

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0730
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<b>Responsible Officer:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 1 DP 868761, 114 Old Pittwater Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Change the operating hours of an existing approved warehouse and distribution centre to 24 hours a day and 7 days a week
<b>Zoning:</b>	LEP - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Primewest Funds Ltd
<b>Applicant:</b>	Michael Rumble

<b>Application lodged:</b>	26/07/2017
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	02/08/2017 to 18/08/2017
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 0.00
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### 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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

### SUMMARY OF ASSESSMENT ISSUES

# NORTHERN BEACHES COUNCIL

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 868761 , 114 Old Pittwater Road BROOKVALE NSW 2100
<b>Detailed Site Description:</b>	<p>No. 114 Old Pittwater Road is currently occupied by a two-storey office and warehouse building with approximately 255 car spaces and loading dock.</p> <p>The subject site has frontage to Old Pittwater Road and adjoins the Council owned public reserve to the rear, which forms part of Allenby Park. The subject site benefits from a right of carriageway over the adjoining site at No. 108 Old Pittwater Road, Brookvale.</p> <p>The subject site adjoins industrial/warehouse units with an ancillary office in the immediate vicinity of the site.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed the following:

- Application DA2013/0686 for Installation of storage containers was approved on 03/09/2013.
- Application DA2011/0652 for Alterations and additions to an existing warehouse/office building was approved on 13/07/2011
- Application DA2010/0229 for Alterations and additions to an industrial building was approved on 29/03/2010
- Application DA2016/0828 for the internal fit out and use of the Ground level of the building for

Service NSW was approved 28 September 2016

The first floor of the building has recently been approved by Complying Development Certificate (Ref D2017.032) to use the premises for warehouse and distribution centre, for the purpose of a Woolworths 'Dedicated Online Store (DOS)' Distribution Centre. The applicant has indicated that the use involves the two key internal activities:

- Picking - Where customer orders are collected by staff in response to online orders and sorted onto delivery trucks; and
- Replenishment - Shelves are replenished in advance of the next 'picking' session.

These activities will occur within the existing warehouse building on the site on a 24-hour operational schedule.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for a 24-hour use for the existing warehouse and distribution centre, for the purpose of a Woolworths 'Dedicated Online Store (DOS)' Distribution Centre.

This use has recently been approved under a Complying Development Certificate Ref D2017.032

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None Applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;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 98</u> of the EP&amp;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</p>

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Section 79C 'Matters for Consideration'	Comments
	of consent.
Section 79C (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	(i) 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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development, as it is seeking to change the hours of operations for an existing/approved Warehouse and Distribution centre.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See the discussion on “Public Exhibition” in this report.
Section 79C (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.

## 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 Warringah Development Control Plan.

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

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Environmental Investigations (Industrial)	No objection to the acoustic report titled Noise Impact Assessment Online Distribution Outlet 114 Old Pittwater Road Brookvale NSW dated July 2017 Report No. 17-2092-R1 subject to the implementation of the recommendations outlined in the report, also cease delivers /waste collection activities between the hours of 10pm and 7am to be in compliance with the NSW Industrial noise policy
Natural Environment (Biodiversity)	Council's natural environment, biodiversity section raise no objections to the proposal.
Natural Environment (Flood)	The proposed extension of operating hours is not considered to increase flood risk. No flood related development controls applied.

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Internal Referral Body	Comments
Traffic Engineer	<p>The proposal is for a 24-hour use for the existing warehouse and distribution centre, for the purpose of a Woolworths 'Dedicated Online Store (DOS)' Distribution Centre. The Statement of Environmental Effects (SEE) report indicates that the use has recently been approved under a Complying Development Certificate.</p> <p>No Information is provided on the number and size of vehicles / trucks in and out of the site in different times of the day. Given the changes in the trend of shopping moving towards online shopping, an operational management plan is to be provided in regards to the deliveries and number and size of trucks / vehicles in and on the site in different hours.</p> <p>In principle, the extended hours for use of the warehouse does not raise concerns in regards to traffic implication, however the provision of an operation management plan is necessary for Council to better understand the impact on the area.</p>

## 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)

### SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether the land is contaminated. Council records indicate that the subject site has been used for industrial / commercial purposes for a significant period of time with no prior land uses. In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial / commercial land use.

## Warringah Local Environment 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

No changes are proposed to the existing building.

## Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
6.4 Development on sloping land	Yes

## **Warringah Development Control Plan**

### Built Form Controls

The built form controls under the Warringah Development Control plan are not applicable to this application.

## Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
D3 Noise	Yes	Yes
D20 Safety and Security	Yes	Yes

## Detailed Assessment

### **C2 Traffic, Access and Safety**

The applicant has indicated that truck movements will match these internal activities and generally sit within the following time frames:

- Morning Dispatch: 5 am to 8:30 am
- Afternoon Dispatch: 1pm to 3:30pm

The delivery of goods to the warehouse from external suppliers will generally be restricted as per the conditions of consent.

### **C3 Parking Facilities**

The parking provision relating to the use was approved by the Complying Development Certificate, which will not be altered as result of the proposed development.

### **D3 Noise**

An acoustic assessment which considers the potential noise impacts associated with the proposed

extension of operating hours has been submitted. The acoustic assessment identified two sensitive receivers to the site operations, which are located to the west and south-west of the site, being some 120m and 160m from the existing building respectively. The Noise Impact Assessment concludes:

*"This assessment has shown that the site is suitable for the intended purpose providing recommendations outlined in this report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criteria or generally below the existing background noise level in the area for the majority of the time."*

*Considering the relatively constant traffic on nearby roads and activity associated with nearby commercial developments, noise generated by the site may be audible at times but not intrusive at any nearby residents. As the character and amplitude of activities associated with the site will be similar to those already impacting the area, it will be less intrusive than an unfamiliar introduced source and should be acceptable to residents, considering the economic and social benefit to the local community as a whole".*

The assessment recommends that certain acoustic treatments be implemented to ensure internal noise levels comply with relevant Australian Standards. These have been included as conditions on the draft consent

## **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**

### **Warringah Section 94A Development Contribution Plan**

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this 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 Development Consent to DA2017/0730 for Change the operating hours of an existing approved warehouse and distribution centre to 24 hours a day and 7 days a week on land at Lot 1 DP 868761, 114 Old Pittwater Road, BROOKVALE, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **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) Approved Documentation

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Statement of Environmental Effect	26 July 2017	Urbis
Noise Impact Assessment	July 2017	Reverb Acoustics

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

In the event of any inconsistency between conditions of this consent and the documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council. (DACPLB01)

2. **Approval for Hours of Operation Only**

This Development Consent is granted only for hours of operation of the existing use which was approved under the the relevant Complying Development Certificate. See Condition 5 for restrictions on truck delivery and dispatch from the facility.

Reason: To ensure compliance with WLEP 2011. (DACPLB04)

3. **General Requirements**

(a) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

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

4. **Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

5. **Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Lashta Haidari, Principal Planner**


The application is determined under the delegated authority of:

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**Steven Findlay, Development Assessment Manager**

# NORTHERN BEACHES COUNCIL

## ATTACHMENT A








Notification Plan	Title	Date
 2017/258930	Plan - Notification	25/07/2017

## ATTACHMENT B

Notification Document	Title	Date
 2017/260490	Notification Map	01/08/2017

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## ATTACHMENT C

Reference Number	Document	Date
 2017/258931	Report - Noise	25/07/2017
 2017/258935	Plans - Master Set	25/07/2017
 2017/258930	Plan - Notification	25/07/2017
 2017/258927	Owner Consent	25/07/2017
 2017/258934	Plans - CDC D2017/032	26/07/2017
 2017/258933	Complying Development Certificate	26/07/2017
 2017/258928	Report - Statement of Environmental Effects	26/07/2017
 DA2017/0730	114 Old Pittwater Road BROOKVALE NSW 2100 - Development Application - Change of Use	26/07/2017
 2017/252396	DA Acknowledgement Letter - Michael Rumble	27/07/2017
 2017/258925	Development Application Form	31/07/2017
 2017/258926	Applicant Details	31/07/2017
 2017/258936	DA Receipt	31/07/2017
 2017/260467	DA Acknowledgement Letter (not integrated) - Michael Rumble	01/08/2017
 2017/260490	Notification Map	01/08/2017
 2017/260511	Notification Letter - 98	01/08/2017
 2017/263564	Natural Environment Referral Response - Flood	03/08/2017
 2017/282981	Natural Environment Referral Response - Biodiversity	11/08/2017
 2017/299282	Traffic Engineer Referral Response - Delete	21/08/2017
 2017/299295	Traffic Engineer Referral Response	21/08/2017