

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Proposed Light Industrial
Development

**2 Sydenham Road
Brookvale**



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Statement of Environmental Effects

Proposed Light Industrial Development

2 Sydenham Road, Brookvale

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TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 SITE DESCRIPTION AND LOCATION

3.0 DEVELOPMENT PROPOSAL

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

4.2 Warringah Local Environmental Plan 2011

4.2.1 Zone and zone objectives

4.2.2 Height of buildings

4.2.3 Earthworks

4.2.4 Development on sloping land

4.3 Brookvale Structure Plan and draft Northern Beaches Local Environmental Plan

4.4 Warringah Development Control Plan

4.4.1 Merit assessment of side boundary setbacks

4.4.2 Front boundary setbacks

4.4.3 Traffic, Access and Safety

4.4.4 Parking Facilities

4.4.5 Stormwater

4.4.6 Erosion and sedimentation

4.4.7 Demolition and construction

4.4.8 Noise

4.4.9 Access to Sunlight, Views and Privacy

4.4.10 Building bulk

4.4.11 Building colours and materials

4.4.12 Accessibility

4.4.13 Signage including State Environmental Planning Policy (Industry and Employment) 2021

4.5 Matters for Consideration Pursuant to section 4.15(1) of the EP&A Act

5.0 CONCLUSION

Attachment 1 Clause 4.6 variation request - Height of buildings

1.0 INTRODUCTION

This document forms a component of a development application proposing the demolition of existing site structures and the construction of a 3 storey light industrial building comprising 2183m² of light industrial floor space, a ground floor takeaway food and drink premises and basement car parking for 42 vehicles. The various light industrial tenancies will be occupied by light industry as defined with vehicular access from Sydney Road and servicing via a loading bay and goods lift accessed from Charlton Lane. The application also proposes the implementation of an enhanced site landscape regime.

In the preparation of the final documentation consideration has been given to the minutes arising from formal pre-lodgement discussions with Council (PLM2024/0043) and the Northern Beaches Design and Sustainability Advisory Panel (DSAP). In this regard, the proposal has been amended to provide a 4.5 metre landscaped setback to Sydenham Road with the industrial units orientated to Charlton Lane to enhance amenity and the streetscape quality of the development. Appropriate ground level activation is provided to both street frontages with all servicing occurring from Charlton Lane.

The application seeks to adopt the building height anticipated for development on the land following the adoption of the Brookvale Structure Plan (BSP) by Northern Beaches Council at its meeting of 28 November 2023. The BSP anticipates an 18 metre building height standard applying to development on the land which such height standard incorporated into the draft Northern Beaches Local Environmental Plan (draft LEP) endorsed by Council at its meeting of 17th of June 2024 and currently with the Minister for Planning and Public Spaces for Gateway Determination. In the preparation of this document consideration has been given to the following statutory planning regime:

- The Environmental Planning and Assessment Act, 1979 as amended (the Act).
- Warringah Local Environmental Plan 2011 (the LEP).
- Warringah Development Control Plan (the DCP).
- Brookvale Structure Plan (BSP)
- Draft Northern Beaches Local Environmental Plan (draft LEP)

The proposed works are permissible and generally compliant with the built form controls, or their objectives, applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

