontages and improve pedestrian amenity.

The proposed development is consistent with the type, bulk and scale of existing development in the streetscape. Additionally, the proposal includes building colours and materials consistent with the requirements of Clause D9.3 Building Colours and Materials of the P21 DCP. The proposal includes a safe pedestrian pathway from the footpath to the entry of the building, and provides visually attractive landscaping along the street frontage. As such, the proposal contributes to an attractive street frontage and adequately addresses pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The proposed development is of comparable bulk and scale to existing surrounding development. As such, the proposal responds to, reinforces, and relates to the spatial characteristics of the existing urban environment in the locality.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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;
- 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, 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
- 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 does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2018/0519 for the Construction of a three 3 storey building to be used as a carwash, gym and lounge with basement parking on land at Lot A DP 405025,79 Barrenjoey Road, MONA VALE, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 7.10 Essential services of the Pittwater Local Environment Plan 2014.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the requirements of Clause A4.9 Mona Vale Locality of the Pittwater 21 Development Control Plan.
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 B5.1 Water Management Plan of the Pittwater 21 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 B5.10 Stormwater Discharge into Public Drainage System of the Pittwater 21 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 C2.16 Undergrounding of Utility Services of the Pittwater 21 Development Control Plan.
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 C3.15 Undergrounding of Utility Services of the Pittwater 21 Development Control Plan.

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

Signed



Claire Ryan, Planner

The application is determined on 27/03/2019, under the delegated authority of:



Matthew Edmonds, Manager Development Assessments