

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

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| Application Number: | Mod2019/0300 |
| Responsible Officer: | Alex Keller |
| Land to be developed (Address): | Lot 907 DP 867091, 8 Narabang Way BELROSE NSW 2085 |
| Proposed Development: | Modification of Development Consent DA2017/0388 granted for Construction of a mixed use development including industrial units warehouse units and storage units with associated offices caretakers residence car parking and landscaping 16/33503 |
| Zoning: | Warringah LEP2011 - Land zoned B7 Business Park Warringah LEP2011 - Land zoned E2 Environmental Conservation WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011 |
| Development Permissible: | Yes - Zone B7 Business Park Yes - Zone E2 Environmental Conservation |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Adrenaline Angling Pty Ltd |
| Applicant: | Adrenaline Angling Pty Ltd |
| Application lodged: | 24/06/2019 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Mixed |
| Notified: | 06/07/2019 to 27/07/2019 |
| Advertised: | 06/07/2019 |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

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|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property Description: | Lot 907 DP 867091 , 8 Narabang Way BELROSE NSW 2085 |
| Detailed Site Description: | <p>The subject site is a single allotment located on the northern side of Narabang Way, Belrose.</p> <p>The site is irregular in shape with an arced front boundary (south) to Narabang Way of 45.22m and a depth of up to 169m. The site has a surveyed area of 7,237m².</p> <p>The site is located within the B7 Business Park zone and E2 Environmental Conservation zone pursuant to the Warringah Local Environmental Plan 2011.</p> <p>Surrounding developments consist of large industrial and office premises within a landscaped setting within a business park. Surrounding the business park is extensive bushland and Mona Vale Road to the north, and Forest Way to the east.</p> |

Map:



SITE HISTORY

The subject site has an extensive history that is detailed in the parent Assessment Report of DA2017/0388. Accordingly, the scope of this Section 4.55 application. Full summary of the site history is detailed in the related reports to that given below.

Development Application No. DA2017/0388 for construction of a mixed use development including industrial units, warehouse units and storage units with associated offices, caretakers residence, car parking and landscaping.

The application was presented to the Northern Beaches Independent Assessment Panel with a recommendation for approval, and was determined by the Panel by way of approval on 8 November 2017.

Modification Application No. MOD2018/0331 to increase the number of storage units from 66 to 69 through the reconfiguration/ reduction in size of a number of larger storage units and the deletion of a number of approved mezzanine office areas was approved by Council on 7 November 2018.

PROPOSED DEVELOPMENT IN DETAIL

This modification application lodged pursuant to Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 seeks to amend the approved DA2017/0388.

The scope of works sought under this application have minimal impact to the external appearance of the building (height, setbacks, provision of landscaping). The works include:

- conversion of 14 ground floor storage units to 6 warehouse units with each of the warehouse units allocated a designated car parking space. (Units No.92 to Units 101 reconfigured to become Units No.92 to 97 including 5 new parking spaces at the end of aisle.
- inclusion of provision for future kitchenette style bench and a toilet within selected storage units.

- the three-dimensional form and external appearance of the building and approved landscape and stormwater drainage regimes are consistent with the approved plans (as modified).

The magnitude of works sought under this application remain substantially the same as the approved development and the reasons for the original approval, the plans, relevant considerations and relevant documents considered.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2017/0388, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.15(1A) of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15(1A) - Other Modifications | Comments |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if: | |
| (a) it is satisfied that the proposed modification is of minimal environmental impact, and | Yes The modification, as proposed in this application, is considered to be of minimal environmental impact. |
| (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and | The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2017/0388. |
| (c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or | The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan 2011. |

| Section 4.15(1A) - Other Modifications | Comments |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and | |
| (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. | No submissions were received in relation to this application. |

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

| Section 4.15 'Matters for Consideration' | Comments |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument | None applicable. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan 2011 applies to this proposal. |
| Section 4.15 (1) (a)(iia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of</p> |

| Section 4.15 'Matters for Consideration' | Comments |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | development). This clause is not relevant to this application. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent. |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Public Exhibition” in this report. |
| Section 4.15 (1) (e) – the public interest | No matters have arisen in this assessment that would justify the refusal of the application in the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

No change required to existing RFS conditions and consultant report as the changes are internal only.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

| Internal Referral Body | Comments |
|------------------------|----------|
| | |

| Internal Referral Body | Comments |
|------------------------|-------------------------------|
| Traffic Engineer | No comment and no conditions. |

| External Referral Body | Comments |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ausgrid: (SEPP Infra.) | The modification proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no change to conditions are recommended. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil

Warringah Local Environmental Plan 2011

| | |
|----------------------------------------------------------------------------------------|-----|
| Is the development permissible? | Yes |
| After consideration of the merits of the proposal, is the development consistent with: | |
| aims of the LEP? | Yes |
| zone objectives of the LEP? | Yes |

Principal Development Standards

| Development Standard | Requirement | Approved | Proposed | % Variation | Complies |
|----------------------|-------------|-----------------|-----------------------|-------------------------|---------------|
| Height of Buildings: | 11m | 14.51m to 17.5m | No change to approved | 39.1% to 59% (approved) | No (approved) |

This Section 4.55 application does not seek modification to the previously approved Height of Buildings in DA2017/0388. Accordingly, no further assessment on the provisions of this clause are applicable in this assessment.

Compliance Assessment

| Clause | Compliance with Requirements |
|--------|------------------------------|
| | |

| Clause | Compliance with Requirements |
|---------------------------------------------------|------------------------------|
| 2.5 Additional permitted uses for particular land | Yes |
| 5.3 Development near zone boundaries | Yes |
| 6.4 Development on sloping land | Yes |

Warringah Development Control Plan

Built Form Controls

| Standard | Requirement | Approved | Proposed | Complies |
|-----------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------|-----------------------|------------------|
| B4 Site Coverage | 33.3% of site area (2,388.21m ²) | 49.1% (3,559.64m ²) | No change to approved | No (approved) |
| B5 Side Boundary Setbacks | East - 5m | Ground Floor - 3.53m - 5.25m | No change to approved | No (approved) |
| | | First Floor - 2.3m - 8m | No change to approved | No (approved) |
| | | Second Floor - 2.3m - 8m | No change to approved | No (approved) |
| | West - 5m | Ground Floor - 5m | No change to approved | Yes |
| | | First Floor - 7.98m | No change to approved | Yes |
| | | Second Floor - 0.33m to car parking area 7.98m to building walls | No change to approved | No (approved) |
| B7 Front Boundary Setbacks | 6.5m | Ground Floor - 5m | No change to approved | No (approved) |
| | | First Floor - 6.54m | No change to approved | Yes |
| | | Second Floor - 6.54m | No change to approved | Yes |
| B9 Rear Boundary Setbacks | Merit Assessment | 48.11m to 50.69m | No change to approved | Yes (merit) |
| D1 Landscaped Open Space and Bushland Setting | 33.3% (2,388.21m ²) | 35.6% (2,577.4m ²) | No change to approved | Yes |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|------------------------------------------------|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| B5 Side Boundary Setbacks | Yes | Yes |
| B7 Front Boundary Setbacks | Yes | Yes |
| B10 Merit assessment of rear boundary setbacks | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| C2 Traffic, Access and Safety | Yes | Yes |
| C3 Parking Facilities | Yes | Yes |
| C4 Stormwater | Yes | Yes |
| C5 Erosion and Sedimentation | Yes | Yes |
| C7 Excavation and Landfill | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| D1 Landscaped Open Space and Bushland Setting | Yes | Yes |
| D3 Noise | Yes | Yes |
| D7 Views | Yes | Yes |
| D9 Building Bulk | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D14 Site Facilities | Yes | Yes |
| D20 Safety and Security | Yes | Yes |
| D21 Provision and Location of Utility Services | Yes | Yes |
| E2 Prescribed Vegetation | Yes | Yes |
| E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat | Yes | Yes |
| E4 Wildlife Corridors | Yes | Yes |
| E5 Native Vegetation | Yes | Yes |
| E6 Retaining unique environmental features | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2019/0300 for Modification of Development Consent DA2017/0388 granted for Construction of a mixed use development including industrial units warehouse units and storage units with associated offices caretakers residence car parking and landscaping 16/33503 on land at Lot 907 DP 867091,8 Narabang Way, BELROSE, subject to the conditions printed below:

A. Add Condition No.1B - Modification of Consent - Approved Plans and Supporting Documentation, to read as follows:

"1B - Modification of Consent - Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

| Architectural Plans - Endorsed with Council's stamp | | |
|-----------------------------------------------------|------------|-------------------------------|
| Drawing No. | Dated | Prepared By |
| 3656 DD 100 Overall Site & Grid Setout | 20.12.2018 | Figgis Jefferson Tapa Pty Ltd |

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans."

Reason: <insert reason and (code)>

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

Signed



Alex Keller, Planner

The application is determined on 18/09/2019, under the delegated authority of:



Anna Williams, Manager Development Assessments