

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	MOD2021/0714
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 100 DP 1023183, Meatworks Avenue, Oxford Falls
Proposed Development	Alterations and additions to a warehouse and ancillary office
Locality:	B2 Oxford Falls Valley - WLEP 2000
Category of Development:	Category 3 (warehouse)
Consent Authority:	Northern Beaches Council
Land and Environment Court:	No
Owner:	The Crest Joint Venture
Applicant:	Milestone (AUST) Pty Ltd
Application Lodged:	10 September 2021
Integrated Development	No
Designated Development:	No
Notified:	22 September 2021 – 11 October 2021
Submission Received:	nil
Clause 20 Variation:	nil
Recommendation:	Approval
Estimated Cost of Works:	\$47,239.50 (Original DA)

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to modify the development consent (DA2021/0385) for alterations and additions to the existing warehouse and ancillary office, with the works specifically being confined to Units 17 and 18.

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.

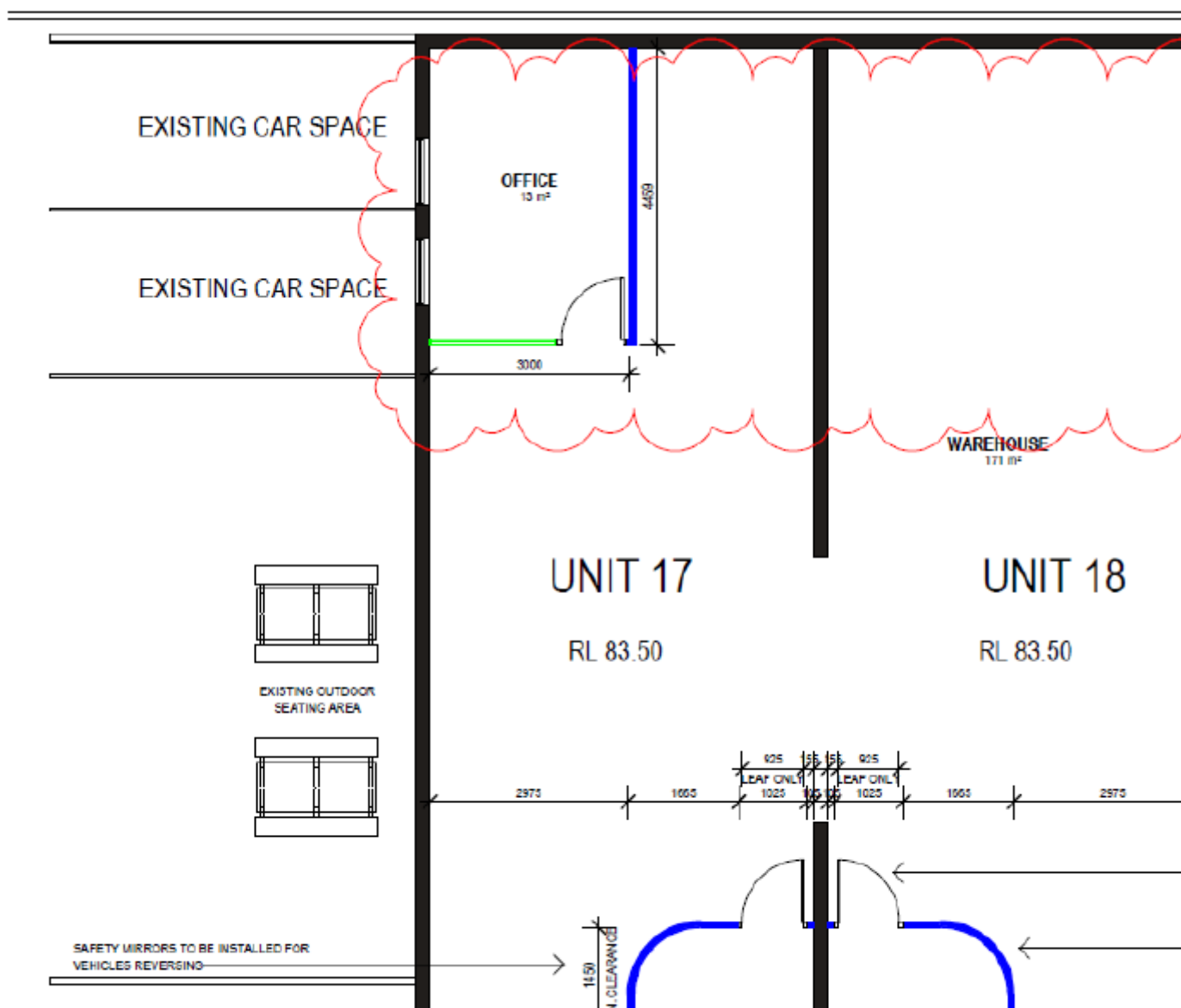


Figure 5: Proposed Ground Floor Plan, Drawing No. A090, Issue C
Source: Strutt Studios

Land Use

