

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0586
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Responsible Officer:	Thomas Burns
Land to be developed (Address):	Lot 309 DP 858106, 6 Prosperity Parade WARRIEWOOD NSW 2102
Proposed Development:	Modification of Development Consent DA2018/0504 granted for alterations and additions to existing warehouse
Zoning:	IN2 Light Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	OPG Delta Pty Ltd
Applicant:	Baxter & Jacobson Architects Pty Ltd

Application Lodged:	17/08/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Industrial
Notified:	25/08/2021 to 08/09/2021
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	4.3 Height of buildings: 9.09%
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

Development Consent was granted on 19 July 2018 under Development Application DA2018/0504 for alterations and additions to an existing warehouse. The approved works involved the following:

- Alterations and additions to the existing warehouse create three units with ancillary offices.
- New loading bay.
- Changes to parking arrangement.

This application has been made pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 seeking to make the following amendments to the approved development:

- Minor ground floor internal modifications to the size and location of employee facilities and the

- relocation of approved stairwells to the first floor level.
- Additional office and warehouse space is proposed on the first floor level for Units A and B within approved void areas.
- Reduce off-street parking from 28 spaces (as approved) to 26 spaces.
- Minor changes to building façade.
- Increase ceiling height for upper level Unit A resulting in an increase to the building height.
- New roof light and mechanical services.

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

Pittwater Local Environmental Plan 2014 - 4.3 Height of buildings
Pittwater 21 Development Control Plan - C3.20 Plant, Equipment Boxes and Lift Over-Run
Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

SITE DESCRIPTION

Property Description:	Lot 309 DP 858106 , 6 Prosperity Parade WARRIEWOOD NSW 2102
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the southern side of Prosperity Parade.</p> <p>The site is irregular in shape with a frontage of 36.29m along Prosperity Parade and an average depth of 86m. The site has a surveyed area of 2,680m². The site relies on a right of carriageway shared with 6A Prosperity Parade for vehicular access.</p> <p>The site is located within the IN2 Light Industrial zone and</p>

accommodates a two storey industrial warehouse.

The site is relatively level and contains some mature vegetation in the front setback.

Description of Surrounding Development

Adjoining and surrounding development is characterised by industrial development.

Map:



SITE HISTORY

The land has been used for industrial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- Development Application N0967/00 for proposed new industrial complex incorporating warehousing/office facilities and strata subdivision was approved by Council on 15 May 2001.
- Pre-lodgement Meeting PLM2018/0016 was held on 27 February 2018 for alterations and additions to an existing office space to create extra tenancies.
- Development Application DA2018/0504 for alterations and additions to an existing warehouse approved by Council on 19 July 2018.
- Construction Certificate CC2018/0953 issued by a Private Certifier on 3 August 2018 for the works approved under Development Application DA2018/0504.
- Interim Occupation Certificate IOC2019/0154 issued by a Private Certifier on 22 August 2019 for only works pertaining to Warehouse B and C.

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 DA2018/0504, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - 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 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	<p>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 DA2018/0504 for the following reasons:</p> <ul style="list-style-type: none"> • The modified development still relates to alterations and additions to an existing warehouse. • The height of the building, as viewed from Prosperity Parade, will remain the same. • The resulting development will remain as three industrial/warehouse units. • Access to and from the site is unchanged and the loading facilities for each unit remains the same. • The modified development will not have a materially different impact when compared to the previous approval, specifically with regards to views, solar access, privacy, traffic demand, parking, visual impact, noise and operational hours/functions.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of	Development Application DA2018/0504 did not require concurrence from the relevant Minister, public authority or approval body.

Section 4.55 (2) - Other Modifications	Comments
an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (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	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(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 96 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning	None applicable.

Section 4.15 'Matters for Consideration'	Comments
agreement	
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)</p>	<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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</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 development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This Clause is not relevant to this application.</p> <p><u>Clause 98</u> 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.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>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>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 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</p>

Section 4.15 'Matters for Consideration'	Comments
	existing and proposed land use.
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	No submissions were received in relation to this application.
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

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 25/08/2021 to 08/09/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Environmental Health reviewed the proposed internal changes and determine that there is not likely to be any amenity impact from those. We therefore have no objection to the proposal.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	The application is to modify development consent DA2018/0504 for alterations and additions to existing warehouse building. The modification includes an updated Landscape Plan indicating removal

