

# Statement of Environmental Effects

Subdivision Development Application

21 Middleton Road, Cromer, NSW 2099

Submitted to Northern Beaches Council  
for Ausgrid on behalf of Alpha Distribution Ministerial Holding  
Corporation



**'Gura Bulga'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



**'Dagura Buumarri'**

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



**'Gadalung Djarri'**

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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Appendix	Author
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B. Clause 4.6 Request	<i>Ethos Urban</i>
C. Survey Plan	<i>Ausgrid</i>
D. Site Plan	<i>Ausgrid</i>

# 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Northern Beaches (Council) in support of a Crown Development Application (DA) under Division 4.6 of the EP&A Act for the paper subdivision of land at 21 Middleton Road Cromer, NSW 2099 (the site).

The DA specifically seeks consent to subdivide the site into two Torrens Title lots to separate surplus land from the existing operational substation and assets on the site. This DA does not seek approval for any built form or use associated with the future lots, which would be subject to separate applications in the future.

This SEE has been prepared by Ethos Urban for Ausgrid on behalf of Alpha Distribution Ministerial Holding Corporation (ADMHC) the proponent / applicant), and is based on the Plan of Subdivision provided by Ausgrid (see **Appendix A**) and addition supporting documents (see **Table of Contents**).

This report describes the site, its environs and the proposed subdivision, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment. The application is considered supportable given the following reasons:

- The proposed development is mostly consistent with the aims and objectives of the Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (WDGP 2011) as well as the relevant State Environmental Planning Policies.
- While the proposed subdivision would result in a lot that does not meet the minimum lot size for the site, the subdivided lot comprises an existing operational substation which will continue to operate into the long-term serving the local area. As such, the proposed lot size does not undermine the ability of the lot to function as an electrical substation within the E4 zone. A Clause 4.6 Variation Request is submitted with this DA justifying the contravention to the minimum lot size control.
- The proposed development does not involve or require any physical works or changes to the use of the land.
- As the proposed subdivision does not propose any physical works of change of use, the proposed development will not result in any environmental, social or economic impacts.
- The proposed development will enable the continued operation of the parts of the site required by Ausgrid and the suitable release of other land for alternate uses, which is considered to be in the public interest.

