

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Expansion of approved light industrial/  
warehouse and ancillary office  
development

**LOT 100, DP 1023183  
50 MEATWORKS AVENUE  
OXFORD FALLS**



**NOTE:** This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose NSW 2085.

# Statement of Environmental Effects

**Expansion of approved light industrial/ warehouse and ancillary office development**

**Lot 100, DP 1023183, No. 50 Meatworks Avenue, Oxford Falls**

Prepared on behalf of

**The Crest Joint Venture Pty Limited**

By

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

**Boston Blyth Fleming Pty Ltd**

**Town Planners**

(ACN 121 577 768)

Suite 1/9 Narabang Way

Belrose NSW 2085

Tel: (02) 99862535

November 2019

## **TABLE OF CONTENTS**

### **EXECUTIVE SUMMARY**

### **1.0 INTRODUCTION AND BACKGROUND**

### **2.0 SITE LOCATION AND DESCRIPTION**

### **3.0 DEVELOPMENT PROPOSAL**

### **4.0 STATUTORY PLANNING FRAMEWORK**

- 4.1 General
- 4.2 State Environmental Planning Policy No.55 – Remediation of Land
- 4.3 Warringah Local Environmental Plan 2000
  - 4.3.1 Locality and Desired Future Character
  - 4.3.2 Schedule 15 Warringah Local Environmental Plan 2000
  - 4.4.3 Development Standards/ General Principles Warringah Local Environmental Plan 2000
- 4.6 Section 4.15(1) Environmental Planning & Assessment Act 1979

### **5.0 CONCLUSION**

## **EXECUTIVE SUMMARY**

- On 26<sup>th</sup> April 2013, the Land and Environment Court of NSW (the Court) granted development consent pursuant to section 34(3)(b) of the Land and Environment Court Act 1979 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 progressing pursuant to Construction Certificates CC2018/0420 and CC2019/0078.
- In these proceedings it was agreed between the parties that the light industrial/ warehouse development with ancillary office space was appropriately described as a low intensity and low impact use consistent with the existing and desired future character (DFC) for the B2 Oxford Falls Valley Locality. In forming this opinion, consideration was given to the fact that the proposed works were confined to previously disturbed areas of the site, would facilitate the cessation of the long established waste management facility use of the site, would facilitate the rehabilitation of disturbed perimeter bushland and would provide for substantial betterment in terms of environmental outcomes and consistency with the DFC .
- This application seeks an expansion of the approved light industrial/ warehouse development with ancillary office space to meet a clear demand for this form of development in this location. In the preparation of this submission, consideration has been given to the minutes arising from formal pre-DA discussions with Council (PLM2019/0088) with the scheme refined to ensure that the development is located predominantly within previously disturbed areas of the site.
- The proposed industrial/ warehouse development is a Category 3 land use in the B2 Oxford Falls Valley Locality. The proposed uses are consistent with those previously approved and currently under construction on the subject site. The development has been found to be generally consistent with the relevant built form controls and general principles of development control.

- The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.
- The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. In this regard, the landscape quality of the site will be maintained.
- The accompanying Flora and Fauna Assessment confirms the proposed works will not have a significant impact on any threatened species and that an SIS or BDAR is not required under the BC Act. Additionally, no referral to the DotEE is required.
- The accompanying Assessment of Traffic and Parking Implications report concludes that the traffic generation of the proposed development will not present any adverse traffic implications or traffic-related environmental impacts with the development provides appropriately for safe and efficient car parking and servicing.
- The accompanying Bushfire Report demonstrates that an appropriate combination of protection measures has been considered and achieved to comply with the intent and performance measures within Planning for Bushfire Protection 2018.
- The extent of excavation will not give rise to any unmanageable environmental impacts as detailed in the accompanying geotechnical report.
- Under such circumstances the proposed use is appropriately described as a low intensity and low impact use consistent with the existing and DFC of the B2 Oxford Falls Valley Locality.

## 1.0 INTRODUCTION AND BACKGROUND

This application seeks an expansion of the approved light industrial/ warehouse development with ancillary office space to meet a clear demand for this form of development in this location. In the preparation of this submission, consideration has been given to the minutes arising from formal pre-DA discussions with Council (PLM2019/0088) with the scheme refined to ensure that the development is located predominantly within previously disturbed areas of the site.

The proposed use is Category 3 development in the B2 Oxford Falls Valley Locality. The proposed uses are consistent with those previously approved and currently under construction on the subject site. The development has been found to be consistent with the relevant built form controls and general principles of development control.

The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway. In the preparation of this statement consideration has been given to the following statutory planning documents:

- The Environmental Planning and Assessment Act 1979 (as amended);
- State Environmental Planning Policy No.55 – Remediation of Land;
- Warringah Local Environmental Plan 2000 including the B2 Oxford Falls Valley Locality statement and the General Principles of Development Control.

The measures identified within the accompanying reports to mitigate existing and likely/ potential environmental impacts will ensure that the proposed development will not give rise to any unacceptable or unmanageable environmental impacts. As such it can be demonstrated the site is suitable for the development proposed.

