



DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0728
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
Proposed Development:	Use of Premises as a light industry for coffee roasting and production, and office space
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:	Nick Egan

Application Lodged:	26/06/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	08/07/2024 to 22/07/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,324,290.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the change of use and fit-out of Units 5 and 6 within the existing warehousing estate (approved under DA2019/1346) for the purpose of a coffee roasting and production facility (defined as light industry). The future end user is identified as Seven Miles Coffee Company. Seven Mile Coffee Company are based in Sydney with local roasteries in Brisbane, Canberra, Wollongong and Orange.

The proposed development includes the following scope of works/operational components:

- Storage/racking to accommodate 320 pallets.
- Quality assurance/coffee tasting area, control room, meeting rooms and office rooms.
- Number of staff: 50 staff during operation (30x office and 20x coffee production staff).
- Staff amenity rooms (kitchen/lunch rooms).
- Two tenant wall signage location zones on the western elevation of the building (subject to detailed design and post-approval).
- Eight at-grade parking spaces and 72 shared use parking spaces located in the basement car parking area.
- No change to the gross floor area (GFA) of the existing Units 5 and 6.
- Hours of operation: Monday - Friday: 7.00am to 6:00pm, Saturday: 7.00am to 1.00pm and no operation on Sundays.

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 Local Environmental Plan 2011 - Zone E4 General Industrial
 Warringah Local Environmental Plan 2011 - 5.10 Heritage conservation
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
Detailed Site Description:	The subject site comprises of a 3.655 hectare allotment that is bound by South Creek Road to the south and Inman Road to the west. The site is zoned E4 General Industrial pursuant to the Warringah Local Environmental Plan 2011 (WLEP) and accommodates a newly constructed industrial

complex that incorporates warehousing, light industry and commercial land uses within the various tenancies. The subject development is located within Units 5 and 6 of the industrial complex.

The site is generally flat and contains pockets of landscaping around the building and parking areas. The site is not burdened by any significant environmental constraints; however, contains heritage item I52 'Roche Building'. However, no works are proposed to this heritage item.

Adjoining and surrounding development is characterised by a combination of industrial use areas, residential use areas and special characteristics areas.

Map:



SITE HISTORY

A search of Council's records reveal the following relevant history:

- Development Consent DA2019/1346 was granted on 17 August 2020 by the Sydney North Planning Panel for demolition works and additions to an existing industrial facility, including new warehouse, self-storage, office premises and ancillary cafe. This consent has been modified on two occasions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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 Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</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 08/07/2024 to 22/07/2024 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><i>Note: The proposed development may not comply with some requirements of the BC Building Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Environmental Health (Industrial)	<p>General Comments</p> <p>This application is seeking consent for the operation of a coffee roasting business in Warehouses 5 and 6 at 4-8 Inman Road, Cromer.</p> <p>An odour and air quality assessment were undertaken as well as an acoustic report to determine likely odour and noise issues associated with the coffee roasting business.</p> <p>The Odour assessment has determined' <i>The results presented in Section 7 indicate that afterburners would appropriately control emissions generated from coffee roasting activities to not result in adverse odour impacts experienced at land uses surrounding the Proposed site'</i></p> <p>The acoustic report has provided noise management recommendations but ultimately determines that operational noise is <i>predicted to comply with relevant acoustic criteria.</i></p> <p>Environmental Health recommends approval subject to conditions.</p>
Strategic and Place Planning (Heritage Officer)	<p>HERITAGE COMMENTS</p> <p>Discussion of reason for referral</p> <p>This application has been referred as the site contains a heritage item, being Item 152 Roche Building and is within the vicinity of 2 other heritage items being Item 153 - Givaudan-Roure Offices and Item 138 Trees - Campbell Avenue, which are all listed</p>

Internal Referral Body	Comments		
	within Schedule 5 of Warringah LEP 2011.		
	Details of heritage items affected		
	Details of heritage item on site, as contained within the Heritage Inventory, are: <i>Item 152 - Roche building</i> <u>Statement of Significance</u> A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes s substantial landscaped grounds. Socially significant due to landmark nature		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	However, Roche building was previously on RAIA Register
	Other	No	
	Consideration of Application		
	This application is for use of existing warehouse units 5 and 6 for a coffee roasting and production facility, including fitout and signage. Signage consists of 2 wall mounted business identification signs, but no details are provided about the design of these signs.		
	A Heritage Impact Statement was submitted with the application (Heritage 21, dated March 2024). This has been reviewed and its conclusions agreed with, although it does not assess the impact of the proposed signage.		
	Units 5 and 6 are located directly opposite the Roche heritage buildings which have been retained on site. The proposed works are to newly built warehouse units and all works are internal, apart from 2 business identification signs. Therefore, there is no impact upon original heritage fabric on-site. The only external change is the proposed wall mounted non-illuminated business identification signs. No objections are raised to these signs, however details of the design and colours have not been provided and will need to be provided for approval prior to issue of a construction certificate. This is necessary to ensure that the signs do not adversely impact upon the heritage significance of the site given that they will be visible from retained heritage buildings.		
	Therefore, no objections are raised on heritage grounds, subject to the imposition of one condition.		
	<u>Consider against the provisions of CL5.10 of WLEP 2011:</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A		

Internal Referral Body	Comments
	<p>Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p>This development application seeks approval for change of use of Units 5 & 6 of the ex warehouse light industrial units for use as a Seven Miles coffee roasting and production facility. The subject site located at 4-8 Inman Road, Cromer; was approved under DA2019/1346 as part of the Northern Beaches Business Park.</p> <p>The Statement of Environmental Effects (SEE) states that Units 5 and 6 has a cumulative floor area of 2,340m² (GFA), including a mezzanine office of 300m². The business will accommodate a maximum of 50 staff, including 30 office staff. The operation hours are Monday to Friday 7am to 6pm, and Saturday 7am to 1pm. A Traffic and Parking Assessment (TPA) has been prepared by Varga Traffic Planning Pty Ltd (dated 29th May 2024), with respect to access, parking, and traffic generation impacting the road network.</p> <p>Traffic Generation</p> <p>The TPA states that the future traffic generation has been assessed in accordance with Roads and Maritime Services (RMS) 'Guide to Traffic Generating Developments 2002' and the updated traffic generation rates in the Technical Direction (TDT 2013/04a) documents. The TPA reports that neither documents provide a traffic generation rate for a coffee roasting development and therefore the application rate for factories (1.0 PM peak hour vehicle trips per 100m² GFA) has been adopted.</p> <p>The proposed coffee roaster development (GFA of 2,040m² and office GFA of 300m²) has a traffic generation potential of the site of approximately 25 vehicle trips per hour (vph) during the AM peak hour and 24 vph during the PM peak hour. The projected future level of traffic generation potential should be offset or discounted by the volume of traffic generated by existing land use, and therefore there will be no change in the traffic generation potential at the site.</p> <p>Access and Parking</p> <p>The TPA states that the business park currently makes provision for a total of 279 car parking spaces on the site, comprising 203 spaces in the basement car parking area and 76 spaces at-grade. Units 5 & 6 have been allocated 8 parking spaces at-grade which are located directly in front of Units 5 and 6. The main vehicular access to the at-grade parking spaces is via a one-way entry driveway off Inman Road with an egress driveway provided onto South Creek Road, to enable circulation through the site in a clockwise direction. The TPA also indicates that there is shared use of 72 parking spaces which are located in the basement car parking area. Access to the basement car park is via a separate combined access driveway, located approximately 110m further south off Inman Road.</p> <p>There are no submitted plans indicating the proposed 72 shared use parking spaces. A number of Development Applications for the subject site have however indicated 2 rows of angled parking to the west of the first parking aisle, for use as shared parking. The total</p>

Internal Referral Body	Comments
	<p>number of these parking spaces amounts to 62 spaces including 2 Accessible Parking spaces. It is noted that most of the approved tenants including Carlile Swimming (Unit Bounce (Units 7 & 8), Anytime Fitness (Unit 9), Precision Golf (Unit 11), Pilates studio (Unit 10A) and Rumble gym (Office B), will use the shared parking to some extent. Some of the premises are totally reliant on the shared spaces due to inadequate or no parking spaces being allocated, while others will use the shared parking for overflow parking and/or during peak periods. It is also not considered appropriate that this proposal should be required to share parking, as unlike other premises within the Business Park, the operation is not a service industry where the parking demands fluctuate based on the clientele. The parking spaces for this business is generally to provide for staff parking. The proposal is considered to be light industrial, and a total of 30 parking spaces is required based on the Warringah DCP (1.3 spaces per 100m² GFA). As there are 8 at-grade parking spaces allocated directly in front of the Units, a further 22 designated parking spaces must therefore be provided. It is recommended that the required parking spaces be provided in the same parking row along the eastern side of the basement car park. The proposal can be supported subject to the recommended Conditions.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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 (Sustainable Buildings) 2022

Pursuant to Clause 3.1(1)(a) this SEPP applies to non-residential development that involves the erection of a new building if the development has a capital investment value of \$5 million or more.

As the development has a cost of \$1,324,290.00, the provisions of this SEPP are not applicable.

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Industry and Employment) 2021

The development includes two tenant identification signage zones on the western elevation of the building (see **Figure 1**). While detailed signage plans have not been provided under this application, a condition is recommended that requires detailed signage plans to be prepared and approved by Council's Heritage Advisor prior to the issue of a construction certificate. A condition is also recommended to ensure the signage is not illuminated.

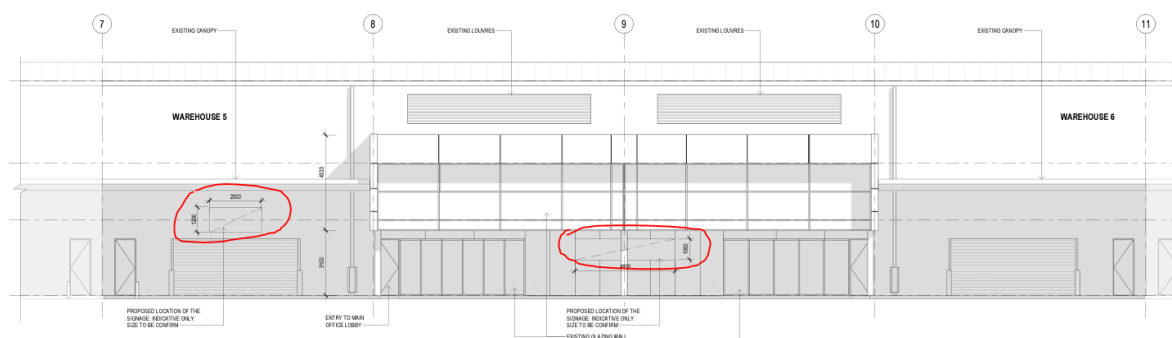


Figure 1: signage zone locations circled in red (source: applicant's architectural plans)

