

# AK Planning

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## **Proposed use of No. 14 Cross Street, Brookvale for the purposes of goods repair and reuse premises**

### **Statement of Environmental Effects**

**February 2025**

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## 1 EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for Lifeline Northern Beaches, by AK Planning to accompany a Development Application (DA) to Northern Beaches Council. The proposed development is located at **No. 14 Cross Street, Brookvale** this being **Lot 26 in DP204107**. The site has a site area of **928.7m<sup>2</sup>** and is zoned **E4 General Industrial** under Warringah Local Environmental Plan 2012 (WLEP 2012).

The Development Application seeks consent for the use of the premises for the purposes of **goods repair and reuse premises** with no physical works. A detailed description of the proposal is provided under **Section 3**.

This SEE is submitted in accordance with Clause 24(1) of the Environmental Planning and Assessment Regulation 2021. The purpose of this Statement of Environmental Effects is to provide a description and general information about the site and the proposed development. Furthermore, this Statement of Environmental Effects provides the following information:-

- Description of the site, surrounding development and the wider locality;
- Description of the proposed development;
- Assessment of the proposed development in accordance with all statutory controls and Council's Development Control Plan (DCP);
- assess the degree of compliance; and
- examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The SEE concludes that the proposed development is considered to be an appropriate use within the existing commercial building, with no adverse impacts on the amenity of adjoining land by way of noise or traffic generations. Accordingly, it is considered that the proposal will deliver a suitable and appropriate development within Northern Beaches LGA and is worthy of approval.

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## 2 THE SITE AND CONTEXT

### 2.1 The Site

The site is located at **No 14 Cross Street, Brookvale** on the eastern side of Cross Street (refer to **Figure 1**). The site has a legal description of **Lot 26 in DP204107** with a site area of **928.7sqm** (refer to Survey plan). The site has an irregular rectangular shape with the following boundary dimensions:-

- Southern boundary = 55.20m
- North-eastern boundary = 41.02m
- North / northwestern boundary with Cross Street = combined 41.43m

The site is located within walking distance of the major retail areas such as Westfield Warringah.