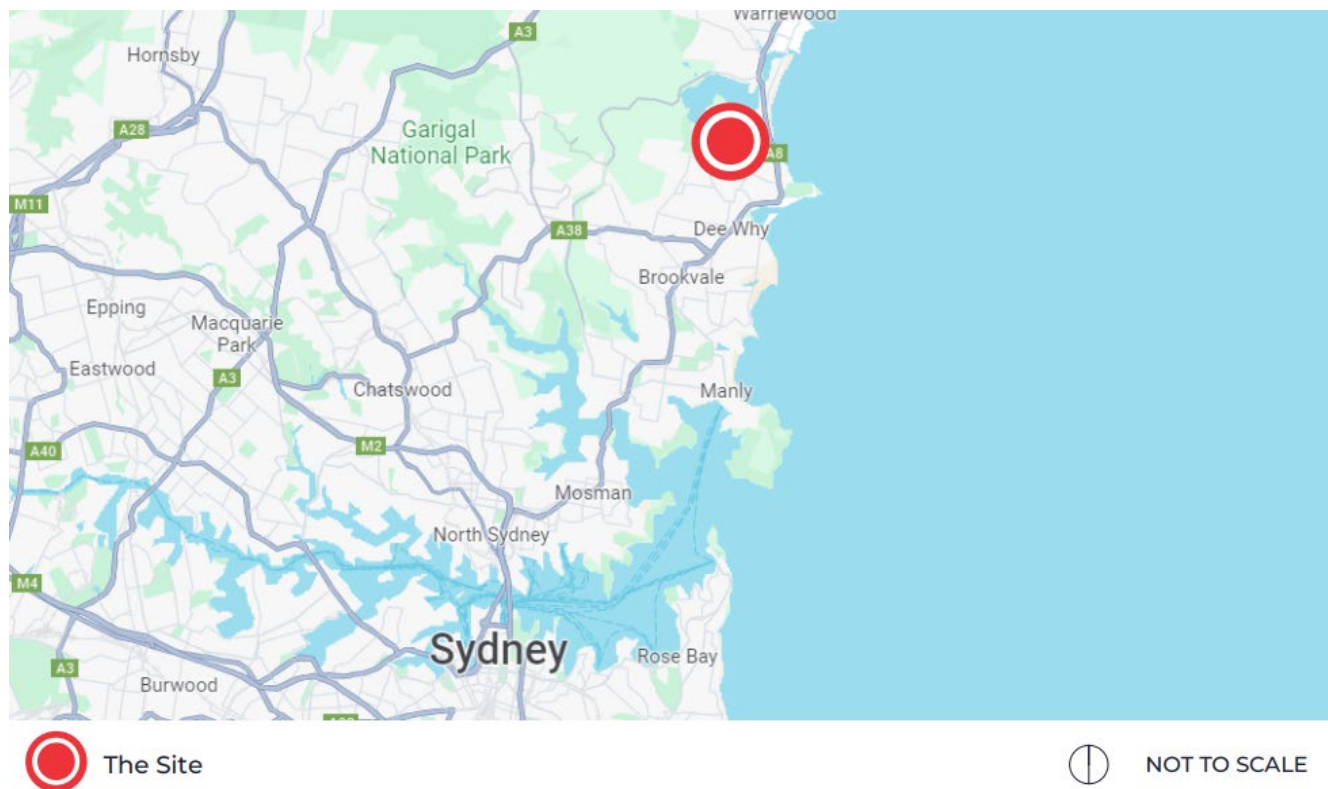
## 2.0 Site Analysis

### 2.1 Site Location and Context

The site is located at 21 Middleton Road, Cromer, NSW 2099 within the Northern Beaches Local Government Area (LGA), approximately 16km north of the Sydney CBD. It has primary frontage to Middleton Road with secondary frontage to Dymrna Street. The site is primarily surrounded by general industrial uses. Access to the site is provided via five (5) separate entries, with three on Dymrna Street and two on Middleton Road.

The site is zoned E4 General Industrial under the WLEP 2011.

The site's locational context is shown at **Figure 1**.



**Figure 1** Site Location Map

Source: Google Maps, edited by Ethos Urban

### 2.2 Site Description

The site is legally described as Lot 6 DP 771621 and is rectangular in shape extending to a total area of 2.833 hectares (ha) or 28,372.11 m<sup>2</sup>.

A site survey is provided at **Appendix B**.

The land is owned by Alpha Distribution Ministerial Holding Corporation which is occupied and operated by Ausgrid are the proponent for this Development Application (DA)

The existing site is defined by two distinct parts in terms of existing development. On the central and western part of the site is the existing substation facility which comprises a two-three storey office and warehouse building, areas of hard standing used for vehicle access and parking and the Dee Why West Zone substation including a brick building and supporting electrical infrastructure on the southern portion of the site. The eastern part of the site comprises a warehouse building with hardstand carparking, accessed from Middleton Road. This part of the site is subject to a sublease.

The site has a generally flat topography.


The site is not identified as containing any heritage items nor is it in a heritage conservation area. The site is not identified as being located on bushfire prone land nor is it identified as land of high biodiversity value on the Biodiversity Values Map (BVM).



An aerial photo of the site is shown at **Figure 2**.



 The Site

 NOT TO SCALE

**Figure 2** Site Aerial Image of site

Source: Nearmap, edited by Ethos Urban

## 2.3 Surrounding Development

The site is surrounded by primarily industrial uses with public open space and low-density residential dwellings also forming part of the extended surrounds.

The following is relevant to the external context:

- **North:** North of the site comprises a multi-unit light industrial site which immediately adjoins the site. Further north of that, sloping upwards, is an area of vegetation with low-density residential dwellings beyond.
- **East:** East of the site directly adjoins more general industrial uses, including a Northern Beaches Council Depot. Beyond that lies low density residential dwellings.
- **South:** South of the site directly adjoins Middleton Road, and more general industrial development as well as the Northern Beaches Secondary College.
- **West:** West of the site directly adjoins Dymrna Street, that provides access to a broader context area of general industrial uses.

## 2.4 Easements

The site is affected by a water drainage easement (2.5m and 4.83m wide), this is shown in the plan of subdivision at **Figure 3** and summarised below:

# 3.0 Description of Proposed Development

This DA seeks approval for the subdivision of Lot 6 DP 771621 into two Torrens Title lots, comprising:

- Lot 1 (1,580m<sup>2</sup>) containing the existing substation.
- Lot 2 (2.68ha) containing the remaining surplus land.

The Draft Plan of Subdivision is shown in **Figure 3** and at **Appendix A**. For absolute clarity, this DA does not seek consent for any physical works as part of the subdivision nor does it propose a specific land use for either lot with the existing use maintained. Both subdivided lots would retain their existing vehicular accesses.

The proposed subdivision would not preclude any future development on the site.



**Figure 3** Draft Plan of Subdivision

Source: Ausgrid



## 4.0 Planning Assessment

Under Section 4.15(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act), in determining a DA the consent authority must consider a range of matters relevant to the development. These include the provisions of environmental planning instruments; impacts of the built and natural environment; the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal. The planning issues associated with the proposed development are assessed below.

### 4.1 Relevant Legislation

#### 4.1.1 State Legislation

Under Section 4.46(1) of the EP&A Act, Integrated Development requires consent and respective approvals from the relevant approval bodies in order for development to be carried.

The relevant State Legislation is discussed in **Table 2** below.

**Table 1 Relevant NSW Acts of Parliament**

Acts	Assessment
<b><i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i></b>	<p>Division 4.6 of the EP&amp;A Act relates to Crown Development and states at clause 4.32(1) that ‘a crown development application means a development application made by or on behalf of the Crown’.</p> <p>Under section 294 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&amp;A Regulation), a public authority other than a Council is a person prescribed as the Crown. A public authority is defined within section 1.4 of the EP&amp;A Act. Pursuant to paragraph (a), ADMHC is a public authority constituted under an act, as it is constituted under the <i>Electricity Network Assets (Authorised Transactions) Act 2015</i>. Pursuant to paragraph (c), ADMHC is a statutory body representing the Crown, as its assets are held on behalf of the Crown.</p> <p>As this DA is submitted for Ausgrid on behalf of ADMHC, it satisfies the definition of a public authority and thereby the Crown. Accordingly, this DA is a Crown Development Application.</p> <p>Under clause 4.33(1), a consent authority (other than the Minister) must not refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.</p> <p>This DA therefore must not be refused by the Council, without the approval of the Minister or a condition imposed on any consent without the approval of Ausgrid or the Minister.</p>
<b><i>Coal Mine Subsidence Compensation Act 2017</i></b>	The site is not located within a mine subsidence district. Therefore, the site is not required to be referred as integrated development.
<b><i>Rural Fires Act 1997</i></b>	The site is not located on bushfire prone land. Therefore, the site is not required to be referred as integrated development.
<b><i>NSW Heritage Act 1977</i></b>	<p>The <i>Heritage Act 1977</i> is designed to conserve NSW’s environmental heritage and regulate the impacts of development on the state’s heritage assets. Under this Act, a person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered or damaged. As a result, an excavation permit must be submitted under Section 140 of the <i>Heritage Act 1977</i> and approved by the Heritage Council of NSW prior to disturbance.</p> <p>No excavation works are proposed as part of this DA and the site is sufficiently separated from any existing heritage items within the vicinity. It is unlikely that the development will impact on a relic or damage a heritage item. To this regard, referral under the <i>Heritage Act 1977</i> is not required.</p>
<b><i>National Parks and Wildlife Act 1974</i></b>	<p>The Office of Environment and Heritage (OEH) administers the <i>National Parks and Wildlife Act 1974</i> (NP&amp;W Act). This Act manages:</p> <ul style="list-style-type: none"> <li>• Conservation of nature.</li> <li>• Conservation of objects, places and features of cultural value.</li> <li>• Public appreciation, understanding and enjoyment of nature and cultural heritage.</li> <li>• Land reserved under this Act.</li> </ul>

Acts	Assessment
	No aboriginal archaeological sites are located within the subject site and no groundwork or excavation is proposed, and therefore referral to OEH is not required.
<b>Water Management Act 2000</b>	In accordance with Section 91 of the <i>Water Management Act 2000</i> (WMA 2000) a Controlled Activity Approval is required for works undertaken on 'waterfront land' within 40 metres of a water course.  This DA seeks consent for paper subdivision of the site. No works are proposed within 40m of a watercourse therefore a controlled activity approval under the WMA 2000 is not required.
<b>Biodiversity Conservation Act 2016</b>	The <i>Biodiversity Conservation Act 2016</i> (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.  The site is not identified as containing Biodiversity Values on the Biodiversity Values Map and Threshold Tool and no clearing of vegetation is sought. Therefore, no further assessment against the BC Act is required.

