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MEMORANDUM

DATE: 18 December 2019

TO: Northern Beaches Local Planning Panel

CC: Anna Williams, Development Assessment Manager
Steve Findlay Planning Manager
Peter Robinson, Executive Manager

FROM: Anne-Marie Young, Principal Planner

SUBJECT: DA2019/0748 – 19 Bungan Street, Mona Vale

REFERENCE

Dear Panel,

Further to the Assessment Report for DA2019/0748 at 19 Bungan Street, Mona Vale:

Following the completion of the Assessment Report, two issues have been raised which require further investigation:

Petrol Station

It has been confirmed that there was prior use of the site as a petrol station which was approved under development application 113-1965. It is noted that page 23 of the SEE confirmed:

The subject site and surrounding properties have not been previously used by any potentially contaminating land uses involving activities that may have posed the threat of contamination, i.e. the properties have not been used for the purposes listed under Table 1 of the contaminated land planning guidelines of SEPP 55.

The applicant was notified of the historical use and has responded with the following statement:

We rely on the fact that the current use on the site has been established since the 1980's and that at the time of demolition of the service station the consent authority must have satisfied itself that there was no unacceptable contamination.

In order to satisfy clause 7(2) of SEPP 55 it is recommended that the Panel defer the determination of the application to require the applicant to report the specific findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Covenant for a Right of Way over the Retail Arcade



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At the Panel site meeting the members enquired about imposing a condition requiring a covenant to be created in relation to public access over the private land which forms part of the retail arcade. The applicant has confirmed that there are no objections to such a condition subject to appropriate wording of the condition restricting height etc. Council's Legal Unit will require agreement to the condition which may require the applicant to enter into a Voluntary Planning Agreement (VPA).

Anne-Marie Young
Principal Planner Planning and Place
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