

**Four Towns  
Planning**

*Planning and property consultant*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Use of Premises as Artisan  
Food and Drink Industry  
Including Minor Fit Out  
Works and Mechanical  
Ventilation**

**2/11 Ada Avenue,  
Brookvale NSW 2100**

✉ [mathew@fourtowns.com.au](mailto:mathew@fourtowns.com.au)

☎ 0425232018

[www.fourtowns.com.au](http://www.fourtowns.com.au)

PO Box 361, Balgowlah NSW 2093

**This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.**

**Report prepared by:**

Mathew Quattroville  
Director – Four Towns Pty Ltd

**Report prepared for:**

Marlie's Eatery

**9 January 2024**

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## 1. Introduction and Background Information

### 1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation at 2/11 Ada Avenue, Brookvale, being Lot 2 within Strata Plan 66542.

This report has been prepared following instructions from the client, Marlie's Eatery. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Architectural Plans prepared by Pace Architects;
- Mechanical Ventilation Plans prepared by SQM International Pty Ltd;
- Noise Emission Assessment prepared by Acoustic Dynamics;
- BCA Capability Assessment prepared by Building Code Clarity;
- Waste Management Plan.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposal for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation is permissible with development consent and is consistent with the relevant statutory planning instruments including the Warringah Local Environmental Plan 2011 and planning policies of the Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council as submitted.

### 1.2 Background Information

The site has not been the subject of any recent development applications.

The premises are the subject of approval CDC240049/01 on 31 October 2024. The application is to be viewed in conjunction with the building works approved under the CDC application.

The site was not the subject of a pre-lodgement meeting with Council.

## 2. Site Profile

### 2.1 Property Description

The subject allotment is described as 2/11 Ada Avenue, Brookvale, being Lot 2 within Strata Plan 66542. The site is zoned E4 General Industrial under Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is it located within a heritage conservation area.

### 2.2 Site and Locality Description

The subject site is a corner allotment located on the eastern side of Ada Avenue and the southern side of Miles Street. The site is rectangular in shape with a 15.24m primary western frontage to Ada Avenue and a 38.965m secondary northern frontage to Miles Street. The lot has access to two car parking spaces located off Ada Avenue. The site is occupied by a one and two storey commercial building with a metal roof. The locality maps below show the location and area of the site:

**Locality Maps**



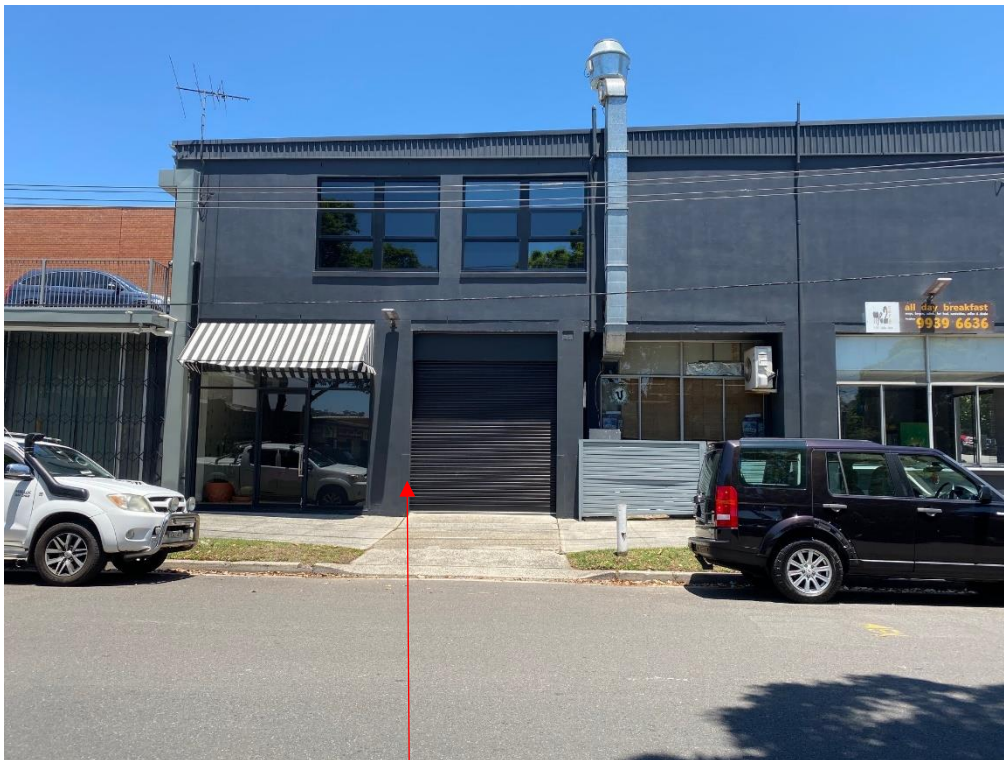
Source: Nearmaps 2024

Use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation



Source: Nearmaps 2024

The locality has a variety of property types and sizes. The existing surrounding development comprises a mix of commercial and industrial land uses. The site is located within the Brookvale Industrial Precinct.



Photograph of the premises 2/11 Ada Avenue – photo from Miles Street



Use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation

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*Photograph of the premises and view to rooftop car parking for the site*



*Photograph of the site from Ada Avenue – note vehicular ramp to parking*

### 3. Proposal

The proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation at 2/11 Ada Avenue, Brookvale, being Lot 2 within Strata Plan 66542. The proposal is compatible with land uses in the immediate proximity and industrial zone and is consistent with the objectives of the locality. The following is noted as part of the proposal:

#### **Proposed Land Use**

Artisan Food and Drink Industry

#### **Minor Building Works**

Installation of brewery equipment as detailed on architectural plans prepared by Pace Architects.

#### **Mechanical Ventilation**

Refer to mechanical ventilation plans prepared by SQM International Pty Ltd.