The proposed development provides for environmental sustainability and the proper management of stormwater, drainage and bushland on and adjoining the site and the maintenance of the water and bushland quality of the catchment overall. The proposal provides for the orderly and economic use and development of the land

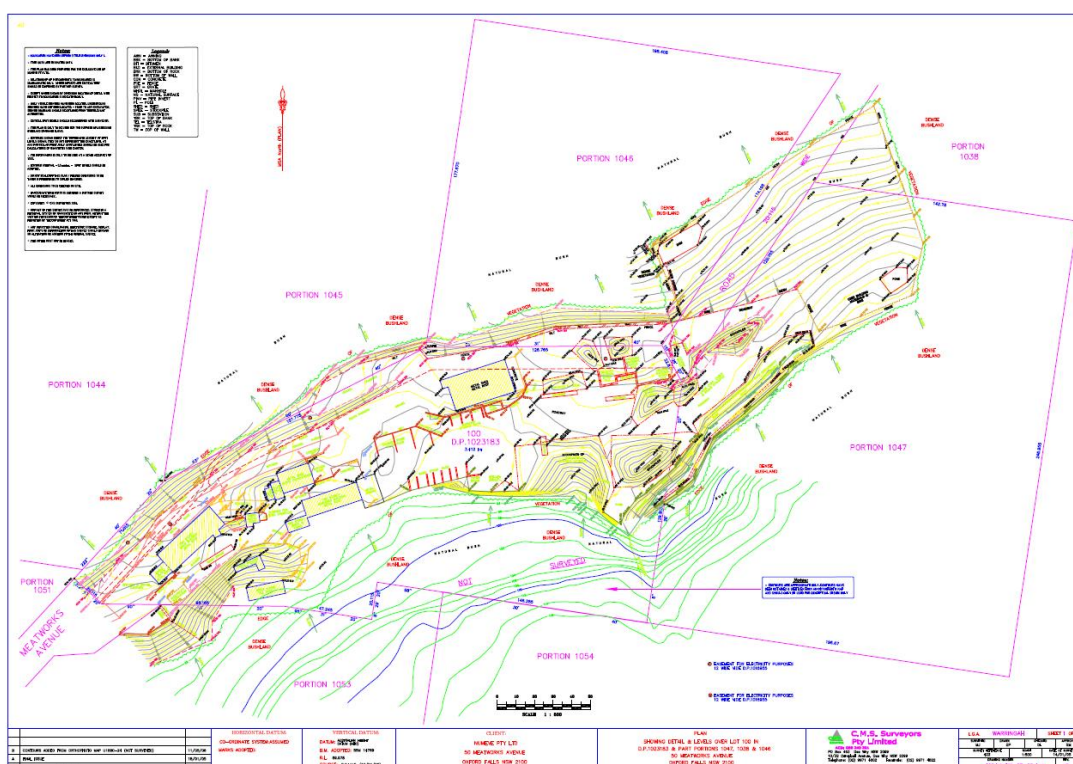
The proposal succeeds when assessed against the heads of consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15(1) of the Environmental Planning and Assessment Act 1979 (the Act). It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE DESCRIPTION AND LOCATION

The site to which this application relates is legally described as Lot 100 in DP 1023183, No. 50 Meatworks Avenue, Oxford Falls. The property is located at the southern extent of the Oxford Falls Regional Crown Reserve, on the eastern slopes of Middle Creek valley, approximately 5 kilometres upstream from Narrabeen Lagoon and 5 kilometres inland from the New South Wales coastline.

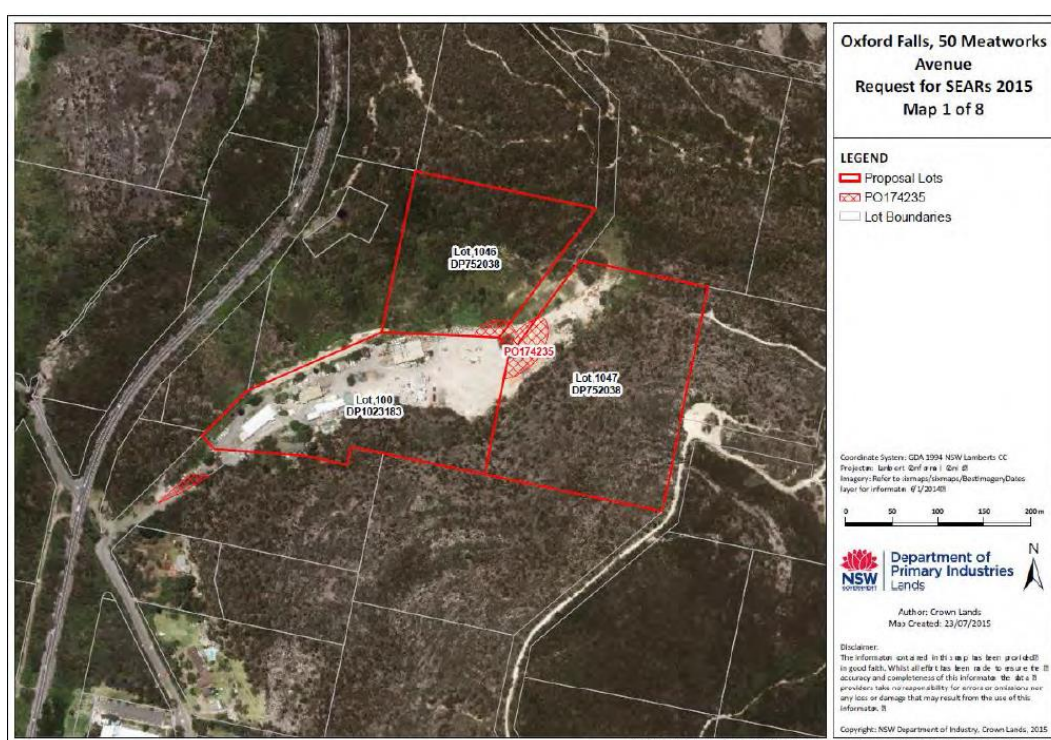
The allotment is irregularly shaped having a length of approximately 350 metres in an east-west direction, an irregular width of approximately 150 metres and an area of 3.412 Hectares. The landform has been highly modified with a large exposed cut on the southern portion of the site. The topography surrounding the site is relatively complex, comprising a number of ridgelines and valleys. The site and its established built form and topographical features are depicted in Figure 1.