Internal Referral Body	Comments
	<p>of existing palms and other vegetation approved under the development consent.</p> <p>The conditions imposed in development consent DA2018/0504 in condition 2 and 20 remain applicable as the updated Landscape Plan does not document the requirements of the conditions.</p>
NECC (Bushland and Biodiversity)	<p>Council's Biodiversity referrals team have assessed the Modification Application for compliance against the following biodiversity related controls:</p> <ul style="list-style-type: none"> • Pittwater LEP cl. 7.6 Biodiversity Protection • Pittwater 21 DCP cl. B4.6 Wildlife Corridors <p>The modification seeks to modify the development consent DA2018/0504 for alterations and additions to existing warehouse building, and includes the removal of a number of exempt palms from the front of the lot. As these palms are considered exempt under the P21 DCP, they do not need consent from council for removal. The proposed modification does not include the removal of any prescribed native vegetation, nor will it impact on local biodiversity. As such, Council's Biodiversity referrals team are satisfied that the proposed modification complies with the controls listed above.</p>
NECC (Development Engineering)	<p>13/09/20/21:</p> <p>No objections are raised to the proposed modification. No modification to Development Engineering conditions required.</p> <p>Existing Development Engineering conditions for DA2018/0504 are considered to still be relevant and adequate.</p> <p>The proposal is therefore supported</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed modifications on the ground floor are minor, largely comprising internal alterations to staff amenities and internal stair locations. These are not considered to increase flood risk and no flood related development controls are applied.</p>
NECC (Water Management)	<p>The modification application does not trigger any additional controls in relation to riparian protection or water quality and so is recommended for approval.</p>
Strategic and Place Planning (Development Contributions)	<p>The modification application seeks to increase the approved floor space on the site. The Warriewood Valley Section 94 Contributions Plan applies to this land. Development contributions for non-residential development are based on site area. A development contribution has already been paid for this property. No further contribution required. The application is supported.</p>
Traffic Engineer	<p>The proposed modification results in an increase in the the floor area of the building from 2175.5sqm to 2299sqm comprised of 800sqm of office and 1499sqm of warehouse space. It also results in a reduction in the quantum of parking from 28 offstreet spaces to 26 offstreet spaces. The DCP carparking requirements for the modified development is 1 space per 300sqm for office and 1 space per 40 sqm for office i.e 20 office spaces and 5 warehouse spaces. An</p>

Internal Referral Body	Comments
	<p>additional space has been added to offset the loss of one on-street space lost for construction of the new driveway bringing the total parking requirement for the modified development to 26 spaces. This matches the parking to be provided so the modified development is still compliant with DCP requirements in terms of carparking.</p> <p>As there are no other traffic concerns with the modified DA here are no traffic objections to approval.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

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 land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time. 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 land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

Pittwater Local Environmental Plan 2014

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	10.7m	12m	9.09%	No
Floor Space Ratio	1:1 (2680sqm)	0.81:1 (2175.5sqm)	0.91:1 (2437sqm)	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.4 Floor space ratio	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

Detailed Assessment

4.3 Height of buildings

The modified development proposes a maximum building height of 12m, which does not comply with the 11m requirement. Whilst this Section 4.55(2) Modification will result in a building height that exceeds the maximum permitted by Clause 4.3 of Pittwater LEP 2014, the application does not strictly

need to address the requirements of Clause 4.6.

The application has been made under Section 4.55 of the Environmental Planning and Assessment Act 1979, which is a free standing provision that in itself authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is subject to its own stand-alone tests (i.e. substantially the same test and consideration of all relevant Section 4.15 matters) and does not rely upon having a Clause 4.6 variation in order to determine the modification application. Clause 4.6 regulates whether development consent may be granted, not whether an existing consent may be modified, and therefore does not apply to Section 4.55 Modification applications.

It is important to note that the area of non-compliance relates to a roof-light and mechanical plant above Unit A. The roof-light is setback approximately 19.7m from the front façade, whilst the mechanical plant is setback approximately 17.7m from the front façade. Furthermore, the mechanical plant is setback approximately 1.9m from the eastern edge of the roofline, whereas the roof-light is setback approximately 7.2m from the western edge of the roofline.

Whilst the application does not need to address the requirements of Clause 4.6, a detailed assessment is carried out below against the objectives of Clause 4.3 of Pittwater LEP 2014.

(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

Comment:

The modified works sited above the 11m height plane are significantly setback from the front façade and therefore, will not be visible from Prosperity Parade. The areas of the building fronting Prosperity Parade will maintain compliance with the 11m height standard. In this regard, the height and scale of the development, as presented to the street, is considered to be consistent with the desired character of the locality.

(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The components of the building sited above the 11m height plane are not visible from surrounding industrial complexes or Prosperity Parade. Therefore, the building will continue to maintain an appropriate visual relationship with the surrounding industrial developments.

(c) to minimise any overshadowing of neighbouring properties,

Comment:

The site is located within an industrial precinct and the modified development will not result in overshadowing of residential developments.

(d) to allow for the reasonable sharing of views,

Comment:

The rooftop structures will not obscure significant view lines from nearby public or private properties.

(e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The site is level. Nevertheless, the rooftop structures have been adequately sited to ensure they are not visible from surrounding private and public spaces.

(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Comment:

The rooftop structures will not be visible from surrounding private and public spaces. In this regard, the works will not have an adverse visual impact on the natural environment. Furthermore, the site is not located within a heritage conservation area and is not located within the vicinity of heritage items. Therefore, the proposal will not have an adverse impact upon existing environmental heritage.

Conclusion

Based on the above assessment, it is concluded that the objectives of Clause 4.3 are achieved. Therefore, the height breach is supported on merit.

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Approved	Proposed	Complies
Front building line	6.5m	9.55m	9.55m	Yes
Rear building line	3m	11.1m	11.1m	Yes
Side building line	3m (east)	0m - as existing	0m - as existing	No further non-compliance
	3m (west)	0m - as existing	0m - as existing	No further non-compliance

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.6 Wildlife Corridors	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
C3.3 View Sharing	Yes	Yes
C3.7 Pollution Control	Yes	Yes
C3.10 Waste and Recycling Facilities	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C3.20 Plant, Equipment Boxes and Lift Over-Run	No	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	No	Yes
D16.13 Building colours and materials	Yes	Yes

Detailed Assessment

C3.20 Plant, Equipment Boxes and Lift Over-Run

Description of non-compliance

The control states that plant and equipment boxes and lift over-runs should be integrated internally into the design fabric of the built form. The modified development includes mechanical plant equipment on the roof, which is contrary to the prescribed requirement.

Merit consideration

With regard to consideration of a variation, the proposed development is considered against the underlying outcomes of the control as follows:

To achieve the desired future character of the Locality.

Comment:

The mechanical plant is significantly setback from the front façade and will not be visible from Prosperity Parade or adjoining industrial complexes. The modified development will maintain the approved industrial and warehouse land use and is of a scale and intensity that is consistent with surrounding industrial land uses. The resulting development is considered to achieve the desired future character of the locality.

The bulk and scale of the built form is minimised.

Comment:

The building, as presented to the street, complies with the 11m height standard. Furthermore, the proposal complies with the floor space ratio development standard, which is a key control that governs the bulk of buildings. In this regard, the bulk and scale of the built form is considered to be appropriate in the context of the site.

Equitable preservation of views and vistas to and/or from public/private places.

Comment:

The modified works do not obscure significant view lines to and/or from public and private places.

To achieve reduction in visual clutter.

Comment:

As discussed earlier, this rooftop structures are set in from the front and side walls of the building and will not be visible from Prosperity Parade or nearby industrial complexes. Therefore, the modified development will not result in visual clutter.

The appropriate location and design of noise generating equipment.

Comment:

The roof plant is appropriately sited to alleviate unreasonable acoustical impacts.

Conclusion

As demonstrated above, the modified development is consistent with the outcomes of the control. Therefore, the application is supported on merit in this particular circumstance.

D16.7 Side and rear building lines

The existing building has nil setbacks to both side boundaries, which does not comply with the 3m requirement. Nevertheless, the approved development and proposed modifications maintain the existing side setbacks and are supported on merit.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect 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.

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;
- Pittwater Local Environment Plan;
- Pittwater 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. Mod2021/0586 for Modification of Development Consent DA2018/0504 granted for alterations and additions to existing warehouse on land at Lot 309 DP 858106,6 Prosperity Parade, WARRIEWOOD, subject to the conditions printed below:

MODIFICATION OF DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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
DA-102 (Issue D) - Site Plan	19/07/2021	Baxter & Jacobson Architects
DA-120 (Issue E) - Proposed Ground Floor	19/07/2021	Baxter & Jacobson Architects
DA-121 (Issue F) - Proposed First Floor	30/08/2021	Baxter & Jacobson Architects
DA-140 (Issue D) - Proposed Elevations - Sheet 1	19/07/2021	Baxter & Jacobson Architects
DA-150 (Issue F) - Proposed Sections	30/08/2021	Baxter & Jacobson Architects

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

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
DA-105 (Issue B) - Landscape Site Plan	29/07/2021	Baxter & Jacobson Architects

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

Condition No. 2A - Ausgrid Requirements

The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid’s safety networks can be sourced from Ausgrid’s website, www.ausgrid.com.au.

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Condition No. 13A - Mechanical Plant Height

The roof top mechanical plant equipment must not be constructed to a height above RL27.39.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure the works are constructed in accordance with the approved heights.

Condition No. 13B - No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Condition No. 15A - Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Conditions No. 23A - No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management

Plan 2021 – 2026) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the final Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

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

Signed



Thomas Burns, Planner

The application is determined on 14/10/2021, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager