



# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Use of premises as Light  
Industry and an Industrial  
Retail Outlet**

**6&7 / 161-163 South Creek  
Road, Cromer NSW 2099**

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**This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.**

**Report prepared by:**

Mathew Quattroville

Director – Four Towns Pty Ltd

**Report prepared for:**

Shade of the Vine Pty Ltd

**9 October 2025**

***Disclaimer***

*This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.*

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## 1. Introduction and Background Information

### 1.1 Introduction

Four Towns Planning has been engaged by Shade of the Vine Pty Ltd to prepare this report as supporting documentation for a Development Application with Northern Beaches Council regarding proposed use of the premises as light industry and an industrial retail outlet at Units 6 and 7 / 161-163 South Creek Road, Cromer, being Lots 6 and 7 within Strata Plan 52368. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Architectural Plans prepared by Action Plans;
- BCA Report prepared by BCA Vision;
- Fire Safety Statement.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being use of the premises as light industry and an industrial retail outlet, is permissible with development consent and is consistent with the relevant statutory planning instruments including Warringah Local Environmental Plan 2011 and relevant planning policies of Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

### 1.2 Background Information

The subject premises are not the subject of any recent Development Applications to Northern Beaches Council. The development was not the subject of a pre-lodgement meeting with Northern Beaches Council.

The premises were the subject of a complaint, with Northern Beaches Council investigating. The investigation found that building works were undertaken without formal approval. It is acknowledged that the tenant believed the works were minor and could be exempt development. The tenant was unaware approval through Northern Beaches Council was required. The tenant has done everything to assist Council including the preparation of a Building Information Certificate and Development Application. In this regard, it is my professional opinion the works can be approved through the BIC application, therefore the land uses as proposed can be approved as well.

## 2. Site Profile

### 2.1 Property Description

The subject allotments are described as Units 6 and 7 / 161-163 South Creek Road, Cromer, being Lots 6 and 7 within Strata Plan 52368. The site is zoned E4 General Industry under Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is it located within a heritage conservation area.

### 2.2 Site and Locality Description

The site is located on the north-western corner of South Creek Road and Dumic Place. The site is rectangular with frontages to Dumic Place and South Creek Road. The property has existing vehicular access off Dumic Place with each unit provided one car space (i.e. two car spaces for the proposed application). The site has two existing buildings one to two storeys in height.

The locality maps below show the location and area of the site:



Source: Nearmap 2025

## Visual Analysis



*Photograph of Units 6 and 7 / 161-163 South Creek Rd, Cromer*



### 3. Proposal

The proposed development is for the use of the premises as light industry and an industrial retail outlet at Units 6 and 7 / 161-163 South Creek Road, Cromer, being Lots 6 and 7 within Strata Plan 52368.

#### **Units 6 and 7 - Proposed Use**

##### *Light Industry*

- The light industry use is for the manufacturing, assembling, repairing and recycling of clothing and accessories
- Proposed floor area 180.91sqm

##### *Industrial Retail Outlet*

- The industrial retail outlet is for the sale of goods made on site through the light industry
- Proposed floor area 74.67sqm

*\*Refer to architectural plans prepared by Action Plans Pty Ltd for a full description of proposal.*

#### **Building Works**

Nil – no proposed works.

Any provisions for the light industry will be temporary/moveable structures such as tables and storage containers. Hence, no building works proposed.

#### **Hours of Operation**

Light Industry Use – Monday to Sunday 7am to 5pm

Industrial Retail Outlet Use – Monday to Sunday 9am-5pm

#### **Staff**

2 fulltime and casuals on as needs basis

#### **Waste**

The proposal will utilise the existing designated waste area for units 6 and 7. Waste will be separated, stored and recycled where possible. The waste will be collected as required by a commercial contractor.

#### **Signage**

No signage proposed with this application.

## 4. Statutory Planning Controls

The development has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2021*;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

### 4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The development has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The development is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the development does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

### 4.2 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under the WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	(e) in relation to non-residential development, to— (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and (ii) maintain a diversity of employment, services, cultural and recreational facilities,	Complies – the proposed uses are consistent with an industrial area and do not adversely impact the role of the industrial zone and do not impact residential properties.

Part 4: Principal Development Standards			
Standard	Permitted	Works	Comments
4.1 Minimum subdivision lot size	4,000sqm	N/A	N/A – no change to existing lot size.



4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	11m	N/A	N/A – Use application only. No building works.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.6 Exceptions to development standards	Noted	N/A	N/A – Use application only. No building works.