The site is occupied by a waste management facility operating pursuant to Development Consent 91/130. The facility accepts non-putrescible domestic, construction and commercial wastes as well as construction/ demolition waste. We note that some recycled material is also distributed to the landscape supply yard operating on the subject site pursuant to the same development consent.

The buildings on the site facilitate storage, administration and maintenance operations and residential accommodation. Access to the site is from Meatworks Avenue via Oxford Falls Road and Wakehurst Parkway.



Source: SEAR 949

**Figure 2** – Map showing location of Permissive Occupancy License 174235

On 26<sup>th</sup> April 2013, the Land and Environment Court of NSW (the Court) granted development consent pursuant to section 34(3)(b) of the Land and Environment Court Act 1979 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 progressing pursuant to Construction Certificates CC2018/0420 and CC2019/0078.

Surrounding development includes low density residential housing approximately 850 metres to the east, small rural land holdings approximately 300 metres to the west, Oxford Falls Grammar School and a number of small rural land holdings approximately 300 metres to the south and C3 Church Global approximately 450 metres to the south-west. Surrounding topography and vegetation shields adjoining land uses from sight and sound. Aerial site/ context photographs are at Figures 3 and 4 below and over page.



Source: Google Earth

**Figure 3** – Aerial photograph of subject site



Source: Google Earth

**Figure 4** - Context photograph showing proximity of the site to the nearest residential receivers to the east and west of the site, Oxford Falls Grammar School to the south and C3 Church Global to the south-west.

### 3.0 DEVELOPMENT PROPOSAL

The application proposes the expansion of the previously approved light industrial/ warehouse development with ancillary office space. Specifically, the application seeks the construction of an additional 16 industrial/ warehouse units with ancillary office space and associated basement parking of which 3 have larger single level floor plates. The development also incorporates ancillary floor spaces at the western end of the main building which are intended to be used for as a café (subject to separate approval) and communal lounge/ meeting room areas. A large roof top communal open space is also proposed.

The proposed development is depicted on the Architectural plans DA00(C), DA01(E), DA02(F), DA03(F), DA04(E), DA05(E), DA06(D), DA07(D), DA08(D), DA09(A) and DA10(A) prepared by Gelder Architects. The proposed floor areas can be summarised as follows:

#### COMMERCIAL/INDUSTRIAL BUILDING

Level 1	540.86sqm
Roof Terrace Level	445.00sqm
Upper Roof Level	437.00sqm
<b>TOTAL</b>	<b>1422.86sqm</b>

#### ANCILLARY BUILDING

Ground Level	110.06sqm
Carpark Level	108.96sqm
Level 1	145.69sqm
<b>TOTAL</b>	<b>364.71sqm</b>

#### UNITS 30-42

Unit 30	152.38sqm
Unit 31	151.43sqm
Unit 32	151.43sqm
Unit 33	151.43sqm
Unit 34	152.13sqm
Unit 35	120.58sqm
Unit 36	120.13sqm
Unit 37	120.13sqm
Unit 38	120.13sqm
Unit 39	120.82sqm
Unit 40	397.78sqm
Unit 41	278.69sqm
Unit 42	280.87sqm
<b>TOTAL</b>	<b>2317.93sqm</b>

The proposed hours of operation are between 7:00am and 6:00pm Monday to Friday and 8:00am and 5:00pm Saturday and Sunday (inclusive).

The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. In this regard, the landscape quality of the site will be maintained.

All stormwater will be disposed of to the previously approved drainage system as depicted in plans prepared by ACOR Consultants.

## **4.0 STATUTORY PLANNING FRAMEWORK**

### **4.1 General**

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15(1) of the Environmental Planning & Assessment Act 1979 (the Act). Those matters which are required to be addressed are outlined, and any steps to mitigate potential adverse environmental impacts are discussed below.

### **4.2 State Environmental Planning Policy No.55 – Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the application is accompanied by the Phase 1 contamination report prepared in support of the previously approved light industrial/ warehouse development with such report confirming that the site is suitable for the development proposed.

No objection is raised to a condition requiring compliance with the recommendations contained within this report.



### 4.3 Warringah Local Environmental Plan 2000

#### 4.3.1 Locality and Desired Future Character

The Site is located within the deferred land area of the Warringah Local Environmental Plan (LEP) 2011, and to that extent the provisions of the Warringah LEP 2000 continue to apply. Pursuant to LEP 2000 the site is located within the B2 Oxford Falls Valley Locality.

#### **Desired Future Character**

The Desired Future Character Statement for the B2 Oxford Falls Valley Locality is as follows:

*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 houses 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. Development in the locality will not create siltation or pollution of Narrabeen Lagoon.*

The proposed development is identified as Category Three development in this locality.

