

11 June 2021

Our Ref 21-035

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Chief Executive Officer
Northern Beaches Council
PO Box 82
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Attention: Planning Assessment Officer
Submitted via the NSW Planning Portal

Development Application – Statement of Environmental Effects

Internal refurbishment and fitout to shop floor

4-6 Niangala Close, Belrose – Lot 1 DP 1104786 - Harvey Norman

1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Knight Frank Town Planning Sydney on behalf of Harvey Norman Shopfitting, in support of a Development Application (DA) seeking consent for the internal refurbishment and fitout within part of the store.

The proposed development will improve the layout of the existing shop floor and internal refurbishment to the existing Harvey Norman Belrose store, contributing towards an improved customer experience.

This report describes the site, the environment, proposed development, likely impact and provides an assessment of the proposal under the relevant matters for consideration set out at Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The application should be read in conjunction with the following information:

- Architectural Plans prepared by Harvey Norman Shopfitting (**Appendix A**)
- 10.7 (2 & 5) Planning Certificate dated 30 March 2021 (**Appendix B**)
- Waste Management Plan (**Appendix C**)

2. The Site

2.1. Site Location and Context

The site is located at 4-6 Niangala Close, Belrose and legally described as Lot 1 of DP 1104786. Located on the corner of Forest Way and Mona Vale Road, the site is currently improved by a commercial building on the southern half of the lot with the northern half of the lot vegetated with bushland. The site is irregular in shape and occupies an area of approximately 3.9 hectares.

Harvey Norman is an existing tenant within the commercial building, located on the ground floor in the south eastern part of the site, adjoining Garigal Road.

To the east of the site, the land is predominately covered in natural bushland which connects through the site to the west and north west connecting the green corridors and E2 land. This green connection can be easily seen in the aerial photo – see Figure 1.

The site is within the Belrose Business Park which contains a number of commercial and retail premises. The Harvey Norman store is located within the Homemaker Super Centre in the north east corner of the business park.



Figure 1: Aerial Photograph of the site

Source – SixMaps

3. Description of Proposed Development

3.1. Overview

The works subject of the DA consists of an internal refurbishment to improve the layout of the existing commercial tenancy within the Harvey Norman store. The area subject of the works covers approximately 450sqm as indicated in Figures 2 & 3, there are no works proposed within the hatched areas. The proposed works are entirely internal and are in accordance with the plans prepared by Harvey Norman Shopfitting seen at **Appendix A** and as appended to this SEE.

The works are intended to better activate and utilise the space by reconfiguring the space and improving the layout of the shop floor. The works include are detailed below in Section 3.2.

3.2. Details of the Proposed Works

The proposed works subject of this DA are confined to part of the existing Harvey Norman commercial tenancy of the building. Further detail on the proposed work is included below:

- Demolish existing partition walls;
- Relocate the existing working kitchen to the proposed layout including sink units, supplier units and appliances;
- Build new partitioning for the relocated offices and proposed storage area;
- Supply and install new light weight racking for proposed reserve for storage for the shop floor;
- Relocate lighting where necessary.

The proposed alterations and refurbishment to the existing shop floor will provide an improved layout and customer/client experience.

We confirm that there is no proposed change to the hours of operation, staffing or any other operational matters for the store.

The works are proposed in accordance with the Architectural Plans prepared by Harvey Norman Shopfitting (**Appendix A**) – see Figures 2 & 3.

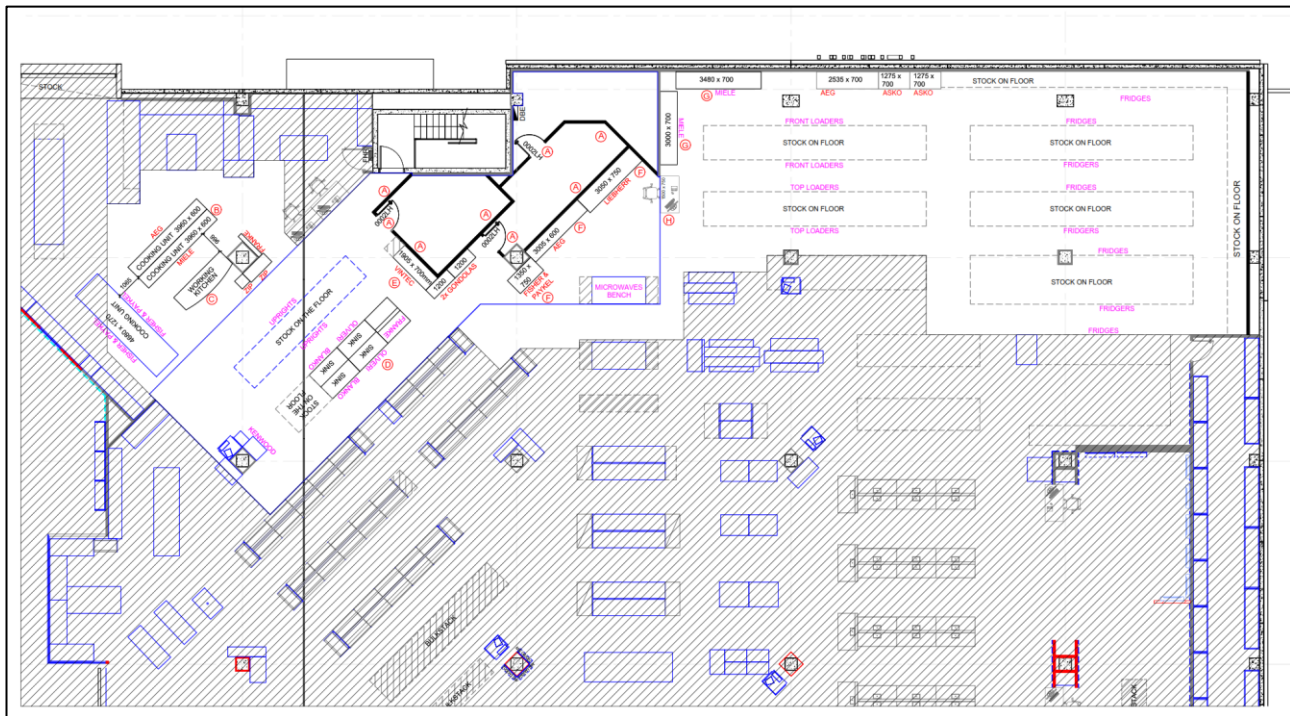


Figure 2: Existing layout

Source – Harvey Norman Shopfitting

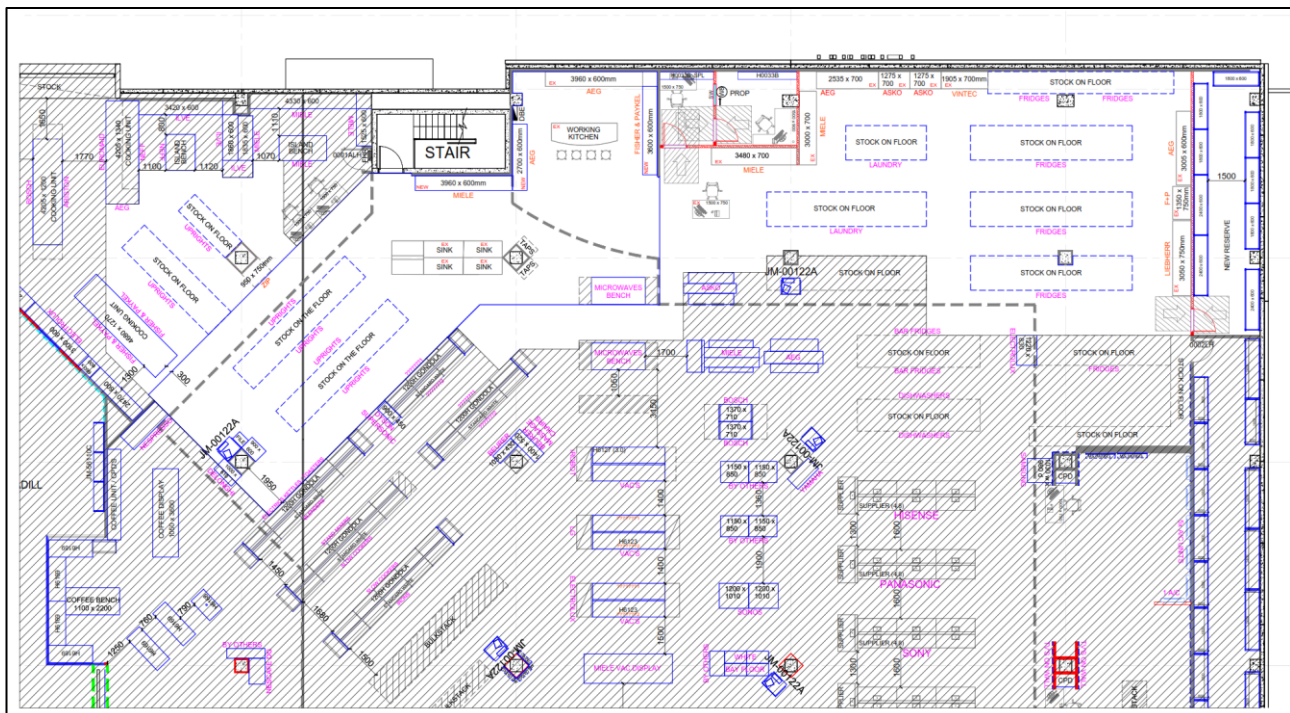


Figure 3: Proposed Layout and Works

Source – Harvey Norman Shopfitting

4. Planning Assessment

Under Section 4.15(1) of the EP&A Act, in determining a development application the consent authority (Council) must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal, including the relevant sections of Warringah Development Control Plan 2011. The planning issues associated with the proposed development are assessed below. The following environmental planning instruments and development control plans apply to the proposed development:

- Warringah Local Environmental Plan 2011 (WLEP 2011); and
- Warringah Development Control Plan 2011 (DCP 2011).

4.1. Environmental Planning Instruments

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

It is noted that an internal refurbishment such as what is proposed would usually be undertaken by way of Complying Development Certificate. Given the site has a split zoning with part of the site zoned E2 Environmental Conservation this creates some uncertainty, however, noting that the proposed development is located entirely within the B7 Business Park zone. For this reason, it has instead been decided to prepare and lodge a Development Application for Council's consideration.

Warringah Local Environment Plan 2011

The principal Local Environmental Plan affecting the site is Warringah Local Environmental Plan 2011 (WLEP 2011). The assessment of the proposal in terms of the requirements contained in the provisions of the WLEP 2011 is limited to a minor internal refurbishment within an existing commercial building. The relevant provisions in WLEP 2011 are as follows:

Table 1 – Warringah Local Environmental Plan 2011

Clause	Control	Proposal
1.2	Aims of the Plan	The proposal is consistent with the aims of the plan and is consistent with the approved commercial use of the building.
2.3	Zone objectives and Land Use Table (B7 Business Park) <ul style="list-style-type: none"> ▪ 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. 	The proposal is not inconsistent with the objectives of the zone by improving the functionality of an existing commercial tenancy.