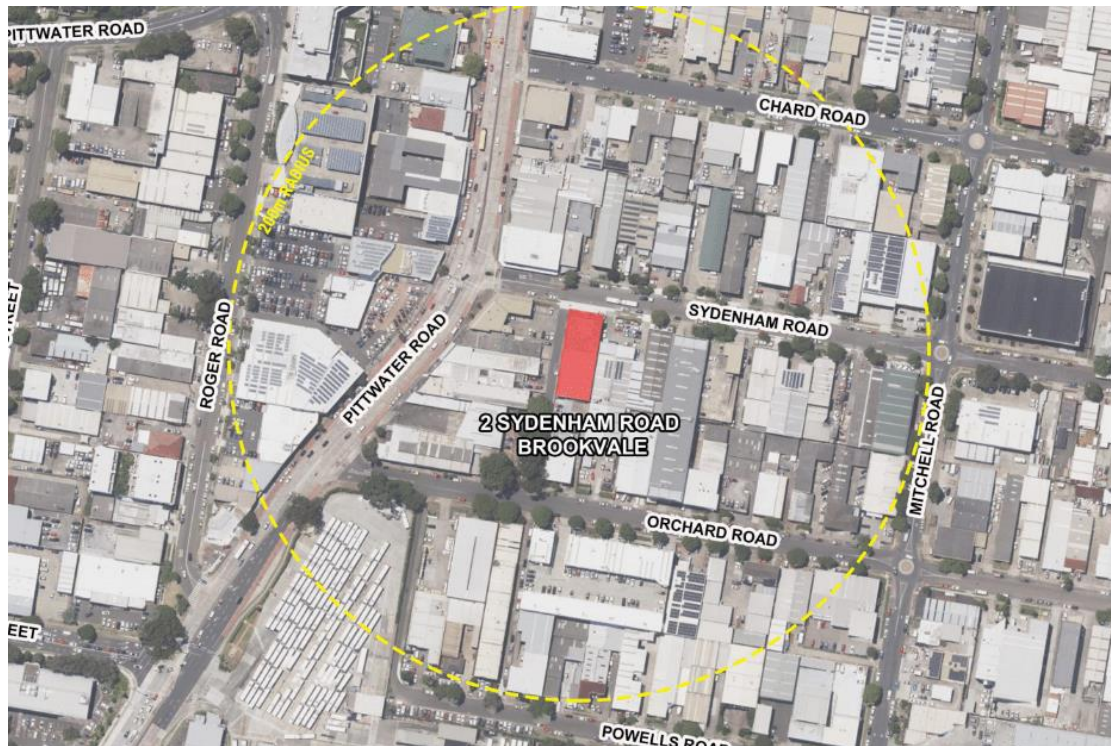
Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed BSP and draft LEP.

The proposed front setbacks are contextually compatible and satisfy the outcomes of the front setback control. To the extent that the Charlton Lane setback represents a non-compliance with the DCP provision such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The subject property is legally described as Lot 6, Section 8, DP 1521, No. 2 Sydenham Road, Brookvale. The subject property is rectangular in shape with primary frontage and address to Sydney Road of 20.115 metres, secondary frontage to Charlton Lane of 50.29 metres and an area of 1012m². An aerial location/context photo is at Figure 1 below.



Source: SIX Maps

Figure 1 – Aerial location map

The subject property is occupied by a 2 storey brick, clad and rendered building with metal roof from which Sydney Woodworkers currently operate a door and window manufacturing warehouse. There are a number of 45 degree off-street parking spaces accessed from the Sydenham Road frontage. The site does not contain any significant landscape features with the established built form circumstance depicted in the survey extract at Figure 2 over page and the subsequent photographs.



Figure 4 - Subject property as viewed from Sydenham Road

The built form characteristics established by development within the sites visual catchment includes 1 and 2 storey industrial development throughout the Brookvale industrial precinct and 1, 2 and 3 storey commercial development along Pittwater Road.

3.0 DEVELOPMENT PROPOSAL

The application proposes the demolition of existing site structures and the construction of a 3 storey light industrial building comprising 2183m² of light industrial floor space, a ground floor takeaway food and drink premises and basement car parking for 42 vehicles. The proposed works are depicted on the following plans prepared by Walsh Architects:

NUMBER	SHEET NAME	REVISION
DA000	COVER PAGE	A
DA015	LOCATION PLAN	A
DA016	SITE ANALYSIS - SHEET 1	A
DA020	SITE ANALYSIS - SHEET 2	A
DA025	STREET VIEWS	A
DA030	EXISTING SITE PLAN	A
DA060	DEMOLITION PLAN	A
DA080	PROPOSED SITE PLAN	A
DA100	BASEMENT 2 PLAN	A
DA101	BASEMENT 1 PLAN	A
DA102	GROUND FLOOR PLAN	A
DA103	LEVEL 1 PLAN	A
DA104	LEVEL 1 MEZZANINE PLAN	A
DA105	LEVEL 2 PLAN	A
DA106	LEVEL 3 PLAN	A
DA107	ROOF PLAN	A
DA200	LONG SECTIONS - SHEET 1	A
DA201	LONG SECTIONS - SHEET 2	A
DA202	CROSS SECTIONS	A
DA300	ELEVATIONS - SHEET 1	A
DA301	ELEVATIONS - SHEET 2	A
DA302	ELEVATIONS - SHEET 3	A
DA500	SHADOW DIAGRAMS - 9AM JUNE 21ST	A
DA501	SHADOW DIAGRAMS - 12PM JUNE 21ST	A
DA502	SHADOW DIAGRAMS - 3PM JUNE 21ST	A
DA600	VIEWS FROM SUN - JUNE 21ST	A
DA601	VIEWS FROM SUN - JUNE 21ST	A
DA602	VIEWS FROM SUN - JUNE 21ST	A
DA900	HEIGHT BLANKET	A

The various light industrial tenancies will be occupied by light industry as defined with vehicular access from Sydney Road and servicing via a loading bay and goods lift accessed from Charlton Lane.

The application also proposes the implementation of an enhanced site landscape regime as depicted on the accompanying plans prepared by Plot Design Group. The landscaping includes tree plantings adjacent to the Sydenham Road frontage both within the subject property and the adjacent road reserve. Integrated planting including Mock Orange Blossom plantings to 3 metres in height is proposed adjacent to the Charlton Lane frontage with such planting contributing to streetscape character and the amenity of the pedestrian experience adjacent to both frontages of the property.

The acceptability of the proposed excavation is addressed in detail in the accompanying Geotechnical Investigation prepared by Crozier Geotechnical Consultants with BCA performance addressed in the accompanying BCA Assessment Report prepared by Jensen Hughes.

Traffic generation and parking provision is detailed in the accompanying Traffic Impact Assessment prepared by Genesis Traffic with stormwater appropriately disposed of to the street drainage system as detailed on the accompanying plans prepared by RTS Civil Consulting Engineers.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.2 Warringah Local Environmental Plan 2011

4.2.1 Zone and Zone Objectives

The subject property is zoned E4 General Industrial pursuant to the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011). Light industries and takeaway food and drink premises are permissible with consent in the zone with light industry defined as follows:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) *high technology industry,*
- (b) *home industry,*
- (c) *artisan food and drink industry,*
- (d) *creative industry.*

The various light industrial tenancies will be occupied by light industry as defined with both the proposed light industry and takeaway food and drink premises uses permissible with consent.

4.2.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 11 metres above existing ground level. Building height is defined as follows:

Building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The stated objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Building height is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

Ground level existing is defined as follows:

ground level (existing) means the existing level of a site at any point.

The proposal has a maximum building height of 18 metres measured from ground level (existing) representing a variation of 7 metres or 63.63%. The extent of building height breach is depicted in Figure 5 over page.



Figure 5 - Plan extract showing extent of building height breach with the red line showing the 11 metre height standard measured above ground level (existing)

As previously indicated, the application seeks to adopt the building height anticipated for development on the land following the adoption of the Brookvale Structure Plan (BSP) by Northern Beaches Council at its meeting of 28 November 2023. The BSP anticipates an 18 metre building height standard applying to development on the land which such height standard incorporated into the draft Northern Beaches Local Environmental Plan (draft LEP) endorsed by Council at its meeting of 17th of June 2024 and currently with the Minister for Planning and Public Spaces for Gateway Determination

The proposal is compliant with 18 metre draft LEP height standard as depicted in Figure 6 over page.

