

**NORTHERN BEACHES COUNCIL**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**DEVELOPMENT APPLICATION FOR FIT-OUT AND USE AS AN INDOOR  
RECREATION FACILITY INCLUDING ANCILLARY LICENSED FOOD AND  
DRINKS PREMISES**

**PLANET MINO WARRINGAH MALL  
SHOP 1272/3 145 OLD PITTWATER ROAD BROOKVALE NSW 2100**

**Prepared by Platinum Planning Solutions**

**ABN:** 48 623 623 997

**E:** [contact@platinumplanning.com.au](mailto:contact@platinumplanning.com.au)

**W:** [www.platinumplanning.com.au](http://www.platinumplanning.com.au)

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#### SITE DETAILS

<b>Address</b>	Shop 1272/3 145 Old Pittwater Road Brookvale NSW 2100
<b>Lot on Plan</b>	103/-/DP1247294
<b>Local Authority</b>	Northern Beaches Council
<b>Local Environmental Plan</b>	Warringah Local Environmental Plan 2011
<b>Development Control Plan</b>	Warringah Development Control Plan 2011
<b>Zone</b>	B3 Commercial Core
<b>Overlays</b>	Landslide Risk Land (Area A – Slope <5, Area B – Franking Slopes 5 to 25), Lot Size (4000m <sup>2</sup> ) Local Aboriginal Land Council (Metropolitan), Height of Building (11m), Acid Sulfate Soils (Class 5, Class 4)

#### DEVELOPMENT PROPOSAL DETAILS

<b>Level of Assessment</b>	Permitted with consent
<b>Proposal Summary</b>	Fit-out and use as an indoor recreation facility including ancillary licensed food and drinks premises
<b>Assessment Controls</b>	Warringah Local Environmental Plan 2011, Warringah Development Control Plan 2011
<b>Applicant</b>	Mino Entertainment Pty Ltd C/- Platinum Planning Solutions

#### REVISION DETAILS

<b>Version</b>	1.1
<b>Prepared by</b>	James Connolly (BUrbanEnvPlan, GCHM, MPIA)
<b>Signed</b>	
<b>Date</b>	3/02/2022

## **1.0 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Mino Entertainment Pty Ltd (the applicant) to accompany a development application to Northern Beaches Council over land located at 145 Old Pittwater Road Brookvale (the subject site).

The development application seeks development consent for the fit-out and use of Shop 1272/3 as an indoor recreation facility including ancillary licensed food and drinks premises

This SEE provides the following:

- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of the planning considerations relevant to the proposed development.

The proposed works are seen to be consistent with the envisioned use of the site as a commercial premises and is seen to be a positive addition to the building and area as a whole. This Statement of Environmental Effects is to be read in conjunction with the attached plans, elevations, and supporting documents.

## **2.0 SITE DESCRIPTION AND CONTEXT**

### **2.1 Subject Site**

The subject site is located at 145 Old Pittwater Road and is formally described as Lot 103 on DP1247294. The subject site is oddly shaped with an area of approximately 170831m<sup>2</sup> and is improved by a large commercial shopping centre known as Westfield Warringah Mall which comprises over 3560 tenancies across approximately 1300m<sup>2</sup> of leasable floor area. The site has frontages to Pittwater Road, Old Pittwater Road, Condamine Street and Cross Street. The surrounding land uses consists of predominately commercial style retail and business premises in the surrounding zoning, with a number of residential premises in the greater vicinity. The location of the site is indicated below in Figure 1 to 2 respectively.