## 4.2 Environmental Planning Instruments

The DA's consistency and compliance with the relevant environmental planning instruments (EPI) in accordance with Section 4.15(1)(a)(i) is considered in the sections below.

### 4.2.1 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 3** below.

**Table 2 Summary of consistency with State Environmental Planning Policies**

Plan	Assessment
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	The Resilience and Hazards SEPP stipulates that the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.  The proposed development does not propose any physical works to the site or a change in land use. Therefore, consideration of contamination and remediation is not required as part of this DA. Any future DA that proposes physical works or a change in land use of the land would be accompanied by a suitable assessment of whether the land is contaminated and if so, whether it is suitable for a proposed development and intended land use or requires remediation.  The proposal does not involve any hazardous or offensive goods or processes.  Therefore, further consideration against this SEPP is not required.
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>	The development does not involve the creation of more than 50 lots on a site with access to a classified road or 200 lots on a site with access to any other road. Therefore, the development is not traffic generating development.
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	The DA does not propose any physical works, nor does it propose the clearing or removal of native vegetation. The remaining provisions of this SEPP therefore do not apply to the proposal.
<b>State Environmental Planning Policy –</b>	Not applicable. The proposed development does not seek to construct any housing or commercial buildings under this application.

Plan	Assessment
<i>Sustainable Buildings 2022</i>	
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The proposed development involves an EDC lower than \$30 million and is therefore Local Development that will be determined by Council.

#### 4.2.2 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (WLEP 2011) is the principal guiding EPI relevant to the site and establishes the key parameters and standards for new development. The proposal’s consistency with the relevant clauses of the WLEP 2011 is assessed below in **Table 3**.

**Table 3 Assessment against Warringah Local Environmental Plan 2011**

Clause	Provision / Standard	Compliance
<b>Clause 2.3</b> <i>Zone objectives and land use table</i>	E4 General Industrial	This DA seeks consent for paper subdivision of the site only. No proposed change of use is sought from the existing use on the site. This DA does not preclude the site from operating under another permitted use within the E4 zone as part of a future DA.
<b>Clause 2.6</b> <i>Subdivision – consent requirements</i>	Land to which this Plan applies may be subdivided, but only with development consent.	Development consent is required for the proposed subdivision.
<b>Clause 4.1</b> <i>Minimum subdivision lot size</i>	4,000m2	Lot 1 - 1,580m2 Lot 2 - 2.675 ha The proposed subdivision would result in Lot 1 not meeting the minimum lot size for the site. As such, a Clause 4.6 Request to vary the minimum lot size control is submitted with this DA and is provided at <b>Appendix B</b> .
<b>Clause 4.4</b> <i>Floor space ratio</i>	The site is not subject to a FSR control.	N/A The site is not subject to a maximum floor space ratio development standard. Notwithstanding, no physical works or gross floor area changes are proposed.
<b>Clause 4.6</b> <i>Exceptions to development standards</i>	Yes	A clause 4.6 variation request to vary the minimum subdivision lot size development standard is provided at <b>Appendix B</b> .
<b>Clause 6.4</b> <i>Development on sloping land</i>	(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.	The proposed works do not involve physical development on the site as the subdivision is administrative only. The subdivision will not give rise to any of the environmental impacts listed as part of this clause.

### 4.3 Development Control Plans

In accordance with Section 4.15(1)(a)(iii) of the EP&A Act the proposed development considers and is consistent with the objectives of the Warringah Development Control Plan 2011 (WDPC 2011) and the relevant development controls. As required under Section 4.15(3A) of the EP&A Act, a consent authority is required to apply DCP provisions

flexibly and allow reasonable alternative solutions that achieve the objects of those standards. Where alternate solutions to the provisions are proposed, they are identified in **Table 4** and discussed in the following sections of this environmental assessment.