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 (Repealed)	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A – the subject site is not identified as a Heritage Item or within a Heritage Conservation Area.
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A

5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A
5.21 Flood planning	N/A – the subject site is not identified as Flood Prone Land.
5.22 Special flood considerations	N/A
5.23 Public Bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	N/A – the site is not identified within the Acid Sulfate Soils Map.
6.2 Earthworks	N/A
6.3 (Repealed)	N/A
6.4 Development on sloping land	N/A – the site is located within landslip area A. The proposal is a use application only. No building works proposed, therefore not triggering any geotechnical assessment.
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone C3 Environmental Management	N/A
6.7 (Repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

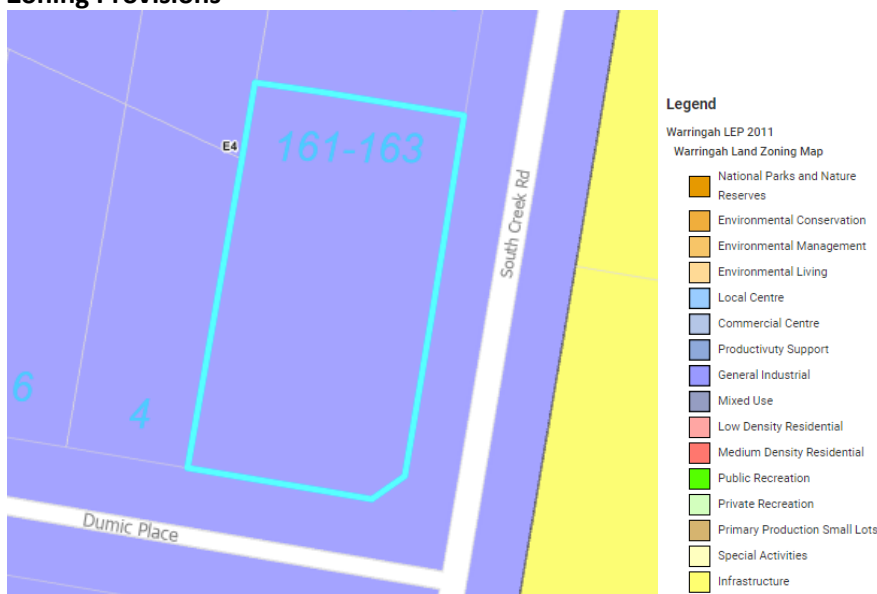
Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

The relevant matters to be considered under the WLEP2011 are outlined below:

### Zoning Provisions



### Zone E4 General Industrial

#### 1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To provide areas for land uses that need to be separated from other zones.
- To provide healthy, attractive, functional and safe light industrial areas.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Horticulture; Industrial retail outlets; Industrial training

*facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems; Any other development not specified in item 2 or 4*

#### **4 Prohibited**

*Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities*

#### **Comment:**

The site is zoned E4 General Industrial. The proposal is for use as light industry and an industrial retail outlet. The land uses are permissible on the site, therefore meeting the objectives of Zone E4 General Industrial.

### **Part 4 Principal development standards**

#### **4.3 Height of buildings**



(1) *The objectives of this clause are as follows—*

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

*(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.*

*(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.*

**Comment:**

Not applicable - Use application only. No building works proposed.

#### **4.4 Floor space ratio**

**Comment:**

Not applicable.

#### **4.6 Exceptions to development standards**

**Comment:**

Not applicable - Use application only. No building works proposed.

### **Part 5 Miscellaneous provisions**

#### **5.4 Controls relating to miscellaneous permissible uses**

*(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—*

*(a) 33% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or*

*(b) 400 square metres,*

*whichever is the lesser.*

**Comment:**

Complies – the proposal includes use of the premises as a light industry and industrial retail outlet. The total floor area of the premises is 255.58sqm. The proposal includes light industry floor area of 180.91sqm and industrial retail outlet floor area of 74.67sqm (29.22%). Therefore, the proposal complies with the allowable industrial retail floor area allowances under Clause 5.4(4).

### **Part 6 Additional local provisions**

#### **6.2 Earthworks**

*(1) The objectives of this clause are as follows—*

*(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

*(b) to allow earthworks of a minor nature without requiring separate development consent.*

*(2) Development consent is required for earthworks unless—*

*(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the work is ancillary to other development for which development consent has been given.*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters—*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

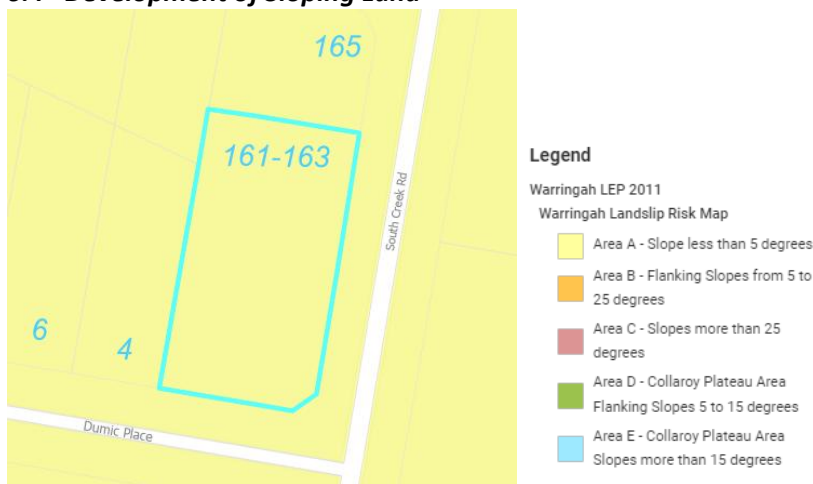
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

**Note.** The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

**Comment:**

Not applicable - Use application only. No building works proposed.

