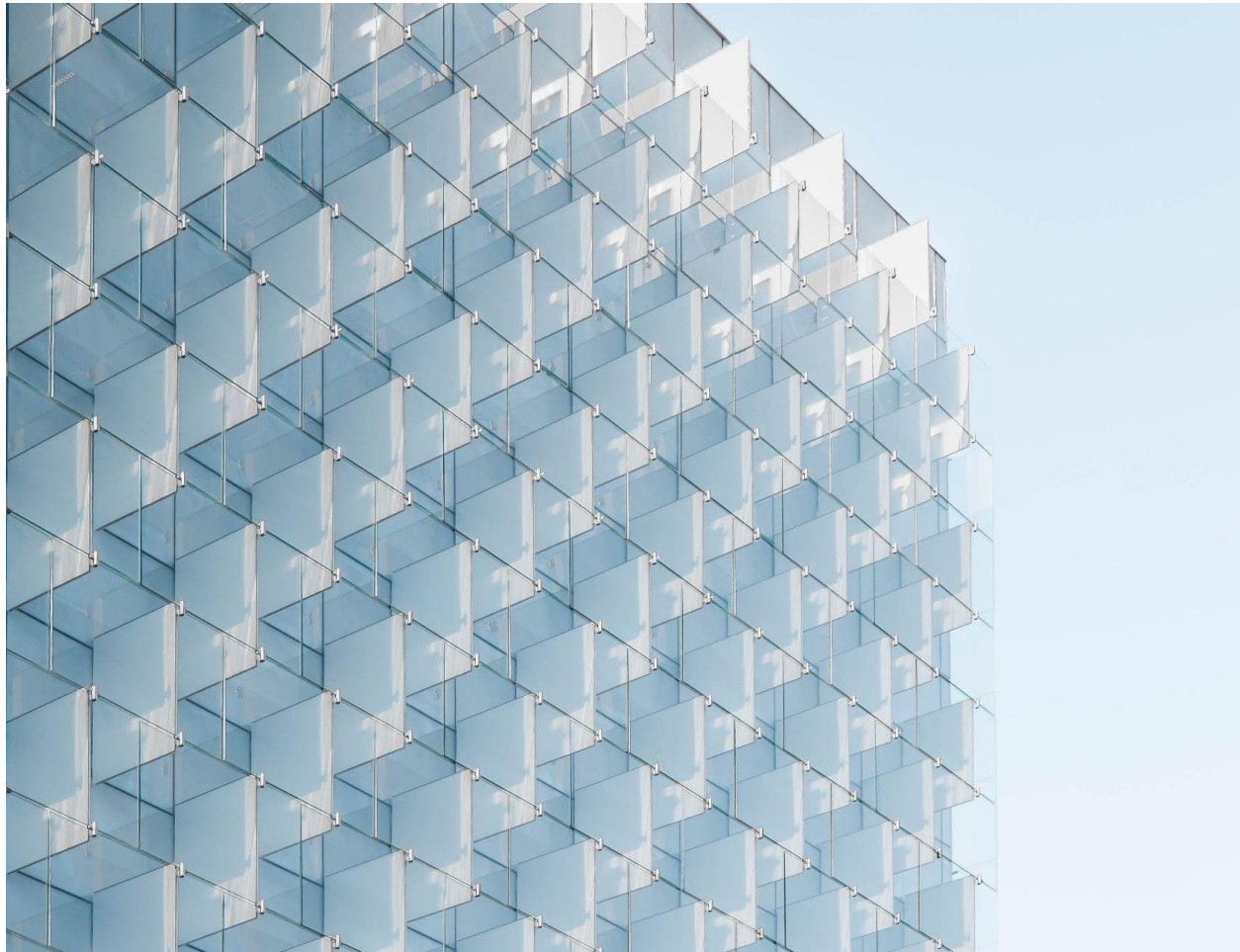


WILLOWTREE PLANNING



8 May 2025

Ref: WTJ24-201
Contact: Andrew Pigott



STATEMENT OF ENVIRONMENTAL EFFECTS: DEMOLITION OF THE EXISTING ODOUR REMOVAL INFRASTRUCTURE AND INSTALLATION AND OPERATION OF AN UPGRADED FUME COLLECTION AND SCRUBBING SYSTEM

75-79 Old Pittwater Road, Brookvale
Lot 2 DP 600059 and Lot A DP 166808

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Harrison Manufacturing Company Pty Ltd

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STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ24-201		
Contact	Andrew Pigott		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 – 7/3/2025	Andrew Pigott Director	Louise Meilak Senior Planner	Andrew Pigott Director
			

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STATEMENT OF ENVIRONMENTAL EFFECTS

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1	Survey	Bee & Lethbridge
2	Architectural Plans	Watch This Space Design Pty Ltd
3	Cost Summary Report	Harrison Manufacturing
4	Clause 4.6 Request	Willowtree Planning
5	Civil Engineering Report	Costin Roe
6	Assessment against Warringah DCP	Willowtree Planning
7	Odour Emissions Report	The Odour Unit
8	Waste Management Plan	Harrison Manufacturing



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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Harrison Manufacturing Company Pty Ltd (the Applicant). The SEE is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) at 75-79 Old Pittwater Road, Brookvale (subject site), which captures the following land parcels:

- Lot 2 DP 600059
- Lot A DP 166808

This DA seeks development consent for the demolition of the existing odour removal infrastructure and the installation and operation of an upgraded fume collection and scrubbing system at the subject site, including other necessary works, as described in **PART C** of this SEE.

The subject site is zoned E4 General Industrial, pursuant to the *Warringah Local Environmental Plan 2011* (WLEP2011), which is intended to:

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

The proposal seeks to provide the demolition of the existing odour removal infrastructure and the installation and operation of an upgraded fume collection and scrubbing system, which is permitted within the E4 General Industrial zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the subject site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
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▪ PART F CONCLUSION

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

1.2 REQUIREMENTS FOR INTEGRATED DEVELOPMENT

S4.46 of the *Environmental Planning and Assessment Act 1979*, sets out circumstances whereby applications constitute integrated development.

Generally, works proposed within 40m of a creek line require an integrated referral for a controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

However, Schedule 4 of the *Water Management (General) Regulation 2018*, lists circumstances whereby controlled activity exemptions apply. See the relevant extract provided below:

31 Controlled activities on certain waterfront land

Any controlled activity that is carried out on waterfront land in relation to a minor stream or third order stream, where the activity is separated from the bed of the minor stream or third order stream by one or more of the following that has been lawfully constructed—

- (a) a public road,*
- (b) a hard stand space (such as a car park or building),*
- (c) a levee bank, but only if the levee bank is in an urban area, was the subject of a development consent under the Environmental Planning and Assessment Act 1979 and is located within a designated high risk flood area (within the meaning of clause 45 of this regulation).*

In accordance with the above, having regard for the existing hard stand space and internal road between the proposed works and Brookvale Creek, it is considered that an exemption applies in the circumstances of this proposal and therefore the proposed development does not constitute integrated development.



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale

PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The subject site is identified as 75-79 Old Pittwater Road, Brookvale, containing the following land holdings:

TABLE 1. SITE IDENTIFICATION		
Site Address	Legal Description(s)	Land Area (approx.)
75 Old Pittwater Road, Brookvale	Lot 2 DP 600059	2.435 Ha
79 Old Pittwater Road, Brookvale	Lot A DP 166808	0.153 Ha

The subject site is an irregular shaped lot with a total area of 2.588 Ha and has a frontage of 80.825m to Old Pittwater Road on its northern boundary (see the Survey Plan at **Appendix 1**). Brookvale Creek adjoins the site on its eastern boundary, with part of the creek meandering across the eastern portion of the site. The southern site boundary adjoins Warringah Mall, a daycare centre and an indoor recreation facility. The western boundary adjoins existing industrial and commercial buildings.

The subject site is occupied by a large manufacturing facility associated with the production of high-performance grease, oils, specialty additives and services (including research and development). Existing buildings on the subject site include a two storey brick administration building fronting Old Pittwater Road at the front of the subject site. An existing brick cottage, demountable laboratory and associated amenity buildings are located towards the centre of the site. Two metal warehouse buildings and a large factory of brick construction with a Colourbond roof is located towards the rear of the site. Two existing amenities buildings are located in the southeast corner of the subject site.

The subject site includes extensive at grade gravel areas interspersed with concrete and bitumen pathways. There is some limited existing vegetation located in the front setback to Old Pittwater Road and along the eastern boundary with Brookvale Creek. Otherwise, the site is largely clear of vegetation. There is no existing vegetation in the footprint of the proposed extent of works.

The site has a gentle slope with a fall of approximately 1-2m from west to east towards Brookvale Creek.

Vehicular access is via an existing vehicle cross over at the northeast corner of the site to Old Pittwater Road.

Refer to **Figure 1 – 3** below:



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded
Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale



Figure 1. Cadastral Map (Source: NSW Planning Portal Spatial Viewer, October 2023)



Figure 2. Aerial Map (Source: Near Map, October 2023)



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale



Figure 3. Street View from Old Pittwater Road Looking South Towards the Subject Site (Source: Google Street View, October 2023)

2.2 SITE CONTEXT

The subject site is located in an established industrial area on Old Pittwater Road in Brookvale. The area is characterised by large lots with existing industrial/warehouse buildings interspersed with commercial buildings.

To the north of the subject site is existing industrial/warehouse development. Brookvale Creek runs adjacent to the subject site's eastern boundary and is largely captured within an existing public reserve at this location beyond which is established industrial development. To the south of the subject site is Warringah Mall Shopping Centre. A large regionally significant shopping precinct servicing the retail needs of the wider Northern Beaches community. It is noted that there is no formal access across the subject site's rear boundary to Warringah Mall. A daycare centre and an indoor recreation facility are also located adjacent to the subject site's southern boundary. Development to the west of the subject site consists of existing industrial and warehouse development.

Refer to **Figure 4** below.



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale



Figure 4. Site Context Map (Source: Google Maps, October 2023)

2.3 DEVELOPMENT HISTORY

TABLE 2 outlined below provides a summary of the DAs, pertaining to the subject site and of relevance to the proposal, that have been determined or are under assessment.



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale

TABLE 2. EXISTING CONSENTS

DA Reference	Summary	Approval Date
C324/71	Building Addition	3/5/71
C595/71	Amenity Block	26/7/71
1994-352	Storage Shed	10/8/94
1094/94	Installation of natural gas fired boiler	5/7/94
DA2004/1324	Construction of a single storey warehouse with ancillary carparking and on-site stormwater detention system	1/9/05
DA2008/1742	Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works	16/5/12
DA2012/0405	Tree removal (2 trees)	13/4/12
DA2016/0176	Tree removal (3 trees and pruning 1)	10/3/16
DA2016/0542	Construction of amenities facility in association with an existing industrial development	22/6/16
TA2020/0185	Tree removal (4 trees)	6/11/20
DA2024/0172	Alterations and additions to industrial development - Use of Premises as general industry and associated alterations and additions and signage	16/7/24



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale

PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The proposal seeks development consent for the demolition of the existing odour removal infrastructure and installation and operation of an upgraded fume collection and scrubbing system that will remove the odorous species emanating from existing operations at the subject site to an acceptable level, while also addressing other nuisance gaseous emissions that would otherwise be seen as emissions of concern by the Environmental Protection Authority (EPA). See the Architectural Plans at **Appendix 2**.

3.2 DEVELOPMENT STATISTICS

The proposed development includes the following scope of works:

- Demolition and removal of the existing odour removal infrastructure; and
- Installation and operation of a fume collection and scrubbing system

The proposed works are further described in **TABLE 3** below.

TABLE 3. DEVELOPMENT PARTICULARS	
Component	Proposed
Site Area	2.588 Ha
Primary Land Use	General Industrial
Gross Floor Area	N/A
Floor Space Ratio	N/A
Building Height	Fume Stack – 12m
Number of Storeys	N/A
Earthworks	Minimal works required for site preparation.
Roads / Driveways	No change to existing
Car Parking	No change to existing
Bicycle Parking	No change to existing
Tree Removal / Planting	N/A
Signage	N/A
Cost of Works	\$616,000 (see Appendix 3)

3.2.1 Site Preparation

The Site is an existing facility and will only require minor works to enable the construction of a concrete pad over an existing paved area.

3.2.2 Built Form



STATEMENT OF ENVIRONMENTAL EFFECTS

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75-79 Old Pittwater Road, Brookvale

The proposed fume collection and scrubbing system is 9.632m high with the fume stack rain cowl 12m high. It is noted that the maximum height control at the subject site is 11m. Accordingly, a separate Clause 4.6 variation request is provided at **Appendix 4**.

Details of the proposed development are provided in the Architectural Drawings at **Appendix 2**. Select images are provided at **Figures 5-9** below.

It is noted that the fume collection and scrubbing system is located approximately 125m from the subject site boundary with Old Pittwater Road, internal to the subject site and will have limited to no visibility from the public domain. Further, having regard for the separation of the proposed buildings from adjoining properties, there will also be limited to no visibility of the proposed infrastructure from adjoining properties.

