

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0437
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 100 DP 1023183, Meatworks Avenue, Oxford Falls
Proposed Development	Strata Subdivision of the approved industrial/warehouse development with ancillary office space and basement car parking.
Locality:	B2 Oxford Falls Valley - WLEP 2000
Category of Development:	Category 2 (subdivision)
Consent Authority:	Northern Beaches Council
Delegation Level:	Northern Beaches Council
Land and Environment Court:	No
Owner:	Numeve Pty Ltd
Applicant:	Hill & Blume Pty Ltd
Application Lodged:	5 May 2020
Integrated Development	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	Not notified
Advertised:	No advertised
Submission Received:	Nil
Clause 20 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 10,000.00

PROPOSED DEVELOPMENT IN DETAIL

The application proposes strata subdivision of the approved industrial/warehouse development as shown on the strata subdivision plans submitted with the application.

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.

SITE DESCRIPTION

The subject site is legally described as Lot 100 DP 1023183, known as Lot 100 Meatworks Avenue, Oxford Falls identified with a yellow flag below. The subject site forms part of a larger collective of lots, identified with red hatching under a Permissive Occupancy of 3 parcels (lots 1046, 1047 and 1053) of Crown land. The proposed development is only located on Lot 100. The subject site is an irregularly shaped allotment with the total site area of 34,120m² (3.412ha) and is located at the northern end of Meatworks Avenue, as shown in Figure 3 below.



Figure 3 - Site Map

The subject site is a sloping allotment having a fall from south to north and from west to east, with a large rock escarpment traversing the southern portion of the site. The area to the south of the escarpment comprises dense remnant bushland. The northern part of the site is under construction as part of Development Consent No. DA2011/0985 and contains a number of other buildings and uses, comprising:

- Public Weighbridge
- Dwelling House
- Administration Building
- A storage building

The existing dwelling house (brick building) is located adjacent to the southern boundary of the site and a fibro building used for storage is situated to its north, which are both proposed to be demolished as part of this application.

Vehicular access to the site is currently via Meatworks Avenue, which terminates at the front boundary of the site. A central driveway traverses the centre of the site then gives access throughout the newly constructed development with secondary access roads accessing the upper and lower portions of the site.

The subject site is surrounded by large vacant allotments that are covered in dense bushland. Immediately to the northwest of the site is Public Open Space, which is also located within the B2 Locality and is an identified Conservation Area. The B2 locality is generally rural/residential in character in the immediate vicinity of the subject site and contains a range of other land uses comprising:

- Undeveloped native bushland to the north and east of the site.
- Detached dwelling houses on large allotments to the south and west of the site.
- Educational establishments fronting Wakehurst Parkway to the south and south-west of the site.

Site History

2013 Court Approval (DA2011/0985)

On 26 April 2013, the Land and Environment Court (LEC) granted development consent to an application proposing the construction of a light industrial/ warehouse development with ancillary office space on the subject site (proceedings 10526 of 2012). The works associated with this consent have been physically commenced and are well advanced. The relevant Construction Certificates are CC2018/0420 and CC2019/0078.

The construction works in accordance with the approval is generally completed across the site.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant matters for consideration 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 within this report
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	None Applicable
Section 4.15 (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement	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 site is the subject of an approval for industrial/warehouse development. The proposed development retains the approved

Section 4.15 'Matters for Consideration'	Comments
	industrial use of the site, and is not considered a contamination risk, as discussed under SEPP 55 of this report.
Section 4.15 (1) (a)(iv) - Provisions of the regulations	Clause 98 of the Environmental Planning and Assessment Regulation 2000 states that a prescribed condition of consent is that the work is to be undertaken in accordance with the Building Code of Australia (BCA). If the application is approved a condition of consent could be included in the recommendation to ensure that the proposal complies with the BCA. Clause 93 and 94 of the EPA Regulations 2000 requires the consent authority to consider fire safety and structural issues. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval for existing buildings that are proposed to be retained.
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) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control table in this report. (ii) The proposed development will not have a detrimental social impact on the locality. (iii) The proposed development will not have a detrimental economic impact on the locality considering the industrial nature of the proposed land use.
Section 4.15 (1) (c) – The suitability of the site for the development.	The site is considered suitable for the strata subdivision of the approved industrial development.
Section 4.15 (1) (d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The application did not require notification.
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 do not apply to this application.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	Supported Subject to conditions No objections are raised to the proposed development, subject to conditions.

NECC (Stormwater and Floodplain Engineering – Flood risk)	Supported The subject site is not identified as flood affected.
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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 Policy No. 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated.

Council records indicate that the subject site has been used and approved for industrial/warehouse purposes. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the strata subdivision land use.

SEPP (Infrastructure) 2007

Clause 45 of SEPP Infrastructure 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; or*
- *Within 5m of an exposed overhead electricity power line.*

The application was referred to Ausgrid under clause 45(2) of SEPP Infrastructure. To date, no response has been received and it is assumed that Ausgrid do not raise any objection nor impose any conditions.

SEPP 44 – Koala Habitat Protection

The provisions of this policy apply as the site is greater than one hectare in size. The site does not represent potential or core koala habitat.

Accordingly, no further consideration of the policy is required

Warringah Local Environmental Plan 2000 (WLEP 2000)

Desired Future Character

WLEP 2000 applies to the subject land and the DA is made pursuant to this instrument. Under WLEP 2000, the subject site is within the B2 Oxford Falls Valley Locality and the proposed development, being development for the strata subdivision of the industrial/warehouse development, is classified as a Category 2 Development.

