

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2015/0295
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 100 DP 611332, 100 South Creek Road CROMER NSW 2099 Lot A DP 394910, 38 Orlando Road CROMER NSW 2099
Proposed Development:	Modification of Consent No. 2014/0573 granted for Subdivision of two (2) lots into three (3) lots
Zoning:	LEP - Land zoned IN1 General Industrial LEP - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Roche Products Pty Ltd
Applicant:	Roche Products Pty Ltd

Application lodged:	29/12/2015
Application Type:	Local
State Reporting Category:	Subdivision only
Notified:	22/01/2016 to 06/02/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	1
Recommendation:	Approval

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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	<p>Lot 100 DP 611332 , 100 South Creek Road CROMER NSW 2099</p> <p>Lot A DP 394910 , 38 Orlando Road CROMER NSW 2099</p>
Detailed Site Description:	<p>The subject site is addressed as No.100 South Creek Road, Cromer. The site 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 northern boundary also partially adjoins the rear of both industrial and residential allotments and the eastern boundary also partially adjoins residential Lots.</p> <p>The site currently accommodates, carparking and a number of industrial and warehouse buildings operated by "Roche" for the manufacturing of pharmaceuticals and diagnostic products. The operation of the primary Lot (proposed Lot 2) for this purpose will remain unchanged.</p> <p>The north western corner of the site is generally vacant, comprising only trees and a tennis court.</p> <p>The remaining part of the subject land comprising existing Lot A is a vacant industrial Lot with no prior development work and no significant trees or vegetation.</p> <p>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.</p> <p>Vehicle access to the site is available off both South Creek Road and Inman Road.</p>

Map:



SITE HISTORY

Lot A DP 349910 - No.38 Orlando Road

Pre-lodgement Meeting No.PLM2014/0039 was held with Council on 29 April 2014 to discuss "Subdivision (boundary adjustment) and construction of a Childcare Centre and managers dwelling (ancillary)" relating to the site. The submitted proposal (Development Application No.**DA2014/0574**) is consistent with the pre-lodgement notes, and the manager's dwelling has been reduced in size to be more akin to a small caretaker style dwelling. The WLEP 2011 definition of a "childcare centre" includes allowance for a dwelling to be part of a childcare centre overnight accommodation is *"related to the owner or operator of the centre"*.

Building Application No.B693/61 - A "factory" building was located on the site but was demolished after 1986 and the land has been a vacant Lot since.

Development Application No.DA2014/0574 for a childcare centre and caretakers residence was approved by Council on 27 October 2014 as a deferred commencement. This consent has not been activated at the current time. (This site is affected by the approved subdivision of DA2014/0573).

Lot 100 DP611332 - No.100 South Creek Road

Building Application No.B1206/63 - A "factory" building for 'Roche Products' was approved by Council in 1963.

Between 1963 and the current time there have been numerous building and development approvals for the site including, additional factory buildings, laboratory premises, offices, caretakers dwelling/s, warehouses, alterations to factory buildings and the like. This includes miscellaneous approvals for flag poles, squash courts, tennis courts, car parking, cool rooms, tree removal and the like.

The most recent relevant approvals include:

Development Application No.DA2005/0467 for construction of a new office building, renovations of

existing buildings, new carparking areas and demolition was approved by Council on 14 September 2005.

Development Application No.DA2010/1923 for alterations and additions to and office building was approved by Council on 17 March 2011.

Development Application No.DA2012/1102 for subdivision of land was approved by Council on 23 March 2013. This proposal included excising 6,696 sqm from Lot 100 that is the north-west corner of the site fronting Orlando Road and Inman Road, and a concept building footprint with carparking and detention basin with landscaped setbacks to all boundaries. The associated Subdivision Certificate No.**SC2014/0002** was withdrawn by the applicant from Council on 2 April 2014.

Development Application No.DA2014/0573 for a subdivision of two (2) lots into three (3) lots was approved by Council on 9 September 2014

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following:

- A modification of subdivision consent, that was previously two (2) Lots into three (3) Lots, to a subdivision of only two (2), into two (2) Lots involving boundary adjustment between existing Lot A DP394910 (619.7 sqm) and Lot 100 DP 611332 (76,030 sqm approx.);
- Creation of inter-allotment easements and associated works to drain water.
- The proposed Lot sizes for the modification of DA2014/0573 are now:
Lot 1 - 74,670 sqm
Lot 2 - 1,922 sqm

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

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 DA2014/0573, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
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:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) 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	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 DA2014/0573.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, 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	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(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.	No submissions were received in relation to this modification of consent.

Section 79C Assessment

In accordance with Section 96(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 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any	None applicable.

