

Statement of Environmental Effects

18 Waine Street
Freshwater NSW 2096

Development Application for:
Change of Use to Vehicle Repair Station.

June 2024

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1 Introduction

Council Approval Group has been engaged by Pez's Auto Electrics c/o Ellen Starkey to prepare and submit a Development Application for Change of Use to Vehicle Repair Station. at 18 Waine Street, Freshwater NSW 2096. Once determined, this proposal will enable the applicant to seamlessly transition their established business to this new location, ensuring long-term operations having previously operated from a different property.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Warringah (LEP 2011), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2011*. We are pleased to present this SoEE for Change of use to motor vehicle repair station. which, once approved, will allow for the operation of the applicants established business in this new location, having previously operated from another property.

2 The Subject Site and Locality

2.1 Description of site and surroundings

Details of the site are provided below. The location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. The property is located in the Northern Beaches Council area, and subject to the Warringah Local Environmental Plan 2011 provisions. A Google street image of the property is included at **Figure 3**, which shows that the site is improved with what appears to be a commercial/industrial type building that has been used for indoor recreation purposes in the past. It is not clear what the last approved use was.

Address	Title Details	Site Area	Site Frontage
18 Waine Street, Freshwater NSW 2096	Lot 33, DP5342	733.50 sqm (approx.)	14.92 metres (approx.)



Figure 1: Site location (Source: EMC report)



Figure 2: Site aerial (Source: EMC report)



Figure 3: Google Street View

2.2 Summary environmental mapping constraints

- Floor Space Ratio: not applicable
- Building Height: 9 m
- Minimum Lot Size: 4,000 sq m
- Heritage: not applicable

2.3 Site zoning

The site is zoned under Warringah Local Environmental Plan 2011 (LEP) as Zone E4 – General Industry.

2.4 Development history

A search of Council’s online database reveals the following:

Reference No.	Description of Works	Date Lodged / Determined
DA2011/1620	Use of premises as a vehicle repair station and signage	Withdrawn 14/03/2012
DA1999/1478	Converted DA - Occupy Factory Cutting of Glass & Aluminium - Manly Glass	Approved
BA5003/8187	Converted BA - Add N – Converted Fujitsu	Completed - 1998
BA5003/3344	Converted BA - New N – Converted Fujitsu	Completed - 1996

3 The Proposed Development

3.1 Description of proposed development

This Development Application seeks approval for a Change of Use to Vehicle Repair Station. The applicant’s business (Pezs Auto Electrics) has previously been operating from another property, and the applicant has now pursued a lease over this subject property for the long term operation of their business.

Architectural plans are provided in **Appendix A**. It is noted that the proposal only involves a share of the bottom level of this existing building (Refer to **Figure 4**), with the upper storey used by the owner of the building. It is understood that the remainder of the building on the ground floor is leased by separate parties for storage of cars.

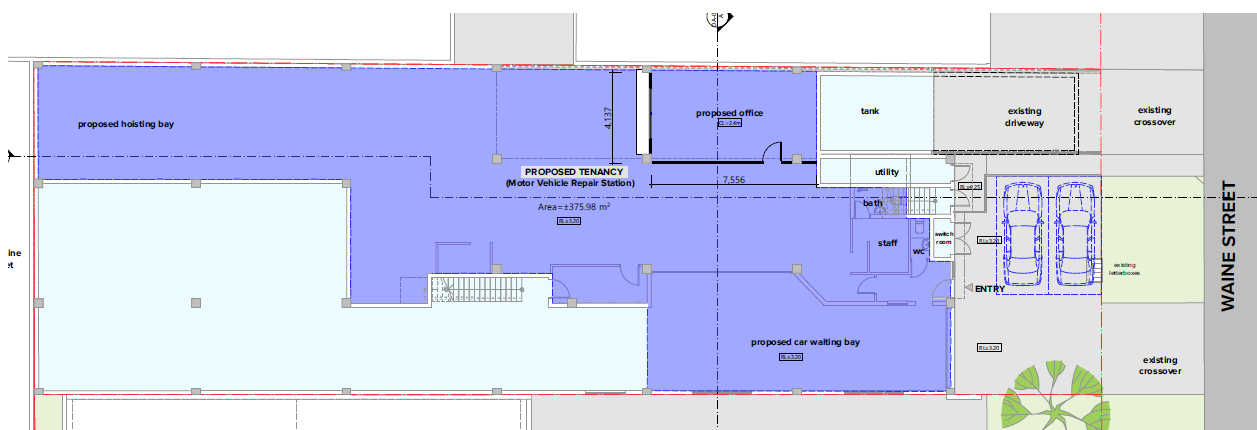


Figure 4 Proposed Area of the new Vehicle Repair Station Use (Source: Architectural Plans)

