

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

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| Application Number: | Mod2023/0386 |
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| Responsible Officer: | Simon Ferguson Tuor |
| Land to be developed (Address): | Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099 |
| Proposed Development: | Modification of Development Consent DA2019/1346 granted for demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self storage, office premises and ancillary café. |
| Zoning: | Warringah LEP2011 - Land zoned E4 General Industrial OLDWarringah LEP2011 - Land zoned IN1 General Industrial |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Perpetual Corporate Trust Ltd |
| Applicant: | The Trustee For Ypi2b Ot3 Development Trust |

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| Application Lodged: | 21/07/2023 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Refer to Development Application |
| Notified: | Not Notified |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Approval |

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification seeks consent:

- to amend condition 70 of development consent DA2019/1346, which would enable the registration of the cafe to be deferred until the fit out is complete
- to amend Condition 1 to reference the staging associated with Condition 70 being modified.

Condition 70 of development consent DA2019/1346 is:

70. Registration of Food Business

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

Condition 70 of development consent DA2019/1346 is proposed under this modification application to be:

70. Registration of Food Business

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued **in connection with the construction certificate for the fit out for the café.**

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

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

There are no assessment issues.

SITE DESCRIPTION

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| Property Description: | Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099 |
| Detailed Site Description: | <p>The site is known as No.4-8 Inman Road, Cromer. It has two (2) street frontages, being South Creek Road to the south and Inman Road to the west.</p> <p>The site is currently under construction.</p> <p>The site is zoned E4 General Industrial under the Warringah Local Environmental Plan 2011 (WLEP2011) and includes mostly office buildings and large warehouse/manufacturing buildings.</p> |

The site was previously development to include a variety of buildings and structures, ranging in age from the 1920's through to 2005. More recently, a large portion of the site has been cleared and demolished.

Vehicle access to the site is available off both South Creek Road and Inman Road.

Map:



SITE HISTORY

- **Development Application 2019/1346** for demolition works and alterations and additions to an existing industrial facility including new warehousing, self-storage units, office premises and an ancillary cafe.

Approved by the Sydney North Planning panel on 17 August 2020.

- **Modification Application 2020/0611** to amend DA2019/1346 stormwater conditions of the parent consent.

Approved under delegated authority on 1 April 2021.

- **Development Application 2021/1464** for the subdivision of land into three (3) allotments.

Approved under delegated authority on 23 February 2022.

- **Modification Application 2022/0396** seeking to amend DA2019/1346 for the removal of additional trees.

Approved under delegated authority on 16 November 2022.

- **Modification Application 2022/0452** to amend 2019/1346 for fitout of an existing office building including internal and external alterations

Approved under delegated authority on 15 December 2022.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are: **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 was not notified.

REFERRALS

| Internal Referral Body | Comments |
|---|---|
| Environmental Health (Food Premises, Skin Pen.) | <p>General Comments</p> <p>The proposed modification seeks consent to amend condition 70 to defer the registration of the café (food business) until such time as the fit out is complete. At present there is no known operator for the café, hence it is not appropriate to seek registration of it. The condition as presently worded precludes the occupation certificate from being issued for the broader development, hence the amendment is required.</p> <p>Proposed Conditions 70. Registration of Food Business The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued in connection with the construction certificate for the fit out for the café. Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.</p> <p>Environmental Health supports the proposed modification.</p> |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs 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 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)

Nil

Warringah Local Environmental Plan 2011

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| 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 | 13.83m | No change sought | N/A | No change |

Compliance Assessment

| Clause | Compliance with Requirements |
|----------------------------|------------------------------|
| 4.3 Height of buildings | Yes |
| 5.10 Heritage conservation | Yes |

Warringah Development Control Plan

Built Form Controls

This modification application involves no change to the built form controls previously approved under Development Consent 2019/1346 (as modified).

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|-------------------------------|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| C2 Traffic, Access and Safety | Yes | Yes |
| D3 Noise | Yes | Yes |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---------------------|------------------------------|-----------------------------|
| D9 Building Bulk | Yes | Yes |
| D14 Site Facilities | Yes | Yes |

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.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0386 for Modification of Development Consent DA2019/1346 granted for demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self storage, office premises and ancillary café. on land at Lot 1 DP 1282038,4 - 8 Inman Road, CROMER, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

| Application Number | Determination Date | Modification description |
|----------------------------|--------------------|---|
| PAN-349250 Mod2023/0386 | 02 August 2023 | Modification of Development Consent DA2019/1346 granted for demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self storage, office premises and ancillary café. Condition 70 amended to defer the registration of the café (food business) until such time as the fit out is complete. Condition 1 amended to include the updated Level 1 Floor Plan which references the changes to Condition 70. |
| Mod2022/0452 | 15 December 2022 | Modification to amend 2019/1346 for fitout of an existing office building including internal and external alterations A. Add Condition No.1B - Modification of Consent - Approved Plans and supporting Documentation B. Add Condition 57A Additional Contamination C. Add Condition 70A Kitchen Design, Construction and Fitout of Food Premises Certification D. Add Condition 71A Registration of Food Business |
| Mod2022/0396 | 16 November 2022 | Modification to amend DA2019/1346 for the removal of additional trees. A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation B. Add Condition 25A - Amended Landscape C. Add Condition 39A - Site Auditor D. Add Condition 41A - Tree Removal Within Property E. Add Condition 50A - Trees Condition F. Add Condition 58A - Landscape Completion |
| Mod2020/0611 | 1 April 2021 | Modification Application 2020/0611 to amend DA2019/1346 stormwater conditions of the parent consent. |

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| | | <p>A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation</p> <p>B. Modify Condition 2 - Compliance with Other Department, Authority or Service</p> <p>C. Modify Condition 13 - On-site Stormwater Detention Details</p> <p>D. Modify Condition 18 - Stormwater Drainage Application</p> <p>D. Modify Condition 77 - Certification for the Installation of Stormwater Treatment Measures</p> |
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Modified conditions

A. Add Condition 1C - 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 |
| DA204 - Level 1 Floor Plan - Rev12 | 11.07.2023 (date received) | SBA Architects |

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

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

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

B. Modify Condition 70 - Registration of Food Business to read as follows:

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued in connection with the construction certificate for the fit out for the café.

Reason: Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

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

Signed



Simon Ferguson Tuor, Planner

The application is determined on 03/08/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments