

## **SUBMISSION TO THE SYDNEY EAST JOINT REGIONAL PLANNING PANEL:**

**DEVELOPMENT APPLICATION: DA 2010/757**

**ADDRESS: 301 PACIFIC HIGHWAY, ARTARMON.**

**PROPOSAL: DEMOLITION OF EXISTING DEVELOPMENT & ERECTION OF A NEW BUILDING CONTAINING MOTOR SHOWROOMS WITH ASSOCIATED SERVICING FACILITIES, A CAR RENTAL PREMISES, ASSOCIATED CAR PARKING, LANDSCAPING & SIGNAGE.**

### **1. INTRODUCTION**

Willoughby Council considered the Officers report on the development application at its meeting on 18th April, 2011. The Council noted the Officers report and recommendation and the applicant addressed the Council at its meeting in relation to certain draft conditions of consent included in the Officers recommendation. The Council resolved in the following terms:

**That Council officers meet with the applicant to review the following Conditions and a further submission be made on behalf of Council to the JRPP, if necessary:**

- i) Condition 13 *Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)***
- ii) Condition 14 *Detailed Stormwater Management Plans (SWMP)***
- iii) Condition 15 *Adjustment to Overhead Electricity, Street Lighting and Utility Services***
- iv) Condition 116 *Illuminated advertising signs***

**That the JRPP be requested to add a Deferred Commencement Condition in relation to the Illuminated advertising signs requiring a consultant's report to indicate a performance standard to ensure that residents opposite the development are not impacted**

Council Officers met with the applicant to discuss the matters raised by Council. I did not attend that meeting.

Agreement was apparently not able to be reached with the applicants regarding items i), ii) and iv).

The Council does not submit that the application should be refused but rather requests that certain conditions that were recommended by the Council Officers be upheld either as contained in the Officers report or as recommended to be amended below to mitigate the impacts of the development.

The Council's Environmental Services Director requests the opportunity to address the Panel to explain the terms of the Council's submission and answer any questions of the Panel.

## **SUBMISSION**

In so far as the matters raised by Council need to be determined by the Panel in its review of the proposed draft consent conditions, the Council requests that the JRPP takes into consideration the following Submission. The particular condition is quoted and then the Council's submission follows as a Comment.

### **i) Condition 13 Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)**

**Stormwater runoff from the site shall be collected and conveyed to Council's underground drainage system in Carlotta Street via a minimum 450 mm RCP in accordance with Council's specification (AUS-SPEC). A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval.**

**(Reason: Prevent nuisance flooding)**

## **COMMENT**

The plans submitted with the application provide for installation of the pipe to discharge stormwater into the Carlotta Street drainage system. The applicant has now argued that a pipe is no longer necessary. The existing situation involves a spread of stormwater from the sites impervious surfaces to the surrounding street drainage systems including Carlotta and Dickson Streets. . The proposed development will have significant impervious area of some 5,264 sq m. Despite improved on site facilities for OSD and reuse, it will still generate substantial quantities of stormwater discharge during peak flow (94.752 L/Sec site discharge) The DCP policy sets a performance benchmark of 20L/sec. The Councils Engineers have advised that the pipe is necessary to minimise the potential for flooding of Councils gutter drainage system and downstream properties. The direct connection into Councils underground drainage system will enable the sites stormwater to discharge from the OSD and reuse overflow rather than rely on the capacity of the gutter drainage system. It has been acknowledged by Councils engineers that provision of the pipe at the head of the system will assist downstream properties. If the pipe is not provided then there is the potential for flooding of downstream properties. Peak rainfall events may also well increase due to the effects of climate change and the combination of on site detention, on site reuse and direct connection to the underground system will improve the management of stormwater runoff and limit the potential for localised flooding.

Council submits that the condition as recommended by the Council Engineers should remain.

ii) **Condition 14 Detailed Stormwater Management Plans (SWMP)**

The submitted stormwater management plans numbered HDA01 revision P4 – HDA12 revision P4, all dated 22.3.2011 except dwg HDA05 revision P4 dated 22.4.2011, prepared by Floth; shall be amended to address the following issues:

- i. Design and construct an on-site rainwater retention and reuse system with a minimum capacity of 200m<sup>3</sup> in accordance with Council's WDCP including first flush and where required an additional treatment process for the hosing/washing of cars. The system shall be capable of receiving rainwater from all roof areas. Overflow from the rainwater retention and reuse system shall be directed to the on-site detention system.
- ii. Design and construct an on-site detention system in accordance with Council's WDCP. The stormwater runoff from the forecourt area and other impervious areas except the roof area shall be collected and conveyed directly to the OSD system.
- iii. Design and install a suitable on-site rainwater treatment system for the washing down and cleaning of all vehicles.