In accordance with clause 12(3)(b) the consent authority must be satisfied the development is consistent with the desired future character described in the relevant locality statement. Accordingly, the proposal's consistency with the desired future character statement as follows:

- On 26<sup>th</sup> April 2013, the Land and Environment Court of NSW (the Court) granted development consent pursuant to section 34(3)(b) of the Land and Environment Court Act 1979 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 progressing pursuant to Construction Certificates CC2018/0420 and CC2019/0078.
- In these proceedings it was agreed between the parties that the light industrial/ warehouse development with ancillary office space was appropriately described as a low intensity and low impact use consistent with the existing and desired future character (DFC) for the B2 Oxford Falls Valley Locality. In forming this opinion, consideration was given to the fact that the proposed works were confined to previously disturbed areas of the site, would facilitate the cessation of the long established waste management facility use of the site, would facilitate the rehabilitation of disturbed perimeter bushland and would provide for substantial betterment in terms of environmental outcomes and consistency with the DFC .
- This application seeks an expansion of the approved light industrial/ warehouse development with ancillary office space to meet a clear demand for this form of development in this location. In the preparation of this submission, consideration has been given to the minutes arising from formal pre-DA discussions with Council (PLM2019/0088) with the scheme refined to ensure that the development is located predominantly within previously disturbed areas of the site.



- The proposed industrial/ warehouse development is a Category 3 land use in the B2 Oxford Falls Valley Locality. The proposed uses are consistent with those previously approved and currently under construction on the subject site. The development has been found to be generally consistent with the relevant built form controls and general principles of development control.
- The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.
- The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. In this regard, the landscape quality of the site will be maintained.
- The accompanying Flora and Fauna Assessment confirms the proposed works will not have a significant impact on any threatened species and that an SIS or BDAR is not required under the BC Act. Additionally, no referral to the DotEE is required.
- The accompanying Assessment of Traffic and Parking Implications report concludes that the traffic generation of the proposed development will not present any adverse traffic implications or traffic-related environmental impacts with the development provides appropriately for safe and efficient car parking and servicing.

- The accompanying Bushfire Report demonstrates that an appropriate combination of protection measures has been considered and achieved to comply with the intent and performance measures within Planning for Bushfire Protection 2018.
- The extent of excavation will not give rise to any unmanageable environmental impacts as detailed in the accompanying assessment with the implementation of appropriate erosion and sediment controls ensuring the development will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained

Based on the above analysis and the interpretation of what constitutes a “low intensity, low impact” use as established in the matter of *Vigor Master Pty Ltd v Warringah Shire Council [2008] NSWLEC 1128* we consider the proposed development to be appropriately described as a low intensity and low impact use consistent with the DFC of the B2 Oxford Falls Valley Locality.

#### **4.4.2 Schedule 15 Warringah Local Environmental Plan 2000**

Pursuant to clause 15(1) of WLEP 2000 consent may be granted to development classified as Category Three only if the consent authority has considered a statement of environmental effects that includes the items listed in Schedule 15. This section of the report addresses the Schedule 15 matters for consideration associated with a Category Three land use.

#### ***A statement indicating how the proposed development is consistent with the relevant desired future character statement and general principles of development control established by this plan***

As described elsewhere in this report, we consider the proposed development to be appropriately described as a low intensity and low impact use consistent with the DFC of the B2 Oxford Falls Valley Locality. the proposed development is consistent with the desired future character of the B2 Oxford Falls Valley Locality.

The proposed use complies with the relevant general principles of development control established by this plan as detailed latter in this report.

***A statement of the objectives of the proposed development.***

The objective of the proposed development is to provide for the orderly and economic use and development of the land and in doing so meet a clear demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally.

***An analysis of any feasible alternatives to the carrying out of the development, having regard to the objectives, including:***

***(a) the consequences of not carrying out the development, and***

The consequence of not carry out the development would be that an opportunity to meet a clear demand for warehouse/ industrial development in this area would be missed with market feedback being that the proposal warehouse/ industrial building typology proposed provides a superior built form/ land use/ amenity outcome than existing industrial zoned land within the LGA.

***(b) the reasons justifying the carrying out of the development***

The development provides for the orderly and economic use and development of the land and in doing so meets a clear demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally.

The same land use with similar building typology and environmental outcomes has previously been approved on the subject site and as such found to be consistent with the DFC. The expansion of this approved development utilises a majority of the previously approved infrastructure without compromising the enhanced environmental and land use outcomes afforded through approval of the previous application which required the cessation of the long established waste management land use operating on the site.

***An analysis of the development, including:******(a) a full description of the development, and***

Refer to Part 3 of this statement.

***(b) a general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and***

Whilst the proposed development is located predominantly over previously disturbed areas of the site some additional vegetation and landform impacts will arise as a consequence of the works proposed.

Potential flora and fauna impacts have been addressed in detail within the accompanying Flora and Fauna Assessment prepared by Ecoplaning which concludes:

*The proposed development includes the construction of several industrial units within part of Lot 100 // DP 1023183 and Lots 1053 and 1054 // DP 752038 (100 Meatworks Avenue, Oxford Falls, NSW 2100). The proposal will result in the complete clearance of 0.10 ha of Red Bloodwood – Scribbly Gum heathy woodland in a 'disturbed' condition. An APZ is required around the southern margin of the development. A total of 0.31 ha will also be impacted to accommodate the proposed APZ (Figure 4.1). This includes 0.24 ha (approximately 36% of the subject site) of PCT 1083 in an 'disturbed' condition and 0.04 ha (approximately 7% of the subject site) in an 'intact' condition.*

*No threatened species listed under the EPBC Act or BC Act were recorded within the study area. Based on records of threatened species from a 5 km radius around the study area and incorporating the field-based habitat assessments, six threatened species that were identified as having a 'recent record', a 'moderate', or 'high' likelihood of using study area. The likelihood of these species being significantly impacted was assessed against the 'Test of*

*Significance' in accordance with section 7.3 of the BC Act and where relevant the Significant Impact Guidelines for matters listed under the EPBC Act.*

*It was concluded that the proposed works would not have a significant impact on these species and an SIS or BDAR is not required under the BC Act. Additionally, no referral to the DotEE is required.*

*Potential indirect impacts associated with the proposal have been mitigated through appropriate avoidance and mitigation measures (see Section 4.3).*

The majority of excavation is contained within the proposed building footprint with the accompanying geotechnical report confirms that the extent of excavation will not give rise to any unmanageable environmental impacts. Potential construction impacts will be dealt with through the preparation of a construction management plan and prior to issue of any construction certificate. All stormwater will be collected and directed to the previously approved stormwater system.

No aspect of the environment will be significantly affected by the development works proposed.

***(c) a description of the likely impact on the environment of the development, having regard to:***

***(i) the nature and extent of the development, and***

The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. In this regard, the landscape quality of the site will be maintained.

The accompanying Flora and Fauna Assessment confirms the proposed works will not have a significant impact on any threatened species and that an SIS or BDAR is not required under the BC Act. Additionally, no referral to the DotEE is required.

The accompanying Assessment of Traffic and Parking Implications report concludes that the traffic generation of the proposed development will not present any adverse traffic implications or traffic-related environmental impacts with the development provides appropriately for safe and efficient car parking and servicing.

***(ii) the nature and extent of any building or work associated with the development, and***

The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

All hours of construction associated with the proposed construction works will be restricted in accordance with the Council and EPA guidelines.

***(iii) the way in which any such building will be erected in connection with the development, and***

Potential construction impacts will be dealt with through the preparation of a construction management plan and prior to issue of any construction certificate.

***(iv) any rehabilitation measures to be undertaken in connection with the development, and***

The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas.

Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. In this regard, the landscape quality of the site will be maintained.

The accompanying Flora and Fauna Assessment confirms the proposed works will not have a significant impact on any threatened species and that an SIS or BDAR is not required under the BC Act. Additionally, no referral to the DotEE is required.

**(d) *a full description of the measures proposed to mitigate any adverse effects of the development on the environment.***

Potential construction impacts will be dealt with through the preparation of a construction management plan and prior to issue of any construction certificate.

The accompanying flora and fauna report state that to avoid potential indirect offsite impact during construction, an appropriate erosion and sedimentation control plan should be in place following best practice protocols such as Landcom (2004). It is recommended that this is included in a site specific CEMP, prior to any construction works taking place. The CEMP will be required to span the pre, during and post-construction period, and will include the above pre-clearance and fauna management protocols.

The accompanying arborist report contains detailed tree protection measures which should be implemented prior to any works commencing on site. These requirements should form appropriately worded conditions of development consent.

***The reasons justifying the carrying out of the development in the manner proposed, having regard to the biophysical, economic and social considerations and the principles of ecologically sustainable development. The statement is to include a compilation (in a single section of the statement) of the measures proposed to mitigate any adverse effects of the development on the environment.***

The development has been designed to minimise the impact of the proposed on the biophysical environment.

The development will generate employment during construction and post occupation. In this regard, the development will have a positive economic impact.

The development provides for the orderly and economic use and development of the land and in doing so will meet a clear demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally. In this regard, the development will result in a positive social impact.

The proposed development provides for environmental sustainability and the proper management of stormwater, drainage and bushland on and adjoining the site and the maintenance of the water and bushland quality of the catchment overall.

Required mitigating measures are detailed in subsection (d) above.

***A list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.***

We are unaware of any other required approvals.



### **4.4.3 Development Standards / General Principles of Development Control**

#### **Development Standards**

##### **Housing Density**

The proposal involves the demolition of the existing dwelling house. No additional housing is proposed.

##### **Building Height**

Pursuant to this development standard buildings are not to exceed 8.5 metres in height measured to the topmost point of the building or 7.2 metres in height to the underside of the ceiling on the upper most floor.

The proposed industrial/ warehouse building has a variable height above ground level of between 5 and 7.5 metres along its southern edge up to a maximum of 11.5 metre measured to the roof of the ancillary facilities/ service hub. The proposal also exceeds the 7.2 metre wall height control. The extent of overall building height non-compliance is best demonstrated with reference to the sections at Figure 5 over page.