#### **Hours of Operation**

The proposed hours of operation are to be restricted to:

##### *Artisan Industry/Commercial Kitchen:*

7am – 5pm Monday to Friday

7am – 12pm Saturday

##### *Brewery/Restaurant/Café:*

Monday to Thursday – 5pm to 10pm

Friday 5pm – 12am

Saturday 12pm – 12am

Sunday 12pm – 10pm

#### **Patron Numbers**

50 (which includes 12 outdoor seats – to be separate footpath application)

#### **Staff**

Two (2) full time employees plus casuals on as needs basis.

#### **Carparking**

The site is proposed to have access to car parking as follows:

- Two (2) car spaces

#### **Waste Management**

The proposal will have a designated waste area. Waste will be separated, stored and recycled where possible. The waste will be collected as required by a commercial contractor.

#### **Wastewater**

A Trade Waste Agreement will be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system.



## 4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2021*;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

### 4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

In regards, to designated development under the EPA Regulations 2021 the following is noted:

#### **Schedule 3 Designated development**

##### **9 *Breweries and distilleries***

*(1) Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery has an intended production capacity of more than—*

- (a) 30 tonnes per day, or*
- (b) 10,000 tonnes per year.*

*(2) Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery—*

- (a) is located within 500 metres of a residential zone, and*
- (b) is likely, in the consent authority's opinion, to significantly affect the amenity of the neighbourhood because of odour, traffic or waste.*

*(3) Development for the purposes of a brewery or distillery that produces alcohol or alcoholic products is designated development if the brewery or distillery releases effluent or sludge—*

- (a) in or within 100 metres of a natural waterbody or wetland, or*
- (b) in an area of high watertable, highly permeable soils or acid sulfate, sodic or saline soils.*

*(4) Subsection (2) does not apply to artisan food and drink industries.*

The proposal will not have a production capacity of more than 30 tonnes per day or 10,000 tonnes per year. As the proposal is for an artisan food and drink industry, It is noted that subclause (4) rules out subclause (2), therefore confirming the proposal is not designated development.

## 4.2 State Environmental Planning Policies (SEPPs)

### **SEPP (Transport and Infrastructure) 2021**

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

### **SEPP (Resilience and Hazards) 2021**

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

#### **4.6 Contamination and remediation to be considered in determining development application**

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject site and surrounding sites are located within a well-established industrial-use area that has been zoned and used as such for an extended period of time. With regard to existing and previous development on the subject site, there is no information to suggest that the subject site has become contaminated with the previous uses posing no threat or risk. Further, no excavation is proposed as part of this proposal. Based on the above, there is no evidence to suggest that further investigation of contamination is required.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPS that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose the removal of any significant vegetation. The proposal does not remove any trees or significant vegetation and will maintain the site and locality, as existing.

**State Environmental Planning Policy (Industry and Employment) 2021**

Not applicable. No signage proposed with this application.

### 4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under the WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	(e) in relation to non-residential development, to— (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and (ii) maintain a diversity of employment, services, cultural and recreational facilities,	Complies – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation which meets the objectives and controls of 1.2.

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	4000sqm	N/A	N/A – no change to existing lot size
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	11m	9.3m	Complies – the proposed mechanical ventilation system will protrude beyond the existing roofline influencing the height of the building to a maximum height of 9.3m.
4.3A Special height provisions	N/A	N/A	N/A
4.4 Floor space ratio	N/A	N/A	N/A

4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.6 Exceptions to development standards	Noted	N/A	N/A – no breaches to development standards proposed.

<b>Part 5: Miscellaneous Provisions</b>	
<b>Provisions</b>	<b>Comments</b>
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	Clause 5.4 (10) applies to the application. The proposal has been designed to comply with the relevant requirements.
5.5 Controls relating to secondary dwellings on land in a rural zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A – the subject site is not identified as a heritage item or within a conservation area.
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A



5.20 Standards that cannot be used to refuse consent – playing and performing music	The proposal as a licensed venue meets the relevant provisions of Clause 5.20.
5.21 Flood planning	N/A – the subject site is not identified as flood prone land.
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

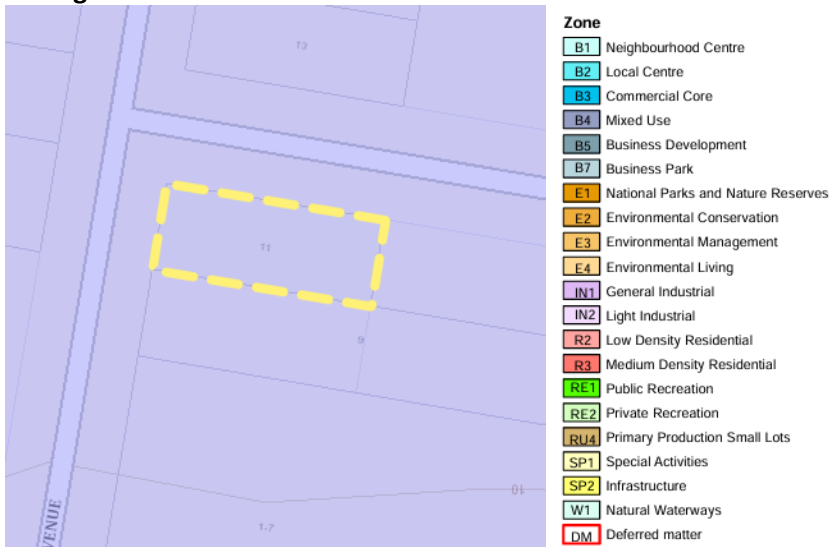
Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	N/A – The site is not identified as acid sulfate soils.
6.2 Earthworks	N/A – no proposed earthworks
6.3 (Repealed)	N/A
6.4 Development on sloping land	N/A
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone C3 Environmental Management	N/A
6.7 (Repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

## Zoning Provisions



### Zone E4 General Industrial

#### 1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To provide areas for land uses that need to be separated from other zones.
- To provide healthy, attractive, functional and safe light industrial areas.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Horticulture; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems; Any other development not specified in item 2 or 4

#### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs;

*Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities*

**Definition:**

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

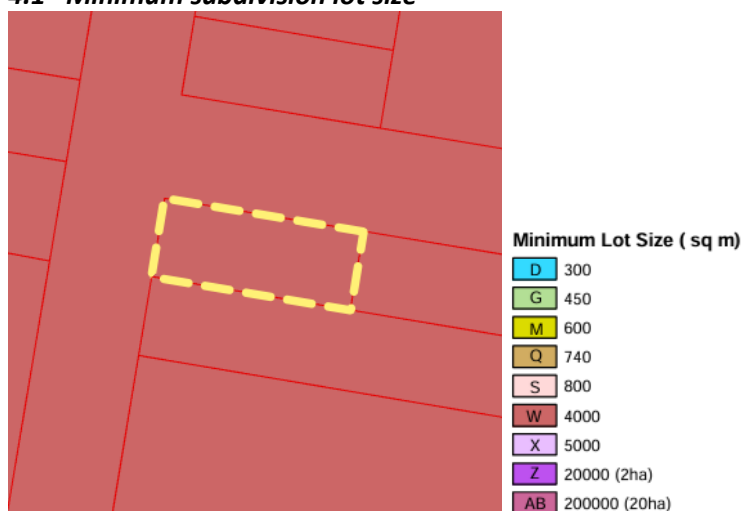
Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**Comment:**

Complies – the site is zoned E4 General Industrial. The use of the premises as an Artisan food and drink premises, as described above, is a permissible land use of Warringah LEP2011. The proposed development will increase employment opportunities in the locality and also increase the efficient use of the site as industrial land while allowing for additional uses to enhance the industrial site and business. The proposed land use is consistent with the objectives of the zone and is suitable land use for the site.

**Part 4 Principal development standards**

**4.1 Minimum subdivision lot size**



(1) *The objectives of this clause are as follows—*

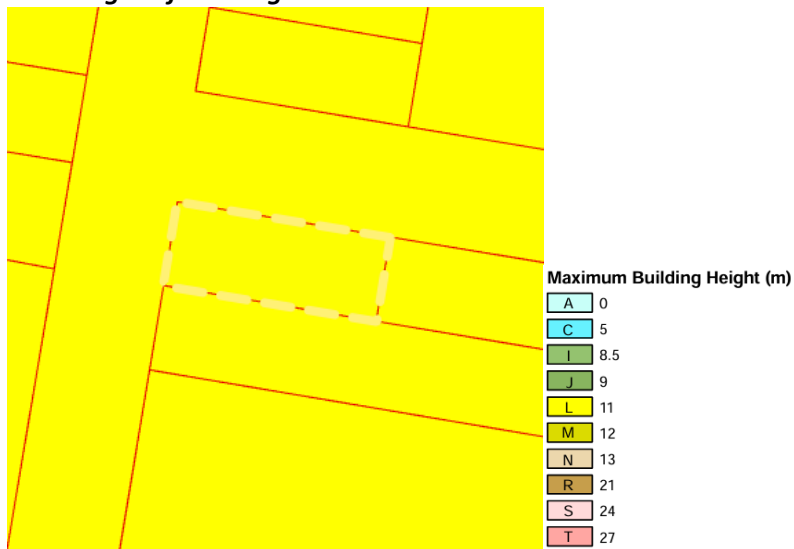
- (a) *to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*

- (d) to achieve low intensity of land use in localities of environmental significance,*
  - (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
  - (f) to protect and enhance existing remnant bushland,*
  - (g) to retain and protect existing significant natural landscape features,*
  - (h) to manage biodiversity,*
  - (i) to provide for appropriate stormwater management and sewer infrastructure.*
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*
- (3A) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.*
- (4) This clause does not apply in relation to the subdivision of any land—*
- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*
  - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).*

**Comment:**

Not applicable – the proposal does not include any form of subdivision. Clause 4.1 is not applicable to this assessment.

### 4.3 Height of buildings



- (1) The objectives of this clause are as follows—*
- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
  - (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
  - (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation

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*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

*(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.*

**Comment:**

Complies – the site has a maximum building height provision of 11m. The proposed mechanical ventilation system will protrude beyond the existing roofline influencing the height of the building to a maximum height of 9.3m. The proposal complies with clause 4.3 Height of Buildings.

**4.4 Floor space ratio**

**Comment:**

Not applicable.

**4.6 Exceptions to development standards**

**Comment:**

Not applicable – no breaches to development standards.

**Part 5 Miscellaneous provisions**

**5.4 Controls relating to miscellaneous permissible uses**

*(10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed*

*(a) 33% of the gross floor area of the industry, or*

*(b) 400 square metres,*

*whichever is the lesser.*

**Comment:**

Complies - the premises has a GFA of 119sqm. In the context of clause 5.4(10), the bar area has been characterised as 'the floor area used for retail sales' as it excludes any café or restaurant area. The plans highlight that the bar area is 6sqm which equates to approximately 5% of the gross floor area of the industry, and therefore complies.

**5.10 Heritage conservation**

**Comment:**

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

**5.20 Standards that cannot be used to refuse consent—playing and performing music**

*(1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—*

*(a) the playing or performance of music, including the following—*

*(i) the genre of music played or performed, or*

*(ii) whether the music played or performed is live or amplified, or*

*(iii) whether the music played or performed is original music, or*

*(iv) the number of musicians or live entertainment acts playing or performing, or*

*(v) the type of instruments played,*



- (b) whether dancing occurs,
- (c) the presence or use of a dance floor or another area ordinarily used for dancing,
- (d) the direction in which a stage for players or performers faces,
- (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.

(2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the [Liquor Act 2007](#).

**Comment:**

Complies - this clause outlines that Council cannot refuse a DA in relation to licensed premises on the grounds of the playing of, or performance of music, including the genre of music, whether it is live or amplified, the number of musicians or live entertainment acts playing or performing, the type of instruments played, or whether dancing occurs, among other things. Further, Council cannot refuse a DA in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise is managed and minimised to an acceptable level. The operation of the premises can satisfy the relevant provisions of the Protection of the Environment Operations Act 1997 and should not give rise to offensive noise if appropriately managed.

**5.21 Flood planning**

**Comment:**

Not applicable – the subject site is not identified within Council’s Flood Hazard Map

**Part 6 Additional local provisions**

**6.1 Acid sulfate soils**

**Comment:**

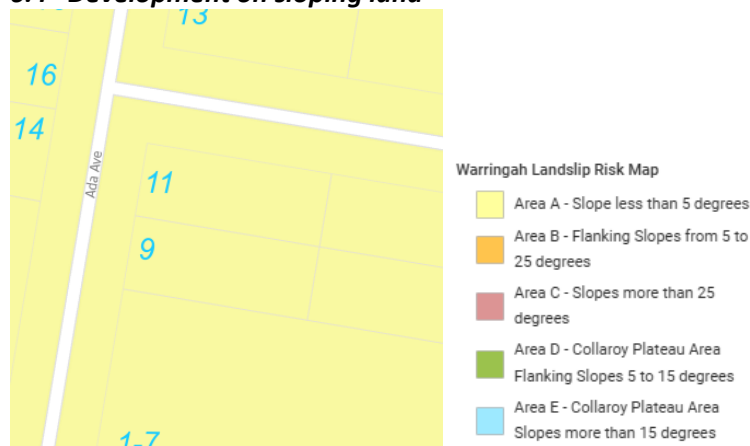
Not applicable – the site is not identified as Acid Sulfate Soils.

**6.2 Earthworks**

**Comment:**

Not applicable – the proposal is for change of use and as an artisan food and drink industry including minor fit out works and mechanical ventilation and does not propose earthworks.

**6.4 Development on sloping land**



*(1) The objectives of this clause are as follows—*

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

*(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

**Comment:**

Complies – the site is identified as Area A on the landslip risk map. No further assessment is required.

## 4.4 Warringah Development Control Plan (WDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment
- Part F Zones and Sensitive Areas
- Part G Special Area Controls
- Part H Appendices

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the WDCP.

### **Part A – Introduction**

#### ***A.5 Objectives***

*The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:*

#### ***Objectives***

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

#### **Comments:**

Complies – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation. The site is located within the Brookvale locality, in proximity to other industrial and commercial uses. The development will have no adverse impacts on neighbouring properties or businesses and is compatible with the existing uses within the building.

### **Part B – Built Form Controls**

#### **B6 Merit Assessment of Side Boundary Setbacks**

#### ***Objectives***

- *To provide ample opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of amenity and*

*solar access is maintained.*

- *To provide reasonable sharing of views to and from public and private properties.*

#### **Requirements**

1. *Side boundary setbacks will be determined on a merit basis and will have regard to:*

- *streetscape;*
- *amenity of surrounding properties; and*
- *setbacks of neighbouring development*

2. *Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.*

#### **Comments:**

Not applicable – no change to existing.

### **B7 Front Boundary Setbacks**

#### **Objectives**

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

#### **Requirements**

1. *Development is to maintain a minimum setback to road frontages.*
2. *The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.*
3. *Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.*
4. *For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

#### **Comments:**

Merit Assessment – the proposal includes mechanical ventilation to be consistent with the unit provided for the adjoining take away food and drinks premises. The property is constrained so that the ventilation can only protrude up the front of the building and be set back on the roof. The proposal is consistent with the industrial area and will not unreasonably impact the streetscape. The ventilation system will be entirely within the subject property as per the 0.86m setback to the shop front. On the basis of the above and no other areas to accommodate the ventilation system, a variation in this instance can be supported.

### **B10 Merit assessment of rear boundary setbacks**

#### **Objectives**

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape*

elements.

- To provide opportunities to maintain privacy between dwellings.

### **Requirements**

1. Rear boundary setbacks will be determined on a merit basis and will have regard to:

- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development

2. Development adjacent to Narrabeen Lagoon in the B2 Local Centre zone is to address the water and parkland. Buildings are not to dominate the parkland setting and will incorporate generous setbacks where necessary to achieve this.

### **Comments:**

Not applicable – the subject site is a corner allotment.

## **Part C – Siting Factors**

### **C2 Traffic, Access and Safety**

#### **Objectives**

To minimise:

- a) traffic hazards;
- b) vehicles queuing on public roads
- c) the number of vehicle crossings in a street;
- d) traffic, pedestrian and cyclist conflict;
- e) interference with public transport facilities; and
- f) the loss of “on street” kerbside parking.

#### **Requirements**

##### **Vehicular Access**

1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.
2. Vehicle access is to be obtained from minor streets and lanes where available and practical.
3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.
4. Vehicle crossing approvals on public roads are to be in accordance with Council’s Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.
5. Vehicle crossing construction and design is to be in accordance with Council’s Minor works specification.

##### **On-site loading and unloading**

6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.

#### **Exceptions**

Reference should be made to Part G for additional, site specific requirements



**Comments:**

Not applicable – no change to existing traffic, access and safety.

**C3 Parking Facilities**

**Objectives**

- *To provide adequate off street carparking.*
- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

**Requirements**

1. *The following design principles shall be met:*

- *Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;*
- *Laneways are to be used to provide rear access to carparking areas where possible;*
- *Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;*
- *Parking is to be located so that views of the street from front windows are not obscured; and*
- *Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.*

2. *Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:*

- *the land use;*
- *the hours of operation;*
- *the availability of public transport;*
- *the availability of alternative car parking; and*
- *the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.*

3. *Carparking, other than for individual dwellings, shall :*

- *Avoid the use of mechanical car stacking spaces;*
- *Not be readily apparent from public spaces;*
- *Provide safe and convenient pedestrian and traffic movement;*
- *Include adequate provision for manoeuvring and convenient access to individual spaces;*
- *Enable vehicles to enter and leave the site in a forward direction;*
- *Incorporate unobstructed access to visitor parking spaces;*
- *Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;*
- *Provide on site detention of stormwater, where appropriate; and*
- *Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.*