Revised drawings prepared by a suitably qualified and experienced civil engineer shall be submitted, for approval by Council, prior to issue of any Construction Certificate. The construction drawings and specifications shall be prepared in accordance with Council's Development Control Plan and Technical Standards and AS3500.3 – *Plumbing and Drainage Code* and the BCA.

(Reason: Ensure Compliance)

**COMMENT**

Council's engineers have proposed this condition to allow for management of stormwater from the site to be controlled through a combination of OSD and on-site reuse. Their estimate is that a total storage capacity of 280m<sup>3</sup> is required comprising 200m<sup>3</sup> for on site retention/reuse and 80m<sup>3</sup> of on-site detention for slowed discharge to Councils stormwater system. This is adequate to cope with a 50mm of rainfall over a 24 hour period. The applicant proposes 200m<sup>3</sup> for reuse and 24m<sup>3</sup> for OSD. Councils DCP provides for a maximum 50% reduction in on site detention where rainwater tanks or reuse systems are provided. With retention storage of 200m<sup>3</sup> the requirement therefore should be an OSD of 100m<sup>3</sup>. The Engineers however have allowed for a storage capacity of 80m<sup>3</sup>.

The Engineers advice is that in a peak stormwater event, if the reuse tank becomes full, then an OSD capacity of only 24 m<sup>3</sup> is insufficient to cater for the overflow and to reduce the rate of discharge to the Councils drainage system.

Council submits that the condition should remain.

iii) **Condition 15 Adjustment to Overhead Electricity, Street Lighting and Utility Services**

All existing overhead electricity and other utility services along the street frontages of the site shall be relocated underground with the removal of one (1) power pole on Carlotta Street and four (4) power poles on Pacific Highway. New street lighting lanterns and poles shall be installed in accordance with the RTA and Council. Consult with Energy Australia and other utility authorities to determine the requirements and specifications of the works. All works shall be approved by the utility authorities, Energy Australia and Willoughby Council and such works completed prior to issue of the Occupation Certificate.

**(Reason: Public amenity)**

**COMMENT**

This condition seeks to achieve 3 objectives:

1. Improving the visual amenity of the streetscape by removing overhead wiring and cabling. This objective is being incrementally achieved when major redevelopment occurs and has been applied to other developments;
2. Reducing the potential hazard of overhead electricity cabling becoming loose or disconnected in significant storm events. By placing the cabling underground the utilities have less requirements for maintenance and reduce the risk of falling live cables in this active area;
3. Improving the presentation of the new development to the street without the unsightly appearance of power poles, cabling and wiring across the front of the building.

The Councils policy and practice is to require major developments to place all overhead services along the frontage of the site to be placed underground and for connections to the development to also be underground.

Council submits that the condition should remain.

**iv) Condition 116 *Illuminated advertising signs***

**Illumination of the advertising signs and external illumination of the building are to be controlled by a time clock to switch off no later than 10.00 pm each night. In this regard, the time clock is required to be reset to address changes due to daylight saving. Illumination of the building and the open areas of the site is to be controlled so that glare nuisance is not caused to the residential properties opposite the site.**

**(Reason: Amenity)**

**Council Resolution:**

**That the JRPP be requested to add a Deferred Commencement Condition in relation to the Illuminated advertising signs requiring a consultant's report to indicate a performance standard to ensure that residents opposite the development are not impacted**

**COMMENT**

The issue raised by Council in this Submission concerns the impact of lighting to the adjoining residential properties across the Pacific Highway opposite the subject site. This matter was discussed at the meeting between the applicants and the Council Officers.

The applicant has provided a report by Floth Consultants dated 28<sup>th</sup> April, 2011 that addresses the orientation of signs and indicates that the illuminated signage will be controlled by the buildings automated lighting system to adjust the brightness levels according to the prevailing light conditions. I believe that the issue raised by Council can be addressed by a further consent condition setting a performance standard for the luminance which can be enforceable by Council.

Whilst there is no particular Australian Standard that addresses this situation, I have referred to the Australian Standard on the Control of the Obtrusive Effects of Outdoor Lighting. That

standard refers to a recommended maximum value of luminance at the boundary of residential areas, as measured at the windows of the habitable rooms, of 4lux during the more light sensitive night time period.

Having regard to the applicants report and the circumstances of the adjoining residential properties, Council submits that an amendment to condition 116 as follows would be appropriate:

***“In this regard, the lux level from illuminated advertising signs, as measured on a vertical plane at the windows of the habitable rooms of the nearest dwellings, shall not exceed 4 lux at any time between sunset and sunrise .  
(Reason: Amenity)”***

## **Conclusion**

The matters raised by Council generally go to details about the operation and engineering aspects of the application rather than the overall merits of the proposal.

Council requests that the comments raised in this submission be considered by the Panel and the recommendations made in this submission form the basis of any development consent granted by the Panel.

**GP Woodhams**

**Environmental Services Director**

**2 May, 2011.**