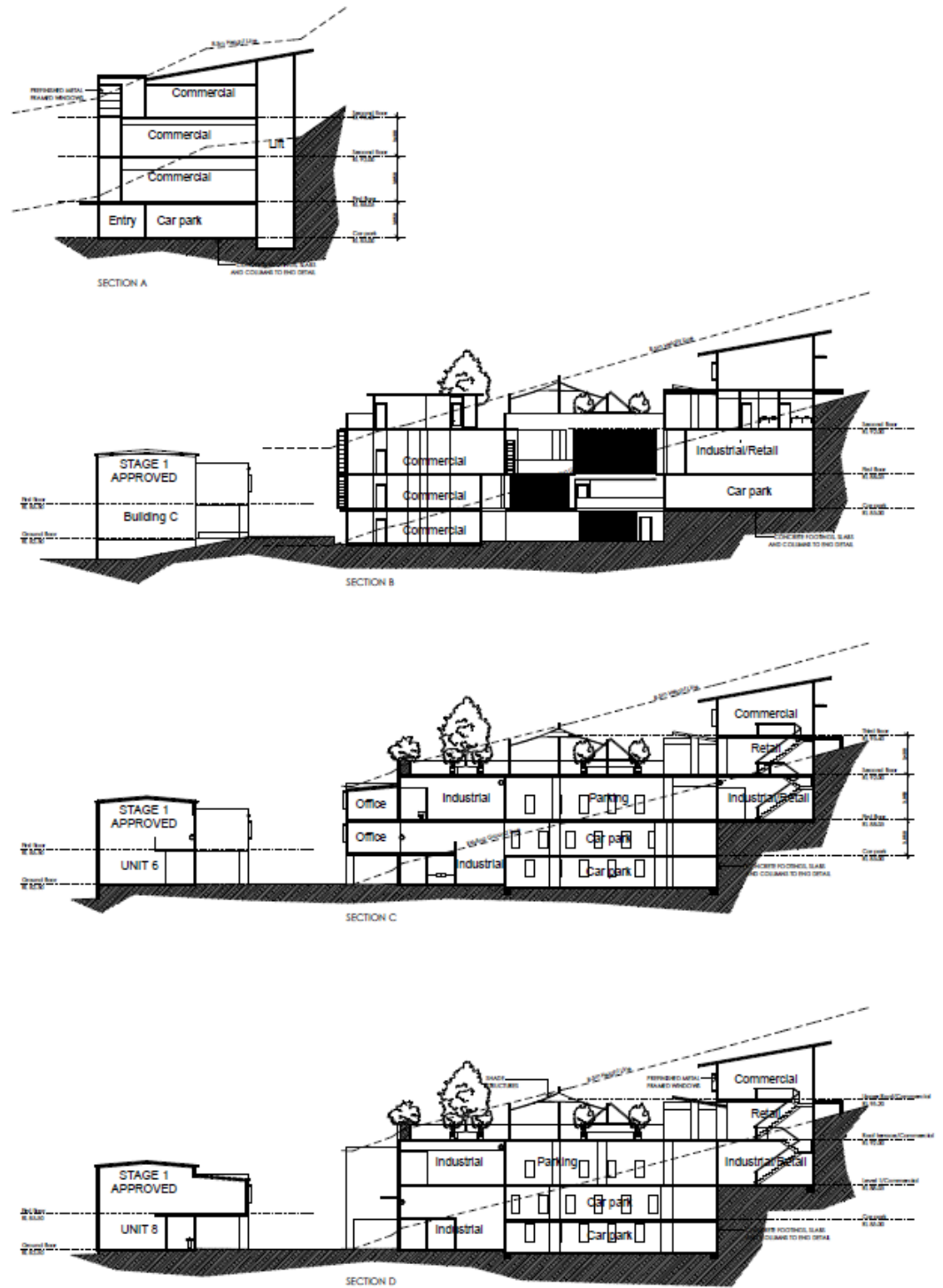
Clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

The variation proposed building height is acceptable for the following reasons:

- The proposed buildings display and height, visual bulk and an architectural scale consistent with the industrial/ warehouse buildings previously approved, and currently under construction, on the subject site.

- The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties.
- The building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.
- The non-compliant building height elements will not be discernible as viewed from any public place due to a combination of spatial separation, intervening landscaping and the industrial/ warehouse development currently under construction.
- Strict compliance would severely compromise the orderly and economic development of this particular site.
- The setback proposed will not contravene any state planning policies.

As such strict compliance with the building height control is both unreasonable and unnecessary under such circumstances.



**Figure 5** – Sections showing extent of 8.5 metre building height breach

## **Front Building Setback**

Pursuant to this standard the minimum front building setback to all roads is 20 metres.

All proposed works are setback approximately 90 metres from the Meatworks Avenue frontage being well in excess of the control.

## **Side and Rear Building Setback**

Pursuant to this provision development is to maintain a minimum 10 metre setback to the side and rear boundaries. The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

The proposed building maintains a 7.5 metre setback to the western boundary which is in excess of the setbacks established by the existing dwelling house located adjacent to this boundary. The setback is free from structures and is of a sufficient width to accommodate the required APZ as detailed in the accompanying bushfire report. Setbacks in excess of the required 10 metres are maintained to the balance of the property boundaries.

Again, clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

The variation proposed to the side boundary setback control is acceptable for the following reasons:

- The non-compliant building elements will not be discernible as viewed from any public place due to a combination of spatial separation, intervening landscaping and the industrial/ warehouse development currently under construction.
- The setback is free from structures and is of a sufficient width to accommodate the required APZ as detailed in the accompanying bushfire report.

- The setbacks proposed will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining property.
- Strict compliance would compromise the orderly and economic development of this particular site.
- The setback proposed will not contravene any state planning policies.

As such strict compliance with the side boundary setback provisions is both unreasonable and unnecessary under such circumstances.

### **Bushland Setting**

A minimum of 50% of the site area is to be kept as natural bushland or landscaped with local species. The proposal provides for a landscaped area, as defined, of 18500 square metres or 54% of the site which is well in excess of 50% control.

The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. In this regard, the landscape quality of the site will be maintained.

## **General Principles of Development Control**

The following general principles of development control apply to the subject development.

### **Glare and Reflection**

Pursuant to the clause 38 WLEP 2000 development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.

The proposed development incorporates materials and finishes which will minimise reflection. It is considered that appropriate measures have been incorporated into the design of the development to address the general principle with regards to glare and reflection. A schedule of materials and finished accompanies this application.