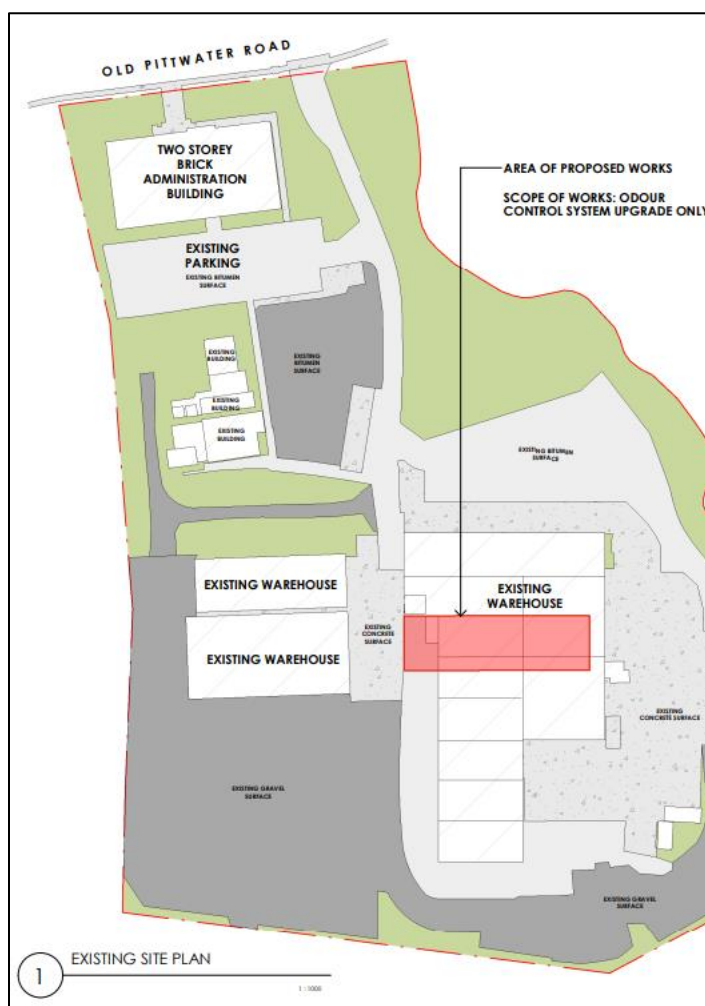


Figure 5. Site Plan (Source: Watch This Space Design Pty Ltd, February 2025)



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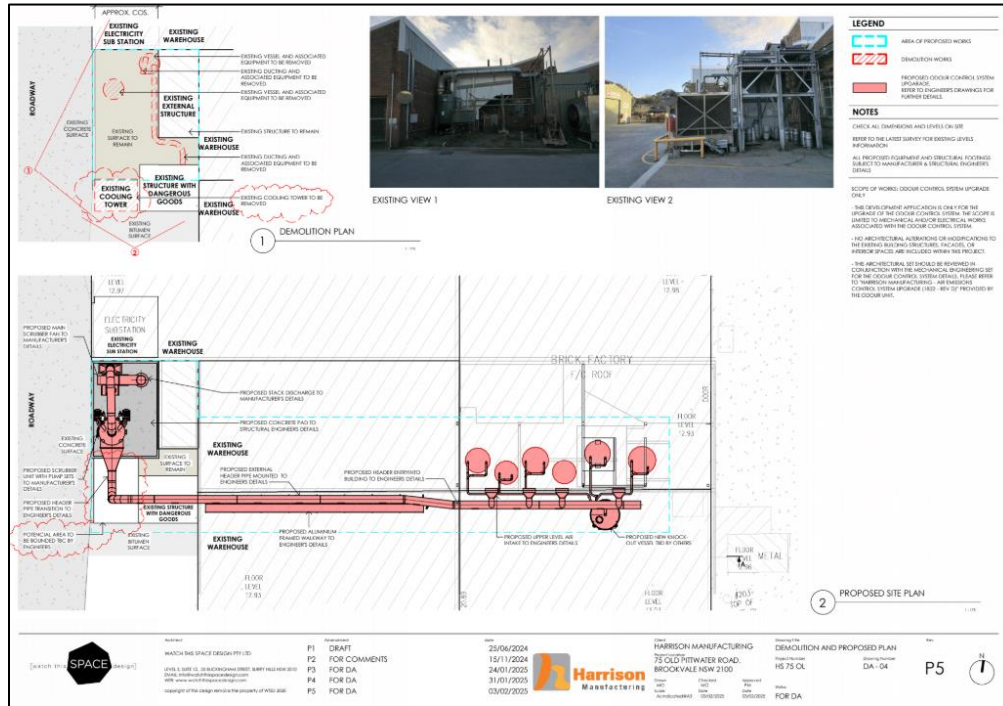


Figure 6. Demolition and Proposed Plan (Source: Watch This Space Design Pty Ltd, February 2025)

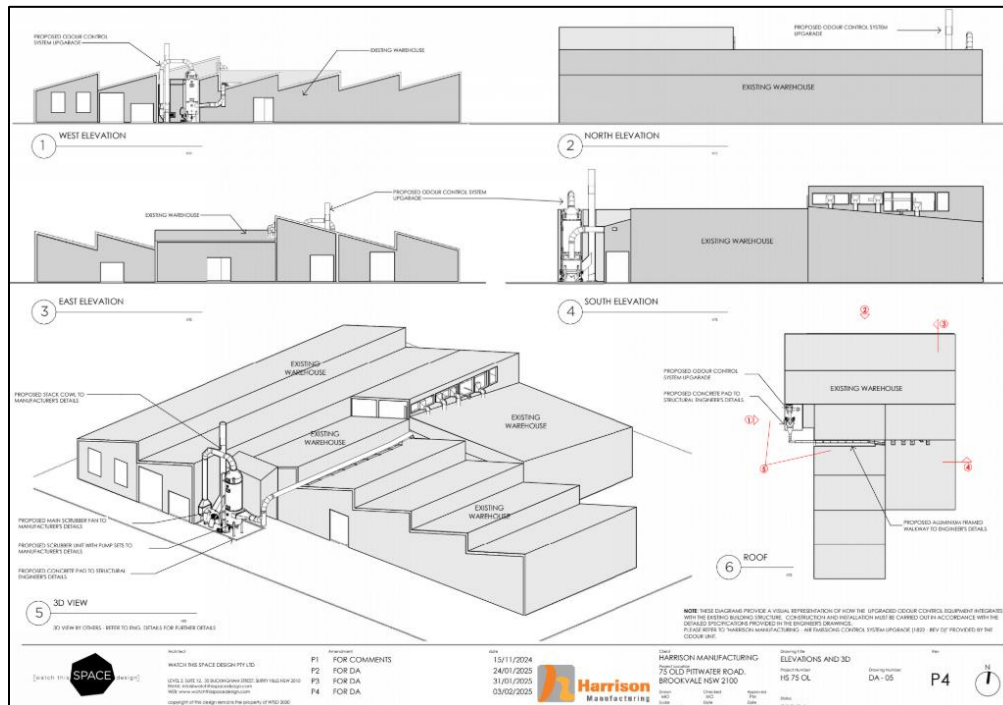


Figure 7. Elevations and 3D Plan (Source: Watch This Space Design Pty Ltd, December 2025)



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Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
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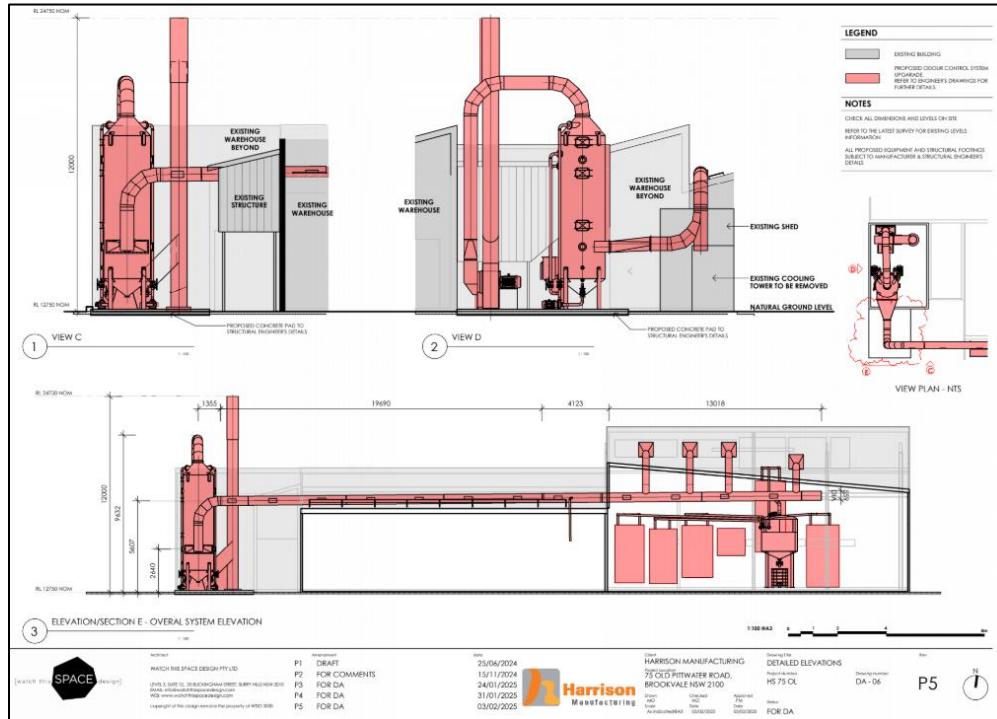


Figure 8. Detailed Elevations (Source: Watch This Space Design Pty Ltd, December 2025)

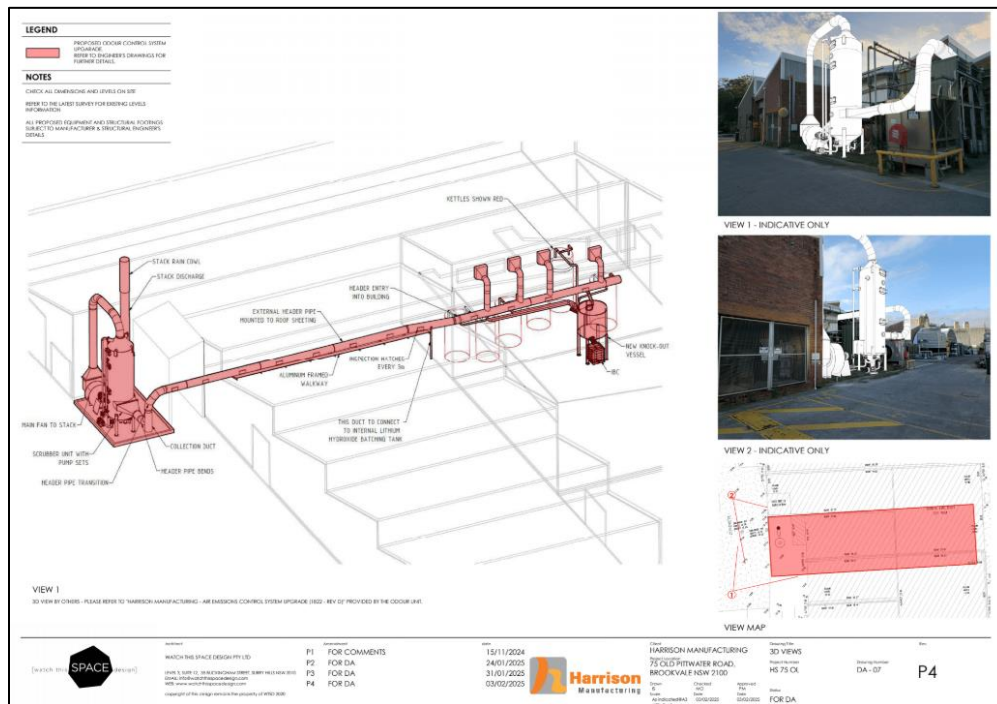


Figure 9. 3D Views Details (Source: Watch This Space Design Pty Ltd, December 2025)



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3.3 OPERATIONAL DETAILS

The proposal seeks to upgrade the existing odour removal system in operation at the subject site as documented in **TABLE 4**.

TABLE 4. OPERATIONAL DETAILS	
Component	Proposed
Nature of Use	General industry
Hours of Operation	Consistent with existing
Number of Staff	N/A no change
Number of Vehicle Movements	N/A no change



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale

PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the subject site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Planning Context

- *Warringah Local Environmental Plan 2011*
- *Northern Beaches Section 7.12 Development Contributions Plan 2021*
- *Warringah Development Control Plan 2011*

Draft Planning Instruments

- N/A

Strategic Context

- *Towards 2040 Northern Beaches Local Strategic Planning Statement*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires



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approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.

4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 5** below.

TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The WLEP2011 is the relevant Environmental Planning Instrument (EPI) applying to the subject site, which is assessed in Section 4.4 of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no draft instruments applicable to the subject site.
Section 4.15(1)(a)(iii) any development control plan, and	The <i>Warringah Development Control Plan 2011</i> (WDCP2011) applies to the subject site and is addressed in Section 4.4.2 and Appendix 5 of this SEE.
Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There is no planning agreement proposed as part of this application.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.3.2 of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in PART E of this SEE.



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing odour removal infrastructure and installation and operation of an upgraded Fume Collection and Scrubbing System
75-79 Old Pittwater Road, Brookvale

Pursuant to Section 4.25(d) of the EP&A Act, the consent authority for the proposed development is Northern Beaches Council.

4.3.1.2 Section 4.46 of EP&A Act - Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (CTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

As identified above, generally, works proposed within 40m of a creek line require an integrated referral for a controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

However, Schedule 4 of the *Water Management (General) Regulation 2018*, lists circumstances whereby controlled activity exemptions apply. See the relevant extract provided below:

31 Controlled activities on certain waterfront land

Any controlled activity that is carried out on waterfront land in relation to a minor stream or third order stream, where the activity is separated from the bed of the minor stream or third order stream by one or more of the following that has been lawfully constructed—

(a) a public road,

(b) a hard stand space (such as a car park or building),

(c) a levee bank, but only if the levee bank is in an urban area, was the subject of a development consent under the Environmental Planning and Assessment Act 1979 and is located within a designated high risk flood area (within the meaning of clause 45 of this regulation).

In accordance with the above, having regard for the existing hard stand space and internal road between the proposed works and Brookvale Creek, it is considered that an exemption applies in the circumstances of this proposal and therefore the proposed development does not constitute integrated development.

4.3.2 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 6. HOW THE DA IS MADE	
Considerations	Response
Division 1 - Making development applications	
<i>Section 23 - Persons who may make development applications</i>	
<i>(1) A development application may be made by— (a) the owner of the land to which the development application relates, or</i>	This DA is made by Harrison Manufacturing Company Pty Ltd. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.



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<i>(b) another person, with the consent of the owner of the land.</i>	
Section 24 – Content of development applications	
<i>(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.</i>	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.
Section 25 – Information about concurrence or approvals	
<i>A development application must contain the following information— (a) a list of the authorities – (i) from which concurrence must be obtained before the development may lawfully be carried out, and (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, (b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</i>	Clause 31, Schedule 4 of the <i>Water Management (General) Regulation 2018</i> provides for an exemption from a controlled activity approval.

4.3.3 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

Section 91 relates to Activity Approvals and outlines that a controlled activity approval confers a right on its holder to carry out a specified Controlled Activity at a specified location in, on or under Waterfront Land.

For the purposes of the WM Act, Controlled Activity means:

<i>(a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.</i>

Waterfront Land means:



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(a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
(a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
(a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
(b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters, where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

As identified above, generally, works proposed within 40m of a creek line require an integrated referral for a controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

However, Clause 31, Schedule 4 of the *Water Management (General) Regulation 2018*, lists circumstances whereby controlled activity exemptions apply. Having regard for the existing hard stand space and internal road between the proposed works and Brookvale Creek, it is considered that an exemption applies in the circumstances of this proposal and therefore the proposed development does not require an integrated referral.

4.3.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

Having regard for the minor nature of the works proposed in an already highly disturbed area of the subject site, the proposal is not considered to affect threatened species.

4.3.5 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."



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The operations on the subject site are part of an existing industrial business. There is no change proposed to the existing operations on the subject site other than to demolish the existing odour removal infrastructure and install an upgraded fume collection and scrubbing system. The works proposed do not constitute a Scheduled Activity.

4.3.6 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the subject site, the following matters are highlighted.

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The proposed works are consistent with the existing approved uses on the subject site. The replacement infrastructure will be within the existing building footprint and not result in any site disturbance. Accordingly, the development is considered to achieve the requirements of this Chapter.

4.3.7 State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) encourages the design and delivery of more sustainable buildings across NSW.

Chapter 3 – Standard for non-residential development

This Chapter only applies to development with a capital investment value above \$5M. Having regard for the CIV of the proposed development of \$616,000, this Chapter is not applicable.

4.4 LOCAL PLANNING CONTEXT

4.4.1 Warringah Local Environmental Plan 2011



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The WLEP2011 is the primary Environmental Planning Instrument that applies to the subject site.

The relevant provisions of WLEP2011 as they relate to the subject site are considered in the following subsections.

4.4.1.1 Zoning and Permissibility

The subject site is located within the E4 General Industrial zone under the WLEP2011 as shown in **Figure 10**.

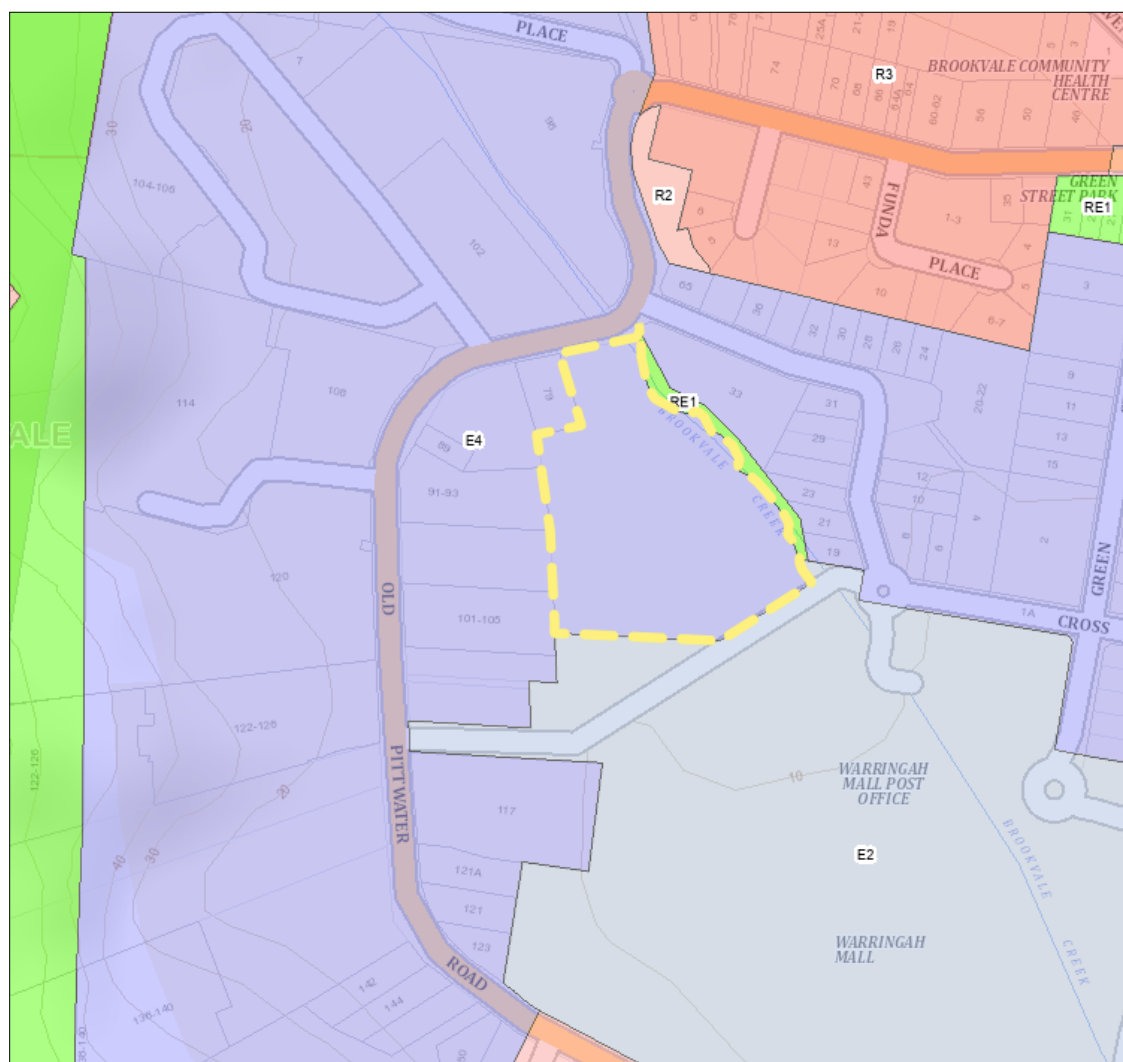


Figure 10. WLEP2011 Zoning Map (Source: NSW Legislation, 2024)

The objectives of the E4 zone include:



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- 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.

Within the E4 zone, the following development is permitted without consent:

- Nil

Within the E4 zone, the following development is 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

Within the E4 zone, the following development is permitted with consent:

- 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

The development provides an upgraded fume collection and scrubbing system to an existing industrial operation. The development is permissible in the zone and consistent with the zone objectives outlined above. Accordingly, there is no statutory impediment to the granting of consent to the application as proposed.

4.4.1.2 Development Standards

TABLE 7 outlines the developments consistency and compliance with the relevant development standards and controls under WLEP2011.



