

**Four Towns
Planning**

Planning and property consultant

STATEMENT OF WORKS UNDERTAKEN

Building Information Certificate

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

✉ mathew@fourtowns.com.au

☎ 0425232018

www.fourtowns.com.au

PO Box 361, Balgowlah NSW 2093

This report has been prepared to support a Building Information Certificate 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 Building Information Certificate with Northern Beaches Council regarding unauthorised works completed 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);
- As-Built Architectural Plans prepared by Action Plans;
- BCA Report prepared by BCA Vision;
- Fire Safety Statement;
- Certificate of Compliance from HMS Projects;
- Structural Engineering Plans and Certificate prepared by SDS Engineering.

This report examines any potential environmental impacts regarding the provisions of Section 4.15 of the EP&A Act 1979 including all relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

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 separate Development Application. In this regard, it is my professional opinion the works are minor and can be supported.

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. The site has two existing buildings one to two storeys in height.

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

Locality Maps



Source: Nearmap 2025

Visual Analysis



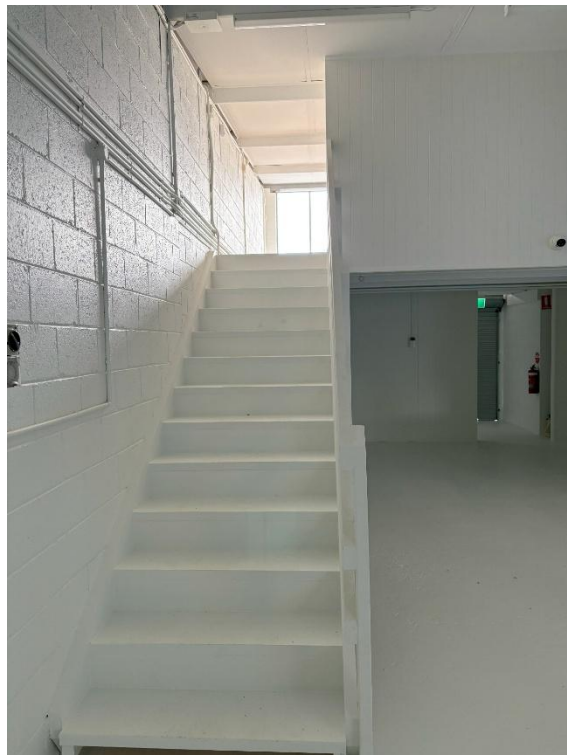
Photograph of Units 6 and 7 / 161-163 South Creek Rd, Cromer



Photograph of the wall removed between Units 6 and 7 / 161-163 South Creek Rd, Cromer



Photograph of the existing mezzanine level with part of wall removed for access between the two areas



Photograph of existing stairs to mezzanine – no works to the stairs

3. Works Undertaken

- ***Detailed description of the unauthorised or illegal building works carried out.***

- Roller door to unit 7 removed and replaced with framed glazed door unit
- Party wall between units 6 and 7 removed in part to join the units together as one tenancy
- Party wall opening within the mezzanine level between units 6 and 7
- Open style balustrade at mezzanine level removed and replaced with full wall
- Storage bay walls and counter bench

**Refer to architectural plans prepared by Action Plans for a full description of all works.*

- ***The reason why these works were carried out.***

The tenant has been in unit 7 for many years and took over the lease of unit 6. The tenant was unaware that the minor works required development consent. As a result of investigation by Northern Beaches Council, the works stopped and Four Towns Planning was engaged to assist with the matter. It is noted the use of the premises will be the subject of a separate Development Application.

- ***Detail any approvals issued for the works and the variation from the approval.***

No approvals were issued regarding the completed works.

- ***Detail any Written Directions Notices issued by Certifier or Notices and Orders issued by Council.***

A Notice of Intention to give a Development Control Order was issued on the 8 September 2025 ref EPA2025/0174. The notice has been complied with, with both a building information certificate lodged with Council for the unauthorised works and a development application for the use of those works.

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 works undertaken 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.

Statement of Works

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 – the works do not change the existing building height which is under 11m
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 – the works undertaken are within acceptable parameters regarding development standards.