### **Construction Sites**

Pursuant to clause 42 construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.

The construction will not unreasonably impact on the local environment and all appropriate measures and construction working hours will be implemented.

### **Noise**

Pursuant to clause 43 development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.

It is considered that the proposed use represents a low intensity, low impact use, consistent with the range of uses anticipated by the DFC for the B2 Oxford Falls Valley Locality

## **Safety and Security**

Pursuant to clause 50 development is to maintain and where possible enhance the safety and security of the locality. In particular:

- buildings are to overlook streets as well as public and communal places to allow casual surveillance,
- service areas and access ways are to be either secured or allow casual surveillance,
- there is to be adequate lighting of entrances and pedestrian areas,
- after hours land use activities are to be located along primary pedestrian routes,
- public toilets, telephones and other public facilities are to be located so as to have direct access and to be clearly visible from well trafficked public spaces, and
- entrances to buildings are to be from public streets wherever possible.

Good levels of visual surveillance are achieved throughout the development with the publicly accessible spaces not providing opportunity for concealment. All carpark areas will be appropriately lit at night with landscaping maintained to minimise concealment opportunity. These provisions are satisfied.

## **Building Bulk**

The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape. The development will sit within a landscaped setting.

Accordingly, the building bulk is reasonable and appropriate.

### **Provision and Location of Utility Services**

All utility services for the proposed development will be suitably located on site and suitably screen from public places and streets.

The development will utilise existing services noting the existing site is fully serviced.

### **Retaining Distinctive Environmental Features on Site**

Pursuant to clause 56 development is to be designed to retain the complement any distinctive environmental features of the site and adjoining land.

The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas. Whilst the proposal necessitates the removal of a number of trees as detailed within the accompanying arborist report, such removal is appropriately compensated for through the additional landscape plantings proposed as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape.

The proposed works are located predominantly within previously disturbed areas of the site with the required excavation contained generally to the proposed building footprint.



The proposed development provides for environmental sustainability and the proper management of stormwater, drainage and bushland on and adjoining the site and the maintenance of the water and bushland quality of the catchment overall.

### **Protection of Existing Flora**

Potential flora and fauna impacts have been addressed in detail within the accompanying Flora and Fauna Assessment prepared by Ecoplaning which concludes:

*The proposed development includes the construction of several industrial units within part of Lot 100 // DP 1023183 and Lots 1053 and 1054 // DP 752038 (100 Meatworks Avenue, Oxford Falls, NSW 2100). The proposal will result in the complete clearance of 0.10 ha of Red Bloodwood – Scribbly Gum heathy woodland in a 'disturbed' condition. An APZ is required around the southern margin of the development. A total of 0.31 ha will also be impacted to accommodate the proposed APZ (Figure 4.1). This includes 0.24 ha (approximately 36% of the subject site) of PCT 1083 in an 'disturbed' condition and 0.04 ha (approximately 7% of the subject site) in an 'intact' condition.*

*No threatened species listed under the EPBC Act or BC Act were recorded within the study area. Based on records of threatened species from a 5 km radius around the study area and incorporating the field-based habitat assessments, six threatened species that were identified as having a 'recent record', a 'moderate', or 'high' likelihood of using study area. The likelihood of these species being significantly impacted was assessed against the 'Test of Significance' in accordance with section 7.3 of the BC Act and where relevant the Significant Impact Guidelines for matters listed under the EPBC Act.*

*It was concluded that the proposed works would not have a significant impact on these species and an SIS or BDAR is not required under the BC Act. Additionally, no referral to the DotEE is required.*

*Potential indirect impacts associated with the proposal have been mitigated through appropriate avoidance and mitigation measures (see Section 4.3).*

### **Watercourses and Aquatic Habitat**

Clause 60 requires development to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.

We refer to the response to the previous control.

### **Access to Sunlight**

Pursuant to clause 62 requires that development is not to unreasonably reduce sunlight to surrounding properties.

Given the orientation of the site and proximity to the nearest residential receivers the proposed development will not cast shadows over any adjoining buildings or private open space areas.

### **Roofs**

Pursuant to clause 67 roofs are to compliment the local skyline.

The proposed roof forms have been architecturally designed in a contemporary style that complement those previously approved for the stage 1 industrial/ warehouse development on the site.

### **Accessibility**

Clause 69 of WLEP 2000 states that the siting, design and construction of premises available to the public are to ensure an accessible continuous path of travel so that all people can enter and use the premises. Such access is to comply with the requirements of the Disability Discrimination Act 1992 and AS1428.2.

The application is accompanied by a Disability Access Report prepared by Lindsay Perry Access which confirms that the compliance with the above requirements is achievable.

## **Signs**

Signage will be provided in accordance with Council's exempt and complying development provisions.

## **Parking Facilities (Visual Impact)**

Clause 71 requires parking facilities to be sited and design so as not to dominate the street frontage or other public spaces.

The proposal incorporates basement style parking which will ensure that it will not be discernible as viewed from the street or any public place.

## **Traffic Access and Safety**

Pursuant to clause 72 vehicle access points for parking, servicing or deliveries, and pedestrian access, to be located in such a way to minimise:

- traffic hazards,
- vehicles queuing on public roads,
- the number of crossing places to a street,
- traffic and pedestrian conflict, and
- interference with public transport facilities.

The accompanying Assessment of Traffic and Parking Implications report concludes that the traffic generation of the proposed development will not present any adverse traffic implications or traffic-related environmental impacts with the development provides appropriately for safe and efficient car parking and servicing.

