



Warringah Council

DEMOLITION- DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Cynthia Chan

Proposal Description: Demolition of an office and amenities building, and resealing of surface with bitumen and carparking

Property Address: Lot 6 DP 771621, Lot 1/ Middleton Road CROMER

Application No: DA2009/0322

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2 – Issues Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 3 – Site Inspection Analysis	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 4 – Application Determination	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Estimated Cost of Works: \$ 199,000

Are S94A Contributions Applicable? No.

Clause 6 of the Warringah Section 94A Development Contributions Plan provides that development applications proposed by Government Agencies/ Public Utility Providers are exempt from the Plan and payment of the Section 94A Levy.

Notification Required?

Yes No

Are any trees impacted upon by the proposed development? Yes No.

The proposal does not seek approval for tree removals. Conditions are included to ensure the protection of the existing trees in proximity to the subject building.

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning and Assessment Act

Energy Australia is the owner of the site and the applicant of this application. Section 226 of the Environmental Planning and Assessment Regulation 2000 provides that a public authority is a person prescribed by the regulations to be the Crown for the purposes of Section 116B of the regulations. The definition of 'Public Authority' in the EP&A Act includes a statutory State owned corporation as defined within the *State Owned Corporations Act 1989*. Energy Australia is identified as a state owned corporation as it is listed in Schedule 5 – Statutory SOCs (State Owned Corporations) of the *State Owned Corporations Act 1989*. Accordingly, this application is subject to Part 5A of the Environmental Planning and Assessment 1979 (EP&A Act)- Development by the Crown that includes the following:

1. Section 116C of the EP&A Act provides that a consent authority in respect of a development application made by or on behalf of the Crown must not refuse its consent to the application, except with the written approval of the Minister. Additionally a consent authority cannot impose a condition of its consent except with the approval of the Minister or the applicant.
2. Pursuant to Section 81A(6) of the EP&A Act, a Crown authority is exempt from the need to obtain a Construction Certificate as the work will be certified internally as complying with the Building Code of Australia in accordance with Section 116G. A Crown authority is also not required to obtain occupation certificates pursuant to Section 109M (2)(d) of the EP&A Act. Accordingly, the recommended conditions do not require a Construction Certificate or an Occupation Certificate to be obtained. A condition has however been included to require the work to be certified on behalf of the Crown.



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SEPP No.55: Applicable?

Yes No

The site has been occupied by Energy Australia for a period of time. In particular, the subject building is for office and amenity use that is generally associated with minimal potential for contamination, and there is no indication of land contamination. Therefore, no further consideration of this SEPP is required.

SEPP Infrastructure: Applicable?

Yes No

This application does not require referral to the electricity supply authority, as the proposal is for demolition and is located away from any electricity transmission or distribution network.

WLEP 2000

Locality: E3 Cromer Industrial

Development Definition: Demolition of an existing building and resealing of surface with bitumen

Category of Development: Category 2- Demolition being other works that are not prohibited or in Category 1 or 3

Desired Future Character:

Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?
 Yes No

Category 1 Development with variations to BFC's (Section 2 Assessment Required)

Category 2 Development Consistency Test (Section 2 Assessment Required)

Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:

The proposal is for the demolition of an existing building and resealing of surface with bitumen. Therefore, the built form controls of the locality, including building height, front building setback and subdivision, are not applicable to this proposal.

General Principles of Development Control:

<p>CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes, subject to conditions This Clause provides that all noise emissions are to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and these works must also comply with the provisions of the Protection of the Environment Operations Act 1997. A condition is imposed in this regard. The applicant seeks variation to the standard construction hours imposed by Council, to permit construction on one (1) weekend on a Saturday and Sunday between the hours of 8am and 4pm. The proposal is not unreasonable or unacceptable for the</p>



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	<p>following reasons:</p> <ul style="list-style-type: none">• The roof of the subject building is clad with Super 6 Asbestos sheeting. Works outside the operating hours of the site will help provide for general safety.• The site is immediately surrounded by industrial/ warehouse buildings with minimal occupancy on weekend. The residential allotments on Dympna Street and Parkes Road are approximately 150 metres minimum to the north of the site. Given with he separation distance and the development in between, the works are unlikely to diminish the amenity of the area.• The variation is confined to one weekend. <p>In summary, subject to conditions, the proposal is unlikely to result in noise emission which would unreasonably diminish the amenity of the area or noise intrusion which would be unreasonable to the occupants, and is satisfactory in addressing this Clause.</p>
<p>CL48 Potentially Contaminated Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Is the site suitable for the proposed land use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>CL50 Safety & Security Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes</p> <p>The proposal is for demolition of an existing building that inevitably removes the outlook and casual surveillance to the part of Dympna Road the building currently fronts. However, the reduced outlook and casual surveillance to Dympna Road is inevitable and is not unreasonable given with the nature proposal at the subject part of the site. The balance of the site will maintain the existing safety and security of the locality. Therefore, no further consideration of this Clause is required.</p>
<p>CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes</p> <p>There is a public open space to the northeast of the site, approximately 30 metres or 170 metres away from the site and the subject building respectively, separated by a site in between.</p> <p>Given with the separation distance together with the development in between the public open space and the subject building, the proposal is unlikely to have an adverse impact on the public open space..</p> <p>Conditions relating to demolition and the associated dust, silt and sediment are included in the consent to ensure that the work for the proposal will not have an adverse impact on the landscape character, public use and enjoyment of the public open space. Subject to the condition, the proposal is satisfactory in addressing this Clause.</p>



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<p>CL58 Protection of Existing Flora</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes</p> <p>The proposal does not seek approval for tree removals. Conditions are included to ensure the protection of the existing trees in proximity to the subject building.</p>
<p>CL72 Traffic access & safety</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes</p> <p>The subject building is surrounded by carparking spaces and vehicle access area. There is no dedicated pedestrian access pathway.</p> <p>The carparking spaces and part of the vehicle access area serving the carparking spaces will be affected by the proposed demolition work.</p> <ul style="list-style-type: none">• Site sign (legislative requirement) will prevent traffic access and thereby traffic hazards at the subject part of the site.• Pedestrian access predominantly occurs at the northern part of the site away from the subject building and will not be in conflict with the proposed demolition work. <p>The proposed demolition of an existing building removes the associated traffic. Therefore subsequent to the demolition work, despite of the carparking spaces on the new bitumen pavement, the proposal will substantially maintain the existing traffic and safety with Dympna Road. Vehicular speed within the site is generally slow and will not result in traffic access and safety issues. In summary, the proposal is satisfactory in addressing this Clause. A condition is included to ensure the carparking spaces in place of the existing building are in accordance with the relevant Australian Standard.</p>
<p>CL74 Provision of Carparking</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes</p> <p>The subject building is surrounded by carparking spaces that will be affected by the proposed demolition work. The proposed demolition of an existing building removes carparking demand and therefore no further consideration of this Clause is required.</p>
<p>CL76 Management of Stormwater</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes, existing maintained</p>
<p>CL78 Erosion & Sedimentation</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>




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Schedules:

There are no schedules applicable to this Development Application for demolition of an existing building and resealing of surface with bitumen.

EPA Regulation Considerations:

<p>Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	
<p>Clause 92 (Demolition of Structures) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Clause 93 & 94 (Fire Safety) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further Assessment Required</p>
<p>Clause 98 (BCA) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is a Construction Certificate required? Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further </p>	<p>Pursuant to Section 81A(6) of the EP&A Act, a Crown authority is exempt from the need to obtain a Construction Certificate as the work will be certified internally as complying with the Building Code of Australia in accordance with Section 116G. A Crown authority is also not required to obtain occupation certificates pursuant to Section 109M (2)(d) of the EP&A Act. Accordingly, the recommended conditions do not require a Construction Certificate or an Occupation Certificate to be obtained. A condition has however been included to require the work to be certified on behalf of the Crown.</p>
<p>Disability & Discrimination Act Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Amended plans required</p>
<p>Is a POPE (Place of Public Entertainment required?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

REFERRALS

There are no referrals required for this application.



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Applicable Legislation/ EPI's /Policies:

- EPA Act 1979
- EPA Regulations 2000
- Local Government Act 1993
- SEPP No. 55 – Remediation of Land
- SEPP Infrastructure
- WLEP 2000
- WDCP

SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (c) – Is the site suitable for the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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SECTION 2 – ISSUES

PUBLIC EXHIBITION

Pursuant to the Warringah Development Control Plan, notification for this development application for demolition of an existing building is not required.

WLEP 2000

DESIRED FUTURE CHARACTER

LOCALITY E3 CROMER INDUSTRIAL

The Cromer Industrial locality will remain an industrial and employment centre incorporating industries and ancillary service uses and a range of compatible community and leisure uses. The present industrial character of the locality with establishments in landscaped settings will be maintained.

Future development will incorporate building design, site planning and landscaping to address the streets and soften the visual impact of industrial buildings and particularly their associated driveway entrances, parking and delivery/dispatch areas as viewed from the street and public spaces.

Clause 12(3)(b) of WLEP 2000 requires that before granting consent for development classified as Category 2, the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement. Accordingly, an assessment of consistency of the proposed development against the locality's DFC is required.

The proposed development is consistent with the Desired Future Character Statement of the locality for the following reasons:

- The proposed demolition of an existing office/ amenity building removes its existing capacity employment opportunities. However the subject part of the site which will be resealed with bitumen will maintain its potential to be developed for industrial and employment centre incorporating industries and ancillary services consistent with the Desired Future Character of the locality.
- The subject building represents a minor part of the site, such that its removal will not detract from the present character of the site or the locality.
- The site contains minimal landscaping. Therefore, the proposal will not have a substantial impact on the landscaped settings of the locality.
- The proposal is for a demolition of an existing building and resealing with bitumen. Therefore no further consideration of building design, site planning and landscaping, associated driveway entrances, parking and delivery/dispatch areas is required in this case.



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area: 21795.4sqm

Detail existing onsite structures:

- Operations Depot Buildings
- Open space storage

Bushfire Prone?

- Yes No

Flood Prone?

- Yes No

Affected by Acid Sulfate Soils

- Yes No

Located within 40m of any natural watercourse?

- Yes No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

- Yes No

Site Features:

- Trees

Potential View Loss as a result of development

- Yes No

Located within 100m of the mean high watermark?

- Yes No

Located within an area identified as a Wave Impact Zone?

- Yes No

Any items of heritage significance located upon it?

- Yes No

Located within the vicinity of any items of heritage significance?

- Yes No

Located within an area identified as potential land slip?

- Yes No



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Is the development Integrated?

Yes No

Does the development require concurrence?

Yes No

Is the site owned or is the DA made by the "Crown"?

Yes No

Energy Australia is the owner of the site and the applicant of this application.

Have you reviewed the DP and s88B instrument?

Yes No

Does the proposal impact upon any easements / Rights of Way?

No. There is an existing easement running across the southern and south-eastern part of the site, and along the eastern boundary of the site that is away from the subject building.



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Site Inspection / Desktop Assessment Undertaken by:

<p>Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes provide detail:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

Signed

Date 26 March 2009

Cynthia Chan, Development Assessment Officer



Warringah Council

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- Satisfactory
 Unsatisfactory

Recommendation:

That Council as the consent authority

- GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation
- GRANT DEFERRED COMMENCEMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination;
 - (b) limit the deferred commencement condition time frame to 3 years;
 - (c) one the deferred commencement matter have been satisfactorily addressed issue an operational consent subject to the time frames detailed within part (d); and
 - (d) the consent lapsing within three (3) from operation
- REFUSE development consent** to the development application subject to:
- (a) the reasons detailed within the associated notice of determination.

Signed

Date

Cynthia Chan, Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date

Ryan Cole, Team Leader, Development Assessment