

8 September 2021

Ray Brownlee
Chief Executive Officer
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Steven Findlay, Manager Development Assessment

Dear Mr Brownlee

SECTION 4.55(1A) MODIFICATION APPLICATION TO MODIFY DEVELOPMENT CONSENT DA2021/0385 FOR INTERNAL ALTERATIONS AND ADDITIONS TO THE EXISTING WAREHOUSE AND ANCILLARY OFFICE UNITS 17 & 18, LOT 100 MEATWORKS AVENUE, OXFORD FALLS (LOT 100 DP1023183)

We submit this S4.55(1A) Modification Application to the Northern Beaches Council (Council) to modify the approved internal office configuration at No. Lot 100 Meatworks Avenue, Oxford Falls, identified as Lot 100 DP 1023183 (subject site). This S4.55(1A) Modification Application has been prepared on behalf of the owner of Units 17 and 18, by Milestone (AUST) Pty Limited (Milestone).

Upon further design development, a reconfiguration of the approved internal floor plan on the ground floor is required to provide a more viable office layout. The modified development seeks to flip the approved ancillary office located in Unit 18 to Unit 17.

Included in this S4.55(1A) Modification Application are the following:

- Land owner's consent to lodge S4.55(1A) Modification Application and current ASIC company extract.
- Revised Architectural Plans prepared by Strutt Studios, dated 29 June 2021 including:
 - Cover Sheet, Drawing No. A000, Issue D.
 - Proposed Ground Floor Plan, Drawing No. A090, Issue G.
- This Statement of Environmental Effects prepared by Milestone.

This report provides an overview of the subject site and its context, a detailed description of the proposed modified development, the planning framework and an environmental assessment of the development.

STATEMENT OF ENVIRONMENTAL EFFECTS

1 THE SITE AND BACKGROUND

1.1 Site Description

The subject site (site) is located within the overall business park site known as No. Lot 100 Meatworks Avenue, Oxford Falls, legally described as Lot 100 DP 1023183. The site is an irregularly shaped allotment with an area of 3.412ha. Contained within the site is a warehouse building, which forms part of 'The Crest' at Oxford Falls Business and Industrial Park Estate.

The extent of the modified development is limited to the internal fitout of Building F, units 17 and 18, shown in **Figure 1**.

The site is not listed as a heritage item nor is the site located within a heritage conservation area under the Warringah Local Environmental Plan 2000 (LEP 2000).

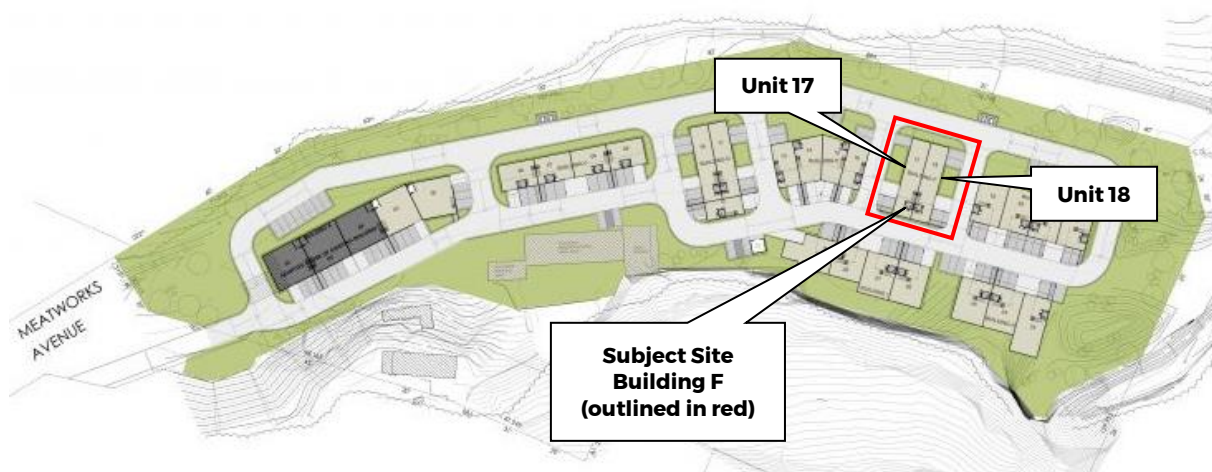


Figure 2: Approved Existing Site Plan under DA2021/0385, prepared by Strutt Studio; Unit 17 and 18 (outlined in red)

1.2 Background

On 21 June 2021, Northern Beaches Council granted Development Consent DA2021/0385 for “alterations and additions to a warehouse and ancillary office” for Units 17 and 18 at Lot 100 Meatworks Avenue, Oxford Falls.