**Table 4 Compliance with WDCP 2011**

Section	Control	Assessment/Proposal
<b>Part C1 – Subdivision</b>		
<b>Access</b>	Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.	Existing access for these services is provided, as the proposed plan of subdivision does not seek to alter the current plan of operation.
	Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.	Access to both lots is to remain unaltered as part of this proposed subdivision.
	Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.	The subdivision does not propose passing bays.
	Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.	No rights of carriageway are proposed as part of this subdivision as none are necessary to facilitate access to either site.
	Sites are to have a 3.5m width of clear constructed accessway	The existing accessways exceed 3.5m in width.
<b>Drainage</b>	Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.	No physical works are proposed as part of this subdivision. The proposal is strictly administrative and therefore will not alter the existing drainage arrangements on the site which is currently operational will remain unchanged and continue to operate in its current use.
<b>Restrictions</b>	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	No easement, right of carriageway or other restrictions are placed as part of this proposed subdivision.

## 4.4 Key Issues and Likely Impacts

This section details the key planning issues and likely environmental, social, and economic impacts of the development on the natural and built environment in accordance with Section 4.15(1)(b) of the EP&A Act.

### 4.4.1 Access to Utilities and Services



A site survey plan prepared by Ausgrid has identified existing infrastructure and utilities on the site (See **Appendix B**). The survey plan indicates that the subdivided lots will retain the existing services provision which includes drainage, water main, gas, telecommunications and electricity.

New development on the subdivided lots may necessitate the upgrade or enhancement to existing services. This will be dealt with as part of any future detailed application.

It is also noted that as the site which contains the substation will continue to operate under its existing use, there will be no requirement for alterations or additions to existing utilities and services.

#### 4.4.2 Site Access

The site in its current arrangement contains five (5) separate points of access which service both proposed sites. Two driveways are located along Middleton Road which service proposed Lot 2. Three driveways are located along Dympna Steet, one of which provides access to proposed Lot 2 and the other provides access to proposed Lot 1. These access points are shown below in **Figure 4**. Under the proposed plan of subdivision, the two sites would continue to have private accessways which individually serve both sites without the requirement of an easement. The proposed site access is acceptable and complies with the controls of the WDCP 2011.



**Figure 4** Points of Access

Source: Nearmap, edits by Ethos Urban

#### 4.5 Social and Economic Impacts in the locality

The proposed development will provide social and economic value for the site and the broader community through facilitating the orderly use of land that is surplus to community infrastructure needs.

#### 4.6 Suitability of the site for the development

In accordance with Section 4.15(1)(c) of the EP&A Act, the site is considered to be suitable for the proposed development for the following reasons:

- The proposed subdivision does not include any physical works or change to the use of the land. It seeks the paper subdivision of the site only to separate the operational substation land from surplus land. Therefore, it would have no physical impact to the site.
- The site will be adequately serviced by roads, utilities and services and the subdivision will promote the orderly and economic future use of the land.

## 4.7 Public Interest

In accordance with Section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest for the following reasons:

- The proposed subdivision will provide flexibility for the future use, operation and ownership of land which is surplus to Ausgrid requirements.
- The proposed subdivision does not include any physical works and will not generate any negative impacts.

## 5.0 Conclusion

The proposed development seeks approval for the subdivision of 21 Middleton Road, Cromer, into two separate lots. This is to enable the separation of the operational substation and supporting infrastructure located on the northern part of the site from the surplus land, which is located to the south on the remainder of the site.

This SEE has provided a detailed assessment of the proposal against the relevant matters under Section 4.15(1) of the EP&A Act. The application is considered supportable given the following reasons:

- The proposed development largely consistent with the aims and objectives of the Warringah LEP 2011 and Warringah DCP 2011 as well as the relevant State Environmental Planning Policies.
- While the proposed subdivision would result in a lot that does not meet the minimum lot size for the size, the subdivided lot comprises an existing operational substation which will continue to operate into the long-term serving the local area. As such, the proposed lot size does not undermine the ability of the lot to function as an electrical substation within the E4 zone. A Clause 4.6 Variation Request is submitted with this DA justifying the contravention to the minimum lot size control.
- The proposed development does not involve or require any physical works or changes to the use of the land.
- As the proposed subdivision does not propose any physical works of change of use, the proposed development will not result in any environmental, social or economic impacts.
- The proposed development will enable the continued operation of the parts of the site required by Ausgrid and the suitable release of other land for alternate uses, which is considered to be in the public interest.