- The use of the premises maintains consistency with the WLEP 2000 'warehouse' definition. The amalgamated unit will be used to store skin care products used for distribution to skin care clinics. No manufacturing will occur within the subject warehouse.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and

Assessment Act 1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SITE DESCRIPTION

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

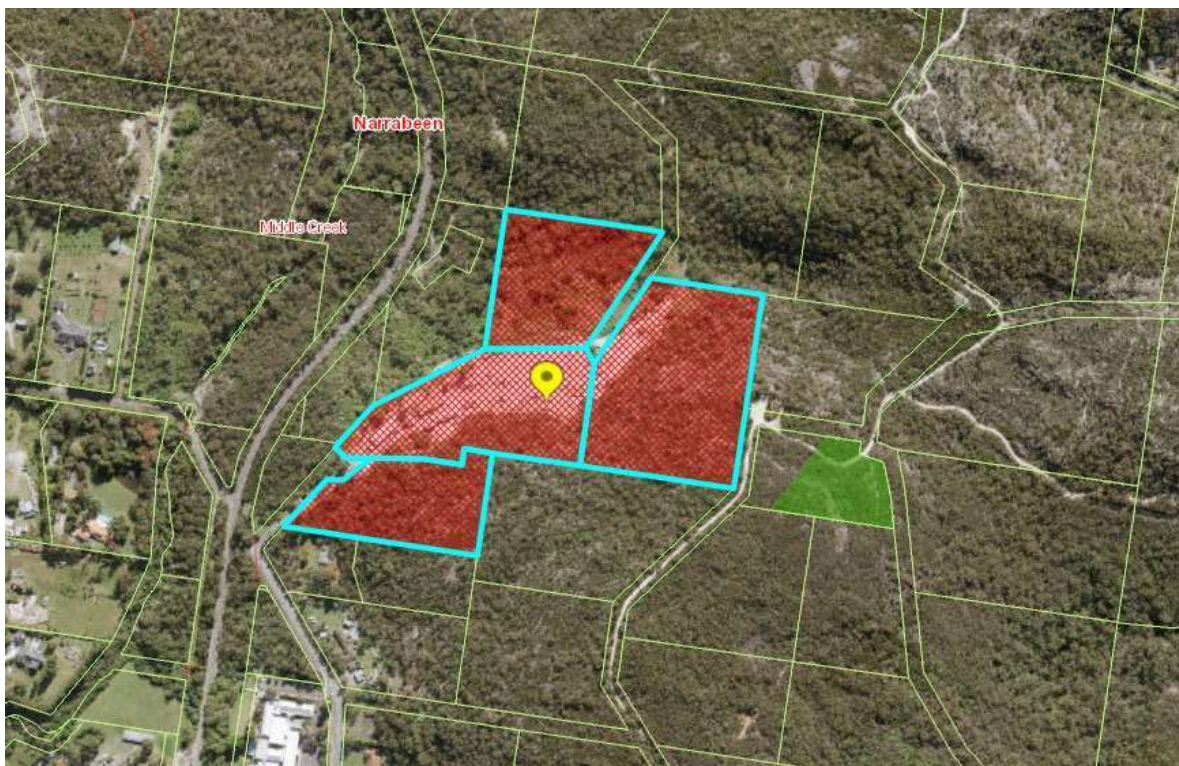


Figure 1 - Site Map

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

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

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

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

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

Site History

2013 Court Approval (DA2011/0985)

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

Development Application DA2019/1340

Development Application DA2019/1340 for demolition works and construction of additions to an approved industrial and warehouse development refused by the Northern Beaches Local Planning Panel on 22 May 2020. This application was subject to an appeal in the NSW Land and Environment Court, which was upheld with amended plans. The consent was issued on 26 March 2021.