**6.4 Development of Sloping Land**



*(1) The objectives of this clause are as follows—*

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

*(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

**Comment:**

Not applicable - Use application only. No building works proposed.

## 4.3 Warringah Development Control Plan (WDCP)

The works undertaken have been assessed under the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment

Key components of the DCP have been detailed below.

### **Part A – Introduction**

#### ***A.5 Objectives***

*The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:*

#### ***Objectives***

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

#### **Comments:**

Complies – the internal fit out works comply with the objectives of A.5.

### **Part B – Built Form Controls**

A review of Part B is not applicable as the proposal is for the land use application only. No building works proposed.

### **Part C – Siting Factors**

#### ***C9 Waste Management***

#### ***Objectives***

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*



- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

**Requirements**

1. *All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.*

**Comment:**

The premises have existing waste facilities located at the rear door of the two units (as per all other units at the site). The proposal for use as a light industry and industrial retail outlet will have minimal waste with facilities provided and a commercial contractor to be engaged to collect the waste on an as-needs basis.

**Part D - Design**

**D3 Noise**

**Objectives**

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

**Requirements**

1. *Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.*

*See also NSW Industrial Noise Policy Appendices*

2. *Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.*
3. *Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.*
4. *Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.*
5. *Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.*

**Comments:**

Complies – the proposed land uses will have no adverse impact on adjoining premises. It is noted that the Codes SEPP applies which allows 24 hours a day trading:

### **Subdivision 23B Hours of operation and trading**

#### **2.46C Specified development**

(1) The operation of premises in Zone E1, E2, E3, E4, E5, MU1, B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4, SP5 or W4 in accordance with an existing development consent or complying development certificate at any time outside the hours permitted by the development consent or complying development certificate is development specified for this code

(2) The trading on or from premises in accordance with an existing development consent or complying development certificate at the following times occurring outside the hours permitted by the development consent or complying development certificate is development specified for this code—

(d) in Zones Zone E4, E5, IN1, IN2 or IN3 for all other premises—24 hours a day.

### **D20 Safety and Security**

#### **Objectives**

- To ensure that development maintains and enhances the security and safety of the community.

#### **Requirements**

1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.
2. Service areas and access ways are to be either secured or designed to allow casual surveillance.
3. There is to be adequate lighting of entrances and pedestrian areas.
4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.
5. Entrances to buildings are to be from public streets wherever possible.
6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).
7. Buildings are to be designed to allow casual surveillance of the street, for example by:
  - a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;
  - b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;
  - c) Locating high use rooms to maximise casual surveillance;
  - d) Clearly displaying the street number on the front of the building in pedestrian view; and
  - e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.
8. Casual surveillance of loading areas is to be improved by:
  - a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and
  - b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.
9. Design entrances to buildings from public streets so that:
  - a) Building entrances are clearly identifiable, defined, lit and visible;
  - b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;
  - c) Main entrances are clearly identifiable;
  - d) Pavement surfaces and signage direct pedestrian movements; and
  - e) Potential conflict between pedestrians and vehicles is avoided.

### Exceptions

Reference should be made to Part G4 Warringah Mall for site specific requirements.

### Comments:

Complies – the works undertaken (the subject of a BIC) create better compliance with the principles of CPTED with the inclusion of a glazed panel door unit which provides adequate surveillance opportunities to South Creek Road. Therefore, the proposed land uses will contribute and better manage safety and security for the site.

## Part H – Appendices

### Appendix 1 Car Parking Requirements

Industry	1.3 spaces per 100 m <sup>2</sup> GFA (including up to 20% of floor area as office space component. Office space component above 20% determined at office rate).
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### Comments:

Merit Assessment – the premises has two allocated car spaces on title with access to the visitor car space as well. Further, the premises have access to existing loading areas at the front of the two units. Based on the GFA of the premises 255.58sqm, the total required car parking is 3.3 car spaces rounded up to 4 spaces. Noting the premises are existing with no increase to GFA proposed, it is our opinion that the proposal will have no impact on that existing. Further, the site has access to two car spaces on title, a visitor car space, and two loading areas in front of the units. Based on the above, the proposal can be supported from a traffic and parking perspective.

