

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0611
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Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 1220196, 4 - 10 Inman Road CROMER NSW 2099
Proposed Development:	Modification of Development Consent 2019/1346 granted for Demolition works and alterations and additions to an existing industrial facility including new warehouse and selfstorage office premises and ancillary cafe
Zoning:	Warringah 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:	EG Funds Management Pty Ltd

Application Lodged:	07/12/2020
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Industrial
Notified:	18/12/2020 to 30/01/2021
Advertised:	18/12/2020
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify Development Consent No. DA2019/1346 in the following manner:

- Self-storage units level raised by 2.85m (new RL: 13.85)
- Access ramp from South Creek Road adjusted to suit new level
- Self-storage units area increased from 3,902m² to 7,000m²
- Parking spaces at the basement level are increased from 159 to 203 spaces
- Parking spaces at the ground floor are increased from 72 to 76
- 40 new bicycle spaces are provided
- New plant room provided
- Increased car parking area and layout reconfiguration to accommodate the existing tower location and heritage courtyard
- Lift and stairs relocated into existing tower.

The following table provides a comparison of (only) the development parameters that are sought to be modified as part of this application:

Development Parameter	Approved
Self- Storage Facility	3.902m ²
Total Site Gross Floor Area (GFA)	24,560m ²
car Parking	237 spaces

The overall intent of the proposed modifications is to configure the approved self-storage facility at the basement level, by amending the double height basement to a single level with a larger footprint.

In addition to the above amendments, the applicant is also seeking a number of modification to the Conditions of consent (namely Condition, 1 to reflect the amended plans, Engineering Plans, and revised technical reports). In addition, Conditions No. 13, 18, and 77 are also proposed to be amended to reflect the amended Stormwater Plans.

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

Assessment - Nominated Integrated Development – WaterNSW - Water Management Act 2000 (s91 Permit for Temporary Construction Dewatering)

Assessment - Concurrence – NSW Roads and Maritime Services - SEPP Infrastructure (cl 104 Traffic-generating development)

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 1 DP 1220196 , 4 - 10 Inman Road CROMER NSW 2099
Detailed Site Description:	The site is legally described as Lot 1 with DP 1220196

known as No.4-10 Inman Road (also known as 100 South Creek Road), Cromer. The subject site referred to as the former Roche Products Australia premises has four (4) street frontages; South Creek Road to the south, Inman Road to the west, Campbell Avenue to the east and Orlando Road to the north. The north-western corner of the site is bound by Orlando Road, which connects to Parkes Road.

The site also has frontage to Campbell Avenue, however the proposed development does not extend to this part of the site. The remainder of the subject site shares a common boundary with existing residential dwellings and childcare centre to the north.

The site is zoned IN1 General Industrial, pursuant to the Warringah Local Environmental Plan 2011 (WLEP2011) and includes mostly office buildings and large warehouse/manufacturing buildings.

The site has been significantly development and includes a variety of buildings and structures, ranging in age from the 1920's through to 2006.

The site contains three (3) heritage items, being the central industrial "Roche" building, the weatherboard cottage located in the south eastern corner of the site, and a stand of trees adjacent to Campbell Avenue. These items will remain unaffected by the proposed development. There is also known to be some Aboriginal cultural relics within or near the north western corner of the site.

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

Map:



SITE HISTORY

Development Application DA2019/1346 was granted consent by Sydney North Planning Panel for demolition works and alterations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café.

The applicant lodged the current modification application under the provision of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act). The modification application was registered with Sydney North Planning Panel, whom advised that proposed modification can be determined by Council because the proposed modification does not:

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction.

Accordingly, under the provision of Clause 123BA of the Regulation the applicant can be determined under the Council's delegation.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2019/1346, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55 (2) - Other Modifications	Comments
<p>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</p> <p>(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2019/1346 for the following reasons:</p> <p>Consideration of whether a development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted, Justice Bignold established the following test in the Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 289 where His Honours states:</p> <p><i>"[54] The relevant satisfaction required by s96(2)(a) to be found to exist in order that the modification power be available involves an ultimate finding of fact based upon the primary facts found. I must be satisfied that the modified development is substantially the same as the originally approved development.</i></p> <p><i>[55] The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.</i></p> <p><i>[56] The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)."</i></p>

Section 4.55 (2) - Other Modifications	Comments
	<p>The applicant has provided the following justification to support their argument that the modifications are substantially the same:</p> <ul style="list-style-type: none"> • <i>The modification remains as alterations and additions to an existing industrial facility, which retains the approved land uses for warehouse, self-storage, office premises and ancillary café, and proposes</i> • <i>no substantial change to this fundamental element of the development consent;</i> • <i>There are no substantial quantitative changes proposed to the approved building bulk or scale above ground level;</i> • <i>The function, form, operations, business logistics, and importantly, public perception of the site, as an</i> • <i>industrial development, remains largely unchanged, with the modifications retaining the original intent</i> • <i>of the development as approved.</i> • <i>There is an increase in parking spaces, from 237 car parking spaces to 279 car parking spaces, which</i> • <i>maintains the efficiency of the site.</i> <p>Reviewing the above comments and the court judgement by Justice Bignold established in the <i>Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 289</i> it is concurred that the proposed modification is consistent with the (original) consent and can be considered under Section 4.55 of the Act.</p>
<p>(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</p>	<p>Development Application DA2019/1346 did not require concurrence from the relevant Minister, public authority or approval body.</p>
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Environmental Plan 2011 and Warringah Development Control Plan.</p>

Section 4.55 (2) - Other Modifications	Comments
or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The proposal has been reviewed by Council’s Environmental Health Officer – Contaminated Lands and no concerns have been raised
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

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 has been publicly exhibited from 18/12/2020 to 30/01/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Withheld	DEE WHY NSW 2099

The matters raised within the submissions are addressed as follows:

- **Contamination**

A submission was received which raised concerns in relation to the issue of contamination, particularly given that the lower basement car parking and storage area covers areas where the presence of groundwater contamination has been identified.

Comment:

The submission has now been formally withdrawn, as the issue of contamination has been addressed by Council's Environmental Health Officer and NSW EPA whom have raised no objection to the proposal subject to conditions.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>General Comments</p> <p>The following comments and conditions have been provided by the NSW Environment Protection Authority (EPA) as this site has been declared 'significantly contaminated' as defined under the Contaminated Land Management Act 1997. The EPA have authority to regulate the management of contamination in the declared part of this site.</p> <p><i>Contamination in non-declared parts of the site</i></p> <p>Table 2: Development Images Comparison, contained in the modification application, shows the car park has been relocated to the north-east, presumably outside of the EPA declared area. The carpark is proposed to be replaced by self-storage units. The EPA notes that although only a portion of the overall site is declared as significantly contaminated land, other areas of the site may also contain residual contamination which would warrant further assessment and management. Contaminants could include asbestos, heavy metals, petroleum hydrocarbons, and chlorinated hydrocarbons.</p> <p><i>Suitability of the Site for the Proposed Development</i></p> <p>The EPA notes that the application includes a Site Audit Report dated 20 April 2018 for the "Part A Unregulated Area, 4-10 Inman Road, Dee Why, NSW". The Site Audit Statement concluded that the site was suitable for commercial/industrial purposes (and a range of other land uses), however that "should basement car parking and/or other excavations potentially requiring dewatering of Part A be considered, then reconsideration of the suitability of the Site may be required". Based on the approved development consent and proposed</p>

Internal Referral Body	Comments
	<p>modification application, the EPA considers that the Auditor engaged for the development will need to reassess the suitability of the site based on the actual proposed land use, as described in the development application and modification documents.</p> <p><i>Timing of Remediation and Development</i></p> <p>The EPA understand that Roche's remediation schedule may be disrupted should the development interfere with their key monitoring and injection well network. If the well network is damaged, new monitoring wells may need to be installed which will lead to a longer time to remediate the site. The VMP agreement is currently between the EPA and Roche.</p> <p>In addition, the recommended consent conditions provided by the EPA for DA2019/1346 continue to apply for this modification 2020/0611</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>The modification proposes to increase the self storage facility space, total site gross floor area and carparking. This includes an extra 42 car spaces, 3098 meters squared of self-storage facility and 3094 meters squared of extra total site floor area. This is unlikely to change the potential noise impacts as this is a reconfiguration of the already approved basement level.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p>
Landscape Officer	<p>This modification is for the alterations and additions to a previously approved DA. Alterations include the raising of levels associated with the self-storage units, relocation of lifts and stairs to the existing tower, with additions inclusive of an increase in area associated with the self-storage units, additional parking to the basement and ground floors, as well as new bicycle parking and new plant room.</p> <p>The updated Architectural Plans provided with the modification indicate no change to landscape areas. The Statement of Modification confirms this as all proposed modifications are within previously approved building footprints. For this reason, the landscape component of the modification is accepted, with the existing conditions to remain enforced.</p>
NECC (Bushland and Biodiversity)	<p>Council's Bushland and Biodiversity referral team has no objections to the proposed modification subject to the conditions provided for the previous DA consent (DA2019/1346).</p>

Internal Referral Body	Comments
NECC (Development Engineering)	<p>The applicant proposed two new exit/ entry from the new parking areas. The exits are protected by an approved retaining wall from the overland flow.</p> <p>Development Engineering has no objection to the modification.</p>
NECC (Riparian Lands and Creeks)	<p>This application has been assessed under relevant legislation for protection of waterways and groundwater. It is noted that it is a modification of DA2019/1346, and that modifications relate to treatment of stormwater and to control of erosion and sedimentation.</p> <p>The proposal reduces the impact on groundwater by decreasing the depth of excavations. The footprint of the building is similar and therefore the sizing of the stormwater controls remains the same. The drainage into the bio-retention basin has changed. A condition has been added to address removal of sediment from basement drainage prior to discharge into the basin, as this will be heavily contaminated by vehicles and will unnecessarily load the basin if it discharges directly into it. All stormwater quality conditions have been updated and replaced the conditions relating to stormwater treatment issued for DA2019/1346, as controls and policies have since been updated.</p> <p>The groundwater conditions remain unchanged from DA2019/1346. Conditions relating to the naturalised creek have been added, specifying size of rock and placement and requiring detailed design to be submitted with the CC.</p> <p>Sediment and erosion controls apply.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>This modification application has been referred as the site contains a number of listed heritage items, being Item I52 - Roche Building; Item I53 - Givaudan-Roure Office and Item I38 - Trees - Campbell Avenue. These 3 items are listed as local heritage items in <i>Schedule 5 Environmental Heritage of Warringah Local Environmental Plan 2011</i>. The proposal however only directly affects Item I52 - Roche Building and does not affect the other 2 heritage items on the site.</p>
	Details of heritage items affected
<p>Details of these heritage items, as contained within the Warringah Heritage Inventory, are:</p> <p><i>Item I52 - Roche building</i> <u>Statement of Significance</u></p>	

Internal Referral Body	Comments		
	<p>A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</p> <p><u>Physical Description</u> Industrial/office building of off-form concrete with glass curtain walling. Asymmetrical arrangement with hexagonal tower of off-form concrete with squatter glass-walled tower to east. Strong horizontal element provided by 3 storey office wing to west.</p> <p><i>Item 153 - Givaudan-Roure office</i> <u>Statement of Significance</u> A representative example of an inter-war dwelling. Displays good integrity with much original fabric. Historically it is a rare survivor of development of this area prior to release & development for industrial purposes.</p> <p><i>Item 138 - Trees, Campbell Ave</i> <u>Statement of Significance</u> The collection of trees in the south-east sector of the Roche Products site, facing South Creek Rd and Campbell Ave at Dee Why have a moderate degree of heritage significance at the Local level. They have existed on this site since the turn of the 19th -20th century and may have been associated with the nurseryman Charles Hirsch who owned the land immediately to the north during that period. They are esteemed by local residents and confer on the area a distinctive sense of place. While the trees are not individually rare, the presence in Dee Why of such a mixed collection of trees in good condition and representing planning takes of their period is rare.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	Previously on the Register - also included within RAIA publication - <i>444 Sydney Buildings</i>
	Other	No	

Internal Referral Body	Comments										
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Strategic and Place Planning (Urban Design)	No objection to the proposed modified development.										
Traffic Engineer	The modification application is supported in relation to the parking provided on site.										

External Referral Body	Comments
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ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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)

SEPP 55 - Remediation of Land

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The subject site contains three (3) contaminated areas:

1. Part A – Unregulated Area – asbestos impacted fill material;
2. Part B – Regulated Area – TCE and benzene present in groundwater both on and off-site; these impacts are regulated by the NSW Environment Protection Authority (EPA), via a Voluntary Management Proposal (VMP) under the provisions of the Contaminated Land Management Act 1997 (CLM Act);
3. Part B – Unregulated Area – petroleum hydrocarbon plume from former underground storage tanks, removed in 1997.

The application was referred to Council's Environmental Health Officer and NSW EPA whom have raised no objection to the proposal subject to conditions.

Accordingly, the land is considered to be suitable for the development subject to conditions.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the

- electricity infrastructure exists).
- immediately adjacent to an electricity substation.
 - within 5.0m of an overhead power line.
 - includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Clause 104

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Comment:

Transport NSW has provided their response which raises no objection to the proposed development subject to conditions.

Warringah Local Environmental Plan 2011

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	13.83	no change Whist there is an increase in GFA proposed, this increase is limited to the basement level only. As such, the built form modifications are limited to the carparking and self-storage units at the basement level, and do not change the overall height of the building	Nil	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes

Clause	Compliance with Requirements
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B5 Side Boundary Setbacks	Merit	8.7m (Northern Boundary)	unaltered	N/A
B7 Front Boundary Setbacks	4.5m	8m from Inman Road to the existing cottage; and 10m from South Creek Road to the proposed multi-unit warehouse	unaltered	N/A
B9 Rear Boundary Setbacks	Merit	Not applicable as the site has dual frontages	unaltered	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The proposal, as modified, increases the overall GFA of the development, which requires a reassessment of the number of car parking spaces required to service the development.

The applicant has provided a revised Traffic report (prepared by GTA consultant), which provides a detailed assessment of the parking requirement under the provisions of WDCP 2011 and the Transport for NSW Guide. The report stipulates that the rates adopted in TfNSW Guide for factory and warehouse uses better reflect the intended site occupancy/operation compared with the single rate adopted in the WDCP2011, and this approach was adopted in the assessment of the original Development Application.

The proposal, as modified, includes a self-storage facility of 7,000m², for which GTA Consultants consider up to 11 parking spaces would be sufficient, including one space for vehicle/trailer parking. It should also be noted that many self-storage facilities also have parking spaces within the tenancy area to allow the direct transfer of goods to internal lifts and the like.

The parking assessment, carried out by GTA Consultants, determines that modified design is anticipated to generate demand for 226 car parking spaces. The proposal, as modified, accommodates for 279 car parking spaces, as summarised in the table below

Table 7: Anticipated Parking Demand			
Land use	Adopted parking rate	Parking requirement	Proposed provision
Self-storage	As per Table 4.5 of the Transport Impact Assessment (Appendix 4)	11 spaces	
Warehouse (70% of units)	Warehouse – 1 space per 300m ² (TfNSW rate) Ancillary office – 1 space per 40m ² (WDCP2011 rate)	68 spaces * (36 + 32 spaces)	
Industry (30% of units)	1.3 spaces per 100m ² (incl. ancillary office) (WDCP2011 rate)	68 spaces *	
Office	1 space per 40m ² (WDCP2011 rate)	79 spaces *	
Café	Ancillary to overall development (infrequent external trips expected)	0 spaces *	
Total		226 spaces	

By comparison, the approved development proposed a supply of 231 car parking spaces, with expected parking demand of 228 spaces. As such, the proposed modification decreases the expected demand, but increases the total parking provision.

The car parking, as modified is found to be satisfactory and supported by Council's Traffic Engineer.

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 2019

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 2000;
- 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. Mod2020/0611 for Modification of Development Consent 2019/1346 granted for Demolition works and alterations and additions to an existing industrial facility including new warehouse and selfstorage office premises and ancillary cafe on land at Lot 1 DP 1220196,4 - 10 Inman Road, CROMER, subject to the conditions printed below:

A. Add Condition No.1A - 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
S4.55 -202 (Rev 1) - Ground Floor Plan	12/10/2020	SBA Architects
S4.55 -203 (Rev 4) - Basement Level	12/10/2020	SBA Architects
S4.55-302 (Rev 4) - Elevations 2	12/10/2020	SBA Architects
S4.55-304 (Rev 4) - Sections	12/10/2020	SBA Architects
S4.55 -306 (Rev 4) - Sections 2)	12/10/2020	SBA Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
C013674.01 - DA20 Issue C (Erosion & Sediment Control Plan)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA25 Issue B (Erosion & Sediment	21/10/20	Costin Roe Consulting Pty Ltd

Control Details - Sheet 1)		
C013674.01 - DA26 Issue B (Erosion & Sediment Control Details - Sheet 2)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA41 Issue D (Stormwater Drainage Plan - Ground Level)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA42 Issue C (Stormwater Drainage Plan - Basement)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA45 Issue C (Stormwater Details - Sheet 1)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA46 Issue C (Stormwater Details - Sheet 2)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA47 Issue C (Stormwater Details - Sheet 3)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA48 Issue B (Stormwater Details - Sheet 4)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA51 Issue D (Finished Levels Plan - Ground Level)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA52 Issue C (Finished Levels Plan - Basement Level)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA55 Issue C (Typical Sections - Sheet 1)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA56 Issue B (Typical Sections - Sheet 2)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA57 Issue B (Typical Sections - Sheet 3)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA57 Issue B (Typical Sections - Sheet 3)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA70 Issue B (Overland Flow Catchment Plan)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA71 Issue B (Predevelopment Overland Flow Depth & Extent)	21/10/20	Costin Roe Consulting Pty Ltd
C013674.01 - DA72 Issue B (Post development Overland Flow Depth & Extent)	21/10/20	Costin Roe Consulting Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Civil Engineering Report Rev. B	21/10/2020	Costin Roe Consulting Pty Ltd
Transport Impact Assessment Issue B	22/10/2020	GTA Consultants
Report on Desktop Groundwater Assessment (R.001.Rev 3)	5 November 2020	Douglas Partners

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

c) 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 <2 - Compliance with Other Department, Authority or Service Requirements> to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	
Ausgrid	Response Ausgrid Referral	1
TfNSW	Response TfNSW (SYD20/00225/03)	F (S
NSW EPA	DOC19/1061459-3 and DOC21/123029	8 F
Water NSW	Integrated Development Referral – General Terms of Approval Ref. IDAS1121681 and DOC21/123029	2 J

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

C. Modify Condition <13 - On-site Stormwater Detention Details> to read as follows:

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Warringah Water Management Policy PL850, and generally in accordance with the concept drainage plans prepared by Costin Roe Consulting, drawing number C013674.01 - DA52, issue C, dated 28/2/20, drawing number C013674.01 – DA42, DA45, DA46, DA47, DA48, DA55, issue C, dated 21/10/20, drawing number d C013674.01 - DA65, issue A, dated 26/11/19, and drawing number C013674.01 – DA70, DA71, DA72, issue B, dated 21/10/20. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. The stormwater outlet connection to Council's drainage channel shall be amended to discharge

Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

D. Modify Condition <18 - Stormwater Drainage Application> to read as follows:

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the stormwater drainage channel which are to be generally in accordance with the civil design prepared by Costin Roe Consulting, drawing number C013674.01 DA52, issue C, dated 28/2/20, drawing number C013674.01 – DA42, DA45, DA46, DA47, DA48, DA55, issue C, dated 21/10/20, drawing number C013674.01 – DA10, DA41, DA51, issue D,

dated 21/10/20, drawing number

C013674.01 - DA65, issue A, dated 26/11/19, and drawing number C013674.01 – DA65, DA70, DA71, DA72, issue B, dated 21/10/20 and Council's specification for engineering works - AUS-SPEC #1.

The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form. The drainage plans must address the following:

- i. Certification that the stormwater channel has been designed in accordance with the Overland Flow Report prepared by Costin Roe Consulting, project number Co13674.01, revision A, dated 28/2/20.
- ii. An easement for drainage purposes shall be shown on the submitted plans over the drainage channel the greater of five metres wide or a minimum 1 metre from the outside wall of the top of the stormwater channel.
- iii. A clear access way shall be provided a minimum of 3.5 metres wide along the adjoining driveway to the east to access the top bank of the channel for the full length for operational and maintenance purposes. A Right of Access shall be shown on the submitted plans over the access way, and shall be created in favour of Council.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management arising from the development.

D. Modify Condition <77 - Certification for the Installation of Stormwater Treatment Measures> to read as follows:

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by Costin Roe dated 21 October 2020.

The certificate must confirm that stormwater treatment devices are completed, online, in good condition and are not impacted by sediment.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

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

Signed



Lashta Haidari, Principal Planner

The application is determined on 01/04/2021, under the delegated authority of:



A handwritten signature in blue ink, appearing to read "R. Piggott".

Rodney Piggott, Manager Development Assessments