4. *Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.*

5. *Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.*

6. *For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.*

*7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.*

*8. For Forest Way Village car parking at ground level is to be provided for individual units.*

### **Exceptions**

*Reference should be made to Part G for additional, site specific requirements.*

*Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot. Cross reference is in appendix 1.*

### **Comments:**

Complies – the premises has two allocated car spaces on title. A car parking rate for the use 'Artisan Food and Drink Industry' is not specified within Appendix 1 of the Warringah DCP. The control states that the minimum number of off-street parking required for development not included in the table must be in accordance with Roads and Maritime Services Guide to Traffic Generating Development or analysis drawn from surveyed data for similar development uses. Although, the Roads and Maritime Services Guide to Traffic Generating Development does not specifically outline parking requirements for Industry such as that proposed. On that basis, the requirements of a light industry are applied with the proposal requiring 1.3 spaces per 100sqm, therefore 1.55 spaces round up to two spaces. The proposed development will provide two (2) car parking spaces, an on-street loading area and adequate space for bicycle spaces. It is adequately justified that the site is in close proximity to reasonable on-street parking and will rely on the fact that the majority of patrons do not drive and get public transport and Ubers/taxis. The proposal is therefore considered to meet the objectives and requirements within C3 Parking Facilities.

### **C3(A) Bicycle Parking and End of Trip Facilities**

#### **Applies to Land**

*This control applies to land to which Warringah Local Environmental Plan 2011 applies.*

*This control does not apply to development that is a dwelling house, a change of use when no additional floor space is being created or subdivision of land.*

### **Comments:**

Complies – the site has adequate storage space available for bike parking.

### **C4 Stormwater**

#### **Objectives**

- To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;*
- To minimise the risk to public health and safety;*
- To reduce the risk to life and property from flooding;*
- Integrate Water Sensitive Urban Design measures into the landscape and built form to maximise amenity.*
- To manage and minimise stormwater overland flow, nuisance flooding and groundwater related damage to properties.*
- To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised.*
- To minimise the quantity of stormwater runoff from new development on Council's drainage system.*

### **Requirements**

1. *Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.*
2. *The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.*

### **Exceptions**

- *Refer to Council's Water Management Policy for exceptions.*

### **Comments:**

Not applicable – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation. The proposal does not increase the existing building footprint or hardstand areas to the site.

## **C5 Erosion and Sedimentation**

### **Objectives**

- *To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.*
- *To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*
- *To prevent any reduction in water quality downstream of the development site.*

### **Requirements**

1. *All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.*
2. *Any erosion and sedimentation is to be managed at the source.*
3. *Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.*
4. *An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m<sup>2</sup> of land.*
5. *Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m<sup>2</sup> of land.*

### **Exceptions**

*Reference should be made to Part G for additional, site specific requirements.*

### **Comments:**

Not applicable – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation. Adequate erosion and sediment control measures will be implemented through the construction phase.

## **C6 Building over or adjacent to Constructed Council Drainage Easements**

### **Objectives**

*To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property*

**Comments:**

Not applicable – the proposal does not construct over or adjacent to Council drainage easements.

**C7 Excavation and Landfill**

**Objectives**

- To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.
- To require that excavation and landfill does not create airborne pollution.
- To preserve the integrity of the physical environment.
- To maintain and enhance visual and scenic quality.

**Requirements**

1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.
2. Excavation and landfill works must not result in any adverse impact on adjoining land.
3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.
4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.
5. Rehabilitation and revegetation techniques shall be applied to the fill.
6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.

**Comments:**

Not applicable – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation with no excavation or landfill.

**C8 Demolition and Construction**

**Objectives**

- To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.
- To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.
- To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan
- To discourage illegal dumping.

**Requirements**

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

**Comments:**

Complies – the proposed development involves minor demolition and construction works. The development will comply with all relevant controls of the Waste Management Guideline. The application will be accompanied by a Waste Management Plan.

## **C9 Waste Management**

### **Objectives**

- To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
- To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
- To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
- To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
- To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- To minimise any adverse environmental impacts associated with the storage and collection of waste.

### **Requirements**

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

### **Comments:**

Complies – the proposed development will provide adequate onsite storage for on-going waste storage as per Council’s Waste Management Guidelines. The application will be accompanied by a Waste Management Plan. The site has a communal waste storage area for Lots 1 and 2, as per the image below:



Communal Bin Storage Area for Lots 1 and 2

It is noted that the bins are collected by a commercial contractor as required, with anticipated weekly collections only. If the bin area is at capacity, the owners would then apply for more collection days.

## **Part D - Design**

### ***D1 Landscaped Open Space and Bushland Setting***

#### ***Objectives***

- To enable planting to maintain and enhance the streetscape.*
- To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- To enhance privacy between buildings.*
- To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- To provide space for service functions, including clothes drying.*
- To facilitate water management, including on-site detention and infiltration of stormwater.*

#### ***Requirements***

*1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:*

*a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;*

*b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*

*c) Landscaped open space must be at ground level (finished); and*

*d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.*

*2. Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as "Bushland Setting", a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.*

*3. In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.*

#### ***Exceptions***

*Any conflicting requirements in Part G override this control*

#### **Comments:**

Not applicable – the site is not located within an area required to comply with control D1.

### ***D2 Private Open Space***

#### ***Objectives***

- To ensure that all residential development is provided with functional, well located areas of private open space.*
- To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
- To minimise any adverse impact of private open space on adjoining buildings and their associated*



*private open spaces.*

- *To ensure that private open space receives sufficient solar access and privacy.*

### **Requirements**

1. *Residential development is to include private open space for each dwelling.*
2. *The minimum area and dimensions of private open space are as follows:*

<b>DWELLING Type</b>	<b>Area and Minimum Dimensions per dwelling</b>
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m <sup>2</sup> with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m <sup>2</sup> with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres

3. *Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.*
4. *Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.*
5. *Private open space shall not be located in the primary front building setback.*
6. *Private open space is to be located to maximise solar access.*

### **Comments:**

Not applicable – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only with control D2 therefore not applying to the proposed works.