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TABLE 7. DEVELOPMENT STANDARDS

Clause	Comment
Clause 4.1 – Minimum Lot Size	4,000m ² . No subdivision is proposed as part of this application.
Clause 4.3 – Height of Buildings	11m (see Figure 11 below). The maximum height of the Fume Stacks is 12m. A Clause 4.6 Report seeing a variation to this development standard is included at Appendix 4 .
Clause 4.4 – Floor Space Ratio	N/A
Clause 4.6 – Exceptions to development standards	As described above a Clause 4.6 Report seeing a variation to the height development standard is included at Appendix 4 .
Clause 5.10 – Heritage	N/A
Clause 5.21 – 5.22 Flood planning	See Appendix 5 . The proposed development will comply with the flood planning provisions.
Clause 6.1 – Acid sulfate soils	N/A. The subject site is not identified as being impacted by acid sulfate soils.
Clause 6.2 – Earthworks	No changes are proposed to the existing ground levels on the subject site.
Clause 6.4 – Development on sloping land	The subject site is identified as having a slope of less than 5 degrees (see Figure 12).



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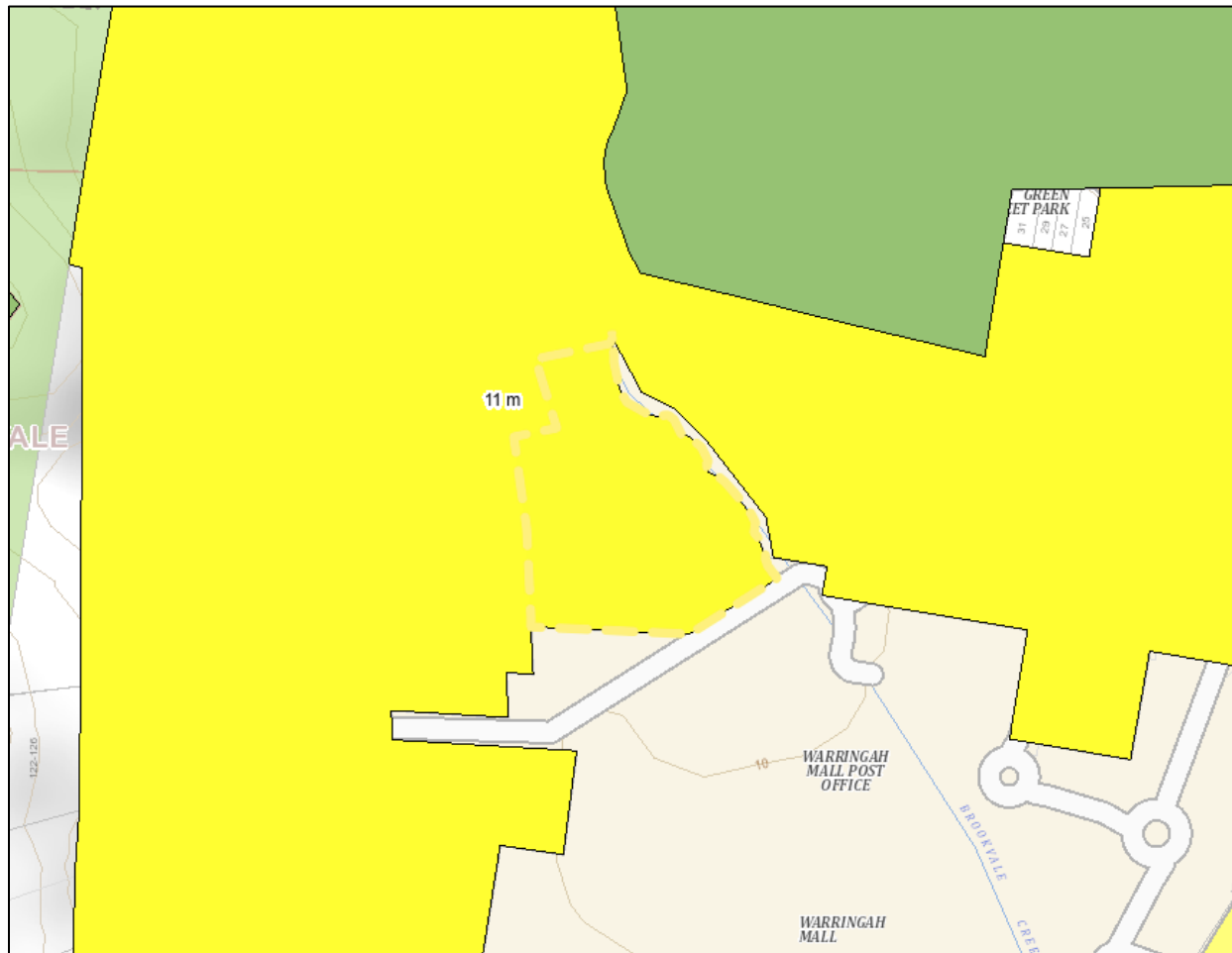


Figure 11. Height of Building Map (Source: NSW Legislation, 2014)



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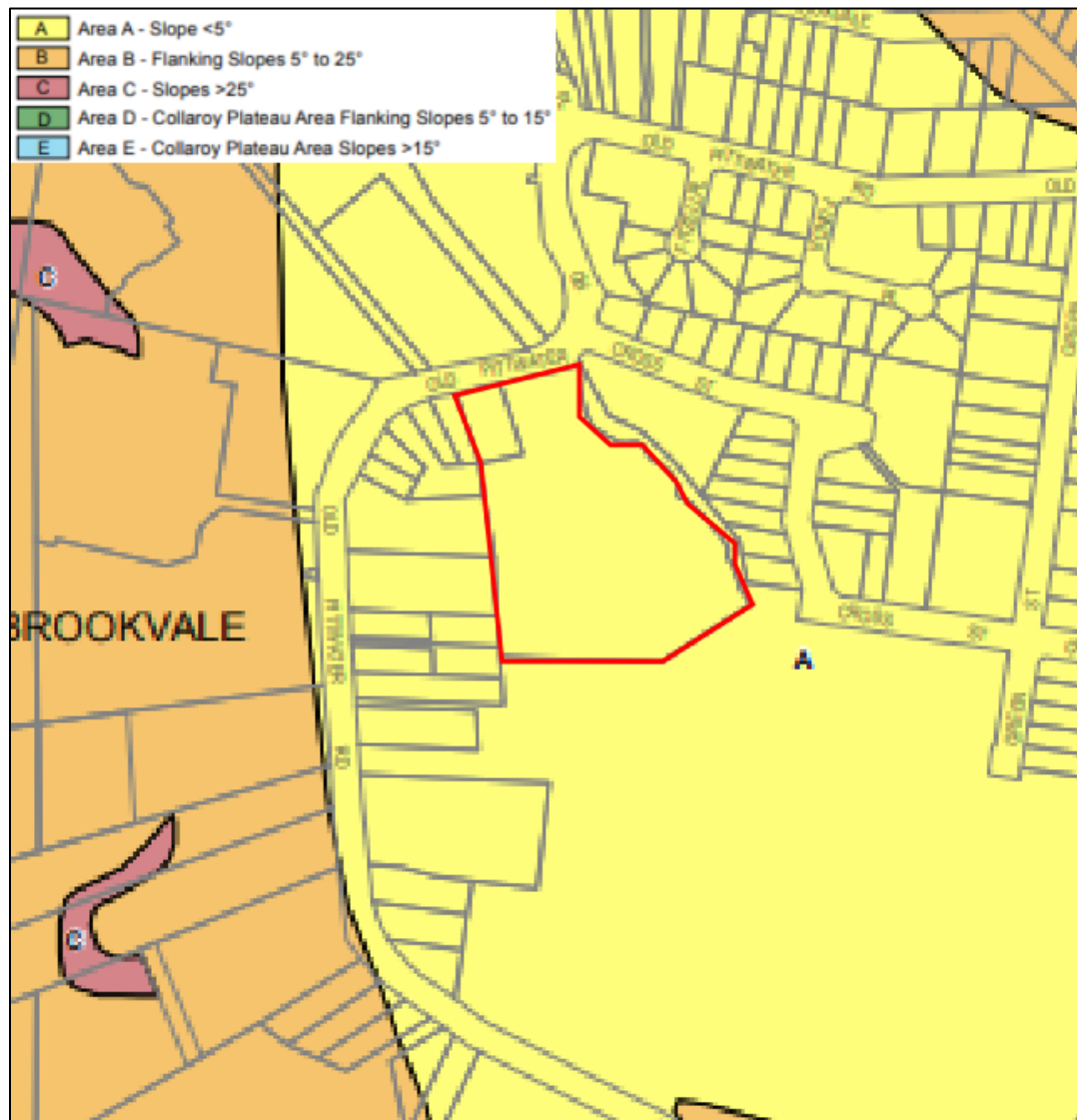