Section 79C 'Matters for Consideration'	Comments
planning agreement	
Section 79C (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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <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>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). 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>
Section 79C (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>(i) The environmental impacts of the proposed modified development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed modified development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed modified development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed modified development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the modification application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

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

Name:	Address:
Graham Hubert Smith	15 Randall Court COLLAROY PLATEAU NSW 2097

The following issues were raised in the submissions and each have been addressed below:

- Weeds

The matters raised within the submissions are addressed as follows:

- *Concern that the subject site has weeds that are affecting adjacent land (No.15 Randall Court) and the noxious weeds are not being suitably controlled by Roche Industries*
Comment:
The management of noxious weeds is administered under the *NSW Noxious Weeds Act 1993*, and is not relevant to the modification to consolidate two of the approved Lots into one Lot. Additionally, Council is unable to add unrelated conditions to the consent for matters that are unrelated to the modification proposed for the original subdivision consent. This issue has however been referred to Council's weeds management team, as a customer request, to investigate and provide reply advice to the appropriate landowners.

Therefore, this issue has been addressed and does not warrant refusal of the modification of consent.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Development Engineers	Development Engineers have reviewed the proposed modification to the plan of subdivision and raise no objections to the proposed modification. No modifications to the existing engineering conditions in the Consent are required.
Heritage Advisor	HERITAGE COMMENTS Discussion of reason for referral

Internal Referral Body	Comments
	<p>This application has been referred for heritage comments as the subject land contains a number of existing heritage items. These items are I52 Roche Building, I53 Givaudan-Roure Office and I38 Trees Campbell Avenue. All these heritage items are listed in Schedule 5 of Warringah Local Environmental Plan 2011. The subject land is located at Nos. 38 Orlando Road and 100 South Creek Road, Cromer. The area that this modification application relates to are Lots 1 & 2, approved under DA2014/0573.</p> <p>Details of heritage items affected</p> <p>This application has been referred for heritage comments as the subject land contains a number of existing heritage items. These items are I52 Roche Building, I53 Givaudan-Roure Office and I38 Trees Campbell Avenue. All these heritage items are listed in Schedule 5 of Warringah Local Environmental Plan 2011. The subject land is located at Nos. 38 Orlando Road and 100 South Creek Road, Cromer. The area that this modification application relates to are Lots 1 & 2, approved under DA2014/0573.</p> <p>Details of heritage items affected</p> <p>Details of the heritage items, as outlined in the Warringah Heritage Inventory are:</p> <p>Item I52 Roche Building</p> <p>Statement of Significance 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>Physical Description 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>Item I53 Givaudan-Roure Office</p> <p>Statement of Significance 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>Physical Description Single storey weatherboard cottage now converted to office use. Brick foundations. Terracotta tiled hipped roof with small gables on</p>

Internal Referral Body	Comments																					
	<p>top. Exposed rafter ends. Square projecting bay windows to front with multi-paned casement windows. Retains residential character, set in gardens. Repair works to roof have occurred.</p> <p>Item I38 Trees, Campbell Avenue</p> <p>Statement of Significance 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> <p>Physical Description The eastern side of the Roche property contains numerous mature cultural plantings and remnant specimens. Amongst these are Figs, Pines, Camphor Laurels, Turpentines, Agonis species, Melaleuca species, Willows, Brush Box, Coral Trees, Elms, Planes, Jacarandas, Magnolias, Tree Ferns and Eucalypts. The northern section of the eastern boundary also contains several old Pine Trees dating probably from the turn of the 19th-20th century. These were not associated with the trees on former Lot 629, but on Lot 639 to the north of it.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>N</td><td></td></tr><tr><td>Australian Heritage Register</td><td>N</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>N</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>N</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>N</td><td></td></tr><tr><td>Other</td><td>N</td><td></td></tr></table> <p>Consideration of Application</p> <p>This modification application is for an amendment to the approved three lot subdivision (DA2014/0573) of the Roche land at Cromer,</p>	Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N		Australian Heritage Register	N		NSW State Heritage Register	N		National Trust of Aust (NSW) Register	N		RAIA Register of 20th Century Buildings of Significance	N		Other	N	
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Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N																					
Australian Heritage Register	N																					
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National Trust of Aust (NSW) Register	N																					
RAIA Register of 20th Century Buildings of Significance	N																					
Other	N																					

Internal Referral Body	Comments
	<p>known as at Nos. 38 Orlando Road and 100 South Creek Road, Cromer. Lots 1 and 2 will consolidate into one lot with a total site area of 7.467 hectares (now known as Lot 1). Lot 3 will remain as approved (now known as Lot 2). The total site area remains unchanged.</p> <p>Details of the proposal are outlined in the Statement of Environmental Effects (SEE), prepared by Roche Products Pty Limited, dated 17 December 2015, which accompanied the application. The SEE addresses the heritage provisions of WLEP 2011 (5.10) and concludes that “because the site is so large, and that the portion of the land the subject of this application does not contain any of the listed heritage items, it is considered that there will not be no physical impact upon the existing listed heritage items or their setting”.</p> <p>It is noted that this application is for a modification to the approved subdivision only. The modification application does not propose any construction and therefore the proposal will not impact on the social significance of the industrial complex and trees.</p> <p><u>Considerations against the provisions of CL5.10 of WLEP.</u></p> <p>Is a Conservation Management Plan (CMP) Required? NO Has a CMP been provided? N/A Is a Heritage Impact Statement required? YES Has a Heritage Impact Statement been provided? Included in SEE</p> <p><u>Conclusion:</u> Therefore, no objections are raised to this modification application on heritage grounds and no condition changes are required.</p>
Natural Environment (Flood)	The proposed modification is not considered to increase flood risk. No flood related development controls applied.
Traffic Engineer	The proposed modification is for consolidation of the Lot 1 and Lot 2 to one Lot. The proposal does not result in any impact on traffic and therefore no objection is raised on traffic grounds subject to the Development Assessment Officer approval.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	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.