## **Provision of Car parking/ On-site Loading and Unloading**

The accompanying Assessment of Traffic and Parking Implications report addresses car parking, access, internal circulation and servicing and reaches the following conclusions:

*The traffic, transport and parking assessment provided in this report confirms that:*

- *the traffic generation of the proposed development will not present any adverse traffic implications and traffic-related environmental impacts*
- *the proposed parking provision will be adequate*
- *the vehicle accesses on the internal road access will be suitable and appropriate*
- *the proposed internal circulation and servicing arrangements will be in accordance with the current AS2890.1, 2 and 6 design standards*
- *the proposed servicing arrangements are suitable.*

## **Landfill**

In accordance with Clause 77 landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.

No fill is proposed to accommodate the proposed development.

## **Management of Stormwater**

All stormwater will be disposed of the to the previously approved drainage system as depicted in plans prepared by ACOR Consultants.

## **Erosion and Sedimentation**

Pursuant to clause 78 development will be sited and designed, and construction works are to be carried out so as to minimise any potential for soil erosion.

Appropriate erosion and sedimentation measures will be adopted as detailed on the accompanying engineering plans.

### **Residential Amenity Impact**

It is considered that the proposed use will not give rise to any unacceptable amenity impacts on any residential property as detailed previously in this report.

#### **4.6 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

##### **4.6.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

The same land use with similar building typology and environmental outcomes has previously been approved on the subject site and as such found to be consistent with the DFC. The expansion of this approved development utilises a majority of the previously approved infrastructure without compromising the enhanced environmental and land use outcomes afforded through approval of the previous application which required the cessation of the long established waste management land use operating on the site.

As described elsewhere in this report, we consider the proposed development to be appropriately described as a low intensity and low impact use consistent with the DFC of the B2 Oxford Falls Valley Locality.

The proposed use complies with the relevant general principles of development control established by this plan as detailed within this report. The measures identified within the accompanying reports to mitigate existing and likely/potential environmental impacts will ensure that the proposed development will not give rise to any unacceptable or unmanageable environmental impacts. As such it can be demonstrated the site is suitable for the development proposed.

The proposed development provides for environmental sustainability and the proper management of stormwater, drainage and bushland on and adjoining the site and the maintenance of the water and bushland quality of the catchment overall.

The proposal provides for the orderly and economic use and development of the land and in doing so meets a clear demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally.

**4.6.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.**

*Context and Setting*

i) *What is the relationship to the region and local context on terms of:*

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

ii) *What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

### *Access, transport and traffic*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

It is considered that the development provides adequate car parking facilities and will not significantly increase traffic generation.

### *Public domain*

The proposed development will have no additional impact on the public domain (ie roads, parks etc.).

### *Utilities*

Existing utility services will adequately service the development with connection available to sewer.

### *Waste collection*

Normal industrial waste collection applies to this development.

### *Natural hazards*

The site is bushfire prone. This matter has been addressed in detail in the report.

### *Economic impact in the locality*

The development will generate employment during construction and post occupation. A positive economic impact will result from the proposed development.



### *Site design and internal design*

*i) Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants. The development is capable of complying with the BCA.

### *Construction*

*i) What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **4.6.3 The suitability of the site for the development.**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The development does not lead to an unmanageable transport demand. Public transport is available within proximity of the site however is unlikely to be used to any significant extent given the nature of the proposed use.

*Are the site attributes conducive to development?*

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development.

#### **4.6.4 Any submissions received in accordance with this Act or the regulations.**

It is envisaged that Council will appropriately consider any submissions received.

#### **4.6.5 The public interest.**

It is considered that the development is sensitive to both the natural and built environments and is consistent with the general principles, desired future character and built form controls. The development would not be contrary to the public interest.

## 5.0 CONCLUSION

The same land use with similar building typology and environmental outcomes has previously been approved on the subject site and as such found to be consistent with the DFC. The expansion of this approved development utilises a majority of the previously approved infrastructure without compromising the enhanced environmental and land use outcomes afforded through approval of the previous application which required the cessation of the long established waste management land use operating on the site.

The buildings will maintain complimentary and compatible 3 storey stepped building forms the location of which will not result in any unacceptable visual, solar access or general amenity impacts on the adjoining properties. Further, the building forms are not located on the ridgetop or in a location that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway. The proposal preserves the bushland located above the escarpment on the southern portion of the site with development generally confined to the previously disturbed areas.

The proposed use complies with the relevant general principles of development control established by this plan as detailed within this report. The measures identified within the accompanying reports to mitigate existing and likely/ potential environmental impacts will ensure that the proposed development will not give rise to any unacceptable or unmanageable environmental impacts. As such it can be demonstrated the site is suitable for the development proposed.

The proposed development provides for environmental sustainability and the proper management of stormwater, drainage and bushland on and adjoining the site and the maintenance of the water and bushland quality of the catchment overall. The proposal provides for the orderly and economic use and development of the land and in doing so meets a clear demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally.

We consider the proposed development to be appropriately described as a low intensity and low impact use consistent with the DFC of the B2 Oxford Falls Valley Locality.

The proposed development succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended and it is therefore my opinion that the application should be granted development consent.

**Boston Blyth Fleming Pty Limited**

A handwritten signature in black ink, appearing to read 'Greg Boston', is written over a horizontal line.

**Greg Boston**  
B Urb & Reg Plan (UNE) MPIA  
**Director**