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:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage will be compatible with the existing and future character of the Cromer industrial precinct.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage will identify the tenant of the development and will be consistent with the nature of signage within the precinct and subject industrial complex on the site.	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 site is located within an industrial precinct and it is not anticipated that the signage would detract from the visual quality of the area. A condition is recommended to restrict any illumination.	Yes
3. Views and vistas Does the proposal obscure or compromise important views?	The signage zones identified on the architectural plans are located well below the building height and will not compromise any views or vistas.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the signage zones do not dominate the skylight or obstruct any views of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The signage zones do not obstruct any other signage within the industrial estate or wider locale.	Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage zones are small in area and are appropriate in the context of the site.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Detailed signage plans must be submitted to Council's Heritage Advisor for approval prior to construction. The signage zones, based on their location and area, are not anticipated to detract from the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage zones are appropriately located on the western elevation of the building.	Yes
Does the proposal screen unsightliness?	No.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	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?	Yes, the signage zones are appropriate in the context of the industrial park on the site.	Yes
Does the proposal respect important features of the site or building, or both?	Detailed signage plans must be submitted to Council's Heritage Advisor for approval prior to construction. The signage zones, based on their location and area, are not anticipated to detract from the streetscape.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Detailed signage plans must be submitted to Council's Heritage Advisor for approval prior to construction. The signage zones, based on their location and area, are not anticipated to have adverse impacts.	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?	The applicant's Statement of Environmental Effects has advised that safety devices, lighting devices or logos will not be integral in the display.	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 applicant's Statement of Environmental Effects has advised that no illumination will be proposed. A condition is recommended to prevent any illumination.	Yes
Can the intensity of the illumination be adjusted, if necessary?	No illumination proposed.	Yes
Is the illumination subject to a curfew?	N/A - No illumination proposed.	Yes
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage zones are small in area and will not reduce road or pedestrian safety.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage zones are small in area and will not reduce road or pedestrian safety.	Yes

Accordingly, the proposed signage zones is considered to be of a scale and design suitable for the locality. The detailed signage plans will require approval by Council's Heritage Advisor prior to the commencement of construction. With this condition in place, the development will be consistent with the requirements of this SEPP.

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. Council records indicate that the subject site has been used for industrial purposes for a

significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial land use.

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?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	no change to existing building height and all fit-out works below 11m height plane	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
1.3 Land to which Plan applies	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone E4 General Industrial

The development is classified as a light industry land use, which is permitted with development consent in the E4 General Industrial zone. The WLEP defines a light industry as:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Council's assessment, as demonstrated throughout this assessment report, as concluded that the development will not interfere with the amenity of the neighbourhood by reason of noise, vibration, air emissions, wastewater, waste products or dust. As such, the development is consistent with the light

industry land use definition.

The development is consistent with the objectives of the E4 zone, insofar as the development will provide employment opportunities and will utilise an existing industrial complex for a light industrial land use, while resulting in minimal impacts upon nearby sensitive land uses.

5.10 Heritage conservation

Council's Heritage Advisor has assessed the potential impacts of the development on nearby heritage items on the subject site and the surrounds and concluded that the impacts on nearby heritage items will be acceptable, subject to a condition that requires detailed signage plans to be prepared and approved by the Heritage Advisor prior to the issue of the construction certificate.

With this condition in place, and subject to the signage plans being acceptable from a heritage perspective, the development will satisfy the requirements of clause 5.10 of the WLEP.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B6 Merit Assessment of Side Boundary Setbacks	North: Merit Assessment	No change to existing building envelope	-	Yes
	East: Merit Assessment	No change to existing building envelope	-	Yes
B8 Merit Assessment for Front Boundary Setbacks	Inman Road (Primary Frontage)	No change to existing building envelope	-	Yes
	South Creek Road (Secondary Frontage)	No change to existing building envelope	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D20 Safety and Security	Yes	Yes
D23 Signs	Yes	Yes

Detailed Assessment

C2 Traffic, Access and Safety

Council's Traffic Engineer has reviewed the Traffic and Parking Assessment Report (TPA) (prepared by Varga Traffic Planning Pty Ltd, dated 29 May 2024) and provided the following comments:

"The TPA states that the future traffic generation has been assessed in accordance with Roads and Maritime Services (RMS) 'Guide to Traffic Generating Developments 2002' and the updated traffic generation rates in the Technical Direction (TDT 2013/04a) document. The TPA reports that neither documents provide a traffic generation rate for a coffee roaster development and therefore the application rate for factories (1.0 PM peak hour vehicle trip per 100m2 GFA) has been adopted.

The proposed coffee roaster development (GFA of 2,040m2 and office GFA of 300m2) yields a traffic generation potential of the site of approximately 25 vehicle trips per hour (vph) during the AM peak hour and 24 vph during the PM peak hour. The projected future level of traffic generation potential should be offset or discounted by the volume of traffic generated by the existing land use, and therefore there will be no change in the traffic generation potential of the site".