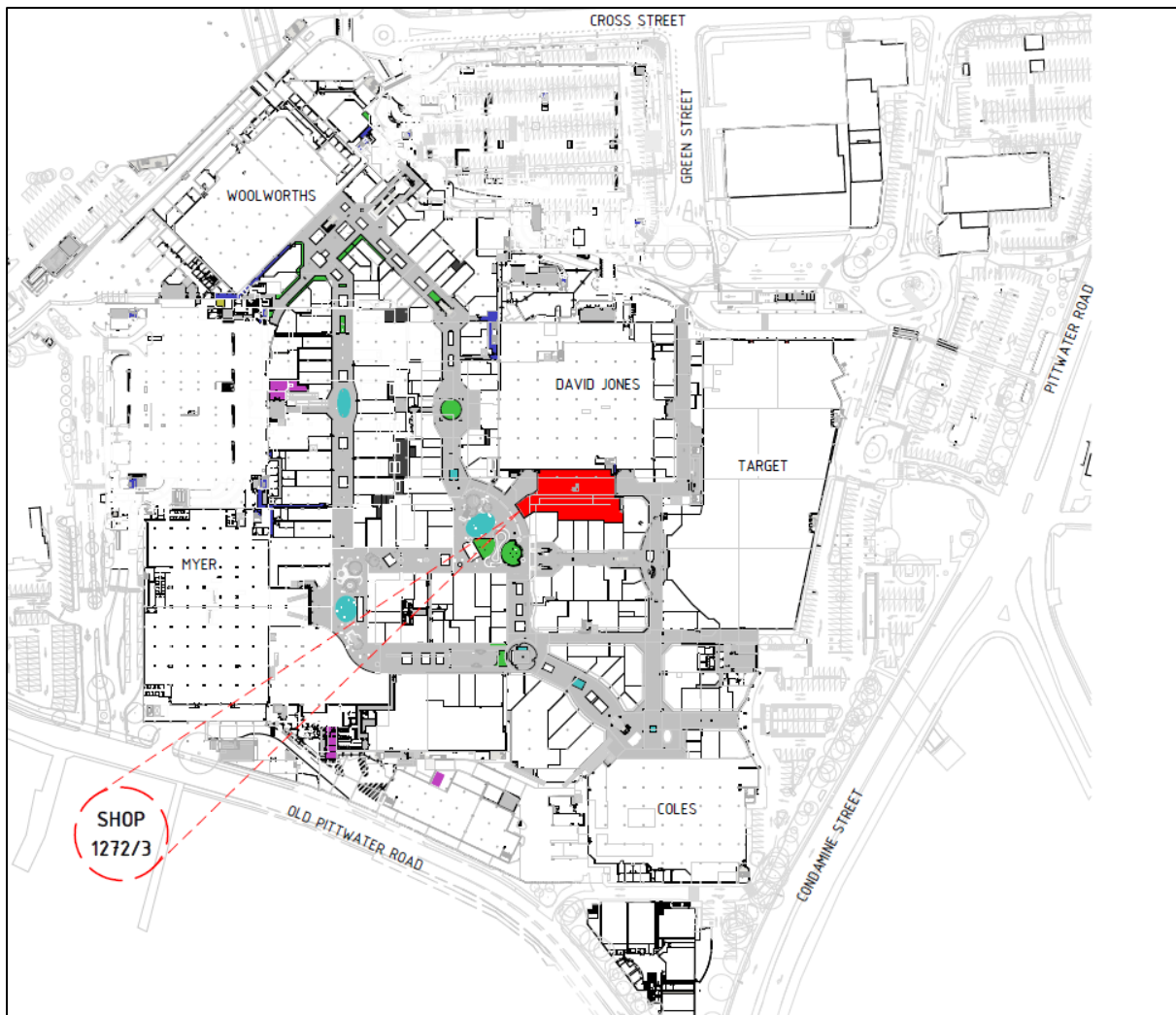
**Figure 1: Subject Site Location**



**Figure 2: Subject Site Location**

## **2.2 Subject Tenancy**

The subject tenancy (Shop 1272/3) is located on the retail ground level, and has recently been reconfigured. The tenancy has previously been used as a shop (City Beach) and has a floor area of approximately 963.1m<sup>2</sup>. As confirmed with Scenre Group, the hours of operation were as per the standard centre opening times that vary occasionally but are generally Mon, Tues, Wed, Fri, Sat, Sun 9am-5.30pm with Thursday 9am-9pm. The location of the tenancy is indicated below in Figure 3.