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 – no excavation was undertaken.
6.3 (Repealed)	N/A
6.4 Development on sloping land	N/A – the site is located within landslip area A. The works undertaken did not trigger 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

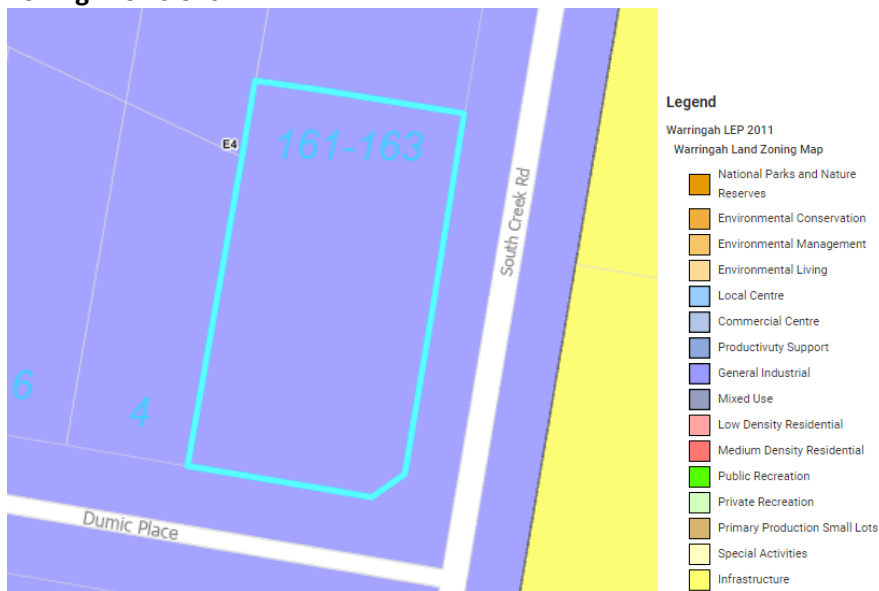
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

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

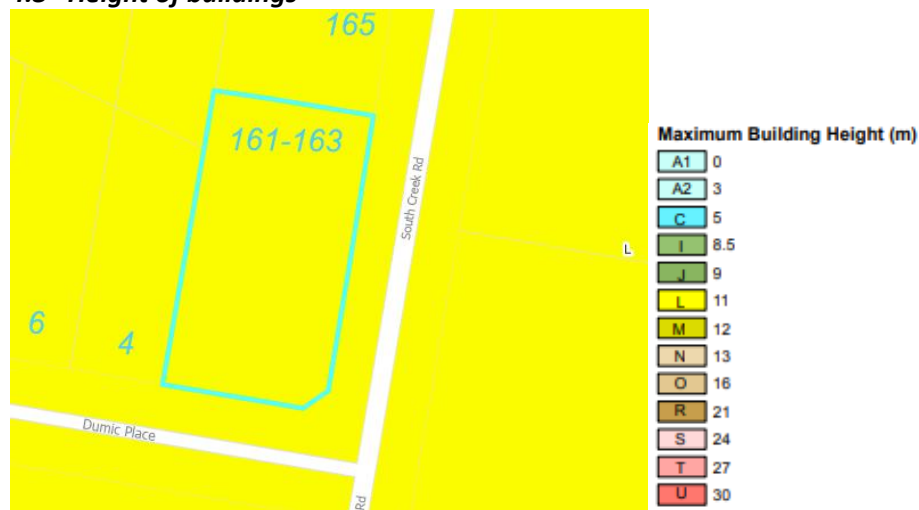
Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional 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. A separate development application is lodged for use as light industry and an industrial retail outlet. The uses are permissible on the site, therefore the works undertaken are also permissible on the site.

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:

Complies – the site has a maximum building height provision of 11m. The works undertaken are within the existing building footprint and under the existing building height which complies with the 11m height limit.

4.4 Floor space ratio

Comment:

Not applicable.

4.6 Exceptions to development standards

Comment:

Not applicable – the works undertaken are within acceptable parameters regarding development standards.

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,

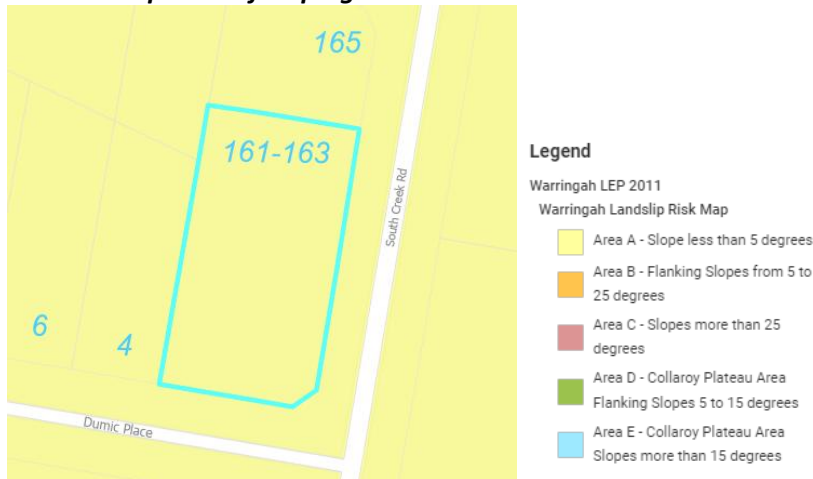
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

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

Comment:

Not applicable – the works undertaken did not include any excavation or fill.