In this regard, the development is assessed as being satisfactory in relation to traffic generation and access, consistent with the requirements and objectives of section C1 of the WDCP.

C3 Parking Facilities

The proposal is for a light industrial land use and therefore, a total of 30 off-street car parking spaces is required for the facility based off the cumulative warehouse gross floor area of 2,340sqm in addition to the mezzanine office of 300sqm, in accordance with the WDCP.

The applicant's Statement of Environmental Effects stipulates that eight (8) at-grade parking spaces and 72 shared use parking spaces located in the basement car parking area are available to the development, which is a total of 80 spaces. This is well in excess of the WDCP car parking requirements for this facility.

Council's Traffic Engineer has noted that a facility car parking plan has not been provided; however, has assessed other facilities within the subject site and is satisfied that there is adequate off-street car parking for the subject facility. Council's Traffic Engineer has recommended conditions to ensure that the required 30 car parking spaces are provided for the facility and that this be formalised by a car parking plan which is to be prepared and approved by the Certifier prior to the issue of an Occupation Certificate. This condition will ensure that there is adequately car parking provisions for the facility.

D3 Noise

The operational aspects associated with the development, including mechanical plant and equipment, staff movements, and vehicle movements, has the potential to generate noise that would impact upon the amenity of nearby sensitive receivers.

The application is accompanied by an Acoustic Report (AR) (prepared by Acoustic Dynamics, dated 27 May 2024) which provides an assessment of the noise and vibration impacts associated with the operational aspects of the proposed development, in accordance with the EPA's Noise Policy for Industry 2017 (NPfI). The AR has modelled noise impacts at the following sensitive receivers:

- Proposed residential receivers located at 100 South Creek Road to the east of the development.
- Existing residential receivers located at 30 Orlando Road to the north of the development.
- Childcare centre located at 38 Orlando Road to the north of the development.
- Northern Beaches Secondary School to the west of the development.
- Industrial receivers located within 4-8 Inman Road (the subject site).

These receivers are located on **Figure 2** below.



Figure 2: Site, Surrounding Receivers and Noise Logging Location

The AR calculated external noise emissions based on maximum capacity operations of the development. The AR stipulates that the noise levels are predicted to be below the maximum criteria established within the NPfI at all receiver locations. The AR recommends a number of on-going mitigation measures (i.e. truck engines not left idling for more than 5 minutes during deliveries and roller doors shut during operations) to ensure noise levels are appropriately managed in perpetuity. A condition is recommended to ensure that these measures are complied with during operation.

Council's Environmental Health Officer has reviewed the AR and raised no objections.

Based on the above assessment, it is concluded that the noise impacts are acceptable.

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$13,243 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,324,290.

AIR QUALITY AND ODOUR IMPACTS

The proposed coffee roasting operations have the potential to generate air quality and odour impacts at surrounding receivers. The application was accompanied by an Air Quality and Odour Assessment (AQOA) that was prepared in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW.

The AQOA modelled air quality and odour impacts using the CALFULL atmospheric dispersion model to predict off-site impacts at a number of receivers within the development site and on surrounding properties.

The AQOA dispersion model predicted no exceedances of the odour and particulate matter criterion at off-site receiver locations. Council's Environmental Health Officer has reviewed the AQOA and raised no objections.

Based on the above assessment, it is concluded that the air quality and odour impacts are acceptable.