Development Application DA2021/0385

Development Application DA2021/0385 for alterations and additions to a warehouse and ancillary office was approved under delegation on 21 June 2021.

Modification Application MOD2021/624

Modification Application MOD2021/0385 for Modification of Development Consent DA2011/0985 granted for demolition works and construction of a light industrial/warehouse and office development still under assessment.

DEVELOPMENT APPLICATION HISTORY

The Assessment Officer undertook a site visit at the subject site on 22 October 2021.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant matters for consideration of the Environmental Planning and Assessment Act 1979 are:

Section 4.55(1A) EPA ACT 1979	
Section 4.55(1A) (a) – Is the Modification to consent of Minimal Environmental	Yes, the proposed modifications are internal

impact?	works and have no impact on surrounding lands/properties.
Section 4.55(1A) (b) – Would the consent as proposed to be modified be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was previously modified?	Yes, the proposed modification is considered the same development as original approved.
Section 4.55(1A) (c) & (d) – Has the application been on Public Exhibition? Have you considered any submissions?	Yes the application has been on Public Exhibition and no submissions received.
Section 4.55(3) – Have you considered such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application	Yes, all matters have been considered.

Section 4.15 'Matters for Consideration'	Comments
in accordance with the EP&A Act or EP&A Regulation	the Northern Beaches Community Participation Plan. Following the public exhibition period, no submissions were received.
Section 4.15 (1) (e) – The public interest	The public interest has been considered as part of the application process. Overall, the public interest is best served by the consistent application of the requirements of the relevant planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised and/or managed. The proposal has been assessed against the provisions of the relevant planning controls and is found to be acceptable. On this basis, the proposal is considered to be in the public interest.

EXISTING USE RIGHTS

Existing Use Rights do not apply 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 the relevant Northern Beaches Community Participation Plan. No submissions were received.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	Supported The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development. Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage. The proposal is therefore supported.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Contaminated Lands establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The requirement of SEPP 55 was addressed at the granting of Development Consent for the industrial warehouse units on the site.

The application was also referred to Council's Environmental Health Officer who has reviewed the report and raised no objection to the proposal.

Accordingly, the requirements of the SEPP have been satisfied and the land can be made suitable for the purpose for which the development is proposed to be carried out.

Warringah Local Environmental Plan 2011 (WLEP 2011)

The B2 Oxford Falls Valley locality (which cover the land subject to this Application) under the WLEP 2000 were proposed to be zoned E3 Environmental Management in the draft 2009 version of Warringah's standard instrument. This was based on a detailed translation methodology that was applied to all land within the former Warringah LGA.

In December 2011, the Minister for Planning, Industry and Environment *deferred* land in the Oxford Falls Valley and Belrose North areas from the Warringah Local Environmental Plan 2011 (WLEP 2011) in response to stakeholder concern regarding the adequacy of consultation during the preparation of WLEP 2011.

Accordingly, WLEP 2011 and the current Warringah Development Control Plan 2011 do not apply to this application.

Warringah Local Environmental Plan 2000 (WLEP 2000)

Desired Future Character

WLEP 2000 applies to the subject land and the DA is made pursuant to this instrument. Under WLEP 2000, the subject site is located within the B2 Oxford Falls Valley Locality and the

proposed development, being development for the purposes of industrial/warehouse, is classified as a Category 3 Development.

Pursuant to clause 12 of WLEP 2000, before granting consent for development, the consent authority must be satisfied that the development is consistent with any relevant General Principles of Development Control in Part 4 of WLEP 2000, and any relevant State Environmental Planning Policy described in Schedule 5 (State Policies).