The DFC statement for the B2 locality states as follows:

B2 Oxford Falls Valley Locality

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its Catchment and will ensure that ecological values of natural watercourses are maintained.

The proposed development, being for strata subdivision of the already approved industrial/warehouse development will not alter the DFC statement for the Locality.

Built Form Controls

The proposed development is for Strata subdivision of the approved development, therefore no changes are proposed to the built form controls.

The housing density requirements apply only to Torrens Title Subdivision and is not applicable to strata subdivision.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development. The relevant general principles are addressed below.

General Principles	Applies	Comments	Complies
CL38 Glare & reflection	No	No changes are proposed to the approved development.	Not Applicable
CL39 Local retail centres	No	The site is not located within a Local Retail Centre.	Not Applicable
CL40 Housing for Older People and People with Disabilities	No	No Comment	Not Applicable
CL41 Brothels	NO	No Comment	Not Applicable
CL42 Construction Sites	No	No construction work is proposed as part of this application.	Not Applicable
CL43 Noise	No	No changes are proposed to the approved development.	Not Applicable
CL44 Pollutants	No	No Comment	Not Applicable
CL45 Hazardous Uses	NO	No Comment	Not Applicable
CL46 Radiation Emission Levels	NO	No Comment	Not Applicable
CL47 Flood Affected Land	NO	The site is not located within, or near to, any identified flood affected land.	Not Applicable
CL48 Potentially Contaminated Land	YES	The requirements of Clause 48 have been addressed under 'State Environmental Planning Policy No.55 – Remediation of Land' in this report.	Yes
CL49 Remediation of Contaminated Land	NO	No Comment	Not Applicable
CL49a Acid Sulfate Soils	NO	The site is not located within, or near to, any land categorised as containing acid sulphate soil.	Not Applicable
CL50 Safety & Security	No	No comment	Not Applicable
CL51 Front Fences and Walls	No	No front fence is proposed.	Not Applicable
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	No changes are proposed to the approved built form.	Yes
CL53 Signs	NO	No signage is proposed as part of this application.	Not Applicable
CL54 Provision and Location of Utility Services	No	No Comment	Not Applicable
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	Not Applicable
CL56 Retaining Unique Environmental Features on Site & CL58 Protection of Existing Flora	No	No vegetation are proposed to be removed as part of this application.	Not Applicable
CL57 Development on Sloping Land	No	No comment	Not Applicable

General Principles	Applies	Comments	Complies
CL59 Koala Habitat Protection	YES	There no koala activities identified on site and therefore the proposed development is consistent with the requirement of this Clause.	YES
CL60 Watercourses & Aquatic Habitats	No	No comment	Not Applicable
CL61 Views	No	No new buildings are proposed	Not Applicable
CL62 Access to sunlight	No	No new buildings are proposed	No Applicable
CL63 Landscaped Open Space	No	No comment	No Applicable
CL63A Rear Building Setback	No	No comment	No Applicable
CL64 Private open space	No	No comment	Not Applicable
CL65 Privacy	No	No comment	No Applicable
CL66 Building bulk	No	No comment	No Applicable
CL67 Roofs	No	No comment	No Applicable
CL68 Conservation of Energy and Water	No	No comment	No Applicable)
CL69 Accessibility – Public and Semi-Public Buildings	Yes	This matter will be addressed by condition of consent.	Yes (subject to condition)
CL70 Site facilities	No	No comment	No Applicable
CL71 Parking facilities (visual impact)	No	No change are proposed to the approved parking facilities.	No Applicable
CL72 Traffic access & safety	No	No comment	Not Applicable
CL73 On-site Loading and Unloading	No	No comment	No Applicable
CL74 Provision of Car parking	No	No comment	Not Applicable
CL75 Design of Carparking Areas	No	No comment	Not Applicable
CL76 Management of Stormwater	No	No comment	Not Applicable
CL77 Landfill	No	No comment	Not Applicable
CL78 Erosion & Sedimentation	No	No comment	Not Applicable
CL79 Heritage Control	No	No Comment	Not Applicable
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	No Comment	Not Applicable
CL81 Notice to Heritage Council	No	No Comment	Not Applicable
CL82 Development in the Vicinity of Heritage Items	Yes	The adjoining land on the northwest of the subject site is identified as Conservation Area. The proposed development does not extend into the Conservation area and therefore, the	Yes

General Principles	Applies	Comments	Complies
		proposal will have no impact upon the significance of the heritage conversation area. The proposed development is consistent with the requirement of this Clause.	
CL83 Development of Known or Potential Archaeological Sites	No	No comment	Not Applicable

Schedule 8 - Site analysis

Adequate site analysis documentation has been submitted with this application.

Schedule 17 – Car parking Provision

No change are proposed to the approved car parking scheme.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan 2000;
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects and all other documentation supporting the application and public submissions.

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

- 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 DA2020/0437 for Strata Subdivision of the approved industrial/warehouse development at Lot 100 DP 1023183 Part Lot 1046 DP 752038 Part Lot 1047 DP 752038 Part Lot 1053 DP 752038 Permissive Occupancy 88/31 A/C 174235 Closed Crown Road Licence 199961, 100 / 0 Meatworks Avenue, Oxford Falls subject to the conditions printed below.

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

Signed:



21 May 2020

Lashta Haidari, Principal Planner

The application is determined under the delegated authority of:



27.5.2020

Steven Findlay, Manager Development Assessments