### **D3 Noise**

#### **Objectives**

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

#### **Requirements**

1. *Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.*

*See also NSW Industrial Noise Policy Appendices*

2. *Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.*
3. *Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.*
4. *Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.*
5. *Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.*



**Comments:**

Complies – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation. The development will be compliant with the relevant controls for noise and will not produce an unacceptable amount of noise that will adversely impact any neighbouring development. The site is surrounded by commercial and industrial development in a general industrial zone and is not within close proximity to any form of residential development or residential zoned land. Accordingly, no undue acoustic impacts will result from the proposal. A Plan of Management has also been provided to accompany this application.

An Operational Noise Emission Assessment prepared by Acoustic Dynamics accompanies this application and addresses the potential noise impacts of the development with the following noted:

**7 CONCLUSION**

*Acoustic Dynamics has conducted a mechanical noise emission assessment associated with the proposed mechanical upgrades to the proposed restaurant located at 2/11 Ada Avenue Brookvale.*

*A review of the applicable local planning and development control instruments, government policies and legislation, and various standards and guidelines was conducted in accordance with the requirements of:*

- (a) Northern Beaches Council;*
- (b) NSW Environment Protection Authority;*
- (c) Association of Australasian Acoustical Consultants; and*
- (d) Australian Standards.*

*Acoustic Opinion*

*Further to our site survey, noise monitoring and measurements, our review of the relevant acoustic criteria and requirements, and our calculations, Acoustic Dynamics advises that the proposal can be designed to comply with the relevant acoustic criteria of Northern Beaches Council, the NSW POEO Act 1997 and the NSW EPA, with the incorporation of our recommendations detailed within this report.*

*It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected.*

**D4 Electromagnetic Radiation**

**Objectives**

- To ensure the safety of the community from electromagnetic radiation.*
- To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

**Requirements**

*Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements: [Telecommunications Act](#)*

**Comments:**

Not applicable.

## **D6 Access to Sunlight**

### **Objectives**

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

### **Requirements**

1. *Development should avoid unreasonable overshadowing any public open space.*
2. *At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

### **Exceptions**

*Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:*

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

### **Comments:**

Not applicable – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only, the proposed works will not impact the solar access to the subject site or to adjoining properties.

## **D7 Views**

### **Objectives**

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

### **Requirements**

1. *Development shall provide for the reasonable sharing of views.*

### **Comments:**

Not applicable – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only, the proposed works will not impact any views or view corridors.

## **D8 Privacy**

### **Objectives**

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

### **Requirements**

- 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
- 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
- 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*
- 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

### **Comments:**

Complies – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only, the proposed works will not have any visual privacy impacts. The application is supported by an Operational Noise Emission Assessment prepared by Acoustic Dynamics which confirms the proposal will not have any acoustic privacy impacts.

### **D9 Building Bulk**

#### **Objectives**

- To encourage good design and innovative architecture to improve the urban environment.*
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

#### **Requirements**

- 1. Side and rear setbacks are to be progressively increased as wall height increases.*
- 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
- 3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:  
The amount of fill is not to exceed one metre in depth.  
Fill is not to spread beyond the footprint of the building.  
Excavation of the landform is to be minimised.*
- 4. Building height and scale needs to relate to topography and site conditions.*
- 5. Orientate development to address the street.*
- 6. Use colour, materials and surface treatment to reduce building bulk.*
- 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
- 8. Articulate walls to reduce building mass.*

### **Comments:**

Complies – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only, the proposed mechanical ventilation system is of an appropriate bulk and scale and is not offensive in the streetscape context noting various commercial and industrial uses with penetrating ducts/ventilation systems visible in Ada Avenue.

### **D10 Building Colours and Materials**

#### **Objectives**

- To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.

#### **Requirements**

1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.
2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.
3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.
4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.

#### **Comments:**

Complies – the proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only, the proposed mechanical ventilation system is constructed of appropriate materials that is inoffensive in the streetscape context noting various commercial and industrial uses with penetrating ducts/ventilation systems visible in Ada Avenue.

### **D11 Roofs**

#### **Objectives**

- To encourage innovative design solutions to improve the urban environment.
- Roofs are to be designed to complement the local skyline.
- Roofs are to be designed to conceal plant and equipment.

#### **Requirements**

1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.
2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.
3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.
4. Roofs shall incorporate eaves for shading.
5. Roofing materials should not cause excessive glare and reflection.
6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.

#### **Comments:**

Complies – the proposed mechanical ventilation system will protrude beyond the existing roofline as per required Australian Standards. The proposed mechanical ventilation system is of an appropriate bulk and scale and is not offensive in the streetscape context noting various commercial and industrial uses with penetrating ducts/ventilation systems visible in Ada Avenue. The ventilation system will not unreasonably detract from the appearance of the roof and can be supported by Council, as submitted.

### **D12 Glare and Reflection**

#### **Objectives**

- To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.
- To maintain and improve the amenity of public and private land.
- To encourage innovative design solutions to improve the urban environment.

#### **Requirements**

1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;
  - Minimising the lit area of signage;
  - Locating the light source away from adjoining properties or boundaries; and
  - Directing light spill within the site.
2. Any glare from artificial illumination is to be minimised by utilising one or more of the following:
  - Indirect lighting;
  - Controlling the level of illumination; and
  - Directing the light source away from view lines.
3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:
  - Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;
  - Orienting reflective materials away from properties that may be impacted;
  - Recessing glass into the façade;
  - Utilising shading devices;
  - Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and
  - Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.

#### **Comments:**

Complies – external works relating to the installation of the mechanical ventilation system will not cause excessive glare or reflection.

### **D13 Front Fences and Front Walls**

#### **Objectives**

- To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.
- To encourage innovative design solutions to improve the urban environment.
- To avoid a 'walled in' streetscape.

#### **Requirements**

1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.
2. Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.
3. Fences located within the front building setback area are to complement the existing streetscape character.