Furthermore, clause 12 indicates that before granting consent for development, the consent authority must be satisfied that the development will comply with the relevant requirements made by Parts 2 and 3, and the development standards for the development set out in the Locality Statement for the locality in which the development will be carried out.

Finally, clause 12 states that before granting consent for development classified as Category Two or Three, the consent authority must be satisfied that the development is consistent with the Desired Future Character (DFC) described in the relevant Locality Statement.

The DFC statement for the B2 locality states as follows:

B2 Oxford Falls Valley Locality

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

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

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

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

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

Each element of the desired future character statement is discussed below as follows:

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

Comment:

The proposed development pertains to alterations and additions to an approved industrial/warehouse development at the subject site. The works do not alter the approved land use or the approved operational requirements of the development. In this regard, Council is satisfied that the proposed development will not alter the present character of the Oxford Falls Valley locality.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new

development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

Comment:

The proposed development comprises the amalgamation of two industrial/warehouse units and associated fit out works to an existing approved development. The use of the proposal will maintain consistency with the operational requirements imposed under Development Consent DA2011/0985 and DA2021/0385, with conditions imposed to ensure this. In this regard, the proposed development will not intensify the current approved industrial/warehouse development on the subject site. The physical works are confined to the internal building footprint and will not be visible from Narrabeen Lagoon or 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.

Comment:

The physical works are confined to the internal building footprint and will not alter the external appearance of the existing industrial/warehouse units.

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

Comment:

The works are confined to the existing building footprint and do not result in a reduction of landscaping on the subject site.

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

Comment:

The proposed land use will remain consistent with the previously approved development and the internal works will not create siltation or pollution of Narrabeen Lagoon and its catchment.

Concluding Remarks

Having regard to the above assessment, it is concluded that the proposed development is consistent with the desired future character statement of the Oxford Falls Valley locality.

“Clause 16 How is existing Category Three development dealt with?

(1) In this clause, existing Category Three development means development classified as Category Three that could have been lawfully carried out immediately before it became so classified, including development that could have been lawfully carried out at that time because it was an existing use, as defined in section 106 of the Act.

(2) Development applications for existing Category Three development consisting of—

(a) alterations or additions to, or the rebuilding of, a building, or

(b) the expansion or intensification of existing Category Three development, which, in the opinion of the consent authority, is of a minor nature and does not, to any significant extent, change the scale, size or degree of any building or land use, may be granted consent even if the development is not consistent with the desired future character of the locality.

(3) The provisions of clauses 14 and 15 do not apply to such applications.”

Comment: The proposed internal modifications are considered minor and do not change the extent, scale or degree of the building or the approved use. It is deemed that this application is not required to

be determined by the Northern Beaches Local Planning Panel and/or Development Determination Panel and can be determined under delegation.

Built Form Controls for Locality B2 Oxford Falls Valley

The proposed alterations and additions do not alter the height and footprint of the approved warehouse/industrial development on the subject site. Therefore, there are no applicable built form controls for the proposed development.

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

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

General Principles	Applies	Comments	Complies
CL38 Glare & reflection	No	No Comment	Not Applicable
CL39 Local retail centres	No	The site is not located within a Local Retail Centre.	Not Applicable
CL40 Housing for Older People and People with Disabilities	No	No Comment	Not Applicable
CL41 Brothels	No	No comment	Not Applicable
CL42 Construction Sites	Yes	Conditions imposed with the original consent will limit impacts from construction works.	Yes
CL43 Noise	Yes	The proposal will maintain the approved warehouse/industrial land use for the site. Council's Environmental Health Officer has also reviewed the proposal and found the development to be acceptable. Therefore, Council is satisfied that the proposal is consistent with Clause 43 of the WLEP 2000.	Yes
CL44 Pollutants	Yes	Council's Environmental Health Officer has reviewed the previous development application (proposal) and found it to be acceptable in this regard.	Yes
CL45 Hazardous Uses	No	No Comment	Not Applicable
CL46 Radiation Emission Levels	No	No Comment	Not Applicable
CL47 Flood Affected Land	No	The site is not located within, or near to, any identified flood affected land.	Not Applicable
CL48 Potentially Contaminated Land	Yes	The requirements of Clause 48 have been addressed under 'State Environmental Planning Policy No.55 – Remediation of Land'in this report.	Yes
CL49 Remediation of Contaminated Land	No	No Comment	Not Applicable
CL49a Acid Sulfate Soils	No	The site is not located within, or near to, any land categorised as containing acid sulphatesoil.	Not Applicable
CL50 Safety & Security	Yes	The proposed development will provide adequate surveillance. Accordingly, the proposed development is considered to be consistent with the requirements of Clause 50.	Yes
CL51 Front Fences and Walls	No	No front fence is proposed.	Not Applicable

CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	Clause 52 requires that Development adjacent to parks, bushland reserves and other public spaces, including land reserved for public open space, it to complement the landscape character and public use and enjoyment of that land. The subject site adjoins Middle Creek Reserve (No. 2 Wakehurst Parkway) to the north of the subject site. The proposal will provide adequate separation of the site from the surrounding public open space. The proposal is therefore considered to satisfy the requirements of Clause 52.	Yes
CL53 Signs	No	No signage is proposed as part of this application. A condition can be included in the consent if the application was recommended for approval to require a separate development application to be lodged for signage where required under the provisions of WLEP 2000.	Not Applicable
CL54 Provision and Location of Utility Services	No	No Comment	Not Applicable
CL55 Site Consolidation in 'Medium Density Areas'	No	No Comment	Not Applicable
CL56 Retaining Unique Environmental Features on Site & CL58 Protection of Existing Flora	Yes	The proposal includes alterations and additions to the approved industrial/warehouse development do not impact upon the natural environment.	Yes
CL57 Development on Sloping Land	No	Not Comment	Not Applicable
CL59 Koala Habitat Protection	Yes	There no koala activities identified on site and therefore the proposed development is consistent with the requirement of this Clause.	Yes
CL60 Watercourses & Aquatic Habitats	Yes	The works are confined to the approved building and will not have an adverse impact upon watercourses and aquatic habitat	Yes
CL61 Views	Yes	The fit out works do not alter the height or footprint of the approved development and therefore, will not give rise to unreasonable view impacts.	Yes
CL62 Access to sunlight	Yes	Given the location of the subject site, the proposed development will achieve compliance with the requirement of this Clause.	Yes
CL63 Landscaped Open Space	Yes	The proposal does not alter the landscaped open space on the site.	Yes
CL63A Rear Building Setback	Yes	The proposal does not alter the approved rear building line.	Yes
General Principles	Applies	Comments	Complies
CL64 Private open space	No	No comment	Not Applicable
CL65 Privacy	Yes	Given the proximity and use of the adjoining lands from the proposed development no adverse privacy impacts will result from the proposed development.	Yes
CL66 Building bulk	Yes	The works do not exacerbate the bulk of the approved structures.	Yes

CL67 Roofs	No	No comment	Not Applicable
CL68 Conservation of Energy and Water	No	No comment	Not Applicable
CL69 Accessibility – Public and Semi-Public Buildings	Yes	Council's Fire and Accessibly Officer has reviewed the proposal and found it to be acceptable in this regard.	Yes
CL70 Site facilities	No	No comment	Not Applicable
CL71 Parking facilities (visual impact)	No	No comment	Not Applicable
CL72 Traffic access & safety	Yes	Clause 72 requires that vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located on such a way to minimize: • <i>Traffic hazards, and</i> • <i>Vehicles queuing on public roads, and</i> • <i>The number of crossing places to a street, and</i> • <i>Traffic and pedestrian conflict, and</i> • <i>Interference with public transport facilities.</i> Council's Traffic Engineer has reviewed the proposal and has indicated that the development is acceptable in this regard.	Yes
CL73 On-site Loading and Unloading	Yes	Council's Traffic Engineer has reviewed the proposal and has indicated that the development is acceptable in this regard.	Yes
CL74 Provision of Car parking	Yes	The parking rate for the proposal is 1.5sqm per 100sqm of floor space. Applying this principle requires a total of 7 spaces. The proposal contains 6 parking spaces, which results in a shortfall of 1 space. Despite this, Council's Traffic Engineer has reviewed the previous development application (proposal) and is supportive of the 1 shortfall in parking spaces.	Yes (satisfactory on merit)
CL75 Design of Carparking Areas	No	No comment	Not Applicable
CL76 Management of Stormwater	Yes	The works do not increase additional stormwater loading.	Yes
General Principles	Applies	Comments	Complies
CL77 Landfill	Yes	No landfill is proposed as part of the proposed development and therefore the requirement of this Clause is achieved.	Yes
CL78 Erosion & Sedimentation	No	No comment	Not Applicable
CL79 Heritage Control	No	No Comment	Not Applicable
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	No Comment	Not Applicable