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 (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 previously for residential use, agriculture and industrial purposes (Roche Industries) for a significant period of time and has been partly vacant.

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 subdivision.

Proposed Lot 2 is vacant land but identified to be used for a childcare building. Refer to DA2014/0574 for detailed contamination risk assessment in relation to that development, but in summary the land does not contain any significant contamination risks. The use of proposed Lot 1 will remain unchanged as this is part of the main Roche Industries complex.

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 modification 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.

Warringah Local Environment 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
Minimum subdivision Lot size:	4,000 sqm	Lot 1 - 69,280 sqm Lot 2 - 5,391 sqm Lot 3 - 1,922 sqm	Lot 1 - 74,670 sqm Lot 2 - 1,922 sqm	N/A 52% (No change)	Yes No (As approved)

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Part 2 Permitted or prohibited development	Yes
2.6 Subdivision - consent requirements	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.1 Minimum subdivision lot size	Yes
Part 5 Miscellaneous provisions	Yes
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

Built Form Controls are not applicable to the modification of the subdivision as no building works are proposed. The proposed subdivision Lot areas are capable of maintained the built form controls for future industrial development within each Lot. This has been addressed by building envelope lines that are shown on the modification plans and are consistent with the original conditions of consent.

A proposed building for a childcare centre (DA2014/0574) has been approved by Council for Lot 1. The childcare centre building includes a 0.0m setback for the southern and western boundaries in response to the "merit assessment" control for side setbacks.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Front Boundary Setbacks - IN1	Yes	Yes
Front Boundary Exceptions - All Zones	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
Part C Siting Factors	Yes	Yes
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D19 Site Consolidation in the R3 and IN1 Zone	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Private Property Tree Management	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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

Refer to Assessment by Council's Natural Environment Unit elsewhere within this report.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 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 Modification Application No. Mod2015/0295 for Modification of Consent No. 2014/0573 granted for Subdivision of two (2) lots into three (3) lots on land at Lot 100 DP 611332,100 South Creek Road, CROMER, Lot A DP 394910,38 Orlando Road, CROMER, subject to the conditions printed below:

A. Modify the Application Details - Proposed Development to read as follows:

Proposed Development: Subdivision of two (2) Lots into two (2) Lots

B. 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

Draft Subdivision Plan of Lot 100 in DP611332 & Lot A in DP394910 Sheet 1	Received 8/1/2016	Stephen R Emery Surveyor
Draft Subdivision Plan of Lot 100 in DP611332 & Lot A in DP394910 Sheet 2	Received 8/1/2016	Stephen R Emery Surveyor

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

C. Modify Condition 20. Development Envelope Setbacks to read as follows:

20. Development Envelope Setbacks

- The building setback lines are to be included on the Subdivision Certificate plans, as shown on the Section 96 Modification application plans, dated 2/8/2013 (received 8/1/2016), sheets 1 and 2, drawn by Stephen R Emery.

A positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the final plan of subdivision and accompanying 88B instrument, requiring any future building or carparking to not encroach within the nominated side or front boundary setbacks. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Warringah Council. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be provided with the plans for the Subdivision Certificate.

Reason: To protect the landscape setting and continuity for future development patterns in the context of surrounding land uses (DACPLHPS2)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Alex Keller, Planner

The application is determined under the delegated authority of:

Rodney Piggott, Development Assessment Manager

















ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

Notification Document	Title	Date
 2016/021145	Notification Map	22/01/2016

ATTACHMENT C

Reference Number	Document	Date
 2016/005370	Report - Statement of Environmental Effects	24/12/2015
 2016/005368	Plans - Survey	24/12/2015
 MOD2015/0295	100 South Creek Road CROMER NSW 2099 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	29/12/2015
 2015/388263	DA Acknowledgement Letter - Roche Products Pty Ltd	29/12/2015
 2016/005365	Modification Application Form	08/01/2016
 2016/005366	Applicant Details	08/01/2016
 2016/005380	Deposited Plan Administration Sheet	08/01/2016
 2016/005382	Plans - Subdivision	08/01/2016
 2016/016920	File Cover	20/01/2016
 2016/016932	Referral to AUSGRID - SEPP - Infrastructure 2007	20/01/2016
 2016/017956	Natural Environment Referral Response - Flood	20/01/2016
 2016/021145	Notification Map	22/01/2016
 2016/023159	Development Engineering Referral Response	25/01/2016
 2016/023412	Traffic Engineer Referral Response	25/01/2016
 2016/031238	Heritage Referral Response - Roche Building	01/02/2016
 2016/036563	Online Submission - Smith	04/02/2016