

28 MAY 2019

STATEMENT OF ENVIRONMENTAL EFFECTS

Continued existing use of Depot facility

12A Ponderosa Pde, Warriewood

Applicant: HD INVESTMENTS INTERNATIONAL PTY LTD

1. DESCRIPTION OF SITE

The site comprises of Lot 10 and 11 in DP 12240, No 12a and 12b Ponderosa Pde, Warriewood. An Aerial Photo of the location is included as Figure 1.

Number 12 a and b Ponderosa Pde Warriewood is a rectangular shaped block with approx. 30 meter frontage and 60 meter northern side boundary.

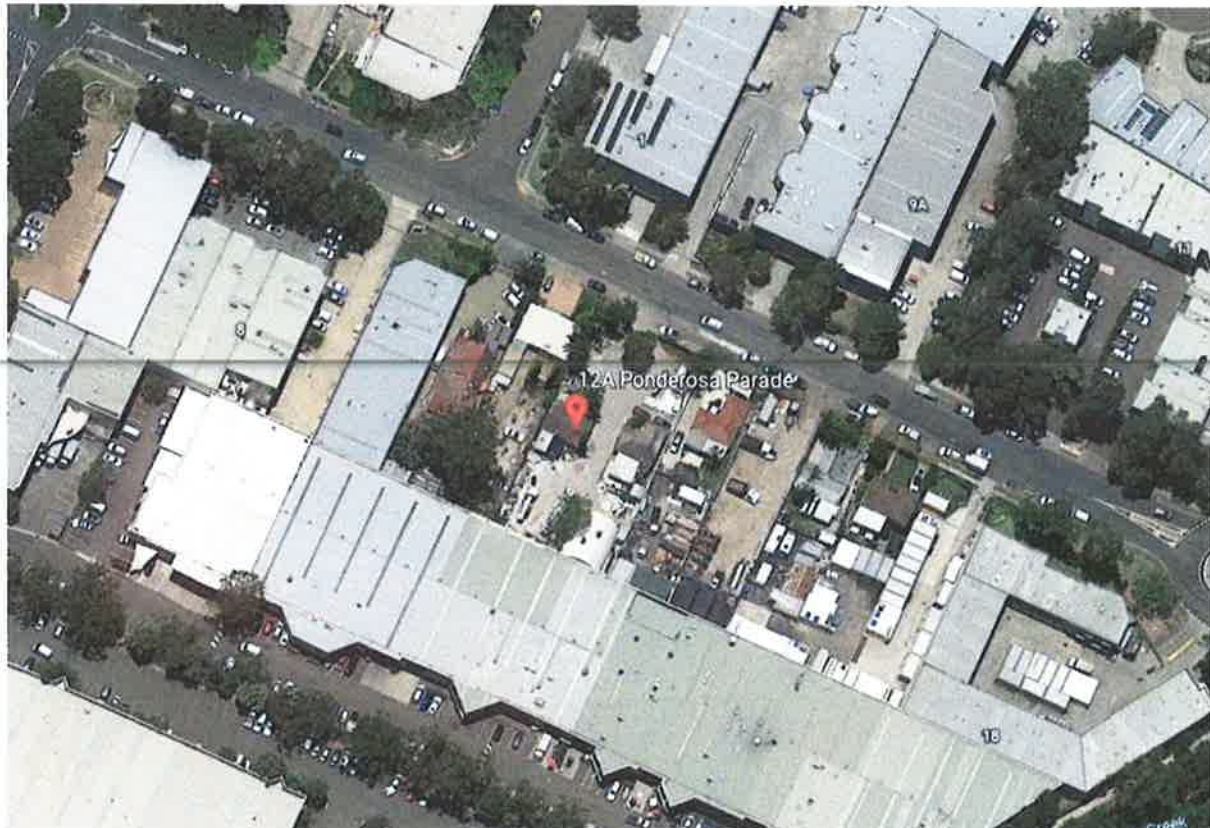


Figure 1: site location

The site buildings comprise of 2 existing houses of around 50 years old, and a temporary tarpaulin shelter.

The topography of the site poses no significant impediments to the existing use. The site is not heritage listed or located within a heritage conservation area or within the vicinity of heritage items.

The site is Zoned IN2 Light Industrial according to the Pittwater Local Environment Plan 2014 .

The locality is currently an industrial locality and the site adjoins several larger industrial buildings at the rear of the site. These environmental considerations are discussed in the following sections of this statement.

2. DETAILS OF EXISTING USE AND PROPOSED USE

The site was purchased in 2016 by HD INVESTMENTS INTERNATIONAL PTY LTD as a going concern, which was being used as a storage and depot facility for an Air Conditioning company.

Existing use of previous owner - The Air Conditioning Company had occupied and operated from the site for approximately 10-15 years, and consisted of depot for storage of construction materials and trucks. A copy of the purchase contract showing the existing tenancy at the time, and the purchase as a going concern is attached to this statement under TAB A.

Proposed use of current owner - HD Investments International (HD) purchased the site following a pressing business operational requirement to store construction materials and park trucks off street.

HD considered its proposed use similar to the existing use and therefore proceeded with its purchase as a going concern and use of the land accordingly, assuming that the existing use would also allow for the current similar use.

Following council notice of intention to give a development control order dated 8th May 2019, HD has prepared this DA for "change of use" in order to satisfy the council requirement to apply for change of use as a new owner.

Accordingly, the proposed use is as a Depot Facility for the storage of construction materials, plant machinery, and other goods.

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- Existing houses and landscape to remain
 - Existing Open gravel hardstand area to provide for storage of materials, parking and turning of vehicles and equipment.

3. STATUTORY PLANNING FRAMEWORK

The following section will assess the proposed use having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning and 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;

3.1 Pittwater Local Environmental plan 2014

The Pittwater Local Environmental Plan 2014 is the Local planning instrument applicable to the lane. The Relevant provisions of the PLEP and the way they relate to the site and the proposed use are set out below

3.1.1 Zoning and Permissibility

As previously noted, the site is zoned IN2 Light Industrial pursuant to the provisions of the Pittwater Local Environmental Act 2014

Light industries are permissible with consent in the zone. The specific objectives of the zone are identified as follows;

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area*
- *To support and protect industrial land for industrial uses.*
- *To enable a range of compatible services, community and recreation uses.*
- *To accommodate uses that, because of demonstrated special building or site requirements or operational characteristics, cannot be or are inappropriate to be located in other zones*
- *To provide healthy, attractive, functional and safe light industrial areas.*

The proposed land use falls within the definition of a Depot, pursuant to the definitions contained on the Pittwater LEP 2014.

“Depot: means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building”

Depots are permitted with consent in the IN2 Light industrial zone. It is considered that the proposed land use satisfies the objectives that underpin the zone.

4. PROPOSED LAND USE CONSIDERATIONS

- 4.1 Safety and Security – A fully secure perimeter fence is in place around the depot, with keyed access.
- 4.2 External storage areas – External storage areas are to be effectively screened from view
- 4.3 Pollution Control – The proposed land use as a Depot is considered not to cause undue air, water, land or noise pollution. The proposed land use is capable of compliance with the protection of the operations Act and industrial noise Policy.
- 4.4 Traffic- there is proposed parking for 4 rigid trucks. The trucks are to drive in –drive out without the need for reversing on/off the premises. There is to be no requirement for stopping or obstructing traffic on Ponderosa Pde.
- 4.5 Hours of work – 6am to 6pm, with only max 1 movement of each truck per day from the Depot.

4.6 SUITABILITY OF THE SITE FOR POPOSED DEPOT USE

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*

The Site is in an established industrial area. The adjacent development does not impose any unusual or impossible development constraints. The proposed use will not cause excessive or unmanageable levels of transport demand.

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

4.7 THE PUBLIC INTEREST

The proposed use is permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed land use given the constraints imposed by the sites locality. The development would not be contrary to the public interest.

5. CONCLUSION

The proposed land use is permissible and consistent with the intent of the IN2 light industrial zoning of the site. It is considered the proposed use is appropriate on merit and is worthy of granting the permission for use as a depot for the following reasons;

- The application has considered relevant environmental effects applicable to site and its proposed use.
- The proposed use is compatible with the desired future character of the locality.
- There is minimal adverse impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is suitable for the proposed use.

Accordingly, it is considered there are no matters which would prevent Council from granting consent to this proposal in this instance.