

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0207
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Responsible Officer:	Ryan Fehon
Land to be developed (Address):	Lot CP SP 72321, 42 - 46 Wattle Road BROOKVALE NSW 2100
Proposed Development:	Strata subdivision of an existing industrial building
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Allen Price And Scarratts Pty Ltd

Application Lodged:	19/03/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 10,879.00
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PROPOSED DEVELOPMENT IN DETAIL

This development application proposes the subdivision of existing common property on the first floor of an industrial business premises at 42-46 Wattle Road, Brookvale.

The subdivision aims to create 5 additional car parking spaces within an existing carpark.

No physical works proposed on the site that would alter the built form.

APPLICATION HISTORY:

Additional information was requested on the 28th April 2025 in relation to Internal Referral comments by Council's Traffic Engineer. These comments can be seen in the 'Referrals' section of this Report.

The additional information was provided by the Applicant on the 6th May 2025 which satisfied the

requests of Council's Traffic Engineer. Additional conditions of this consent have been added as a result.

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

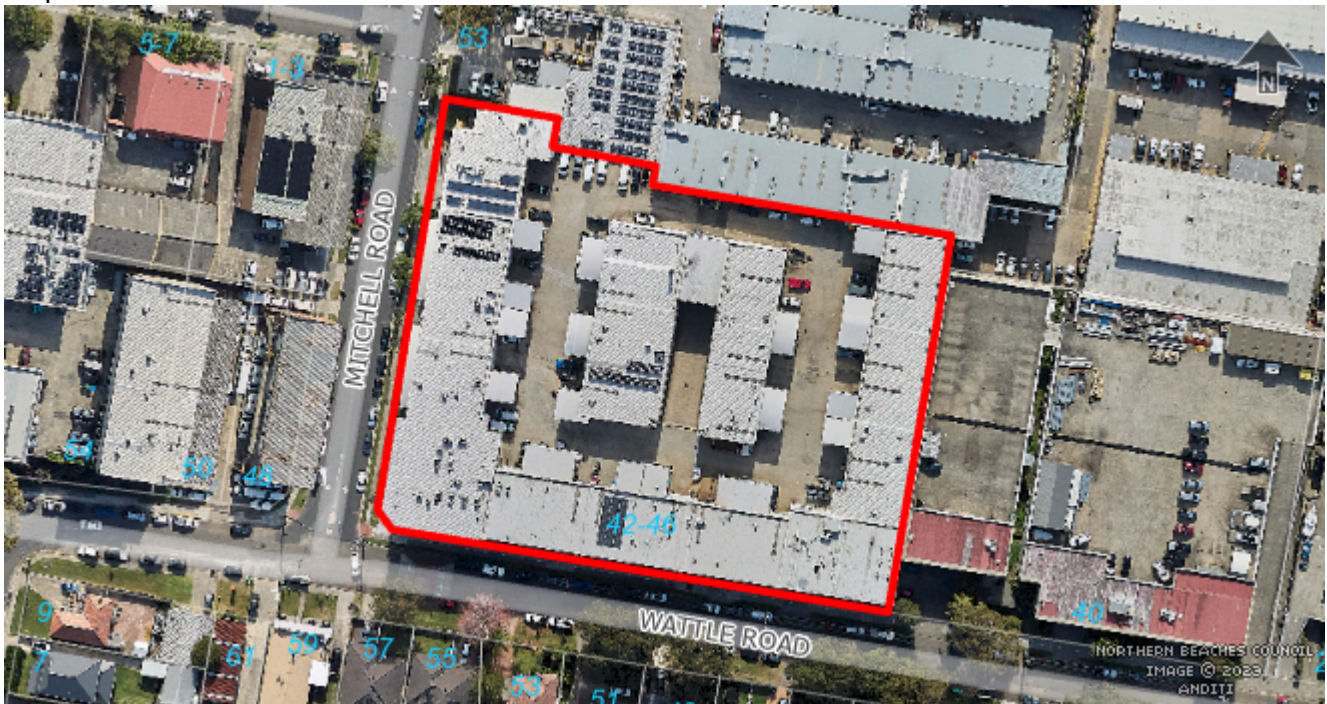
SITE DESCRIPTION

Property Description:	Lot CP SP 72321 , 42 - 46 Wattle Road BROOKVALE NSW 2100
Detailed Site Description:	The subject site is located on the northern side of Wattle Road, Brookvale. The site is slightly irregular in shape with a frontage of approximately 115m along Wattle Road, and a depth of between approximately 84.4m and 93m. The site has a surveyed area of 10200m². The site is located within the E4 General Industrial zone of the <i>Warringah Development Control Plan 2011</i> and accommodates a large industrial premises accommodating multiple shopfronts and units. The site is flat with no landscaped areas outside of street trees in the public domain. The site does not possess nor pose a threat to any species or vegetation.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by other industrial development and portions of low-rise residential apartments.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for industrial purposes for an extended period of time.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
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 2021 (EP&A Regulation 2021)	Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(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. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

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 application was not notified.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	
Traffic Engineer	Further comments 15/05/2025 The traffic team has reviewed the additional material provided by the applicant i.e Carpark Certification (revised) prepared by Auswide Consulting dated 6 May 2025 The new certification has addressed previous concerns regarding insufficient parking bay width, use of bollards, and direction of travel in the parking aisle. The proposed car parking spaces would comply with the relevant Australian Standards for the one-way aisle. Conclusion The subdivision proposal can now be supported subject to conditions that the new spaces are marked with dimensions complying with AS2890.1 conditions, and direction of the parking aisle to be marked as one-way. Original comments dated 28/04/2025 Proposal description: Strata subdivision of common property at an existing industrial building to formalise and create five (5) new parking spaces under different ownership (Lot 92 SP74535 and common property SP72321). The existing common property area at 42-46 Wattle Road, Brookvale

Internal Referral Body	Comments
	is currently used as carparking spaces and separated by steel bollards which prevent vehicular movements. Under the proposed subdivision plan, one (1) of the new spaces will be allocated to Lot 92 SP74535, and the other four (4) spaces are created for the common property. The traffic team has reviewed the following documents: • Statement of Environmental Effects prepared by Allen Price Development Consultants dated 20 February 2025 • Strata Plan of Subdivision prepared by surveyor Brendan Hugh Dallas dated 5 September 2024 • Carpark Certification prepared by Auswide Consulting dated 15 November 2022 No additional engineering design or work is proposed for the creation of parking spaces as part of the subdivision plan. <u>Parking requirements and design</u> • The proposed subdivision plan creates 5 new parking spaces on the common property. Although the spaces have been utilised informally for vehicle parking, they are unlikely to comply with AS2890.1 while maintaining a two-way parking aisle that has a width consistent with the AS2890.1 minimum requirement of 6m (clause 2.4.4). • AS2890.1 specifies that a minimum of 300mm offset distance is required for parallel parking spaces next to a wall. This would apply to the 4 parking spaces under common property which currently only have 2.1m minimum bay width. The proposed parking space (No. 5) under the individual lot is also subject to this requirement but can satisfy the dimensional requirements without affecting the aisle width by reducing its 2.5m width to 2.4m. • It is unclear on the survey plan or certification plan how the steel bollards would affect parking bay lengths. Neither plans include any details for bollard installations. Note that a further 0.3m needs to be added to the bay length if bollards would obstruct access at the end of bays. • According to the current strata plan, the total aisle width (without parking) is 8.5m. It only allows parallel parking on one side of the aisle while maintaining two-way traffic. To satisfy the dimensional requirements of a two-way aisle, no vehicles should be allowed to park on the opposite side of the new spaces. If parking is to be permitted on both sides of the aisle it needs to be marked as one-way. <u>Traffic and pedestrian impacts</u> • The relevant areas are already utilised as off-street parking spaces and blocked by bollards. The proposed subdivision is

Internal Referral Body	Comments
	unlikely to bring any significant improvements or adverse impacts to the current traffic and parking conditions. <u>Waste Collection & Servicing.</u> It is unclear for the information provided if waste collection and servicing would be impacted by the proposal. In particular if the parking of vehicles in the proposed locations will impact upon the circulation of trucks. Details of the largest vehicle required to access the parking area and information to confirm that it can circulate past parked vehicles in all of the proposed locations. <u>Conclusion</u> The traffic team cannot support the proposed subdivision at the current stage. Additional information is required to confirm that the parking design is workable for two way traffic flow or, if not, to provide details for the introduction and operation of One Way traffic flow and demonstrate how compliance with the relevant sections of AS2890 is achieved. The parking design should indicate the relevant parking space and aisle dimensions, include details of any bollards proposed and demonstrate how circulation is proposed to be achieved.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial and commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial and commercial land use.

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?	
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	Min. 4000sqm	N/A as per the <i>Strata Schemes Development Act 2015</i> - Application is a Strata Subdivision for the creation of five (5) car parking spaces.	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
6.1 Acid sulfate soils	Yes

Warringah Development Control Plan

Built Form Controls

Built form controls do not apply to this application.

The application is for Strata Subdivision and the creation of 5 car parking spaces on existing common parking areas.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
D3 Noise	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2025/0207 for Strata subdivision of an existing industrial building on land at Lot CP SP 72321, 42 - 46 Wattle Road, BROOKVALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
Diagram A	-	Location Plan	Brendan Hugh Dallas	-
-	-	Floor Plan - Level One	Brendan Hugh Dallas	-

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Car Park Certification	-	AusWide Consulting	15/11/2022
Waste Management Plan	-	Allen Price Consultants	-
Report - Traffic	-	AusWide Consulting	06/05/2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

2. Release of Subdivision Certificate

The final plan of subdivision will not be issued by Council until the development has been completed in accordance with terms and conditions of the development consent.

Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.

3. Title Encumbrances

The Applicant shall ensure all easements, rights of carriageway, positive covenants and restrictions as to user as detailed on the plans and required by the development consent are to be created on the title naming Council as the sole authority empowered to release or modify.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure proper management of land.

4. Car Parking Standards

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of a subdivision certificate.

Reason: To ensure compliance with Australian Standards relating to maneuvering, access and parking of vehicles.

5. Service Vehicle Access

Minimum dimensions for services areas are to comply with AS2890.2:2002 with regards to length, width and vertical clearance. Heavy vehicles are to be able to access driveways with only one reverse manoeuvre. Plans showing compliance with the distances and the swept path diagrams are to be submitted to the Principal Certifier prior to the issue of a subdivision certificate.

Reason: To ensure compliance with Australian Standards.

6. Signage and Linemarking - Implementation

The applicant is to install all signage and linemarking to clarify and highlight the direction of One Way traffic flow within the property. These works are to be completed prior to the issue of an Subdivision Certificate.

Reason: For safety reasons and to clarify direction of traffic flow.

7. Signage and Linemarking - Internal

A plan demonstrating appropriate directional signage for the one-way circulation road is to be submitted to the Principal Certifier prior to the issue of any Subdivision Certificate.

Reason: to maintain vehicular safety.

8. Compliance with Relevant Legislation

Prior to the issue of the Strata Plan of Subdivision (including any Stratum), all relevant matters

pertaining to this Plan, are to be satisfied to the satisfaction of the Certifying Authority, and evidence provided that the Plan complies with clause 17 Strata Schemes Development Regulation 2016 and the relevant parts of Section 58 Strata Schemes Development Act 2015.

Reason: To ensure compliance with the Consent issued, compliance with relevant legislation, and to ensure adequate provision is made, where required for fire safety, occupant safety, egress, access and appropriate facilities in the premises for building occupants.

9. Subdivision Certificate Application

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, four copies of the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

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

Signed



Ryan Fehon, Planner

The application is determined on 22/05/2025, under the delegated authority of:



Steven Findlay, Manager Development Assessments