4. Fences are to be constructed to allow casual surveillance, except where there is excessive noise.
5. Gates are not to encroach over the property boundary when opening or closing.
6. Fences should complement the architectural period of the building.

#### **Exceptions**

No solid front fences or front walls will be permitted on flood prone land.

Reference should be made to Part G Belrose Corridor for site specific requirements.

#### **Comments:**

Not applicable.

### **D14 Site Facilities**

#### **Objectives**

- To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.
- To encourage innovative design solutions to improve the urban environment.
- To make servicing the site as efficient and easy as possible.
- To allow for discreet and easily serviceable placement of site facilities in new development.

#### **Requirements**

1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:

- Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;
- All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;
- Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;
- Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and
- Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.

#### **Comments:**

Complies – the premises has access to waste facilities and a letterbox for mail.

### **D15 Side and Rear Fences**

#### **Objectives**

- To encourage innovative design solutions to improve the urban environment.

#### **Requirements**

1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.
2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.

*3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.*

**Comments:**

Not applicable.

**D16 Swimming Pools and Spa Pools**

**Objectives**

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- *To encourage innovative design solutions to improve the urban environment.*

**Requirements**

- 1. Pools are not to be located in the front building setback.*
- 2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.*
- 3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*

**Comments:**

Not applicable.

**D17 Tennis Courts**

**Objectives**

- *To encourage innovative design solutions to improve the urban environment.*

**Requirements**

- 1. Tennis courts are to be located behind the front building setback.*
- 2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.*
- 3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*
- 4. The height and location of court fencing is to enable:  
a) Sharing of views from surrounding residences; and  
b) Provision of sunlight to surrounding properties.*
- 5. Fencing material is to be a dark colour.*
- 6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.*

**Comments:**

Not applicable.

**D18 Accessibility and Adaptability**

**Objectives**

- *To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*
- *To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.*



- *To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

**Comments:**

Complies – the proposal has been assessed against relevant Australian Standards through the approved CDC. The proposal provides access for people with a disability through the main entrance to the development and throughout the premises, including a disabled toilet. The proposal has been designed to comply with the relevant provisions of Australian Standard AS1428.2.

**D19 Site Consolidation in the R3 and IN1 Zone**

**Objectives**

- *To encourage lot consolidation to allow efficient use of land.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid lot sterilization.*

**Comments:**

Not applicable.

**D20 Safety and Security**

**Objectives**

- *To ensure that development maintains and enhances the security and safety of the community.*

**Requirements**

1. *Buildings are to overlook streets as well as public and communal places to allow casual surveillance.*
2. *Service areas and access ways are to be either secured or designed to allow casual surveillance.*
3. *There is to be adequate lighting of entrances and pedestrian areas.*
4. *After hours land use activities are to be given priority along primary pedestrian routes to increase safety.*
5. *Entrances to buildings are to be from public streets wherever possible.*
6. *For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).*
7. *Buildings are to be designed to allow casual surveillance of the street, for example by:*
  - a) *Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;*
  - b) *Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;*
  - c) *Locating high use rooms to maximise casual surveillance;*
  - d) *Clearly displaying the street number on the front of the building in pedestrian view; and*
  - e) *Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.*
8. *Casual surveillance of loading areas is to be improved by:*
  - a) *Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and*
  - b) *Providing adequate day and night lighting which will reduce the risk of undesirable activity.*
9. *Design entrances to buildings from public streets so that:*

- a) Building entrances are clearly identifiable, defined, lit and visible;*
- b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;*
- c) Main entrances are clearly identifiable;*
- d) Pavement surfaces and signage direct pedestrian movements; and*
- e) Potential conflict between pedestrians and vehicles is avoided.*

#### **Exceptions**

*Reference should be made to Part G4 Warringah Mall for site specific requirements.*

#### **Comments:**

Complies – the proposal has been designed to retain the main entry at the front of the site to provide a direct and clear entry from the street and to provide casual surveillance.

### **D21 Provision and Location of Utility Services**

#### **Objectives**

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

#### **Requirements**

- 1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.*
- 2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.*
- 3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:
  - a) A reduction in the number of trenches required;*
  - b) An accurate location of services for maintenance;*
  - c) Minimising the conflict between services;*
  - d) Minimising land required and cost;**
- 4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.*
- 5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.*
- 6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.*
- 7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.*
- 8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.*

#### **Comments:**

Complies – the site is adequately serviced by the essential utilities (i.e. water, electricity, sewer).

## **D22 Conservation of Energy and Water**

### **Objectives**

- To encourage innovative design solutions to improve the urban environment.
- To ensure energy and water use is minimised.

### **Requirements**

1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.
2. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.
3. Buildings are to be designed to minimize energy and water consumption.
4. Landscape design is to assist in the conservation of energy and water.
5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.
6. All development must comply with Council's Water Management Policy.

### **Comments:**

Complies – the proposed construction works will utilise energy and water efficient products to maximise the efficiency of the building.

## **D23 Signs**

### **Objectives**

- To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.
- To achieve well designed and coordinated signage that uses high quality materials.
- To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.
- To ensure the provision of signs does not adversely impact on the amenity of residential properties.
- To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.

### **Comments:**

Not applicable – no signage proposed with this application.

## **Part E – The Natural Environment**

### **E1 Preservation of Trees or Bushland Vegetation**

#### **Objectives**

- To protect and enhance the urban forest of the Northern Beaches.
- To effectively manage the risks that come with an established urban forest through professional management of trees.
- To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.

- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

**Comments:**

Not applicable.

**E2 Prescribed Vegetation**

**Objectives**

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

**Requirements**

1. *The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:*

*All native vegetation identified on:*

*a) DCP Map Threatened and High Conservation Habitat*

*b) DCP Map Wildlife Corridors*

*c) DCP Map Native Vegetation*

*d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.*

2. *Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.*

**Comments:**

Not applicable.

**E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat**

**Objectives**

- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high*

conservation significance.

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.

**Comments:**

Not applicable.

#### **E4 Wildlife Corridors**

**Objectives**

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.