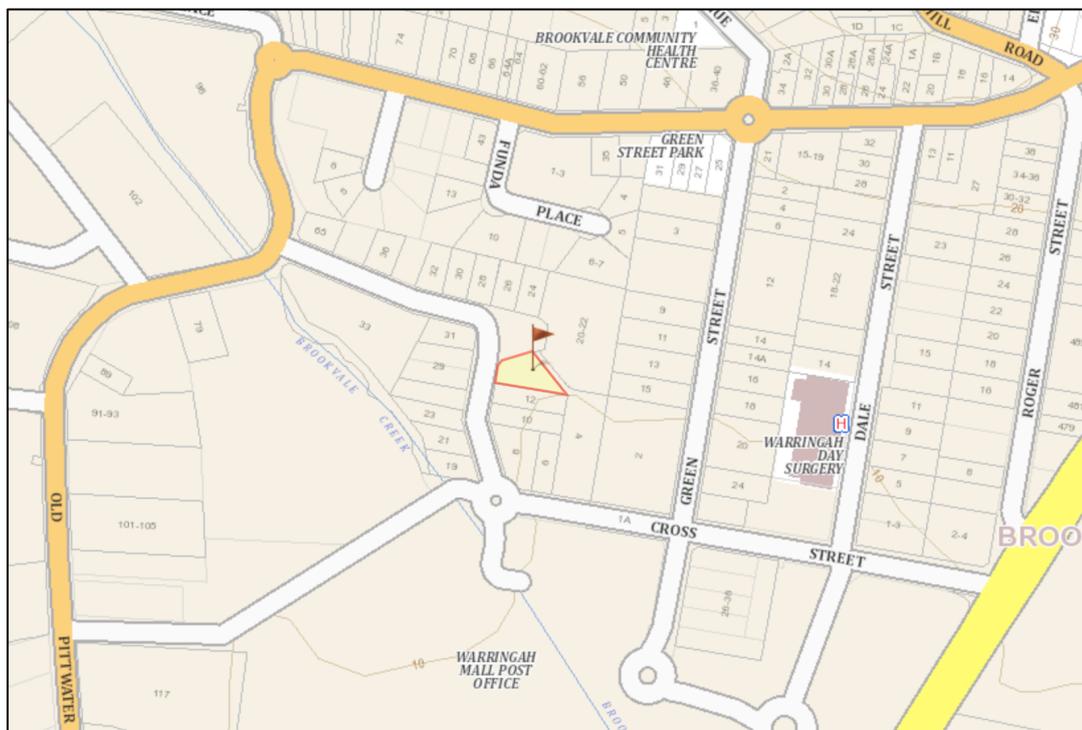
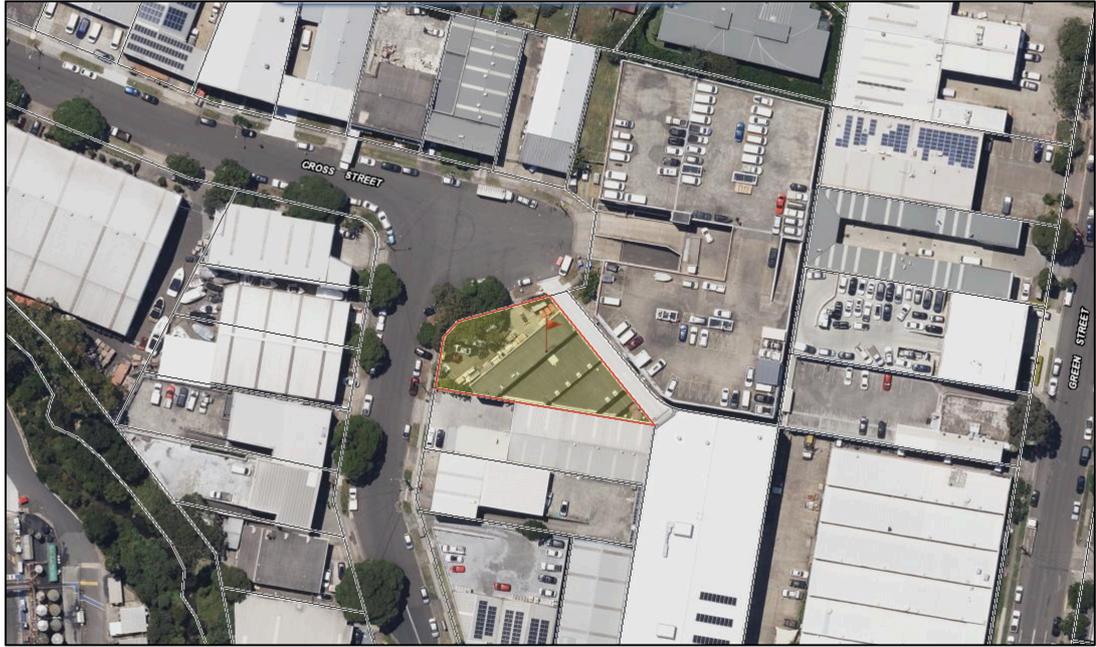


Figure 1 – Site location plan

Source: SIX Maps

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**Figure 2: Aerial view of subject site**

**Source: SIX Maps**

Existing on the site is a two storey commercial premises. The was previously used as a shop fit out – see **Photo 1**. Vehicular access to the building is via a drive through driveway from the cul-de-sac, exiting on Cross Street – see **Photo 2**.



**Photo 1: View of subject site**

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**Photo 2 View of existing vehicle entry to existing building**

## **2.2 Surrounding Development**

The surrounding area is characterized by two storey warehouse type buildings with various light industrial uses. To the north-east of the subject site is No 16-22 Cross Street consisting of various tenancies – see **Photo 3**. The eastern boundary adjoins a concrete driveway which provides access to No 4 Cross Street.



**Photo 3: View of existing building at No 16-22 Cross Street**

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To the south of the subject site is No. 12 Cross Street, an industrial building occupied by planet finska a wholesaler of wood crafted traditional games – see **Photo 4**.



**Photo 4: View of No 12 Cross Street**

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## 3 DESCRIPTION OF THE DEVELOPMENT

### 3.1 General description

The proposed Development Application seeks consent for the use of the existing commercial building for the purposes of **goods repair and reuse premises**<sup>1</sup>. No physical works are proposed.

#### Existing use

The building has most recently been used as a facility for the creation of shop-fittings and displays including assembling of materials and spray painting. There are two entrances, including a secure separate entrance with stairs to a small upstairs office area. The roller door provides access to a large, double height warehouse space. Staff facilities/amenities are available within the existing facility.