CL81 Notice to Heritage Council	No	No Comment	Not Applicable
CL82 Development in the Vicinity of Heritage Items	Yes	The adjoining land on the northwest of the subject site is identified as Conservation Area. The proposed development does not extend into the Conservation area and therefore, the proposal will have no impact upon the significance of the heritage conversation area. The proposed development is consistent with the requirement of this Clause.	Yes
CL83 Development of Known or Potential Archaeological Sites	Yes	The works are confined to the existing building footprint and will not have an adverse impact in this regard.	Yes

Schedule 8 - Site analysis

Adequate site analysis documentation has been submitted with this application.

Schedule 15 – Statement of Environmental Effects

Clause 15(1) of WLEP 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

The applicant has previously submitted a Statement of Environmental Effects (SEE) and an addendum to the SEE, prepared by Milestone (Aust) Pty Limited, which addresses Schedule 15 of the WLEP 2000 (this was lodged with the original Development Application (DA2021/0385).

Consideration	Proposed
(1) Summary of the Statement of Environmental Effects	The SEE has been submitted with the previous approved development application, as prepared by Milestone (Aust) Pty Limited. Comment: The SEE adequately addresses the proposal's consistency with all relevant planning controls.
(2) A Statement Indicating how the proposed development is consistent with the relevant desired future character statement and general principals of development control established by this plan.	The applicant has addressed the consistency of the proposal with the desired future character statements for the B2 Locality and the General Principles of Development Control. In summary, the applicant has concluded that the proposal is consistent with DFC statements for the B2 Locality and the development is also consistent with the General Principles as contained in Part of the WLEP 2000. Comment: As assessment of the proposal with all relevant controls in the WLEP 2000 is detailed within this report. The assessment has concluded that the proposed development is consistent with the desired future character statement of the B2 locality and the general principals of development control established by this plan.

(3) A statement of the objectives of the proposed development.	The applicant has advised that the primary objectives of the proposed development are to: <i>“The proposed development involves internal alterations and addition to the existing industrial warehouse Building F, which comprises two separate units 17 and 18, to facilitate additional storage and ancillary office needs of the new building occupants. The proposed development is to provide for the orderly and economic use and development of the land that meets the demand for industrial/ warehouse development in this locality and within the Northern Beaches LGA generally”.</i> Comment: The objectives of the development are considered to be adequately justified.
(4) An analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including – (a) The consequences of not carrying out the development, and (b) The reasons justifying the carrying out of the development.	The applicant has provided the following comments in response to this subclause: <i>“The consequence of not carrying out the development would be the loss of an opportunity to activate two vacant warehouse buildings with a well-designed development that is permissible within the B2 Oxford Falls Valley Locality and consistent with the Desired Future Character. The proposal will facilitate the storage and ancillary office needs of a business, which is consistent with the proposed use for the site as a warehouse with associated ancillary office”.</i> <i>“The proposed development utilises the previously approved infrastructure without compromising the enhanced environmental and land use outcomes afforded through approval of the previous application, Development Application No. DA/2011/0985”.</i> Comment: The applicant's justification for carrying out the development is adequate. Council's Assessment Officer concurs with this statement.
(5) An analysis of the development, including – (a) A full description of the development,	The applicant's SEE has adequately addressed the matters referred to in subclause (5).