**Requirements**

1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m<sup>2</sup> or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
  - i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and
  - ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.
2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.

**Comments:**

Not applicable.

#### **E5 Native Vegetation**

**Objectives**

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.

- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.*
- *To maintain the amount, local occurrence and diversity of native vegetation in the area*

**Comments:**

Not applicable – the proposal does not remove any native vegetation.

**E6 Retaining unique environmental features**

**Objectives**

- *To conserve those parts of land which distinguish it from its surroundings.*

**Requirements**

1. *Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
2. *Development should respond to these features through location of structures, outlook, design and materials.*

**Comments:**

Not applicable

**E7 Development on land adjoining public open space**

**Objectives**

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

**Comments:**

Not applicable.

**E8 Waterways and Riparian Lands**

**Objectives**

- *Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.*
- *Encourage development to be located outside waterways and riparian land.*
- *Avoid impacts that will result in an adverse change in watercourse or riparian land condition.*
- *Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.*
- *Maintain and improve access, amenity and scenic quality of waterways and riparian lands.*
- *Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

**Comments:**

Not applicable.

### **E9 Coastline Hazard**

#### **Objectives**

- To minimise the *risk* of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.
- To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.
- To ensure that development does not adversely impact on the coastal processes affecting adjacent land.
- To retain the area's regional role for public recreation and amenity.

#### **Comments:**

Not applicable.

### **E10 Landslip Risk**

#### **Objectives**

- To ensure development is geotechnically stable.
- To ensure good engineering practice.
- To ensure there is no adverse impact on existing subsurface flow conditions.
- To ensure there is no adverse impact resulting from stormwater discharge.

#### **Requirements**

1. The applicant must demonstrate that:

- The proposed development is justified in terms of geotechnical stability; and
- The proposed development will be carried out in accordance with good engineering practice.

2. Development must not cause detrimental impacts because of stormwater discharge from the land.

3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.

4. To address Requirements 1 to 3:

i) For land identified as being in Area A:

Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.

If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.

#### **Comments:**

Not applicable – the site is identified as Area A on the landslip risk map. The proposal does not trigger any requirements for a geotechnical assessment.

### **E11 Flood Prone Land**

#### **Objectives**

- Protection of people.
- Protection of the natural environment.
- Protection of private and public infrastructure and assets.



Use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation

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**Comments:**

Not applicable.

## 5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 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 Planning and Environment. The relevant issues are:

### ***(a) The provisions of:***

#### *(i) The provision of any Environmental Planning Instrument*

**Comment:** The proposed use is permissible and consistent with the intent of the Warringah Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works.

#### *(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*

**Comment:** Not applicable.

#### *(iii) Any development control plan*

**Comment:** The proposal has been reviewed and assessed under Warringah Development Control Plan.

#### *(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

**Comment:** Not applicable.

#### *(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

**Comment:** Complies – the proposal has been assessed under the relevant Regulations.

#### *(v) (repealed)*

### ***(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,***

#### ***Context and Setting:***

*i. What is the relationship to the region and local context in 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*

**Comment:** The proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation only. The site is zoned E4 General Industrial with the proposed land use permissible with consent.

*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*

**Comment:** The proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation with no adverse amenity impacts to neighbouring properties. The development is surrounded by commercial and industrial land uses with no residential development in the immediate vicinity of the site. The development proposes a land use that is suitable for the locality. The proposal will have no impact on views or vistas.

***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*

**Comment:** The proposed site has been strategically picked by the operators to provide an Artisan food and drinks premises to the growing microbrewery “culture” of the Brookvale industrial precinct. It is important to acknowledge that the majority of patrons do not drive and utilise public transport, walk or arrive and depart by Ubers/Taxis. Therefore, car parking and access is compliant and can be supported by Council.

***Public Domain***

**Comment:** The proposed development will have no adverse impact on the public domain.

***Utilities***

**Comment:** Existing utility services will connect to service the premises.

***Flora and Fauna***

**Comment:** The proposal will not have an adverse impact to flora or fauna.

***Waste Collection***

**Comment:** Normal waste collection applies to the existing site via a commercial contractor.

***Natural hazards***

**Comment:** The site is located within an area identified as Area A landslip. There are no visible natural hazards to the site. The site is not identified on the flooding or bushfire maps.

### ***Economic Impact in the locality***

**Comment:** The proposed development will not have any significant impact on economic factors within the area.

### ***Site Design and Internal Design***

*i) Is the development design sensitive to environmental considerations 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*

**Comment:** The proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation. The development will not influence the position or proportions of the existing building. The proposed mechanical ventilation system is of an appropriate bulk and scale and is not offensive in the streetscape context noting various commercial and industrial uses with penetrating ducts/ventilation systems visible in Ada Avenue.

*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*

**Comment:** The proposal is for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation. The proposal can comply with the relevant standards pertaining to health, safety and BCA requirements and will not have any detrimental effect on the occupants.

### ***Construction***

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

- *The environmental planning issues listed above*
- *Site safety*

**Comment:** No known construction impacts from the proposed development.

### ***(c) The suitability of the site for the development***

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development 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*
- *Are the site attributes conducive to development*

**Comment:** The site is located within the Brookvale locality. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand to the site and the development will have no adverse impact on acoustic amenity.

***(d) Any submissions received in accordance with this act or regulations***

**Comment:** No submissions are available at this time.

***(e) The public interest***

**Comment:** The proposal is permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied. The development would not be contrary to the public interest. In our opinion, the development satisfies the planning regime applicable to development on this particular site, having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

## 6. Summary and Conclusion

The proposal for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation at 2/11 Ada Avenue, Brookvale, being Lot 2 within Strata Plan 66542, is permissible and consistent with the intent of the controls as they are reasonably applied for the subject development. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal.

Accordingly, the proposal for the use of premises as artisan food and drink industry including minor fit out works and mechanical ventilation at 2/11 Ada Avenue, Brookvale, being Lot 2 within Strata Plan 66542, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.