Excerpt from Strata Plan:

### GROUND FLOOR

PT.1 (93m <sup>2</sup> )	PT.2 (92m <sup>2</sup> )	PT.3 (93m <sup>2</sup> )	PT.4 (93m <sup>2</sup> )	PT.5 (93m <sup>2</sup> )	PT.6 (93m <sup>2</sup> )	PT.7 (93m <sup>2</sup> )	PT.8 (93m <sup>2</sup> )	V.P.	PT.9 (93m <sup>2</sup> )	PT.10 (93m <sup>2</sup> )	PT.11 (92m <sup>2</sup> )	PT.12 (92m <sup>2</sup> )	PT.13 (93m <sup>2</sup> )	PT.14 (93m <sup>2</sup> )	PT.11 (42m <sup>2</sup> ) TOTAL: 56m <sup>2</sup>	PT.12 (41m <sup>2</sup> ) TOTAL: 55m <sup>2</sup>
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ELECTRICAL ROOM

PT.1 (93m <sup>2</sup> ) TOTAL: 107m <sup>2</sup>	PT.2 (92m <sup>2</sup> ) TOTAL: 106m <sup>2</sup>	PT.3 (93m <sup>2</sup> ) TOTAL: 107m <sup>2</sup>	PT.4 (93m <sup>2</sup> ) TOTAL: 107m <sup>2</sup>	PT.5 (93m <sup>2</sup> ) TOTAL: 107m <sup>2</sup>	PT.6 (93m <sup>2</sup> ) TOTAL: 107m <sup>2</sup>	PT.7 (92m <sup>2</sup> ) TOTAL: 106m <sup>2</sup>	PT.8 (92m <sup>2</sup> ) TOTAL: 106m <sup>2</sup>	PT.9 (92m <sup>2</sup> ) TOTAL: 106m <sup>2</sup>	PT.10 (93m <sup>2</sup> ) TOTAL: 107m <sup>2</sup>
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## 5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

### ***(a) The provisions of:***

#### ***(i) The provision of any Environmental Planning Instrument***

**Comment:** The use of the premises as light industry and an industrial retail outlet is permissible with consent and is consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 as they are reasonably applied.

#### ***(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and***

**Comment:** Not applicable.

#### ***(iii) Any development control plan***

**Comment:** The development has been reviewed and assessed under Warringah Development Control Plan 2011.

#### ***(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and***

**Comment:** Not applicable.

#### ***(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

**Comment:** Not applicable.

#### ***(v) (repealed)***

### ***(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,***

#### ***Context and Setting:***

***i. What is the relationship to the region and local context in terms of:***

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

#### **Comment:**

The use is compatible with adjoining development and does not result in any unreasonable amenity impacts.

*ii. What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

**Comment:** These matters have been discussed in detail earlier in this report.

***Access, transport and traffic:***

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

**Comment:** The proposal is consistent with acceptable land uses in the industrial area with no adverse impact to access, transport and traffic.

***Public Domain***

**Comment:** The development will have no adverse impact on the public domain.

***Utilities***

**Comment:** Existing utility services apply.

***Flora and Fauna***

**Comment:** The development has not had an adverse impact to flora or fauna.

***Waste Collection***

**Comment:** Normal commercial waste collection applies to the site.

***Natural hazards***

**Comment:** The site is located within Landslip Risk Area A. There are no visible natural hazards to the site. The site is not identified on the flooding or bushfire maps.

***Economic Impact in the locality***

**Comment:** The development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the uses proposed.

***Site Design and Internal Design***

*i) Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*

- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

**Comment:** These matters were discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and controls.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

**Comment:** The development can comply with the provisions of the Building Code of Australia. The development complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### **Construction**

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

**Comment:** The development will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

#### **(c) The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

**Comment:** The site is located in an established industrial area. The adjacent development does not impose any unusual or impossible development constraints. The development will not cause unmanageable levels of transport demand with the use for industrial purposes.

#### **(d) Any submissions received in accordance with this act or regulations**

**Comment:** No submissions are available at this time.

#### **(e) The public interest**

**Comment:** The proposed uses are permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied, the development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The development is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.



## 6. Summary and Conclusion

The proposed development for the use of the premises as light industry and an industrial retail outlet at Units 6 and 7 / 161-163 South Creek Road, Cromer, being Lots 6 and 7 within Strata Plan 52368, is permissible and consistent with the intent of the controls as they reasonably apply to the proposal. The proposal is appropriate and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.

Accordingly, the proposed development for the use of the premises as light industry and an industrial retail outlet at Units 6 and 7 / 161-163 South Creek Road, Cromer, being Lots 6 and 7 within Strata Plan 52368, is acceptable from an environmental, social, and planning perspective and approval should therefore be granted by Council.