	Zoning (E2 Environmental Conservation) <ul style="list-style-type: none"> ▪ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. ▪ To prevent development that could destroy, damage or otherwise have an adverse effect on those values. ▪ To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state. ▪ To manage development in areas having steep sloping topography or that are subject to any potential landslip. ▪ To manage water quality in significant water catchment areas. ▪ To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas. 	<p>The proposed development is located entirely within an existing commercial building, which does not encroach into the E2 zone.</p> <p>The proposed development will not adversely affect the E2 zone.</p>
2.5	Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out— (a) with development consent, or (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	<p>The existing use is permitted by way of a Schedule 1 Additional Permitted Use.</p>
4.3	Height of Buildings	<p>No change to the building height is proposed as part of this DA.</p>
4.4	Floor Space Ratio	<p>The proposed works will not result in any changes to GFA or FSR of the existing commercial office building.</p>

Land Zone and Permissibility

It is evident between the land zoning map at **Figure 4** and the aerial photo of the site at **Figure 1** that the existing commercial premises is located within the B7 zone in the southern portion of the site, with a thin band of E2 zoned land running along the north eastern boundary.

With regard to the permissibility of the development within the B7 zone, we note that a *specialised retail premises* is not a listed permitted use within the zone, rather the parent definition *retail premises* is a prohibited use within the zone. However, it is noted that a *specialised retail premises* is listed as a Schedule 1 additional permitted use within the zone as described below:

3 Use of certain land at corner of Mona Vale Road and Forest Way, Belrose

(1) This clause applies to land at the corner of Mona Vale Road and Forest Way, Belrose, shown as "Area 3" on the Additional Permitted Uses Map.

(2) Development for the purposes of specialised retail premises, business premises (with a gross floor area not exceeding 2,500m²), function centres, hotel or motel accommodation, pubs and shops (with a gross floor area not exceeding 2,500m²) is permitted with consent.

(3) Hotel or motel accommodation and pubs referred to in subclause (2) must include at least one room for the holding of conferences, functions and similar events.

The proposed works are internal to an existing commercial building which is sited wholly within the B7 Business Park zone. The proposal will not adversely affect the E2 zone and is not inconsistent with the aims and objectives of the B7 Business Park. We otherwise confirm that there is no proposed change to the quantum of GFA on site for the purpose of a *specialised retail premises*, rather the proposal relates solely to the refurbishment of existing retail floorspace.