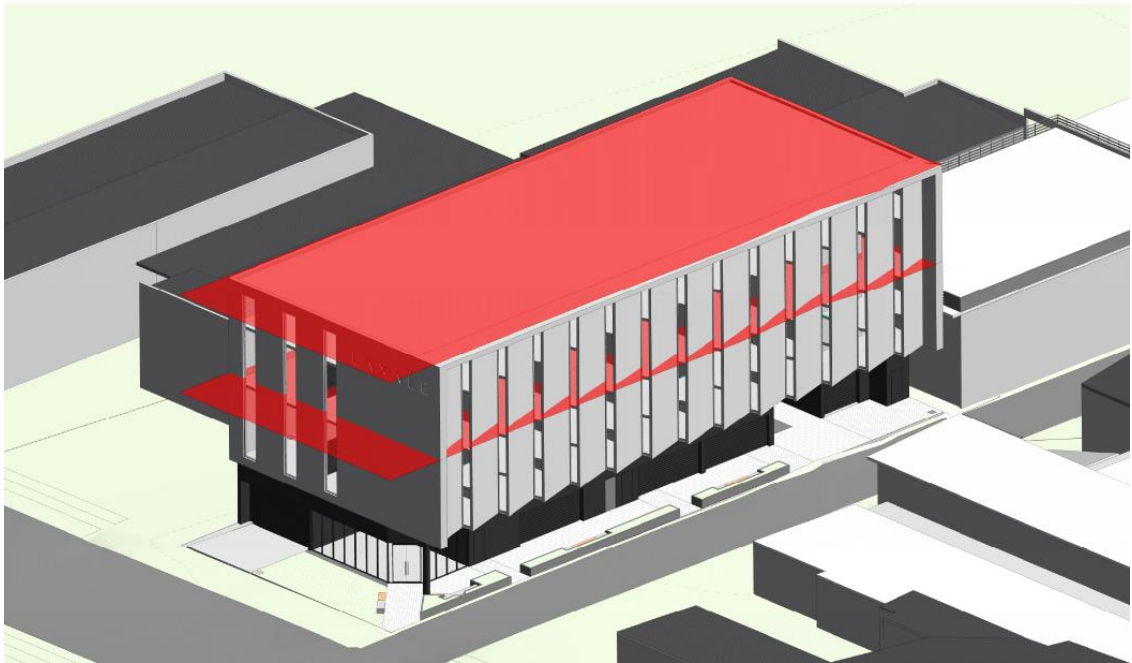


Figure 6 - Building height breaching elements showing the 11m and 18m building height planes

Clause 4.6 of WLEP 2011 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the zone and the objectives of the development standard. Sufficient environmental planning grounds exist to support the variation proposed including the consistency of building height with the height anticipated by the recently endorsed BSP and draft LEP.

The clause 4.6 variation request at Attachment 1 is well founded.

4.2.3 Earthworks

We rely on the accompanying geotechnical report prepared by Crozier Geotechnical Consultants to demonstrate that the excavation proposed to accommodate the basement will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of WLEP 2011.

4.2.4 Development on sloping land

The site is within Landslip Risk Area A, as identified on the Landslip Risk Map of WLEP 2011. The proposal requires excavation works for the basement carpark and a geotechnical report prepared by Crozier Geotechnical Consultants accompanies this application. The level of excavation will not have any significant adverse impacts on the local environment, public amenity or surrounding development. Council can be satisfied that –

- the application has been assessed for the risk associated with landslides in relation to both property and life, and
- the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
- the development will not impact on or affect the existing subsurface flow conditions.

Accordingly, the clause 6.4 WLEP development on sloping land considerations are satisfied.