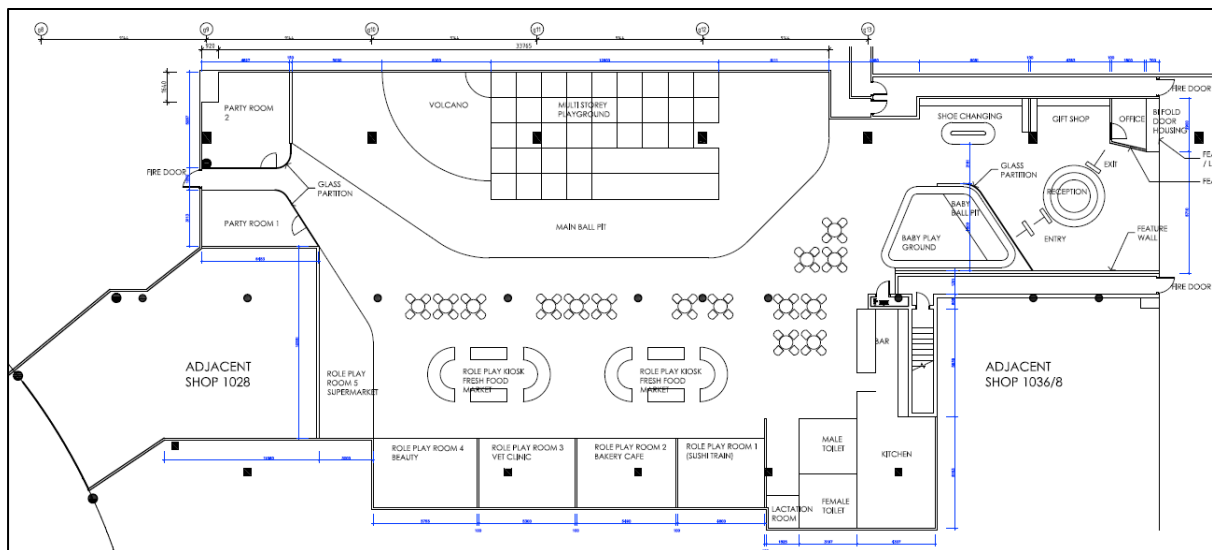
**Figure 3: Subject Tenancy Location**

### 3.0 PROPOSED DEVELOPMENT

The aspects of the proposed development are as follows, as per the attached proposed plans and elevations:

Aspect	Details
Use	<ul style="list-style-type: none"> <li>Use as an indoor recreation facility with ancillary licensed food and drinks premises with the following operating details: <ul style="list-style-type: none"> <li>Trading Hours: 9AM to 530PM Monday to Wednesday, 9AM to 830PM Thursday to Sunday</li> <li>Patrons: Maximum of 200</li> <li>Staff: Maximum of 12</li> </ul> </li> <li>The premise will be an indoor child play centre accommodating a playground, kids role play areas, ball pit, party rooms as well as a cafe and dining area.</li> </ul>
Fit-out	<ul style="list-style-type: none"> <li>Associated fit-out works to tenancy as per attached floor plan.</li> </ul>

The proposed use and fit-out of the tenancy will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate. For further details on the proposed development please refer to the attached plans and supporting documents.



**Figure 4: Proposed Floor Plan**

## **4.0 TOWN PLANNING ASSESSMENT**

### **4.1 Environmental Planning and Assessment Act 1979**

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
  - i. *any environmental planning instrument, and*
  - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - iii. *any development control plan, and*
  - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011.

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.5 of this report.

### **4.2 Warringah Local Environmental Plan 2011**

The Warringah Local Environmental Plan 2011 (LEP) is the principle local planning instrument that applies to the site.

#### **4.2.1 Zoning & Permissibility**

The subject site is zoned as B3 Commercial Core under the LEP. The objectives of the zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

- To recognise and support the role of Warringah Mall as a retail centre of sub-regional significance.

The proposed use is seen to respond to the objectives of the zone and is permissible with consent. The development will contribute to the retail and commercial mix within the centre and is compatible with the surrounding land uses. The proposal encourages on-going investment in the area and is seen as a desirable outcome.

#### **4.2.2 Height of buildings (Clause 4.3)**

The proposed works will not alter the height of the building, therefore Clause 4.3 of the LEP is not applicable.

#### **4.2.3 Floor Space Ratio (Clause 4.4)**

The proposed works will not alter the floor space of the building, therefore Clause 4.4 of the LEP is not applicable.

#### **4.2.4 Heritage Conservation (Clause 5.10)**

The subject site is not a heritage item and is not part of a heritage conservation area, therefore Clause 5.10 of the LEP is not applicable.

### **4.3 Warringah Development Control Plan 2011**

The Warringah Development Control Plan 2011 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below.

<b>Control / Objective</b>	<b>Compliance</b>	<b>Comments</b>
<i>Part C – Siting Factors</i>		
C1 Subdivision	N/A	No formal subdivision proposed.
C2 Traffic, Access and Safety	Yes	Refer to attached Traffic Report prepared by Wallbridge Gilbert Aztec (REF WGA211731).
C3 Parking Facilities	Yes	
C3(A) Bicycle Parking and End of Trip Facilities	Yes	
C4 Stormwater	N/A	No alterations to existing stormwater.
C5 Erosion and Sedimentation	N/A	No erosion or sedimentation impacts.
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	No council drainage easements.
C7 Excavation and Landfill	N/A	No excavation or landfill proposed.
C8 Demolition and Construction	N/A	Construction is proposed internally.
C9 Waste Management	Yes	Waste will be managed as part of the existing centre facilities. Refer to attached Waste Management Plan for further details.
<i>Part D - Design</i>		
D1 Landscaped Open Space and Bushland Setting	N/A	No landscaped open space or bushland settings.
D2 Private Open Space	N/A	No private open space on existing development.



Control / Objective	Compliance	Comments
D3 Noise	Yes	The proposed use will introduce minimal noise impacts.
D4 Electromagnetic Radiation	N/A	No electromagnetic radiation proposed.
D6 Access to Sunlight	N/A	No change to existing built form or external windows proposed.
D7 Views	N/A	No change to existing built form or views to and from the building proposed.
D8 Privacy	N/A	No change to existing built form or privacy aspects proposed.
D9 Building Bulk	N/A	No change to existing building bulk proposed.
D10 Building Colours and Materials	N/A	No change to existing building colours or materials proposed.
D11 Roofs	N/A	No change to existing roof proposed.
D12 Glare and Reflection	N/A	No change to existing external façade and no glare or reflective materials proposed.
D13 Front Fences and Front Walls	N/A	No existing front fence, and no change to existing front façade proposed.
D14 Site Facilities	N/A	No change to existing site facilities.
D15 Side and Rear Fences	N/A	No side or rear fences.
D16 Swimming Pools and Spas	N/A	No swimming pools or spas.
D17 Tennis Courts	N/A	No tennis courts.
D18 Accessibility	Complies with intent	To be addressed as part of the Construction Certificate.
D19 Site Consolidation in the R3 and IN1 Zone	N/A	Not within an R3 or IN2 Zone.
D20 Safety and Security	Yes	The proposal will not impact on the safety or security of the sounding area as there are no changed proposed to the overall built form.
D21 Provision and Location of Utility Services	N/A	The existing site has access to existing utility services.
D22 Conservation of Energy and Water	N/A	The proposed works do not include a change to the overall site layout or built form, with no significant increase in the use of energy or water consumption.
D23 Signs	N/A	Signage is internal to the centre.

#### **4.5 Section 4.15 Assessment**

In determining a development application, the assessing consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	

Evaluation	Assessment
<p>a) the provisions of:</p> <ul style="list-style-type: none"> <li>(i) any environmental planning instrument, and</li> <li>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> <li>(iii) any development control plan, and</li> <li>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</li> <li>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</li> <li>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</li> </ul> <p>that apply to the land to which the development application relates,</p> <p>b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p> <p>c) the suitability of the site for the development,</p> <p>d) any submissions made in accordance with this Act or the regulations,</p> <p>e) the public interest.</p>	<p>a) The proposed works align with the relative matters of the LEP and DCP as per the compliance assessment in this Statement of Environmental Effects. The proposed works are seen to meet all the relative controls and are seen as a good outcome for the subject site.</p> <p>b) The proposed works will not have any negative impacts on the surrounding land uses considering the commercial setting of the site and envisioned use of the tenancy as a commercial premises.</p> <p>c) The tenancy is part of a building which is envisioned for a commercial use. The proposed development to an existing building is considered appropriate.</p> <p>d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.</p> <p>e) The proposed works are to an established commercial site and are seen to be in the public's interest through the provision of an envisioned use.</p>

## **5.0 CONCLUSION**

This Statement of Environmental Effects has reviewed the proposed fit-out and use of the tenancy as an indoor recreation facility including ancillary licensed food and drinks premises. It is considered that the proposed works, which are permissible with consent, are appropriate for the subject site and will not impact on the amenity of the surrounding area noting the existing established commercial setting of the site. The proposed works will not impact on the heritage significance of any surrounding heritage items, and will not adversely affect the amenity of the surrounding area with car parking concerns noting the surrounding public transport options and available on-street parking. Ultimately the proposal complies with the intent and design objectives of local planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.