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 Development Consent to DA2024/0728 for Use of Premises as a light industry for coffee roasting and production, and office space on land at Lot 1 DP 1282038, 4 - 8 Inman Road, CROMER, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

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
DA02	A	Site Plan	Watson Young	23 May 2024
DA03	A	Ground Floor Plan	Watson Young	23 May 2024
DA04	A	Mezzanine Floor	Watson Young	23 May 2024
DA05	A	Elevations	Watson Young	23 May 2024
DA06	A	Section	Watson Young	23 May 2024
DA07	A	Roof Plan	Watson Young	23 May 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Traffic and Parking Assessment Report	24197	Varga Traffic Planning Pty Ltd	29 May 2024
Operational Noise Emission Assessment	6387R001.DK.240516	Acoustic Dynamics	27 May 2024
BCA Capability Statement	S240165 (Revision 1)	B M PLUS G	29 May 2024
Air Quality and Odour Assessment	24.1101.FR1V1	Northstar	29 May 2024

Statement of Heritage Impact	10297 (Issue 2)	Heritage 21	29 May 2024
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between 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.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	N/A

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

3. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a light industry. The Warringah Local Environmental Plan 2011 defines this land use as follows:

- **light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—
 - (a) high technology industry,
 - (b) home industry,
 - (c) artisan food and drink industry,
 - (d) creative industry.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools

- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

6. **Staff and Contractor Parking**

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the available on-site parking.

Reason: To ensure minimum impact of construction activity on local parking amenity.

7. **Traffic Management**

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Principal Certifier.

Reason: To ensure pedestrian safety and continued efficient network operation.

FEES / CHARGES / CONTRIBUTIONS

8. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$13,242.90 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$1,324,290.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the

Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

9. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

10. **Details of signage to be provided**

Details of business identification signage are to be provided to Council's Heritage Advisor for approval, prior to the issue of a construction certificate. Details are to include location, size, colour and design. The signage is not to be illuminated.

Reason: To ensure that signage does not impact upon the heritage significance of the site.

11. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

DURING BUILDING WORK

12. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

13. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

14. Acoustic Recommendations

Prior to the issuing of an Occupation Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report prepared by Acoustic Dynamics dated 27 May 2024 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

15. Allocated Parking Spaces

The development is to provide for a total of 30 parking spaces with the following parking allocation:

- 8 at-grade parking spaces located directly in front of Units 5 and 6
- 22 parking spaces located in the same row along the eastern side of the basement car park.

The required parking spaces should be shown on an updated Ground Floor Plan and Basement Car Park Plan for the Northern Beaches Business Park.

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking and facilities are managed appropriately.

16. Afterburners Installation

Prior to the issuing of an Occupation Certificate, certification is to be provided to the Principal Certifying Authority demonstrating the afterburners have been installed as per the Air Quality

and Odour Assessment prepared by Northstar dated 29 May 2024 reference 24.1101.FR1V1.

Reason: To ensure odour and air quality are managed.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

17. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 7.00am to 6.00pm.
- Saturday – 7.00am to 1.00pm.
- Sunday and Public Holidays – no operation.

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

18. **Maximum Number of Staff**

The facility shall operate with a maximum of 50 staff at any one time.

Reason: To ensure compliance with the operational components of the development.

19. **Waste Collection**

Waste collection Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Records must be kept of all waste disposal from the site. Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the Waste Management Plan.

Reason: To ensure compliance with Protection of the Environment Operations Act 1997.

20. **Compliance with Plan of Management**

The requirements of the Operational Plan of Management referenced in Condition 1 of this consent must be complied with at all times.

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity.

21. **Deliveries**

Deliveries to and from the site, excluding waste collection, is only permitted during the following hours:

- Monday to Friday: 9.00am to 6.00pm.

Reason: To limit impacts to adjoining land.

22. **Compliance with Acoustic Report**

The recommendations outlined within Section 6 of the Acoustic Report (prepared by Acoustic Dynamics, dated 27 May 2024) must be complied with at all times during operation.

Reason: To mitigate noise impacts.

23. Loading and deliveries

Loading and unloading of trucks and vehicles must be undertaken wholly within the internal areas of the Unit. Truck deliveries are to reverse into the Unit and exit in a forward direction.

Reason: To ensure loading operations and deliveries are undertaken onsite and do not impact access or parking amenity in the Business Park.

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

Signed



Thomas Burns, Principal Planner

The application is determined on 29/08/2024, under the delegated authority of:



Thomas Prosser, Acting Development Assessment Manager