4.3 Brookvale Structure Plan and draft Northern Beaches Local Environmental Plan

The application seeks to adopt the building height anticipated for development on the land following the adoption of the Brookvale Structure Plan (BSP) by Northern Beaches Council at its meeting of 28 November 2023. The BSP anticipates an 18 metre building height standard applying to development on the land which such height standard incorporated into the draft Northern Beaches Local Environmental Plan (draft LEP) endorsed by Council at its meeting of 17th of June 2024 and currently with the Minister for Planning and Public Spaces for Gateway Determination. In this regard, we note that the advice contained within the PLM minutes in relation to building height is as follows:

Council acknowledges that the site is located within the endorsed Brookvale Structure Plan and there is a recommended height of 18m. A variation to the building height could be supported on merit subject to the applicant demonstrating that strict compliance is unreasonable and there are sufficient planning grounds for the variation. Council will not support any building height greater than 18m, or if the application seeks a height variation and floorspace encroachment into either street frontage (creating a double non-compliance that would undermine future controls currently being formulated for the BSP & planning changes to come).

The desired future building height is depicted on the Brookvale Structure Plan – Height of buildings map an extract of which is over page.

We rely on the accompanying clause 4.6 variation request demonstrates that that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed BSP and draft LEP.



Figure 7 - Brookvale Structure Plan - recommended future height of buildings map

We note that although there are no specific setback provisions identified within the BSP the aims and objectives are to enhance the streetscape and pedestrian connectivity, particularly on corner allotments and sites directly adjoining laneways.

In this regard, the proposal provides contextually appropriate setbacks and pedestrian connectivity to both street frontages including along Charlton Lane where undercroft promenade type pedestrian circulation is afforded.

The consent authority can be satisfied that the proposal is consistent with the form of development anticipated pursuant to the BSP and draft LEP on this particular site and within the Brookvale industrial precinct.

4.4 Warringah Development Control Plan

The following built form controls apply to the subject development.

4.3.1 Merit assessment of side boundary setbacks

Pursuant to these provisions side boundary setbacks will be determined on a merit basis having regard to the following:

- Streetscape,
- Amenity of surrounding properties, and
- Setbacks of neighbouring development.

The proposal maintains nil setbacks to the southern and eastern side boundaries of the allotment consistent with the built form characteristics established by surrounding development and that reasonably anticipated within the industrial precinct.

The side boundary setbacks proposed will not give rise to adverse streetscape or amenity impacts and will not be perceived as inappropriate or jarring having regard to the setback characteristics established by adjoining development and development generally within the site's visual catchment. The side boundary setback succeeds on merit.

4.3.2 Front boundary setbacks

Pursuant to these provisions, development shall maintain a 4.5 metre front setback. There are no specific provisions in relation to corner sites. The stated objectives associated with this control are as follows:

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The proposal maintains ground level setback to Sydenham Road of 5.35 metres with a 4.5 metre compliant setback provided to the levels above. The front setback is available for deep soil landscaping as nominated on the accompanying landscape plans.

In relation to Charlton Lane, a 4 m setback is provided to the ground floor level of the development with a variable articulated setback of between 1.522 metres and 600mm provided to the levels above. The Charlton Lane setbacks are considered to be contextually appropriate and consistent with the objectives of the control are as follows.

- *To create a sense of openness.*

The proposed setback is consistent with the setback established by existing development on the site and the adjoining development to the south along Charlton Lane. Given the hierarchy of roads it is considered acceptable to have a greater level of street enclosure to Charlton Lane than to Sydenham Road. The 4 metre setback provided at ground level ensures that the setback does not compromise pedestrian movement through the site and along the Charlton Lane frontage as depicted in the montages below.



Figure 8 - Photomontage showing the relationship of the proposed building form to both street frontages.

This objective is achieved.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Response: For the reasons previously identified we are satisfied that the proposed Charlton Lane setbacks will maintain the visual continuity and pattern of buildings along the laneway. In relation to landscaping we note that the setbacks will not compromise the ability to provide appropriate landscape treatments along the Charlton Lane frontage.