#### Proposed use

The building will be leased by Lifeline Northern Beaches (LLNB). This is a charity that predominately funds its local suicide prevention and crisis support services via a network of Op Shops.

Lifeline Northern Beaches has operated a number of retail stores on the Northern Beaches and lower North Shore area since the 1970s. Today several operations facilities support the Lifeline Northern Beaches Op Shop business including recycled goods warehouse (267 Harbord Rd, Dee Why), an online store storage and logistics facility (Northern Beaches Uniting Church, Balgowlah) in addition to back-of house sorting operations in stores. LLNB intend to update their operating model to create a single Op Shop Network Operations hub, bringing together the back-of-house op shop operations into a single premises.

The Lifeline Shop Network Operations & Recycling Hub will provide for:

- Donations Collection, repair & re-use
- receipt & collection of donated goods (furniture, homewares, clothing, books etc)
- transformation (eg. steam, wash, press, repair, re-paint, conversion into other items and re-use.
- preparing goods (sorting, pricing, merchandising)
- enabling the recycling and re-use of pre-owned items
- Storage for the Lifeline Shops network (eg out of season stock, additional stock). There are 11 stores which this facility will support for storage.
- Logistics & processing for online business including logistics, styling, photography, curation, pricing, dispatch, fulfilment and storage

Ancillary Uses:

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<sup>1</sup> **goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

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- multi-purpose office space including for Op Shop Operations
- Op Shop space (at front of premises) including an area set aside for bulky goods, homewares & reuse retailing.

The facility will operate seven days a week: Monday to Saturdays 9.00am - 5.00pm and Sundays 10.00am – 4.00 pm.

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## 4 STATUTORY PLANNING CONSIDERATIONS

### 4.1 Environmental Planning and Assessment Act 1979

The Act is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the relevant objectives of the Act in relation to the proposed development are:-

“(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,  
 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,  
 (c) to promote the **orderly and economic use and development** of land,  
 (d) to promote the delivery and maintenance of affordable housing,  
 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,  
 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),  
 (g) to promote good design and amenity of the built environment,  
 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,  
 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,  
 (j) to provide increased opportunity for community participation in environmental planning and assessment”.

The proposal is consistent with the objects of the Act as:-

- The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size, location, and land use zoning to enable the proposed use;
- Appropriate utility services are available; and
- There will be no unreasonable adverse amenity impacts on the environment.

The relevant matters for consideration under Part 4 Section 4.15 of the Environmental Planning and Assessment Act, 1979, have been addressed in table 1 below:

**Table 1: Part 4 Section 4.15 consideration**

“MATTERS FOR CONSIDERATION”	COMMENTS
<b>Section 4.15 (1) (a)(i) – Provisions of any environmental instrument</b>	The subject development is lodged pursuant to WLEP 2011 and is located within the Northern Beaches LGA. See discussions under <b>Section 4.3</b> of this report.
<b>Section 4.15 (1) (a)(ii) – Provisions of any proposed/draft instrument</b>	None
<b>Section 4.15 (1) (a)(iii) – Provisions of any development control plan</b>	See discussion on Development Control Plan at <b>Section 5.1</b> within this report below.

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"MATTERS FOR CONSIDERATION"	COMMENTS
	<p>The amendments to the Environmental Planning and Assessment Act 1979 clarified the purpose, status and content of development control plans (DCPs), and how they are to be considered during the development assessment process.</p> <p>The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority on land to which the DCP applies.</p> <p>The Amendment Act reinforces that the provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Furthermore, it should be noted that the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome.</p> <p>The Amendment Act confirms that if a development application does not comply with provisions in a DCP, a consent authority must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards.</p>
<p><b>Section 4.15 (1) (a) (iiia) - Any planning agreement that has been entered into under Section 7.4</b></p>	<p>Non applicable to this proposal.</p>
<p><b>Section 4.15 (1) (a)(iv) – Provisions of the regulations</b></p>	<p>All building work will be carried out in accordance with Clause 69 of the EPA Regulations 2021 which requires the consent authority to consider the provisions of the Building Code of Australia. No physical works are proposed.</p> <p>Clause 62 of the EPA Regulation 2021 requires a certifying authority to have regard to fire safety measures. A fire safety audit accompanies the application.</p>
<p><b>Section 4.15 (1) (a)(v) – Provisions of any coastal zone management plan</b></p>	<p>None</p>
<p><b>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</b></p>	<p><b>Public Domain</b> There is no public access across the site.</p> <p><b>Utilities and Services</b> Existing utility services will adequately service the proposed use.</p> <p><b>Other land resources</b> The proposal will not impact on other land resources such as productive agricultural land, mineral and extractive resources or water supply catchments.</p> <p><b>Water Management</b> The proposed use will not impact on conservation of water resources. Existing utility services will adequately service the development.</p> <p><b>Waste</b> It is considered that the proposed use will not alter the existing waste collection.</p> <p><b>Noise &amp; vibration</b></p>

