



DM Planning

## Statement of Environmental Effects

Use of part of basement car park for storage area



**2 Tilley Lane, Frenchs Forest**

Report prepared for  
Larry Normali

**February 2023**

## Table of Contents

<b>1</b>	<b>Introduction .....</b>	<b>3</b>
<b>2</b>	<b>The site, locality and background .....</b>	<b>4</b>
2.1	Site description .....	4
2.2	Previous Approval .....	7
<b>3</b>	<b>The proposal.....</b>	<b>8</b>
<b>4</b>	<b>Environmental planning assessment.....</b>	<b>9</b>
4.1	Environmental Planning and Assessment Act 1979 .....	9
4.2	State Planning Policy Controls Overview .....	11
4.2.1	State Environmental Planning Policy (Resilience and Hazards) 2021 .....	11
4.3	Bushfire Prone Land.....	11
<b>5</b>	<b>Warringah Local Environmental Plan and Development Control Plan .....</b>	<b>12</b>
5.1	Numeric controls summary table: .....	12
5.2	Warringah Local Environmental Plan 2011 .....	13
5.3	Warringah Development Control Plan 2011.....	15
<b>6</b>	<b>Conclusion .....</b>	<b>18</b>

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## 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Larry Normali to accompany a Development Application (DA) for converting part of the existing basement to a storage area at 2 Tilley Lane, Frenchs Forest.

This SEE has been prepared and is submitted to Northern Beaches Council ('Council') pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

This SEE describes the site, and its surroundings and describes how the proposal addresses and satisfies the objectives and standards the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2011, and the heads of consideration listed in Section 4.15 of the EP&A Act.

This SEE demonstrates that the proposal is consistent with the relevant provisions of the:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Warringah Local Environment Plan 2011* ('WLEP 2011')
- *Warringah Development Control Plan 2011* ('WDCP 2011')

This SEE concludes that the proposal is satisfactory when assessed against all relevant requirements. It will better utilise a presently unused area within an existing building with no detrimental environmental or amenity impacts.

We recommend that Council approve the development application subject to the content and findings outlined in this SEE.

## 2 The site, locality and background

### 2.1 Site description

The site is located within the Northern Beaches Local Government Area (LGA).

The site is legally described as Lot 2 DP 270323 and is known as 2 Tilley Lane, Frenchs Forest.

The site is rectangular, with a frontage of 51.505m along Aquatic Drive and 40.975m along Tilley Lane. The site has an area of 2,696m<sup>2</sup>. The site is located within the B7 Business Park zone and accommodates a building with 4 and a half levels of office space and 2 and a half levels of parking. The site is relatively flat, with vegetation along the boundaries and within the front setback area to Aquatic Drive. There are no known threatened species on the site.

Surrounding development comprises light industrial and commercial buildings ranging from three to six storeys. The Warringah Aquatic Centre and adjoining recreational parklands are south of the site. To the west is an area of remnant bushland and the Wakehurst Parkway.

The site is not heritage listed or located within a heritage conservation area or in the vicinity of any heritage items.

The site is classified as bushfire prone land.

The location of the site is shown in Figures 1 and 2.

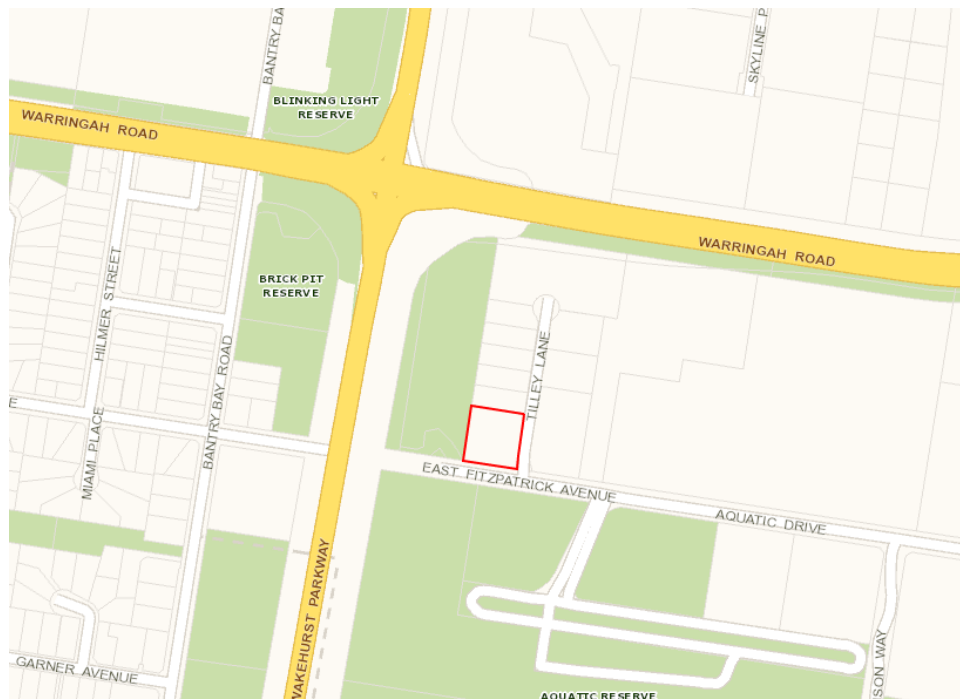


Figure 1. Location of the site (Source: Northern Beaches Council website)





Figure 2. Aerial view of the site and its surroundings (Source: SIX Maps)

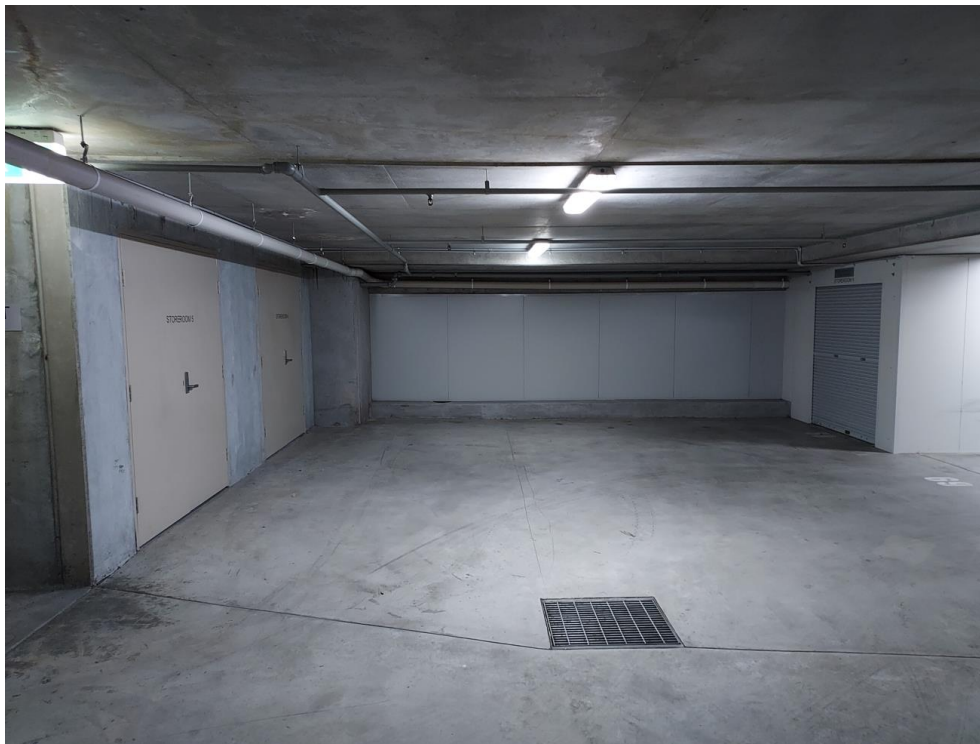


Figure 3. The location of the proposed parking area (looking east)



Figure 4. The location of the proposed parking area (looking north-west)

## 2.2 Previous Approval

### Development Consents:

Development Consent DA2019/1276 for the use of premises as a Recreation Facility Indoor (24/7 Gymnasium) was approved on 19 March 2020.

Development Consent DA2015/0976 for alterations and additions to an existing commercial building and use of premises as an office was approved on 1 December 2015.

Development Consent DA2012/1506 for signage (IMEI non-illuminated wall sign) was approved on 1 March 2013.

Development Consent DA2010/1996 for signage (Staedtler non-illuminated wall sign) was approved 27 January 2011.

Development Consent 2005/0602 for the addition of a new basement car parking level was approved on 9 February 2006. A modification application to convert part of the parking area to storage and provision of an additional driveway was approved on 29 May 2007.

Development Consent 2003/1588 for the construction of a part four storey, part five storey mixed-use commercial building for offices, child care centre, and children's playland, with four basement parking levels and associated site landscaping, was approved on 17 March 2005.

### 3 The proposal

The development application seeks consent for converting part of the level B4 basement car park (three car spaces) to a storage area for the current level 4 tenant (IMEI Pty Ltd).

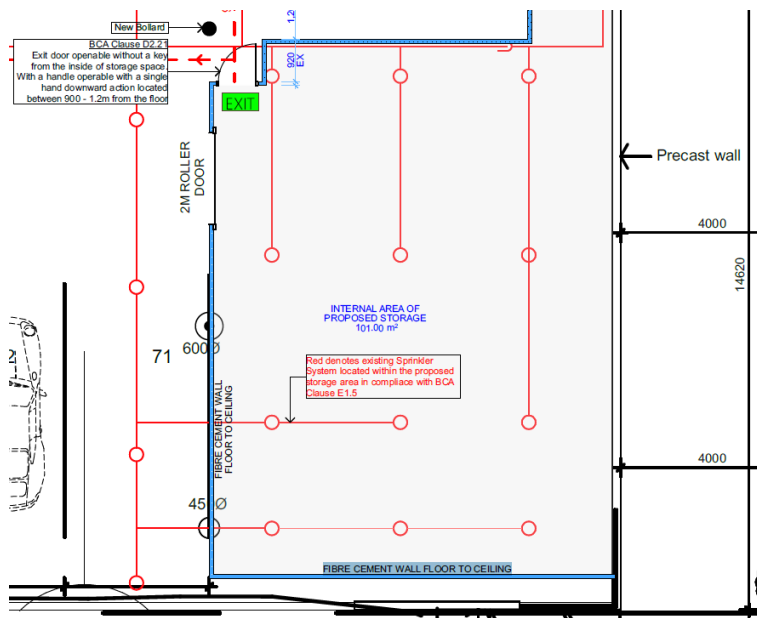
IMEI is an Australian communications technology company. They use the subject site as their national service centre (a warehouse, logistics, and distribution centre for mobile and communications products and a service and repair centre for mobile devices).

The service centre stages, processes, and ships up to 500 devices per day. Due to an increase in demand, additional space is required for storage. As they have an excess supply of car spaces, it is proposed to convert three existing car spaces to a storage area.

Minor internal building works include the following:

- Construction of fibre cement floor-to-ceiling walls (level B4, car spaces 68, 69, and 70), creating a storage area of 101m<sup>2</sup>
- A BCA-compliant exit door (openable without a key from the inside of storage space) with a handle operable with a single-hand downward action located between 900 - 1.2m from the floor.

The proposed storage area will provide a transition area for the delivery of goods (up to 10 deliveries a week). The unloading and transfer of the equipment require a clean, secure place. Trolleys and forklifts will also be kept in the storage area. Drop off and pick up of equipment is proposed via Aquatic Drive entry off level B4.



**Figure 5. Proposed storage area, basement level B4 (source: Design Build Manage)**





## 4 Environmental planning assessment

### 4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plan relevant to the development. The following detailed assessment of the proposal is provided, and which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

#### 4.15(1) Matters for consideration—general

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

Relevant Provision	Comment
(a) the provisions of:	
(i) any environmental planning instrument, and	<ul style="list-style-type: none"><li>• The relevant state environmental planning instruments are addressed at Section 4.2.</li><li>• The relevant provisions of Warringah Local Environmental Plan 2011 (WLEP) are addressed at Section 5.2.</li></ul>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(iii) any development control plan, and	The relevant provisions of Warringah Development Control Plan 2011 (WDCP) are addressed at Section 5.3.
(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	N/A
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are satisfied. Applicable regulation considerations including demolition, fire safety, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA



Relevant Provision	Comment
	appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection may be addressed by appropriate consent conditions.
(v) <i>(Repealed)</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<p><b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p><b>Social Impact</b> The proposed development will have a neutral impact on the locality considering the commercial character of the proposal.</p> <p><b>Economic Impact</b> The proposed development will have a positive economic impact on the locality by better utilising an existing building.</p>
(c) <i>the suitability of the site for the development,</i>	The proposed development is suitable for the site as demonstrated throughout this report.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	The proposal is in the public interest as it allows for minor building works within an existing building.

Table 1: Section 4.15(1) assessment

## 4.2 State Planning Policy Controls Overview

The proposal has been designed having regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable State Environmental Policies are:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

The application of the above plans and policies is discussed in detail in the following sections of this SEE.

### 4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Under clause 4.6(1) (a) of State Environmental Planning Policy (Resilience and Hazards) 2021, consideration has been given as to whether the land is contaminated. The site has been used for commercial purposes for an extended period of time and there is no history to suggest that the site is contaminated. The application does not require further consideration under clause 4.6(1) (b) and (c) of this policy.

## 4.3 Bushfire Prone Land

The site is classified as bush fire prone land. Section 4.14 of the EP&A Act requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection (PBP).

As the proposed minor building works are all internal, the proposal is consistent with the PBP.



## 5 Warringah Local Environmental Plan and Development Control Plan

### 5.1 Numeric controls summary table:

<b>Zone: B7 Business Park</b>			
<b>Site Area: 2,696m<sup>2</sup></b>			
<b>WLEP 2011</b>			
	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Building Height	N/A	No change	N/A
<b>WDCP 2011</b>			
B1 Wall height	7.2m	No change	Yes
B5 side boundary setbacks	0.9m	No change	Yes
B7 Front boundary setbacks	6.5m	No change	Yes
Car spaces GFA of IMIE tenancy = 705m <sup>2</sup>	18 car spaces	29 car spaces (existing) 26 car spaces (proposed)	Yes

Table 2: WLEP 2011 and WDCP numerical compliance summary table



## 5.2 Warringah Local Environmental Plan 2011

The applicable Clauses of the Warringah Local Environmental Plan 2011 (WLEP) 2011 are:

- Clause 2.3 – Zone objectives and landuse table

The following sections of this SEE provide an assessment of the development application against the above relevant Clauses of the WLEP.

### **Clause 2.3 – Land Use Zoning and Permissibility**

The site is zoned B7 Business Park under the WLEP, as shown in the zoning map excerpt in Figure 10. The provisions of the zone are stated below:

#### **Zone B7 Business Park**

##### **1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

Centre-based child care facilities; Garden centres; Hardware and building supplies; **Light industries**; Neighbourhood shops; **Office premises**; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

##### **4 Prohibited**

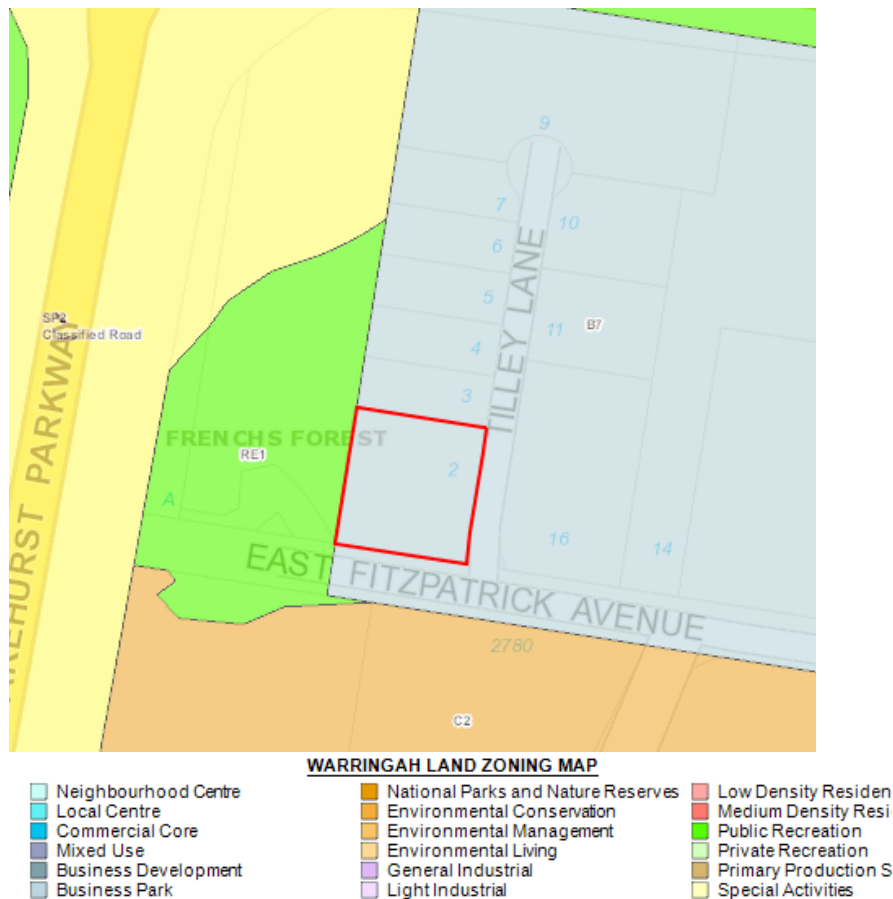
Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource



management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

**Table 3: Provisions of the WLEP 2011 B7 Business Park Zone**

The proposal is for minor alterations to an existing office building and is therefore permissible with consent in the B7 zone. The proposal is consistent with the objectives of the zone.



**Figure 6. WLEP Zoning Map excerpt (source: Northern Beaches Council website)**

### Principal Development Standards

The proposal is for conversion of part of the basement B4 car park to storage, involving minor internal changes only. There will be no change to the WLEP Development Standards.

### 5.3 Warringah Development Control Plan 2011

An assessment of the proposal against the non-numerical provisions of the WDCP is provided below:

Built Form Controls	Requirement	Proposed	Compliance
C2 Traffic, Access and Safety	Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.	There will be no change to the existing basement access, ramps, and circulation. The proposed storage area will not impede maneuverability within the carpark	Yes
C3 Parking facilities	<p>Part C3 of the DCP further pertains to the provision of adequate off-street car parking facilities in accordance with the relevant Australian Standards.</p> <p>Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP.</p> <p>1 space per 40 m<sup>2</sup> GFA.</p>	<p>The building is oversupplied with car parking spaces. It was constructed with an extra level of car parking, equating to a rate of 1 car space/28m<sup>2</sup>. This rate is well in excess of the minimum required rate of 1/40m<sup>2</sup>.</p> <p>As the IMEI tenancy has a GFA of 700m<sup>2</sup>, the WDCP requires a minimum of 18 car spaces.</p> <p>The IMEI tenancy currently has 29 car spaces.</p> <p>The proposal will convert three car spaces to storage, resulting in 26 car spaces for the IMEI tenancy.</p> <p>The proposal remains compliant with Clause C3.</p>	
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.	The proposal will not alter existing stormwater disposal.	Yes
C5 Erosion and Sedimentation	All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.	All proposed works are within the existing building. There will be no erosion or sedimentation impacts.	Yes



Built Form Controls	Requirement	Proposed	Compliance
C8 Demolition and Construction and C9 Waste Management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The proposal will comply with Council's Waste Management Guidelines.	Yes
D3 Noise	Noise from combined operation of all mechanical plant and equipment must not generate noise levels  that exceed the ambient background noise by more than 5dB(A) when measured in accordance with  the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	There is no mechanical plant proposed.	Yes
D8 Privacy	<i>1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</i>  <i>2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</i>  <i>3. The effective location of doors windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</i>  <i>4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.</i>	There will be no privacy impacts.	Yes



Built Form Controls	Requirement	Proposed	Compliance
D14 Site facilities	Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places	The proposed minor works will not affect the existing site facilities.	Yes
D18 Accessibility and Adaptability	<p>The objectives of clause D18 are:</p> <p>To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.</p> <p>To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.</p>	The proposal maintains compliance with the BCA accessibility provisions.	Yes
D20 Safety and Security	Development is to be designed in accordance with <i>Crime Prevention through Environmental Design</i> principles.	The proposed storage area will be covered by the existing onsite security systems, including closed circuit television (CCTV) and tailgate detection for entry doors.	Yes

Table 4 – WDCP assessment table

## 6 Conclusion

This SEE supports a development application for converting three car spaces in the basement level B4 to a storage area at 2 Tilley Lane, Frenchs Forest.

The merits of this application have been identified in this assessment under Section 4.15 of the EP&A Act, WLEP, and WDCP.

The existing building has an excess of car parking spaces; therefore, converting part of the basement level B4 into a storage area will not result in a shortfall of onsite car parking spaces. The proposed storage area is associated with the existing IMEI tenancy on level 4. The proposed minor building works are internal; therefore, there will be no environmental or amenity impacts.

The proposal satisfies the objectives of the Council's development controls and is recommended for approval.