Whilst the modified development is capable of being carried out as a Complying Development, the subject site is located within a bush fire prone land, in bush fire attack level-40 (BAL-40), where complying developments are prohibited in accordance with Part 1, Division 2, Clause 1.19A of the Codes SEPP.

2 PROPOSED MODIFICATION

2.1 Overview

The modified development seeks to flip the approved ancillary office located on the ground floor level of Unit 18 to Unit 17 only. The approved area of ancillary office use of 13m² remains unchanged.

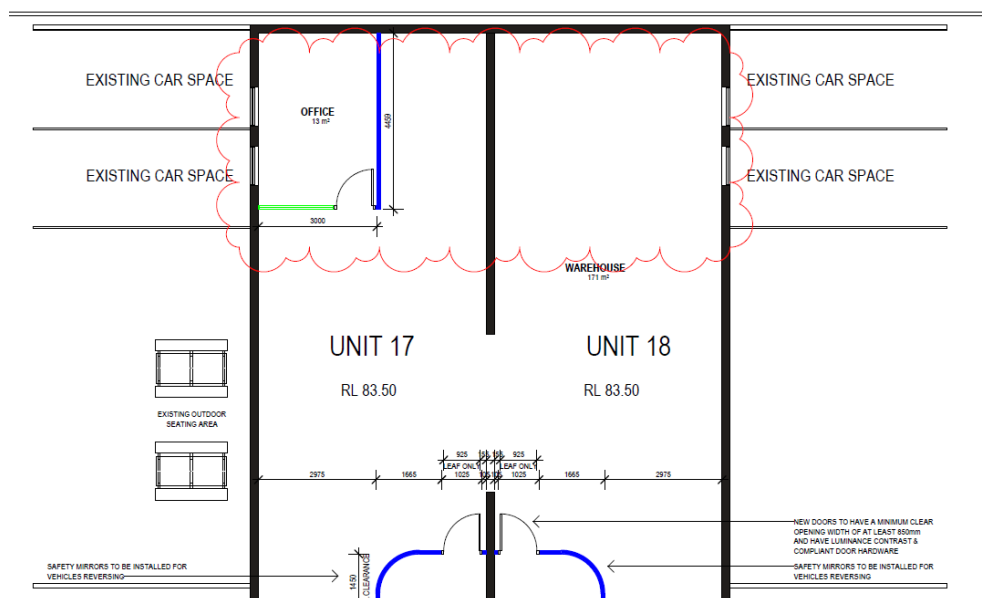


Figure 5: Proposed Ground Floor Plan, Drawing No. A090, Issue G, dated 29 June 2021
Source: Strutt Studios

The revision to location of the office on the ground floor is clouded in red and show on the submitted revised Proposed Ground Floor Plans prepared by Strutt Studios, Drawing No. A090, Issue G, dated 29 June 2021.

2.2 Revision of Conditions of Development Consent

This Section 4.55(1A) Modification Application requires revision to Condition No.1 of the Development Consent No. DA2021/0385.

Condition No.1

Condition No.1 relates to the approved plans and supplementary documentation and to reflect the amended plans, Condition No.1 is proposed to be revised as follows:

Architectural Plans – Endorsed with Council’s Stamp		
Drawing No.	Dated	Prepared by
A040 (Issue B) - Existing Site Plan	19 March 2021	Strutt Studios
A054 (Issue A) - Existing Elevations	19 March 2021	Strutt Studios
A070 (Issue A) - Ground – Demolition Floor Plan	19 March 2021	Strutt Studios
A071 (Issue B) - Mezzanine – Demolition Floor Plan	19 March 2021	Strutt Studios
A072 (Issue B) - Demolition Section	19 March 2021	Strutt Studios
A090 (Issue F) – Ground Proposed Floor Plan A090 (Issue G) Ground Proposed Floor Plan	19 March 2021 Xx June 2021	Strutt Studios
A091 (Issue F) - Mezzanine Proposed Floor Plan	19 March 2021	Strutt Studios
A092 (Issue B) - Proposed Section	19 March 2021	Strutt Studios

3 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

3.1 Environmental Planning Instruments

This proposal constitutes assessment under Section 4.55(1A) of the Act and Council can modify the consent where:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (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 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”*

The modified development would result in substantially the same development as approved by under Development Consent No. DA2021/0385 for “*alterations and additions to a warehouse and ancillary office*”.

The modified development does not alter the approved use of the subject site as a warehouse and ancillary office and seeks to revise the approved configuration of the office layout of the ground floor level only. In this regard, the proposed modification is of minimal environmental impact and results in substantially the same development as previously approved and is consistent with the provisions of S4.55(1A) of the Act.

3.1.1 Warringah Local Environmental Plan 2011 (LEP 2011)

The site is located within the B2 Oxford Falls Valley locality under Warringah Local Environmental Plan 2000 (LEP 2000). The modified development is classified as Category Three development in the B2 Locality. Accordingly, the LEP 2011 and DCP 2011 do not apply to this site.

3.1.2 Warringah Local Environmental Plan 2000 (LEP 2000)

A detailed assessment against the relevant sections of LEP 2000 has been provided within the Statement of Environmental Effects, prepared by Milestone dated 1 April 2021 and within Council Assessment Report relating to Development Application DA2021/0385. The Statement of Environmental Effects concluded that the proposed development under DA No. DA2021/0385 satisfied relevant clauses within LEP 2000, including Schedule 15 of LEP 2000.

The modified development is of a minor nature and seeks to reconfigure the approved office layout on the Ground Floor Level, limited to the interior of Building F. The modified development does not alter the existing approved use of the site as a warehouse/ industrial and ancillary office nor the approved number of car parking spaces and the Gross Floor Area. Therefore, the modified development remains consistent with the relevant objectives and desired future character of the B2 Oxford Falls Locality.

4 Section 4.15(1) of the Environmental Planning and Assessment Act 1979

Section 4.15(1) of the Act requires the following matters be considered in the assessment of the proposed development.

4.1.1 Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality.

The modified development seeks to flip the approved ancillary office located on the ground floor level of Unit 18 to Unit 17 only. The modified development is of a minor nature and is limited to the interior of Building F and does not result in any external changes to the existing warehouse building. On this basis, the modified development results in acceptable environmental, built, social and economic impact on the locality.

4.1.2 Suitability of the Site for the Development

The suitability of the site for industrial and business uses, warehouse with ancillary office, has been established within the Development Consent DA2021/0385.

4.1.3 Any submissions made in accordance with the Act or Regulation

In accordance with Council's Advertising and Notification provisions outlined in the Northern Beaches Community Participation Plan, the modified development is not required to be public notified.

4.1.4 The Public Interest

The modified development is limited to the interior of the existing warehouse units and maintains the low intensity of the use in the B2 Oxford Falls Valley locality. The modified development will continue to promote economic growth and activate the vacant warehouse units within the Crest Industrial and Business Estate which is in the public interest.

5 CONCLUSION

This S4.55(1A) Modification Application seeks to revise Condition No.1 of Development Consent No. DA2021/0385 to facilitate minor reconfiguration of the internal office layout on the Ground Floor Level of the existing warehouse units 17 and 18 at Lot 100 Meatworks Avenue, Oxford Falls. The modified development does not alter the existing approved use of the site as a warehouse/ industrial and ancillary office nor the approved number of car parking spaces and the Gross Floor Area.

Based on the conclusions of the assessment undertaken, and in the absence of any significant adverse environmental, social or economic impacts Council's approval of the modified design of the approved warehouse and ancillary office of Units 17 and 18 at Lot 100 Meatworks Avenue, Oxford Falls is sought.

Should you require further clarification regarding this matter, please do not hesitate to contact the undersigned.

Yours sincerely
Milestone (AUST) Pty Limited



Isabella Araullo
Assistant Planner



Hayley Tasdarian
Associate Planner