3.2 Details of proposed development

3.2.1 Details of the Vehicle Repair Station use

The proposed Vehicle Repair Station offers the following services;

- 4WD accessories and installations;
- Trailer, caravan and camper electrical (this is offered more by the business' mobile service options);
- Automotive air conditioning; and
- Automotive electrical.

3.2.2 Suitability for Location

As shown in **Figure 5** the subject property is located within a General Industrial zoned (E4) area that is then surrounded by residential uses. The proposed change of use for this existing building is considered to be an appropriate outcome when considering the objectives for the E4 zone, and further the operation of this business is considered to be of low impact with regards to the nature of the activities undertaken.



Figure 5 Zoning Around the Subject Property (Source: Landchecker.com.au)

3.2.3 Privacy, Views, Overshadowing, and Noise

The proposed land use is situated on the Ground Floor of an existing building and is within a neighbourhood that comprises a mix of commercial and industrial activities, alongside a residential area. This location and existing developments foster synergies and opportunities for collaboration between businesses, making it an ideal location for the proposed business to thrive.

There is a Residential Zone opposite the site on Waine Street. Despite this juxtaposition of commercial and residential zones, the proposed use within the established building is planned to integrate into its surroundings within minimal opportunity for adverse impediment. The existing building offers a solid foundation for the new use, with no need for extensive modifications and ensuring a smooth introduction of the use into this established area.

It is suggested that based on the proposed use and the existing building there should be no cause for concerns with regards to negative impediments on privacy, views, or noise. Furthermore, the hours of operation are limited to standard hours, with no work to be undertaken in the evenings or on Sundays.

In essence, the proposed land use not only aligns with the existing fabric of the neighbourhood but also contributes positively to its continued operation in line with existing commercial and/or industrial sites.

3.2.4 Trees and Vegetation

No trees or vegetation are proposed to be removed as part of this proposal.

3.2.5 Access and Traffic

Access to the site is existing and no changes are required for the proposal.

The current crossover from Waine Street will serve the proposed use. There are two parking bays situated at the building's front. The proposed layout of this business anticipates the simultaneous servicing of up to nine (9) cars, with ample space available to facilitate this.

The applicant employs a booking system which is designed to efficiently regulate workloads, mitigating any risk of vehicle overflow.

3.2.6 Stormwater and Sewerage

The proposed use does not warrant any need for changes to existing stormwater or sewerage management provisions on the site. Existing provisions should be suitable for the use.

3.2.7 Contamination

The proposal is to operate from within an existing building. No site contamination is known to exist.

Whilst the land is zoned for industrial uses one of the more recent business to operate from the property was a martial arts/indoor recreation use.

3.2.8 Demolition and Asbestos

The proposed use does not involve any demolition.

3.2.9 Cut and Fill

The proposed use does not involve any earthworks.

3.2.10 Construction Management Plan

There is no need for a Construction Management Plan, as the proposal does not involve any construction works.

3.2.11 Ongoing Waste Management

There are existing provisions in place for waste management on this subject property as follows:

- General Waste bin which is collected by commercial contractor.
- Recycling (Paper/Cardboard) bin which is commercial contractor

A Waste Management Plan is provided in **Appendix B**. This confirms that there is no demolition or construction work. The ongoing waste management is already in place, and comprises the above waste bins which are collected from the front of the property.

3.2.12 Hours of Operation and Management Details

To accommodate the diverse needs of the customer while ensuring efficient operations, it is proposed that following are suitable opening hours:

- Monday - Friday from 7:30 am to 5:00 pm.
- Saturdays from 8:00 am to 1:00 pm/

These hours align with standard business hours of operation, allowing ample time for clients to access services during weekdays. Additionally, to provide convenience for those that can't access this use during the business week, the business proposed to open on Saturdays.

However, it's important to note that Saturday hours will not be offered every week, ensuring flexibility while still catering to the occasional weekend demand. This schedule strikes a balance between accessibility and operational feasibility, enabling efficient service to customers while maintaining a sustainable workflow.

3.2.13 Total Number of Staff

There are five (5) staff associated with this proposed use, with four (4) onsite and one (1) working remotely as their role does not require them to be at the property.

The four (4) staff working on the site will be responsible for the day-to-day operations, ensuring the smooth operation of the business and service to client. This staffing configuration is intended to optimize efficiency whilst maintaining the necessary level of expertise and support to meet the expectations of customers.

4 Environmental Assessment

4.1 Local Environmental Plan

4.1.1 Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned E4 – General Industrial. The Land Use Table for the zone is as follows:

2. Permitted without consent

Nil

3. Permitted with consent

*Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Horticulture; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems; **Any other development not specified in item 2 or 4***

4. Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

The subject Development Application to Council seeks approval for Change of Use to Vehicle Repair Station. Although not listed specifically under permitted with consent a Vehicle Repair Station would fall under ***“Any other development not specified in item 2 or 4”***.

Therefore, the proposal is permitted with the consent of Council.

The objectives of the Zone E4 – General Industrial are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*

- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To provide areas for land uses that need to be separated from other zones.
- To provide healthy, attractive, functional and safe light industrial areas

It is considered that the proposal is consistent with these objectives, in that:

- The proposal aligns with the objective of providing for a various range of related land uses, with this tenancy space being conducive to the needs of the applicant whilst integrating with other businesses.
- The proposal optimizes the efficient use of an existing building, or part of, whilst maintaining viability of other land uses and the established building over the site.
- The proposed land use should integrate effortlessly into the neighbourhood, without impeding upon established sites and land uses.
- This proposal contributes to job creation, fostering economic growth and providing opportunities for employment within the community.
- Whilst having a minor industrial component the proposal is intended to contribute to functionality in the area, allowing for a business that meets community demand whilst meeting the needs of workers.
- This proposal is considered to be suitably located within this existing building and minimises potential for conflict with incompatible uses.
- Thoughtful consideration has been given to the proposed location of this use, and the subject property is suitable for cultivating a positive outcome with regards to function and suitability.

Other Relevant Clauses

LEP Clause / Provision	Statement of Compliance
Clause 4.3 Height of Buildings	
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. (2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.	The building is existing, and there are to be no changes to building height.
Clause 4.4 Floor Space Ratio	
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	The building is existing, and there are to be no changes to building floor area.
Clause 5.21 Flood planning	
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. (2) Development consent must not be granted to development on land the consent authority considers to be within the flood	The building remains unchanged in terms of floor area and there will be no alterations to its existing structure. The proposed change of use is not expected to increase the risk of flooding. By utilizing the current building, there will be no modifications to stormwater drainage or the natural flow of water. It is anticipated that in the event of a flood, safe evacuation procedures can still be carried out as per the current conditions, which will be maintained. In particular it is expected that all persons can be safely evacuated in advance of flooding through appropriate flood notification systems. Although the site is located in a Medium Risk Flood Precinct, it is deemed that the proposed change of use aligns with the flood patterns

LEP Clause / Provision	Statement of Compliance
<p>planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p>	<p>and characteristics of the area. This new use will not exacerbate flooding risks for the site or its surroundings.</p> <p>Appropriate measures can be implemented by the business to manage potential flood including suitable storage of materials and equipment as well as having an evacuation plan in place that all persons onsite are familiar with.</p>
<p>5.22 Special flood considerations</p>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to enable the safe occupation and evacuation of people subject to flooding,</p> <p>(b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour,</p> <p>(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,</p> <p>(e) to avoid adverse effects of hazardous development on the environment during flood events.</p> <p>(2) This clause applies to—</p> <p>(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and</p> <p>(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—</p> <p>(i) cause a particular risk to life, and</p> <p>(ii) require the evacuation of people or other safety considerations.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—</p>	<p>By refraining from altering the existing building, the proposed change of use is able to mitigate any change to potential flood hazards by:</p> <ul style="list-style-type: none"> • The current building configuration ensures that the natural flow of water, including stormwater drainage, remains unchanged. This helps to preserve existing hydrological patterns and prevents any disruption that could potentially exacerbate flooding. • By not making changes to these features, the building retains its ability to withstand flood events without increasing vulnerability. • Introducing new construction or expansion could alter the local landscape and drainage patterns, potentially increasing flood hazards. • By utilizing the existing building, there is no additional impervious surface added, which could otherwise contribute to stormwater runoff and flooding. • The current layout and accessibility of the building is considered suitable with regards to safety, including flood evacuation routes. <p>With no modifications the existing building, the risks associated with flooding can be minimized, as the structure is already adapted to the local flood conditions and its resilience features remain unaffected.</p>

LEP Clause / Provision	Statement of Compliance				
<p>(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and</p> <p>(b) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(c) will adversely affect the environment in the event of a flood.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p>					
<p>Clause 6.1 Acid Sulfate Soils</p>					
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <table border="1" data-bbox="129 667 743 938"> <thead> <tr> <th data-bbox="129 667 427 712">Class of land</th> <th data-bbox="427 667 743 712">Works</th> </tr> </thead> <tbody> <tr> <td data-bbox="129 712 427 938">4</td> <td data-bbox="427 712 743 938"> <p>Works more than 2 metres below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> </td> </tr> </tbody> </table> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</p> <p>(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</p> <p>(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</p> <p>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</p> <p>(a) the works involve the disturbance of less than 1 tonne of soil, and</p> <p>(b) the works are not likely to lower the watertable.</p>	Class of land	Works	4	<p>Works more than 2 metres below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p>	<p>The property is mapped as Class 4 Acid Sulfate soils.</p> <p>The building is existing, and therefore there should not be any impact on acid sulfate soils.</p>
Class of land	Works				
4	<p>Works more than 2 metres below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p>				

4.2 Development Control Plan

4.2.1 Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

DCP Clause / Provision	Statement of Compliance
Part C Siting Factors	
C2 Traffic, Access and Safety	
<p>Requirements</p> <p>Vehicular Access</p> <ol style="list-style-type: none"> Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives. Vehicle access is to be obtained from minor streets and lanes where available and practical. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way. 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. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification. <p>On-site loading and unloading</p> <ol style="list-style-type: none"> Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: <ul style="list-style-type: none"> appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction. <p>On-site loading and unloading</p> <p>Exceptions</p> <p>Reference should be made to Part G for additional, site specific requirements</p>	<p>Complies</p> <p>There are no proposed changes to the existing access and traffic provisions on the site, which are considered to have been approved previously and remain acceptable for the site, and in turn the proposed use.</p> <p>Access to the site is practical, and it is expected that loading/unloading could be efficiently managed to minimise any potential for adverse impediment on the use and surrounding area.</p>
C3 Parking Facilities	
<p>Requirements</p> <ol style="list-style-type: none"> The following design principles shall be met: <ul style="list-style-type: none"> Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; Laneways are to be used to provide rear access to carparking areas where possible; Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; Parking is to be located so that views of the street from front windows are not obscured; and Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account: 	<p>Complies</p> <p>Appendix 1 specifies a provision of 1.3 spaces per 100m² of gross floor area for a Vehicle Repair Station. Additionally, it is noted that the site maintains suitable space for on-site car parking, with two designated visitor car parking spaces located at the front of the property.</p> <p>When looking at the proposed floor plan (DA-010), it is apparent that the new tenancy encompasses an area of approx. 375.98sqm. This area includes portions of the proposed car waiting area situated within the driveway earmarked for this business.</p> <p>It is important to acknowledge that the primary purpose of the site is to accommodate customers bringing their vehicles for work to be done on them. Consequently, it is unlikely that they will utilize the available parking spaces at the front of the site. Therefore, these parking provisions are deemed adequate to cater to the needs of other visitors to the site as well as staff members.</p>

DCP Clause / Provision	Statement of Compliance
<ul style="list-style-type: none"> • the land use; • the hours of operation; • the availability of public transport; • the availability of alternative car parking; and • the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles. <p>3. Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"> • Avoid the use of mechanical car stacking spaces; • Not be readily apparent from public spaces; • Provide safe and convenient pedestrian and traffic movement; • Include adequate provision for manoeuvring and convenient access to individual spaces; • Enable vehicles to enter and leave the site in a forward direction; • Incorporate unobstructed access to visitor parking spaces; • Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; • Provide on site detention of stormwater, where appropriate; and • Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1. <p>4. 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, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.</p> <p>5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.</p> <p>6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.</p> <p>7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.</p> <p>8. For Forest Way Village car parking at ground level is to be provided for individual units.</p>	
C8 Demolition and Construction	
<p>1. 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.</p>	<p>Not Applicable</p> <p>The proposal does not involve any demolition or construction.</p>
Part D Design	
D3 Noise	
<p>Requirements</p> <p>1. 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</p>	<p>Complies</p> <p>Considering the location of the property and the proposed use it is anticipated that noise generation should not be an issue here. The site is suitably zoned to accommodate the proposed use.</p>

DCP Clause / Provision	Statement of Compliance
<p>with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.</p> <p>See also NSW Industrial Noise Policy Appendices</p> <p>2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.</p> <p>3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</p> <p>4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.</p> <p>5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact</p>	
Part E The Natural Environment	
E11 Flood Prone Land	
A. Flood Effects Caused by Development	
<p>A1.</p> <p>Development shall not be approved unless it can be demonstrated in a Flood Management Report that it has been designed and can be constructed so that in all events up to the 1% AEP event:</p> <p>(a)</p> <p>There are no adverse impacts on flood levels or velocities caused by alterations to the flood conveyance; and</p> <p>(b)</p> <p>There are no adverse impacts on surrounding properties; and</p> <p>(c)</p> <p>It is sited to minimise exposure to flood hazard.</p> <p>Major developments and developments likely to have a significant impact on the PMF flood regime will need to demonstrate that there are no adverse impacts in the Probable Maximum Flood.</p> <p>A2.</p> <p>Development shall not be approved unless it can be demonstrated in a Flood Management Report that in all events up to the 1% AEP event there is no net loss of flood storage.</p> <p>Consideration may be given for exempting the volume of standard piers from flood storage calculations.</p> <p>If Compensatory Works are proposed to balance the loss of flood storage from the development, the Flood Management Report shall include detailed calculations to demonstrate how this is achieved.</p>	<p>Complies</p> <p>When evaluating the location of the property in question and the decision to utilize the existing building, it becomes apparent that there are several factors contributing to the anticipation of no increased risk from potential flood events.</p> <p>By avoiding alterations to the building and landscape, the proposed change of use maintains the current balance of water flow and reduces the likelihood of adverse impacts on the site and neighboring properties.</p> <p>The decision to utilize the existing building not only preserves the flood management measures already in place but also avoids potential alterations to the local landscape and infrastructure that could exacerbate flood risk. By maintaining the current layout and design, the proposed change of use is expected to have no adverse impacts on surrounding properties in the event of a flood.</p>
B. Building, Components and Structural Soundness	
<p>B1.</p> <p>All buildings shall be designed and constructed with flood compatible materials in accordance with “Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas”, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).</p> <p>B2.</p> <p>All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Where shelter-in-place refuge is required, the structural integrity for the refuge is to be up to the Probable</p>	<p>Complies</p> <p>The proposal entails utilizing the ground floor of the existing building; no new construction is involved. Given that the existing structure is already approved and well-suited for the proposed use, it wouldn't be reasonable to recommend any alterations to the building.</p>

DCP Clause / Provision	Statement of Compliance
<p>Maximum Flood level. Structural certification shall be provided confirming the above.</p> <p>B3. All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level within the subject structure must have residual current devices installed that turn off all electricity supply to the property when flood waters are detected.</p>	
<p>C. Flood Levels</p>	
<p>C1. New floor levels within the development shall be at or above the Flood Planning Level.</p> <p>C3. All new development must be designed and constructed so as not to impede the floodway or flood conveyance on the site, as well as ensuring no net loss of flood storage in all events up to the 1% AEP event.</p> <p>For suspended pier/pile footings:</p> <p>(a) The underfloor area of the dwelling below the 1% AEP flood level is to be designed and constructed to allow clear passage of floodwaters, taking into account the potential for small openings to block; and</p> <p>(b) At least 50% of the perimeter of the underfloor area is of an open design from the natural ground level up to the 1% AEP flood level; and</p> <p>(c) No solid areas of the perimeter of the underfloor area would be permitted in a floodway</p> <p>C4. A one-off addition or alteration below the Flood Planning Level of less than 30 square metres (in total, including walls) may be considered only where:</p> <p>(a) it is an extension to an existing room; and</p> <p>(b) the Flood Planning Level is incompatible with the floor levels of the existing room; and</p> <p>(c) out of the 30 square metres, not more than 10 square metres is below the 1% AEP flood level.</p> <p>This control will not be permitted if this provision has previously been utilised since the making of this Plan.</p> <p>The structure must be floodproofed to the Flood Planning Level, and the Flood Management Report must demonstrate that there is no net loss of flood storage in all events up to the 1% AEP event.</p> <p>C6. Consideration may be given to the retention of an existing floor level below the Flood Planning Level when undertaking a first floor addition provided that:</p>	<p>Not Applicable</p> <p>The proposed change of use entails utilizing an existing building without any alterations to its floor areas, solely focusing on internal usage. Utilizing this pre-existing structure for the proposed purpose ensures that there will be no additional impact on the site or its surroundings during a flood event. Furthermore, the floor levels from the pre-development stage will be maintained in the post-development stage, ensuring consistency and stability.</p>

DCP Clause / Provision	Statement of Compliance
<p>(a) it is not located within a floodway; and</p> <p>(b) the original foundations are sufficient to support the proposed final structure above them. The Flood Management Report must include photos and the structural certification required as per Control B2 must consider whether the existing foundations are adequate or should be replaced; and</p> <p>(c) none of the structural supports/framing of existing external walls of are to be removed unless the building is to be extended in that location; and</p> <p>(d) the ground floor is floodproofed.</p> <p>C7. Consideration may be given to a floor level below the Flood Planning Level within the first 5 metres from the street front in an existing business zone provided it can be demonstrated that:</p> <p>(a) The minimum floor level is no lower than the adjacent footpath level, and</p> <p>(b) The maximum internal distance from the front of the building is 5 metres, which can only apply to one side of an individual premises, and</p> <p>(c) The maximum area for the floor area to be below the Flood Planning Level for an individual premises is 30 square metres, and</p> <p>(d) There is direct internal access between areas above and below the Flood Planning Level for each individual premises</p>	
D. Car Parking	
<p>D1. Open carpark areas and carports shall not be located within a floodway.</p> <p>D2. The lowest floor level of open carparks and carports shall be constructed no lower than the natural ground levels, unless it can be shown that the carpark or carport is free draining with a grade greater than 1% and that flood depths are not increased.</p> <p>D3. Carports must be of open design, with at least 2 sides completely open such that flow is not obstructed up to the 1% AEP flood level. Otherwise it will be considered to be enclosed. When undertaking a like-for-like replacement and the existing garage/carport is located on the street boundary and ramping is infeasible, consideration may be given for dry floodproofing up to the 1% AEP flood level.</p> <p>D4. Where there is more than 300mm depth of flooding in a car park or carport during a 1% AEP flood event, vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site. Protection must be provided for all events up to the 1% AEP flood event.</p> <p>D5. Enclosed Garages must be located at or above the 1% AEP level</p>	<p>Complies</p> <p>The proposal involves the use of an existing building and car parking area. No building works are proposed. Car parking is considered appropriate for the use.</p>

DCP Clause / Provision	Statement of Compliance
<p>D6.</p> <p>All enclosed car parks (including basement carparks) must be protected from inundation up to the Flood Planning Level. All access, ventilation, driveway crests and any other potential water entry points to any enclosed car parking shall be above the Flood Planning Level.</p> <p>Where a driveway is required to be raised it must be demonstrated that there is no net loss to available flood storage in any event up to the 1% AEP flood event and no impact on flood conveyance through the site.</p> <p>Council will not accept any options that rely on electrical, mechanical or manual exclusion of the floodwaters from entering the enclosed carpark</p>	
<p>E. Emergency Response</p>	
<p>E1.</p> <p>If the property is affected by a Flood Life Hazard Category of H3 or higher, then Control E1 applies and a Flood Emergency Assessment must be included in the Flood Management Report.</p> <p>If the property is affected by a Flood Life Hazard Category of H6, then development is not permitted unless it can be demonstrated to the satisfaction of the consent authority that the risk level on the property is or can be reduced to a level below H6 or its equivalent.</p> <p>If the property is flood affected but the Flood Life Hazard Category has not been mapped by Council, then calculations for its determination must be shown in the Flood Management Report, in accordance with the “Technical Flood Risk Management Guideline: Flood Hazard”, Australian Institute for Disaster Resilience (2012).</p> <p>Where flood-free evacuation above the Probable Maximum Flood level is not possible, new development must provide a shelter-in-place refuge where:</p> <p>a)</p> <p>The floor level is at or above the Probable Maximum Flood level; and</p> <p>b)</p> <p>The floor space provides at least 2m² per person where the flood duration is long (6 or more hours) in the Probable Maximum Flood event, or 1m² per person for less than 6 hours;</p> <p>c)</p> <p>It is intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants without reliance on an elevator; and</p> <p>d)</p> <p>It must contain as a minimum: sufficient clean water for all occupants; portable radio with spare batteries; torch with spare batteries; and a first aid kit</p> <p>Class 10 classified buildings and structures (as defined in the Building Codes of Australia) are excluded from this control.</p> <p>In the case of change of use or internal alterations to an existing building, a variation to this control may be considered if justified appropriately by a suitably qualified professional.</p> <p>Note that in the event of a flood, occupants would be required to evacuate if ordered by Emergency Services personnel regardless of the availability of a shelter-in-place refuge.</p>	<p>Alternative Outcome</p> <p>The proposal involves a change of use for an existing building, and it's anticipated that there won't be any alteration to the flood risk level due to this change. The footprint of the building for the proposed use will remain unchanged, ensuring that all modifications will be contained within the existing structure. Consequently, this development will not exacerbate flood hazards or alter the current emergency response protocols.</p> <p>In the event of an emergency, there are viable options for reaching higher ground both on and off the site. It's noteworthy that the proposed use is situated on the ground floor of the existing building, and the land to the North of the site is elevated compared to the site itself. This geographical advantage provides additional opportunities for evacuation to safer areas during flood emergencies, further bolstering the emergency response capabilities of the site.</p>

DCP Clause / Provision	Statement of Compliance
F. Fencing	
<p>F1. Fencing, (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be designed so as not to impede the flow of flood waters and not to increase flood affectation on surrounding land. At least 50% of the fence must be of an open design from the natural ground level up to the 1% AEP flood level. Less than 50% of the perimeter fence would be permitted to be solid. Openings should be a minimum of 75 mm x 75mm.</p>	<p>Not Applicable There is no fencing associated with this proposed use.</p>
G. Storage of Goods	
<p>G1. Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.</p>	<p>Complies The proposed use does not include the storage of any hazardous materials or potentially polluting materials. Materials associated with the business will be appropriately stored to mitigate any potential for adverse impact. There will be no increased risk of pollutants caused by the proposed change of use.</p>
H. Pools	
<p>H1. Pools located within the 1% AEP flood extent are to be in-ground, with coping flush with natural ground level. Where it is not possible to have pool coping flush with natural ground level, it must be demonstrated that the development will result in no net loss of flood storage and no impact on flood conveyance on or from the site. All electrical equipment associated with the pool (including pool pumps) is to be waterproofed and/or located at or above the Flood Planning Level. All chemicals associated with the pool are to be stored at or above the Flood Planning Level.</p>	<p>Not Applicable There is no pool associated with the proposed use.</p>

4.3 Section 4.15 Considerations

4.3.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent and complementary to existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall, the development is considered an appropriate usage of the site.

4.3.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will not create any adverse negative effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives for the zone.

4.3.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iiia) – Has consideration been given to all relevant provisions of 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?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for a proposed Change of Uses to Vehicle Repair Station at 18 Waine Street, Freshwater NSW 2096.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2011*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- The proposal aligns with the objective of providing for a various range of related land uses, with this proposal being conducive to the needs of the applicant whilst integrating with other businesses and land use zonings.
- The proposal optimizes the efficient use of an existing building, or part of, whilst maintaining viability of other land uses and the established building over the site.
- This proposal contributes to job creation, fostering economic growth and providing opportunities for employment within the community.
- This proposal is considered to be suitably located within this existing building and minimises potential for conflict with other land uses.
- Thoughtful consideration has been given to the proposed location of this use, and the subject property is suitable for cultivating a positive outcome with regards to function and suitability.

We are pleased to present this SoEE for use to a Change of use to motor vehicle repair station which, once approved will enable the applicant to seamlessly transition their established business to this new location, ensuring long-term operations having previously operated from a different property.

5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

Appendix A. Architectural Plans

Appendix B. Waste Management Plan

Appendix C. BCA Compliance Assessment