This objective is achieved.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Response: For the reasons previously identified we are satisfied that the front setbacks proposed will protect the visual quality of the streetscape and adjacent road reserve.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* we have formed the considered opinion that most observers would not find the spatial relationship of the proposed building to the front boundary of the site offensive, jarring or unsympathetic in a streetscape and urban context.

In this regard, it can be reasonably be concluded that the proposed development is capable of existing together in harmony with adjoining and nearby development. The proposed front setback achieves this objective.

- *To achieve reasonable view sharing.*

Response: Having inspected the site and its immediate surrounds we are satisfied that the proposed development, in particular its setback to the front boundaries, will not impact public or private views. The proposed front setback achieves this objective.

To the extent that the front setback represents a non-compliance with the DCP provision such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

4.3.3 Traffic, Access and Safety

We rely on the accompanying Traffic Impact Assessment prepared by Genesis Traffic which concludes that the traffic generation of the proposed development will not present any adverse traffic implications.

4.3.4 Parking Facilities

We rely on the company Traffic Impact Assessment prepared by Genesis Traffic which concludes that the proposed parking provision complies with Council's DCP criteria and will adequately service the development with the proposed access, internal circulation and parking arrangements designed in accordance with the applicable Australian standard.

Further, the development is appropriately serviced by the loading dock and goods lift accessed from Charlton Lane will not give rise to unacceptable traffic implications.

4.3.5 Stormwater

Stormwater will be appropriately disposed of to the street drainage system as detailed on the accompanying plans prepared by RTS Civil Consulting Engineers.

4.3.6 Erosion and sedimentation

Potential erosion and sedimentation control/ management can be dealt with by appropriately worded conditions.

4.3.7 Demolition and construction

The site is of adequate size and dimension to ensure that all demolition and construction works/ storage can be contained within the boundaries of the allotment.

4.3.8 Noise

In accordance with the clause D3 Noise provisions the proposed lift must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured at the receiving boundary of residential and other noise sensitive land uses.

No objection is raised to suitably worded conditions requiring compliance with the above provision and certification of same prior to issue of any occupation certificate.

4.3.9 Access to Sunlight, Views and Privacy

The development is not located within proximity of any residential uses such as to result in unacceptable privacy, view or shadowing impacts.

4.3.10 Building bulk

For the reasons previously outlined in this submission the proposed works will be consistent with the bulk and scale of industrial development anticipated within the Brookvale industrial precinct pursuant to the recently endorsed BSP and draft LEP. The development will not be considered jarring or offensive within its context.

4.3.11 Building colours and materials

The application is accompanied by a schedule of materials and finishes which demonstrates a high-quality built form outcome.

4.3.12 Accessibility

We rely on the accessibility considerations contained within the accompanying BCA Assessment Report prepared by Jensen Hughes.

4.3.13 Signs

The application proposes building identification signage as depicted on the architectural plans and the montage image at Figure 8.

We confirm that the signage is limited to flush mounted non-illuminated wording approximately 7.115 metres in width and 818mm in height. The individual letters are approximately 800mm in height and 600mm in width.

Having regards to the clause D23 signage provisions we confirm the following:

- The signage is sited and designed so as to not adversely impact on the amenity of the streetscape and surrounding locality.
- The signage is compatible with the design, scale and architectural character of the building.
- The signage will not obscure views of vehicles, pedestrians or potentially hazardous road features.
- The signage will not emit any glare or reflection.
- The signage will not obscure or compromise important views.
- The flush mounted wall signage does not extend within 200mm of the top and sides of the wall, does not cover any window architectural projection, is of a size and shape that relates to the architectural design of the building, is not illuminated and does not project more than 300mm from the wall.

Accordingly, the proposed signage satisfies the applicable DCP provisions.

We also confirm that the proposal satisfies the assessment criteria contained at schedule 5 of State Environmental Planning Policy (Industry and Employment) 2021 as it relates to character of the area, views and vistas, streetscape, siting and building and illumination.

4.4 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979(as amended). Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

4.4.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposed works are permissible and generally compliant with the built form controls, or their objectives, applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

The application seeks to adopt the building height anticipated for development on the land following the adoption of the Brookvale Structure Plan by Northern Beaches Council at its meeting of 28 November 2023. The BSP anticipates an 18 metre building height standard applying to development on the land which such height standard incorporated into the draft Northern Beaches Local Environmental Plan endorsed by Council at its meeting of 17th of June 2024 and currently with the Minister for Planning and Public Spaces for Gateway Determination.

Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed BSP and draft LEP.

4.4.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.

Context and Setting

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
 - *the character and amenity of the locality and streetscape?*
 - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
 - *the previous and existing land uses and activities in the locality?*

The proposed works will not contribute to unacceptable building height, bulk or scale nor will they give rise to any unacceptable streetscape or physical impacts on adjoining properties in terms of privacy, solar access, visual bulk or views. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings and compliant with the objectives of the height of buildings control.

- ii) *What are the potential impacts on adjacent properties in terms of:*
- *relationship and compatibility of adjacent land uses?*
 - *sunlight access (overshadowing)?*
 - *visual and acoustic privacy?*
 - *views and vistas?*
 - *edge conditions such as boundary treatments and fencing?*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*

- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposal provides appropriately for off-street carparking as detailed in the accompanying Traffic Impact Assessment prepared by Genesis Traffic.

Waste collection

Normal commercial waste collection applies to the development with the proposed waste management arrangements detailed in the accompanying Waste Management Plan.

Natural hazards

The subject site is not identified as affected by any natural hazards.

Economic impact in the locality

The proposal will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period of the development.

Site design and internal design

- i) *Is the development design sensitive to environmental conditions and site attributes including:*
- *size, shape and design of allotments?*
 - *the proportion of site covered by buildings?*
 - *the position of buildings?*
 - *the size (bulk, height, mass), form, appearance and design of buildings?*
 - *the amount, location, design, use and management of private and communal open space?*
 - *landscaping?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the built form controls.

- ii) *How would the development affect the health and safety of the occupants in terms of:*
- *lighting, ventilation and insulation?*

- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development is able to comply with the provisions of the Building Code of Australia as detailed in the accompanying BCA Assessment Report prepared by Jensen Hughes.

Construction

i) What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

4.4.3 The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development.

4.4.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that Council will appropriately consider any submissions received.

4.4.5 The public interest.

The proposed works are permissible and consistent with the built form controls applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

Approval of the development would not be contrary to the public interest.

5.0 CONCLUSION

The proposed works are permissible and generally compliant with the built form controls, or their objectives, applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

In the preparation of the final documentation consideration has been given to the minutes arising from formal pre-lodgement discussions with Council (PLM2024/0043) and the Northern Beaches Design and Sustainability Advisory Panel. In this regard, the proposal has been amended to provide a 4.5 metre landscaped setback to Sydenham Road with the industrial units orientated to Charlton Lane to enhance amenity and the streetscape quality of the development. Appropriate ground level activation is provided to both street frontages with all servicing occurring from Charlton Lane.

The application seeks to adopt the building height anticipated for development on the land following the adoption of the Brookvale Structure Plan by Northern Beaches Council at its meeting of 28 November 2023. The BSP anticipates an 18 metre building height standard applying to development on the land which such height standard incorporated into the draft Northern Beaches Local Environmental Plan endorsed by Council at its meeting of 17th of June 2024 and currently with the Minister for Planning and Public Spaces for Gateway Determination.

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The proposed front setbacks are contextually compatible and satisfy the outcomes of the front setback control. To the extent that the Charlton Lane setback represents a non-compliance with the DCP provision such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

Boston Blyth Fleming Pty Ltd

A handwritten signature in black ink, appearing to read 'Greg Boston', written over a horizontal line.

Greg Boston
Director

Attachment 1

Clause 4.6 variation request - Height of buildings

Separately Attached