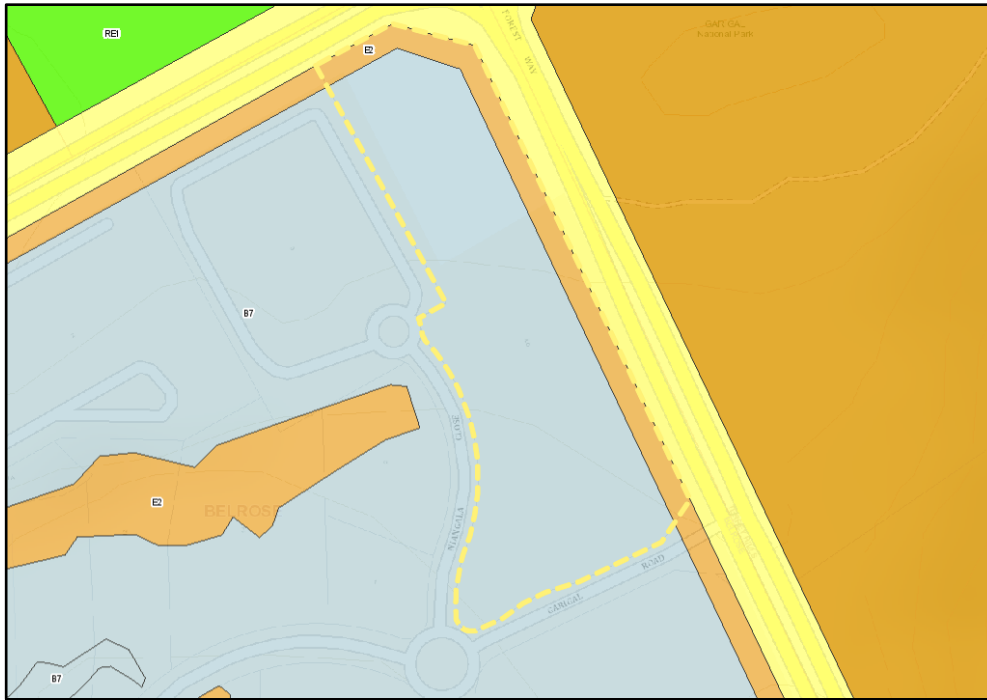


Figure 4: Land Zoning Map

Source – ePlanning Spatial Viewer

Warringah Development Control Plan 2011

An assessment is provided against the relevant provisions of Warringah Development Control Plan 2011 (DCP 2011).

Table 2 – Warringah Development Control Plan 2011

Section	Provision	Proposal
A.5	Objectives	The proposal is consistent with the objectives of the plan and is consistent with the approved commercial use of the building.
C.8	Demolition and Construction	The proposed development will not have an unreasonable impact on the surrounding amenity or natural environment. The demolition and construction will be managed by a qualified person and site managers will monitor waste management procedures.
C.9	Waste Management	The proposed works will produce a minimal amount of construction or demolition waste. Any waste generated would be disposed of or recycled offsite at a licensed facility. A Waste Management Plan has been provided as part of the lodgement of the development application.
Part E	The Natural Environment	The proposed works are entirely internal to the existing commercial building and will have no impact on the natural environment. It is considered that despite part of the land being zoned E2, the existing building and tenancy, along with any refurbishment internally, will have no significant environmental impact.

It is determined from the above analysis against the Warringah DCP 2011 that the proposed works are minor and will not adversely impact the surrounding area.

4.2. Draft Environmental Planning Instruments

There are no draft environmental planning instruments that impact on the proposed works.

4.3. Likely Impacts of Development

Given the nature, design and location of the proposed work, there is not expected to be any potential adverse impacts. The shop floor is existing and will continue to be utilised by Harvey Norman for that purpose. There will otherwise be no change to the existing operational requirements of the store. Due regard to the potential impacts of the proposal have been given in the assessment of the relevant state and local planning provisions above.

4.4. Planning Agreements

There are no planning agreements on the site that impact the proposed development.

4.5. The Regulations

There are no listed regulations that are relevant to the proposed use included in this DA.

4.6. Suitability of the Site

Having regard to the existing development and use of the site the proposal is considered to be entirely appropriate. The minor works proposed will improve the layout and functionality of the existing Harvey Norman store and generally enhance the experience for customers.

4.7. Submissions

In accordance with the City of Northern Beaches Community Participation Plan, it is understood the proposed development is not required to be notified. As detailed at page 12 there is a list of minor development types that do not require notification. The proposed development is considered to be an *"internal fit-outs of commercial and industrial uses (unless adjoining residential zoned land"* for which notification is not required.

4.8. The Public Interest

The proposed development is considered to be in the public interest as they are consistent with State legislation and Council's planning instruments. The proposed development will result in an improved functionality and experience of an existing commercial tenancy.

5. Conclusion

It is considered that the proposed works are suitable for the following reasons:

- The proposed development complies with all relevant State and local planning instruments and controls. In particular, the proposed works are not inconsistent with the objectives and intent of the land use zones, and is permitted with development consent being a schedule 1 Additional Permitted Use;
- The works will result in an improvement to the functionality and amenity of the existing commercial tenancy, enhancing the experience for customers and supporting its role as an employment generating use; and
- The works proposed will not have any adverse environmental impact on the site or the surrounding locality.

This SEE has provided a detailed assessment of the proposal against the relevant matters under section 4.15(1) of the EP&A Act. The application is recommended for approval.

In light of its merits and in the absence of any significant adverse environmental, social or economic impacts, we recommend that the application be approved subject to standard conditions of consent.

Yours sincerely,



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Appendix A

Plans prepared by Harvey Norman Shopfitters

Appendix B

10.7 (2 & 5) Planning Certificate

Appendix C

Waste Management Plan