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"MATTERS FOR CONSIDERATION"	COMMENTS
	<p>It is anticipated that the noise generated by the use of the premises for the purposes of a goods repair and reuse premises will not adversely impact on adjoining spaces as it is adjoined by other light industrial uses with the closes residential receiver being located 70m to the north.</p> <p><b>Natural hazards</b> The subject site is located within flood affected land – refer to <b>Section 4.4</b> of this report for detail.</p> <p><b>Construction</b> No construction works are proposed as the application only relates to the proposed use.</p> <p><b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment, are addressed in detail within the Warringah DCP section at <b>Section 5.1</b>.</p> <p><b>Social Impact</b> The building will be leased by Lifeline Northern Beaches. This is a charity that predominately funds its local suicide prevention and crisis support services via a network of Op Shops. The change of use will facilitate a single Op Shop Network Operations hub, bringing together the back-of-house op shop operations into a single premises.</p> <p>The proposal is considered to be of a social benefit to the immediate and surrounding locality.</p> <p><b>Economic Impact</b> The proposal will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use (being retained as industrial).</p>
<p><b>Section 4.15 (1) (c) – the suitability of the site for the development</b></p>	<p><b>Location</b> – there are no prohibitive constraints on the site. The site is considered to be suitably located with regard to public transport and utility services for the proposed use.</p> <p><b>Physical</b> - The proposal retains the existing built form on site.</p> <p><b>Natural</b> –The subject site is flood affected – refer to <b>Section 4.4</b> of this report for detail.</p>
<p><b>Section 4.15 (1) (d) – any submissions made in accordance with the Act or Regs</b></p>	<p>It is envisaged that any resident concerns raised can be addressed where relevant.</p>
<p><b>Section 4.15 (1) (e) – the public interest</b></p>	<p>Pursuant to case law of Ex Gratia P/L v Dungog Council (NSWLEC 148), the question that needs to be answered is "<i>Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development</i>".</p> <p>There are no unreasonable impacts that will result from the proposed use of the premises for the purposes of goods repair and reuse premises, therefore, the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.</p>

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## 4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

### Chapter 4 – Remediation of Land

Chapter 4 of this SEPP— Remediation of Land and requires a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The subject site has only previously been used for industrial purposes the most recent use being for the creation of shop-fittings and displays including assembling of materials and spray painting, there is no evidence to suggest that the site is contaminated and as such is unlikely to contain any contamination; therefore, the requirements of Chapter 4 of the SEPP (Resilience and Hazards) have been satisfactorily addressed. Moreover the proposal is for the use of the premises only with no physical works which might disturb any fabric.

## 4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

### Chapter 2 – Vegetation in non-rural areas

Under Chapter 2 of this SEPP, which comprises the former SEPP (Vegetation in Non-Rural Areas) 2017, the proposed development meets the aims and objectives of the SEPP because the application does not involve clearance of existing native vegetation and would have no materials impacts on vegetation in the vicinity of the subject site.

Part 2.3 of the SEPP allows DCP to make a declaration in any manner relating to species, size, location, and presence of vegetation. The proposed application is for the use of the premises only with no physical works proposed and no tree removal.

## 4.4 Warringah Environmental Plan 2011

**Warringah LEP 2011** defines the zoning regime, objectives and provisions to be considered in the assessment of any application for development.

### ***Zoning and permissibility***

The subject site is zoned **E4 General Industrial** under the provisions of the Warringah LEP 2011 (WLEP 2011) see **Figure 3**.

Development for the purposes of **goods repair and reuse premises**<sup>2</sup> are permissible in the zone subject to Council consent.

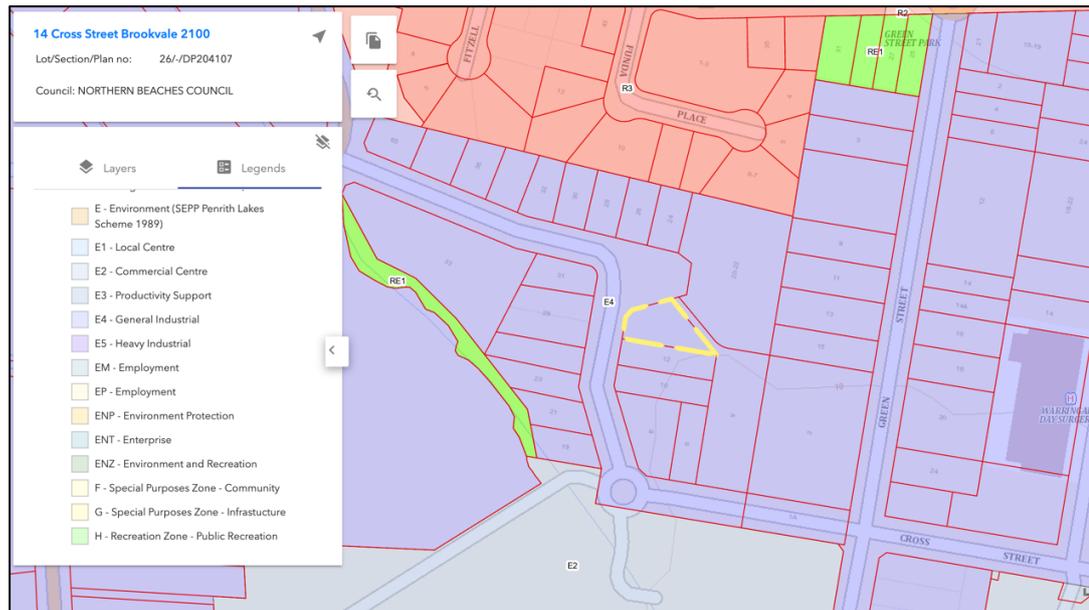
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<sup>2</sup> **Goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as **op shops**.

#### **Note:-**

*Goods repair and reuse premises* are a type of **business premises**—see the definition of that term in this Dictionary.

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**Figure 3: Zoning E4 General Industrial**

Below follows the E4 zone objectives: -

- *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.*

The proposed development is consistent with the zone objectives for the following reasons: -

- The proposal for the use of the existing building for the purposes of allows for a range of light industrial and warehouse uses which is compatible with the surrounding land uses;
- The proposed use continues to ensure the efficient use of land for industrial uses;
- It minimises any adverse effect of industry on other land uses;
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers;
- It provides for healthy, attractive, functional and safe light industrial use in the appropriate area.

Whilst the WLEP 2011 is applicable to the subject site, the EPI primarily contains development standards and provisions applicable to the construction and redevelopment of buildings. As the proposed application involves the use of the subject premises for goods repair and reuse premises only with no physical works, there are limited provisions within the WLEP 2011 that applies. Those applicable is discussed below: -

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## Class 4.3 Height of buildings

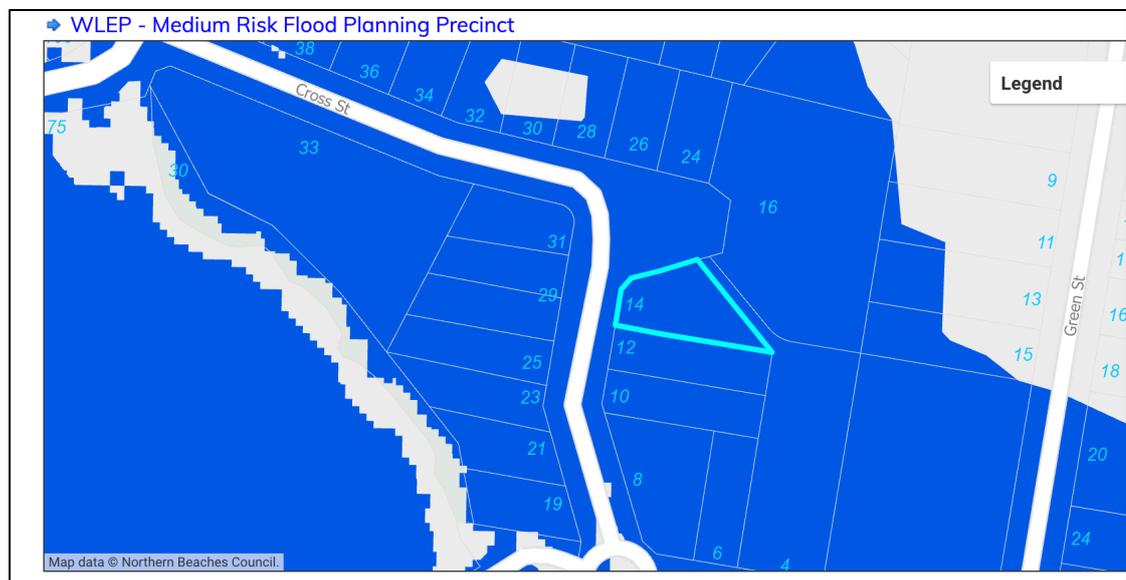
The application is for the use of the existing building only and does not include any physical works which will alter the existing building height.

## Clause 4.4 FSR

The application is for the use of the existing building only and does not include any physical works which will alter the existing FSR.

## Clause 5.21 Flood Planning

The subject site is identified as located within flood affected land Medium Risk Precinct – see **Figure 4**.



**Figure 4: Flood Planning Map**

Flood information from Council Executive Manager Environment and Climate Change on 12 September 2024, identified the Maximum Flood Planning Level (FPL) at 13.0mAHD and the PMF at 13.9mAHD – see email below.

**Sent:** Thursday, 12 September 2024 2:54 PM

**Subject:** 14 Cross Street, Brookvale

Hi Sarah,

The flood depths at 14 Cross St Brookvale are outlined below.

Depths are based on flood modelling in the Manly Lagoon Flood Study 2013, which incorporates LiDAR imagery (aerial laser imagery) of the ground levels. LiDAR has an accuracy level (+-) of 0.15m, so these depths are indicative only and should be considered against an up-to-date survey of the property.

### Depths

At the northern street boundary of the Lot, depths are approximately:

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- 0.15m in the 5% AEP (20 year) flood.
- 0.25m in the 1% AEP (100 year) flood.
- 1.6m in the Probable Maximum Flood (PMF).

## Levels

We can provide you with the 1% AEP, FPL and PMF level for this lot.

Levels are shown as mAHD, which is a datum based on metres above average sea level.

For 14 Cross St, Brookvale, the peak flood levels are:

- 1% AEP: 12.5mAHD
- FPL: 13.0mAHD
- PMF: 13.9mAHD

Kind regards

Yianni

In some circumstances a Flood Impact Risk Assessment (FIRA) Report, may not be required, for example when the works are internal only and where there is no work to habitable floor areas below the FPL. In this regard, the subject application does not seek to alter any existing floor levels and relate to the use of the building only.

Moreover, the application is consistent with and satisfy the provisions of Clause 5.21 (2) and (3) in that:-

- It does not alter the flood function and behaviour on the land;
- It will not adversely affect existing flood behaviour in a way that would result in increases in the potential flood affectation of other development or properties;
- it will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood;
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- It will not change flood behaviour as a result of climate change; and
- the proposal is for the use only and will not alter the existing scale of buildings.

## **Clause 6.2 Earthworks**

The application is for the use of the existing building only and does not include any physical works which will require excavation or earthworks.

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## 5 NON-STATUTORY CONSIDERATION

### 5.1 Warringah Development Control Plan

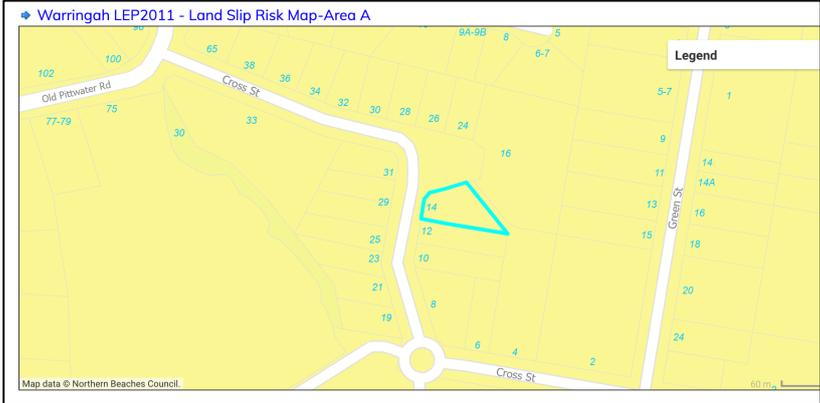
Whilst the Warringah Development Control Plan (“WDCP”) is applicable to the subject site, controls within that document primarily concern the construction and redevelopment of new structures. As the proposed application simply involve the use of the subject premises for goods repair and reuse premises with no physical works there are no built form provisions within the WDCP that apply.

Those applicable is discussed Table 2 below: -.

**Table 2: Consistency with Warringah DCP**

CLAUSE	COMMENT	COMPLY
<b>Part B: Built Form Controls</b>		
	The proposed development is for the use of the premises only with no change to the existing built form.	N/A
<b>Part C Sitting Factors</b>		
C2 Traffic, Access and Safety	The subject site is located in an area that has convenient access to public transport facilities with a number of bus services located within walking distance of the site on Cross Street and along Pittwater Road. The site is also within walking distance (<400m) from Warringah Mall.  Public transport is a convenient travel option for clients of LLNB, and the site will continue to be well serviced by public transport and patrons will not need to rely on cars.	Yes
C3 Parking Facilities	The existing situation allows for 5 spaces on site. The proposal does not seek to alter the approved floor area. The proposal does not seek to alter the existing arrangement and is considered sufficient to cater for staff of the premises.	Yes
C4 Stormwater	The proposed development is limited to the use of the premises only with no change to the existing stormwater measures in place	Yes
C9 Waste Management	The proposed development is limited to the use of the premises only with no change to the existing waste management procedures in place.	Yes
<b>Part D Design</b>		
D3 Noise	It is anticipated that the noise generated by the use of the premises for the purposes of a goods repair and reuse premises will not adversely impact on adjoining spaces as it is adjoined by other light industrial uses with the closes residential receiver being located 70m to the north.	Yes
D8 Privacy	The proposed development is limited to the use only with no change to the existing window openings. There is no change to existing overlooking opportunities.	Yes
D12 Glare and Reflection	The proposed development is limited to the use only with no change to the existing built form or roof structure.	Yes
D18 Accessibility and Adaptability	A BCA capability statement accompanies the application which demonstrate that:-  <i>“Compliance with the BCA for the proposed development is capable of being achieved by a combination of compliance with the</i>	Yes

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	<p><i>deemed-to-satisfy (DTS) provisions and the provision/documentation of Performance Solutions in accordance with Clause A5.2 of the BCA by a suitably qualified consultant/s to achieve compliance with the performance provisions of the BCA...</i></p> <p>An access capability statement accompanies the application. The report concludes as follows:-  <i>“Upon review of the supplied documentation, it is the opinion of Group DLA Access that, with ongoing design development and detailing in accordance with the supplied advice of Group DLA Access, the design of the proposed new works including the applicable Affected Part principle pedestrian entrance of the building will be capable of compliance with the relevant design requirements for the provision of access for people with a disability.</i></p> <p>Moreover, a review of both the existing buildings’ compliance regarding <b>Fire Safety capability</b>, as well as that required for the proposed use were conducted and a fire safety audit accompanies the application.</p> <p>The reports concludes that the building is <b>suitable for the proposed use</b>.</p>	
D20 Safety and Security	The proposed development is limited to the change of use only with no change to the existing safety and security measures in place.	N/A
D22 Conservation of Energy and Water	The proposal is for a change of use only with no change to energy savings or water measures.	Yes
<b>Part E The Natural Environment</b>		
E10 Landslip Risk	<p>The subject site is located within the Land Slip Risk Area A. The proposed works is limited to the change of use only with no physical works proposed.</p> <p>It is considered that the nature of the works does not require a preliminary assessment of site conditions and/or site stability report. There is no disturbance of soil or existing subsurface flow conditions.</p>  <p><b>Figure 5: Landslip Map</b></p>	Yes
E11 Flood Prone Land	The proposal is for the change of use only and would have no impact on flood affectation.	Yes

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## 6 CONCLUSION

The proposed use of No. 14 Cross Street, Brookvale for the purposes of a *goods repair and reuse premises*, is considered to:

- it is a suitable and desirable use for the site and meets the relevant heads of consideration under Section 4.15 of the EP& A Act;
- it is in accordance with the aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- the proposed use will not have any adverse impacts on the local surrounds in terms of noise, traffic/parking, safety and security.

**Based on the above assessment, is it recommended to the Council that consent be granted to the application.**