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:

Complies – the subject site is located within Area ‘A’ of the Landslip Risk Area map. Works undertaken relate to internal works/within the building footprint with no excavation. The development has no landslip risk, therefore no further reports required.

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

B1 Wall Heights

Objectives

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Requirements

1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

Exceptions

This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:

- does not exceed the 8.5 metre height development standard;
- is designed and located to minimise bulk and scale; and
- has a minimal visual impact when viewed from the downslope sides of the land.

Comments:

Not applicable – no change to wall height.

B7 Front Boundary Setbacks

Objectives

- To create a sense of openness.
- To maintain the visual continuity and pattern of buildings and landscape elements.
- To protect and enhance the visual quality of streetscapes and public spaces.
- To achieve reasonable view sharing.

Requirements

1. Development is to maintain a minimum setback to road frontages.
2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.
3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.
4. For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

Comments:

Not applicable – no change to existing front setback.

Part C – Siting Factors

C2 Traffic, Access and Safety

Objectives

To minimise:

- a) traffic hazards;
- b) vehicles queuing on public roads
- c) the number of vehicle crossings in a street;
- d) traffic, pedestrian and cyclist conflict;
- e) interference with public transport facilities; and
- f) the loss of “on street” kerbside parking.

Requirements

Vehicular Access

1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.
2. Vehicle access is to be obtained from minor streets and lanes where available and practical.
3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.
4. Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.
5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.

On-site loading and unloading

6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.

Exceptions

Reference should be made to Part G for additional, site specific requirements

Comments:

Not applicable – no change to existing parking and loading facilities on-site.

C3 Parking Facilities

Objectives

- To provide adequate off street carparking.
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

Requirements

1. The following design principles shall be met:
 - Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;
 - Laneways are to be used to provide rear access to carparking areas where possible;
 - Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;
 - Parking is to be located so that views of the street from front windows are not obscured; and
 - Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.
2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:
 - the land use;
 - the hours of operation;
 - the availability of public transport;
 - the availability of alternative car parking; and
 - the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.
3. Carparking, other than for individual dwellings, shall :
 - Avoid the use of mechanical car stacking spaces;

- *Not be readily apparent from public spaces;*
 - *Provide safe and convenient pedestrian and traffic movement;*
 - *Include adequate provision for manoeuvring and convenient access to individual spaces;*
 - *Enable vehicles to enter and leave the site in a forward direction;*
 - *Incorporate unobstructed access to visitor parking spaces;*
 - *Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;*
 - *Provide on site detention of stormwater, where appropriate; and*
 - *Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.*
4. *Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.*
5. *Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.*
6. *For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.*
7. *Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.*
8. *For Forest Way Village car parking at ground level is to be provided for individual units.*

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot. Cross reference is in appendix 1.

Comments:

Not applicable – no change to existing parking facilities on-site.

C6 Building over or adjacent to Constructed Council Drainage Easements

Objectives

To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property

Comments:

Not applicable – no construction works have been built over or near Council Drainage Easements.

C7 Excavation and Landfill

Objectives

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Requirements

- 1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.*
- 2. Excavation and landfill works must not result in any adverse impact on adjoining land.*
- 3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.*
- 4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.*
- 5. Rehabilitation and revegetation techniques shall be applied to the fill.*
- 6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.*

Comments:

Not applicable – no excavation or fill works undertaken.

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 works undertaken have no adverse impact on adjoining premises with the land uses to be assessed under a separate development application. Regardless, 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.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Requirements

Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements:

[Telecommunications Act 1997](#)

Comments:

Not applicable.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

- 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
- 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
- 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*
- 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

Comments:

Complies – the works undertaken were mainly internal with the removal of the roller door with clear glazing to the street frontage. The works undertaken have no privacy impacts.

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Requirements

1. *Side and rear setbacks are to be progressively increased as wall height increases.*
2. *Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
3. *On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:
The amount of fill is not to exceed one metre in depth.
Fill is not to spread beyond the footprint of the building.
Excavation of the landform is to be minimised.*
4. *Building height and scale needs to relate to topography and site conditions.*
5. *Orientate development to address the street.*
6. *Use colour, materials and surface treatment to reduce building bulk.*
7. *Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
8. *Articulate walls to reduce building mass.*

Comments:

Complies – the works undertaken retain the existing height and building footprint, therefore retaining building bulk as existing.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Requirements

1. *In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.*
2. *The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.*
3. *The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.*
4. *The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.*

Comments:

Complies – the works undertaken mainly related to internal fit out with the inclusion of a glazed door unit replacing the previous roller door. The panel door fits in with the buildings colours and materials.

D11 Roofs

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Requirements

1. *Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.*
2. *Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.*
3. *Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.*
4. *Roofs shall incorporate eaves for shading.*
5. *Roofing materials should not cause excessive glare and reflection.*
6. *Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.*

Comments:

Not applicable – no change to existing.

D12 Glare and Reflection

Objectives

- *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

Requirements

1. *The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;*
 - *Minimising the lit area of signage;*
 - *Locating the light source away from adjoining properties or boundaries; and*
 - *Directing light spill within the site.*
2. *Any glare from artificial illumination is to be minimised by utilising one or more of the following:*
 - *Indirect lighting;*
 - *Controlling the level of illumination; and*
 - *Directing the light source away from view lines.*
3. *Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:*
 - *Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;*
 - *Orienting reflective materials away from properties that may be impacted;*
 - *Recessing glass into the façade;*
 - *Utilising shading devices;*
 - *Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and*
 - *Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.*

Comments:

Not applicable – no change to existing.

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 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.

Part E – The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comments:

Not applicable – the works undertaken did not remove any trees or bushland.

E2 Prescribed Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Requirements

1. *The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:*

All native vegetation identified on:

a) DCP Map Threatened and High Conservation Habitat

b) DCP Map Wildlife Corridors

c) DCP Map Native Vegetation

d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

2. *Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.*

Comments:

Not applicable – the site is not located within the DCP Map Native vegetation.

E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

Objectives

- To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- To preserve and enhance the area's amenity, whilst protecting human life and property.*
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

Comments:

Not applicable.

E4 Wildlife Corridors

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.*
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.*

Requirements

- 1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m² or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
 - i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and*
 - ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.**
- 2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.*

Comments:

Not applicable.

E5 Native Vegetation

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.
- To maintain the amount, local occurrence and diversity of native vegetation in the area

Comments:

Not applicable – the site is not located within the DCP Map Native vegetation.

E6 Retaining unique environmental features

Objectives

- To conserve those parts of land which distinguish it from its surroundings.

Requirements

1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.
2. Development should respond to these features through location of structures, outlook, design and materials.

Comments:

Not applicable.

E7 Development on land adjoining public open space

Objectives

- To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.
- To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.
- Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.

Comments:

Not applicable.

E8 Waterways and Riparian Lands

Objectives

- Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.
- Encourage development to be located outside waterways and riparian land.
- Avoid impacts that will result in an adverse change in watercourse or riparian land condition.
- Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.
- Maintain and improve access, amenity and scenic quality of waterways and riparian lands.

- *Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

Comments:

Not applicable.

E9 Coastline Hazard

Objectives

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*
- *To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*
- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

Comments:

Not applicable.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

Requirements

1. *The applicant must demonstrate that:*
 - *The proposed development is justified in terms of geotechnical stability; and*
 - *The proposed development will be carried out in accordance with good engineering practice.*
2. *Development must not cause detrimental impacts because of stormwater discharge from the land.*
3. *Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.*
4. *To address Requirements 1 to 3:*
 - i) *For land identified as being in Area A:*

Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.

If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.

Comments:

Complies – the subject site is located within Area 'A' of the Landslip Risk Area map. Works undertaken did not include any excavation or fill works, therefore no impacts from a landslip risk perspective.

E11 Flood Prone Land

Objectives

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

Comments:

Not applicable.

Part H – Appendices

Appendix 1 Car Parking Requirements

Comments:

Not applicable – the proposal retains existing car spaces on-site.

5. Summary and Conclusion

Statement of Works Undertaken

The report identifies the works undertaken that require assessment under the Building Information Certificate. This application is supported by relevant documentation to assist in the granting of the application.

Planning

The BIC application is to be read in conjunction with the development application for the use of the premises, being, industrial premises and an industrial retail outlet. These land uses are permissible with consent.

Summing Up

The works as constructed at Units 6 and 7 / 161-163 South Creek Road, Cromer, being Lots 6 and 7 within Strata Plan 52368, outlined in this report and shown on the architectural plans prepared by Action Plans are permissible and consistent with the intent of the planning controls as they are reasonably applied to the development. This report supports the Building Information Certificate and confirms that notwithstanding the works completed, if an application was submitted, the works are permissible and have no adverse impact to the streetscape or amenity of the area. On this basis, the application succeeds on merit and approval can be granted.