and (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 (c) A general description of the likely impact on the environment of the development, having regard to – (i) The nature and extent of the development, and (ii) The nature and extent of any building or works associated with the development, and (iii) The way in which any such building will be erected in connection with the development, and (iv) Any rehabilitation measures to be undertaken in connection with the development, and (d) A full description of the measures proposed to mitigate any adverse effects on the development on the environment.	
(6) The reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.	The applicant's justification is provided below: <i>"The proposed development is limited to internal works and will result in an overall minimal impact on the environment. The proposal will have a positive economic impact by increasing employment opportunities within the area through new business in Northern Beaches Local Government Area as well as generating employment opportunities linked to the construction of the proposed development. The proposed development will activate the currently vacant tenancy with potential flow on impacts for the activation of the other vacant tenancies within the Crest Industrial and Business Estate. In accordance with the desired future character of B2 Oxford Falls Valley Locality, the proposed development will preserve the ecological values of the natural watercourse and will not result in any siltation or pollution of Narrabeen Lagoon or its catchment area and adhere to the relevant principles of ecologically sustainable development".</i> Comment: The applicant has adequately addressed the requirements set out in subclause (6).
(7) 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 applicant has noted as follows: <i>"The proposal seeks consent from Northern Beaches Local Planning Panel for the proposed minor internal demolition, alterations and</i>

	<i>additions of the existing warehouse units 17 and 18 to facilitate additional storage and ancillary office requirements. Based on the assessment of the proposal against relevant Environmental Planning Framework, the overall environmental impact is minimal and mitigation measures are not deemed necessary subject to standard conditions of Consent being imposed relevant to construction works, noting the warehouse use has already been established and deemed satisfactory. Therefore, no additional measures are required to mitigate any adverse effects of the development”.</i> Comment: The original Development Application (DA2021/0385) was sent to the NBLPP
(8) A list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.	The applicant has provided the following response: <i>“A final Occupation Certificate remains outstanding for the works approved under DA/2011/0985. The works approved under this development consent pertain to the two warehouses which are the subject of this application, DA/2021/0385. It is understood from the landowner of the development site that Occupation Certificate is expected in the next 1-2 weeks”.</i> Comment: Council's Assessment Officer notes that a Final Occupation Certificate is outstanding the works approved under DA2011/0985, which relate to the two units subject to this particular application. It is noted that the proposal does not alter the approved land use and operations requirements set out within Development Consent DA2011/0985. A previous condition was recommended with the previous consent requiring a Final Occupation Certificate to be issued for the works approved under DA2011/0985 prior to the issue of a Construction Certificate for the internal alterations proposed under this application. This will preclude the applicant from carrying out the works until a Final Occupation Certificate is issued for the parent application (DA2011/0985).

Schedule 17 – Car parking Provision

For further details please refer to 'Clause 74 Provision of car parking' in the General Principles of Development Control table in this report.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The original proposal (DA2021/0385) is not subject to the Section 7.12 Contributions Plan, given the cost of work equate to \$47,239.50.

CONCLUSION

has addressed the relevant planning and environmental issues and is a suitable and appropriate development for the site and locality.

The proposed development is assessed as being consistent with the desired future character statement for the B2 Oxford Falls Valley locality and the general principles of development control, as well as relevant SEPPs.

The assessment of this application concludes that the proposal has responded adequately to its context and the elements that make up the existing and Desired Future Character of the site and its locality under the B2 Locality of the WLEP 2000. For these reasons, the proposal is found to be appropriate and suitable development for the site, insofar as it is able to satisfactorily reconcile its impact on the site and the character of the Oxford Falls Valley locality.

RECOMMENDATION - APPROVAL

That Council as the consent authority:

APPROVE THE MODIFICATION TO THE DEVELOPMENT CONSENT subject to:

The following amended and additional conditions detailed within the associated notice of determination;

Insert Condition 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
A090 (Issue G) - Ground Proposed Floor Plan	29 June 2021	Strutt Studios

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

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

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

Signed



Phil Lane, Principal Planner

The application is determined on 4/11/2021, under the delegated authority of:

A handwritten signature in blue ink, appearing to read 'RP', is positioned above the name Rodney Piggott.

Rodney Piggott, Manager Development Assessments