Figure 12. Landslip Risk Map (Source: WLEP 2011)

4.4.2 Warringah Development Control Plan 2011

The WDCP2011 provides detailed planning and design guidelines to support the planning controls of the WLEP2011.

An assessment of the proposal against the relevant sections of the WDCP2011 is provided at **Appendix 6**.

4.4.3 Northern Beaches 7.12 Contributions Plan 2022

A development contribution will be calculated in accordance with the requirements provided in **Table 8** below.



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TABLE 8. DEVELOPMENT CONTRIBUTIONS

Development that has a proposed cost of carrying out the development	
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

4.5 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the subject site.

4.6 STRATEGIC PLANNING CONTEXT

4.6.1 Northern Beaches Council Local Strategic Planning Statement

The Northern Beaches Council Local Strategy Planning Statement Towards 2040 (the LSPS) applies to the subject site. The LSPS sets the vision and priorities for the Northern Beaches Local Government Area (LGA) to 2040. Key Priorities are identified below.

- Priority 24 – Brookvale as an employment and innovation centre:
This Priority Identifies that Brookvale is the LGA's largest employment hub. It is also recognised that 'Brookvale has a tradition of innovation' and that Council 'will continue to support opportunities for innovative and creative industries'.

Principles include:

- Support Brookvale as an employment-based centre.
- Preserve the industrial integrity of the industrially zoned land.

As outlined above, the development provides for the upgrade of odour collection infrastructure at the subject site, thereby improving the facilities associated with the existing industrial operation. The development is permissible in the zone and consistent with the priority, principles and objectives outlined above.



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4.6.2 Brookvale Structure Plan

Northern Beaches Council endorsed the new Brookvale Structure Plan (BSP) on 28 November 2023, which will shape the future development of Brookvale over the next 15 years. The BSP places an emphasis on supporting Brookvale as an employment-based centre and preserving the integrity of industrial lands.

The subject site is within sub-precinct 'Industrial West' (see **Figure 13**), which will continue to primarily support a range of larger industrial and manufacturing businesses and urban services, while supporting more bespoke industries, such as high technology industries including software designers and film production studios.

The stated actions for the Industrial West sub-precinct include:

- Increasing building heights up to 18m (equivalent to four storeys) to provide greater flexibility for businesses to expand and support the modernisation of floorspace; and
- Continue to support a diverse range of industrial and warehousing businesses and creative industrial businesses.

The Council will now commence work on implementing the Structure Plan which involves the preparation of technical studies to support the preparation of a Planning Proposal, Development Control Plan and Section 7.11 Contributions Plan.

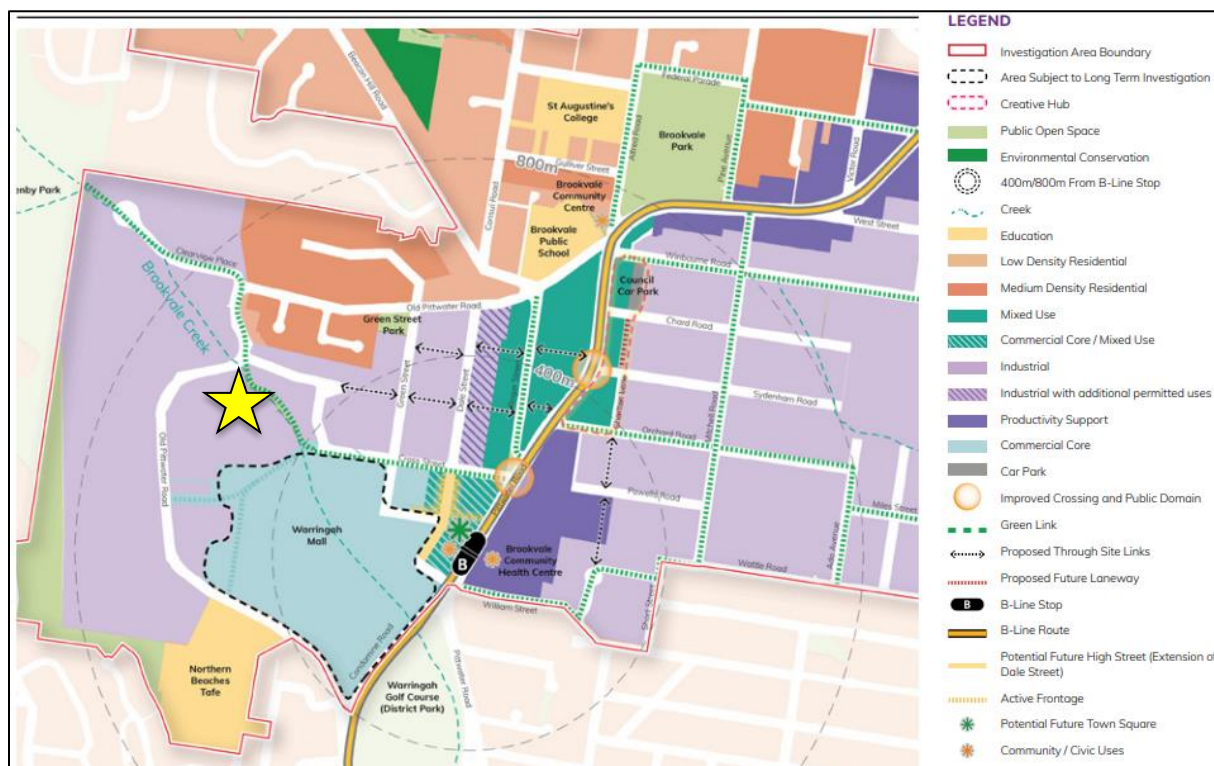


Figure 13. Brookvale Structure Plan (Source: Northern Beaches Council, 2023)



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Having regard for the above, it is evident that the Council are seeking to facilitate the continued growth and development of the Brookvale industrial area. This proposal aligns with the vision and objectives of the Brookvale Structure Plan by ensuring the existing industrial business, will continue to be a responsible operator and implement measures to minimise impacts on adjoining and nearby development and remaining a viable business and employer in Brookvale and the wider Northern Beaches.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 BUILT FORM

The proposed infrastructure will upgrade the existing fume collection and scrubbing system and be partially within and partially outside the existing warehouse on the subject site.

The equipment will be at or below 9.631m apart from the stack rain cowl that will reach a maximum height of 12m.

Details of the proposed development are provided in the Architectural Drawings at **Appendix 2**.

5.2.1 Height

The subject site has a maximum height limit of 11m. As identified above, the highest element of the proposed development is the rain cowl fume stack with a maximum height of 12m. This is a minor element necessary to disperse the odour emanating from the existing operations. It is centrally located within the subject site and it will have limited to no impact on adjoining development. See the Clause 4.6 request at **Appendix 4**.

5.2 TRAFFIC & TRANSPORT

No changes are proposed to the existing traffic and transport arrangements at the subject site. The proposed development is located within the footprint of the infrastructure it is replacing and will not result in any additional traffic and parking demand generation.

5.2.1 Access and Loading

Vehicular access to the site is currently provided via the existing entry/exit access driveway located towards eastern end of the Old Pittwater Road site frontage. Loading/servicing for the existing facility is currently undertaken by a variety of commercial vehicles such as vans, utilities and trucks. This will remain unchanged as a result of the proposed development.

5.3 STORMWATER

A Civil Engineering Report by Constin Roe Consulting is included at **Appendix 5** which includes consideration of stormwater as outlined below.

The existing property comprises of an in-ground drainage system as part of the existing facility. The current in-ground stormwater drainage system comprises of multiple pit and pipe systems which is understood to mostly convey the stormwater to the east of the site discharging out of several headwalls located along the eastern boundary and into Brookvale Creek.



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The existing in-ground stormwater drainage system shall be retained as part of the proposed development. No additional site drainage is proposed nor required for the proposed development.

No detention is proposed nor required to limit runoff from the proposed development as the new development will not exceed pre-development runoff levels.

The sites impervious area remains to that of pre-development conditions, therefore, general stormwater quality requirements including pollutant reduction and MUSIC modelling are not required for this development.

5.4 FLOODING

A Civil Engineering Report by Constin Roe Consulting is included at **Appendix 5** which includes consideration of flooding and overland flow as outlined below.

The desktop review of overland flow and flooding revealed that the site is susceptible to mainstream flooding in the local 1% AEP flood event and flooding in the PMF flood event from the Brookvale Creek Catchment.

Based on the assessment and management strategy proposed, the development meets current Council flood policy and shows acceptable impacts in relation to flooding and flood safety.

5.5 CONTAMINATION

The site is subject to an Environmental Planning Licence (EPL) (License Number: 139) which authorises the carrying out of a scheduled activity on site, as noted follows:

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Petroleum products and fuel production	Petroleum products and fuel production	> 10000 - 200000 T annual production capacity

The proposed works do not change or alter the capacity specified in the EPL.

5.6 VISUAL AMENITY

The proposed development is replacing existing odour mitigation infrastructure and is centrally located on the subject site. In the context of the established industrial precinct, including the open space creekline to the east of the subject site, the proposal will not have any detrimental impact on adjoining or nearby properties.



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5.7 ODOUR EMISSIONS

An Odour Emissions Report is provided at **Appendix 7**. This report includes analysis of the odours emitted from the subject site.

The results of the air dispersion modelling analysis indicate that:

- Predicted offsite 99th percentile one-hour odour concentrations comply with the impact assessment criteria of 2 ou;
- Predicted offsite 99th percentile one-hour H₂S concentrations comply with the impact assessment criteria of 1.38 µg/m³;
- Predicted offsite maximum one-hour CS₂ concentrations comply with the impact assessment criteria of 70 µg/m³; and
- Predicted offsite maximum one-hour VOC concentrations for all detected VOCs comply with their respective impact assessment criteria.

Overall, the performance outlet targets identified as part of the Phase 3 Study indicate that the proposed odour control system developed as part of the Phase 1 Report and Phase 2 Report will mitigate future air quality and odour impact risks from the operations at the Brookvale Facility to a level where the surrounding sensitive environment will not be adversely affected.

5.8 WASTE

A Waste Management Plan (WMP) is included at **Appendix 8**. The WMP includes consideration of waste management during demolition, construction and ongoing operational phases and demonstrates that there will be minimal waste produced during the construction phase and operation waste will be managed in accordance with existing on-site arrangements.

5.9 FLORA AND FAUNA

Having regard for the long-established historical use of the subject site for industrial purposes, the footprint of the proposed works is highly disturbed. Accordingly, the proposed development will not result in the removal of any existing vegetation.

5.10 SOCIAL AND ECONOMIC IMPACTS

As outlined above, the odour mitigation infrastructure will result in the improvement of amenity impacts on adjoining and nearby properties. Having regard for the vision established in the Brookvale Structure Plan, it is evident that the Council are seeking to facilitate the continued growth and development of the Brookvale industrial area. This proposal aligns with the vision and objectives of the Brookvale Structure Plan by ensuring the existing industrial business, through the introduction of improved mitigation measures,



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will continue to be productive and remain a viable business and employer in Brookvale and the wider Northern Beaches.

5.11 SERVICES

The existing site is connected to all utility services. The proposed development will utilise existing connections to services.

5.12 SUBMISSIONS

Any submissions made during the course of public notification of the DA as well as submissions received from relevant State agencies will be addressed by the Applicant at the request of Council.

5.13 THE PUBLIC INTEREST

The proposal is in the public interest as it will facilitate ongoing operations of an existing industrial facility consistent with the objectives of the E4 zone and the visions established in the Brookvale Structure Plan. The proposed development will not place unnecessary pressure on the infrastructure and services within the immediate vicinity. Any impacts of the proposal can be suitably mitigated to ensure an acceptable level of environmental performance through implementation of the recommendations of the accompanying technical reports and appropriate conditions of consent. On this basis, the public interest is best served by the proposal.



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PART F CONCLUSION

The purpose of this SEE has been to present the proposed development for the demolition of the existing odour removal infrastructure and installation and operation of an upgraded fume collection and scrubbing system at 75-79 Old Pittwater Road, Brookvale and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act.

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the site;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments.

The proposal is considered to warrant a favourable determination as it:

- satisfies the applicable planning controls and policies;
- facilitates investment in the subject site to enhance the existing industrial use, and
- can be undertaken without any unreasonable environmental impacts to the site or surrounding area.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

