

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0313
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Responsible Officer:	Thomas Prosser
Land to be developed (Address):	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
Proposed Development:	Modification of Development Consent DA2023/1142 granted for Use of existing premises as an indoor recreational facility, including fiitout and signage
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Indoor Padel Pty Ltd

Application Lodged:	17/06/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	25/06/2024 to 09/07/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to modify the consent granted for "Use of existing premises as an indoor recreational facility, including fiitout and signage" under DA2023/1142.

The indoor recreational facility involves padel courts.

In detail, the modification involves the following:

Ground Floor

- Reconfiguration of layout to padel courts
- Installation of access gates
- Removal of staircase
- New restricted area to be spilt off with mesh

- Installation of mesh to the northern side of the Padel Court
- Installation of bollards along northern side of padel courts

Mezzanine Floor

- Inclusion of two wet areas
- Installation of exhaust fans
- Reconfiguration of internal wall to office

Signage

- Installation of illuminated sign mounted to upper building wall on the southern elevation.

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

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
Detailed Site Description:	<p>The subject site consists of one allotment located on the north eastern side of South Creek Road and the eastern side of Inman Road, Cromer.</p> <p>The site is irregular in shape with a frontage to South Creek Road and Inman Road. Vehicular access is available to the</p>

site via Inman Street and vehicular egress is available via South Creek Road.

The site is located within the E4 General Industrial zone and accommodates multiple warehouse/office tenancies. The premise subject to this development application is known as Warehouse Unit 2 and it is located in the northeast corner of the site.

The site is flat and does not comprise of any significant vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by various office buildings and warehouses.

Map:



SITE HISTORY

Previous Approvals

Building Application No.B1206/63 - A "factory" building for 'Roche Products' was approved by Council in 1963.

Between 1963 and the current time there have been numerous building and development approvals for the site including, additional factory buildings, laboratory premises, offices, caretakers dwelling/s, warehouses, alterations to factory buildings and the like. This includes miscellaneous approvals for flag poles, squash courts, tennis courts, car parking, cool rooms, tree removal and the like.

DA2019/1346 was for demolition works and alterations and additions to an existing industrial facility including new warehousing, self-storage units, office premises and an ancillary cafe. The application

was approved by the Sydney North Planning panel on 17 August 2020.

Since the above application there have been various approvals for sit out and use of warehouses and commercial premises on the site.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2023/1142, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <p>The proposal involves minor internal alterations and signage that is consistent with the relevant controls.</p>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/1142 for the following reasons:</p> <p>The proposal maintains the built form, use and parking as approved. The minor internal modifications and the addition of signage will result in a development that is substantially the same as was granted under the original consent.</p>
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental

Section 4.55(1A) - Other Modifications	Comments
(i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent.

Section 4.15 'Matters for Consideration'	Comments
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p>These matters have been addressed via a condition of consent.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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.</p>
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	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed 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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 25/06/2024 to 09/07/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> <p><u>Planner comment</u></p> <p>The conditions relating to fire upgrade were imposed under the original application and remain on the consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs 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 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 (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, the following assessment is provided:

Not necessary, given the context of the site.

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or	The proposed signage is located on a commercial site, zoned E6 Enterprise	YES

desired future character of the area or locality in which it is proposed to be located?	corridor. The is within a large industrial car park where it is reasonable to except signage such as this to identify the permitted use.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal maintains signage that appropriately meets the theme by identifying the use on site in an industrial car park.	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 proposed sign is of a scale that complements existing elements of the building whilst providing some colour to provide visual interest.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage is attached to the existing wall of the building and would not have any unreasonable impact on views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is flush with the wall and would not have an unreasonable impact on vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is well separated from other signage so as to no have any unreasonable impact on other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the sign is consistent with the existing openings, and appropriate for the large industrial building.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage adds an element of visual interest to the existing blank wall.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is well separated from other signage.	YES
Does the proposal screen unsightliness?	The proposal does not introduce any unsightliness due to reasonable bulk and scale.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage remains below tree canopies and generally within the confines of the existing building envelope and footprint.	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 signage provides information and identification for the commercial use.	YES
Does the proposal respect important features of the site or building, or both?	The proposal provided signage to be flush to the existing wall so as to not	YES

	provide a bulk or scale that would have an unreasonable impact on neighbouring residential properties.	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal involves signage with colouring to add interest to the existing blank grey wall.	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?	No	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?	The proposal is within an existing industrial car park where illumination would not have an unreasonable impact on pedestrians in the public domain, residences, or any other receiver.	YES
Can the intensity of the illumination be adjusted, if necessary?	Not necessary, given the context of the site.	YES
Is the illumination subject to a curfew?		YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	As a result of the signage being maintained generally within the confines of the existing footprint, and due to appropriate size and colouring, there would be no unreasonable safety impact.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		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 this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Conditions in other consents on this site remain in place for contamination. This proposal does not involve any excavation or any other works that would require any further works for contamination.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with: aims of the LEP?	

zone objectives of the LEP?	Yes
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Compliance Assessment

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D23 Signs	Yes	Yes

Detailed Assessment

C3 Parking Facilities

There is no change the the parking and no addition of floor space that would require additional parking under this application.

Under the original application, four parking spaces were allocated to the use and this remains.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

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 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah 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, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent 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 satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2024/0313 for Modification of Development Consent DA2023/1142 granted for Use of existing premises as an indoor recreational facility, including fitout and signage on land at Lot 1 DP 1282038,4 - 8 Inman Road, CROMER, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN441908 - MOD2024/0313	The date of this notice of determination	Add condition 1A

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01.01a	B	Site Plan	Archi Spectrum	4.06.2024
DA02.01a	B	Existing Ground Plan	Archi Spectrum	4.06.2024
DA02.02a	B	Existing Mezzanine Plan	Archi Spectrum	4.06.2024
DA02.03a	B	Demolition Plan - Ground Floor	Archi Spectrum	4.06.2024
DA02.04a	B	Demolition Plan - Mezzanine Plan	Archi Spectrum	4.06.2024
DA03.01a	B	Proposed Ground Plan	Archi Spectrum	4.06.2024
DA03.02a	B	Proposed Mezzanine Plan	Archi Spectrum	4.06.2024
DA04.01a	B	Elevations	Archi Spectrum	4.06.2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
BCA Compliance	-	Archispectrum	31/05/2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

Signed



Thomas Prosser, Principal Planner

The application is determined on 29/07/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments