



## Pre-lodgement Meeting Notes

- Application No:** PLM2021/0365
- Meeting Date:** 24 February 2022
- Property Address:** 638 Pittwater Road, Brookvale
- Proposal:** Use of premises as a restaurant & take-away food and drink premises and signage (First Use)
- Attendees for Council:**
- Tony Collier – Acting Manager Development Assessment
  - Miller French-Lightfoot – Planner
  - Dominic Chung – Senior Urban Designer
  - Max Payne – Environmental Health
  - James Brocklebank – Traffic Engineering Coordinator
- Additional Council comments provided by:
- Torin Calf – Landscape Assessment & Design Officer

### General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and



**General Comments/Limitations of these Notes**

consider amendments to the design of your development prior to the lodgement of any development application.

**WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)**

WLEP 2011 can be viewed at:

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

**Part 2 - Zoning and Permissibility**

<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	<p><b>Restaurant or Café</b> means a building or place the principal purpose of which is 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.</p> <p><b>Take away food and drink premises</b> means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.</p>
<b>Zone:</b>	B5 Business Development
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

**Part 4 - Principal Development Standards**

Standard	Permitted	Proposed	Compliance
4.3 – Height of Buildings	11.0m	3.1m (Ground Floor)	No change

**WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)**

WDCP 2011 can be viewed at:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

The following notes the identified non-compliant areas of the proposal only.

**Part C – Siting Factors**

**C2 – Traffic, Access and Safety**

Please refer to the information under Appendix 1 later in this table and separate comments provided by Council's Traffic Engineer.

**Clause C3 – Parking Facilities**

Please refer to the information under Appendix 1 later in this table and separate comments provided by Council's Traffic Engineer.

**Part D - Design**



### Clause D23 – Signs

The proposal includes the following signs (as numerically reference on the Signage Details Plan):

- 1 x Under awning sign (Sign 01);
- 5 x Projecting wall signs (Signs 04 & 05);
- 3 x Flush wall signs (Signs 06 & 07);
- 2 x Top hamper signs (Sign 08 & 12);
- 2 x Freestanding signs (Signs 10 & 11); and
- 1 x Window sign (Sign 13).

Of the above, Signs 04, 05 and 12 are illuminated.

With respect to compliance with Clause D23, the following criteria is noted:

Sign	Permitted	Proposed	Compliance
Sign 01 Under Awning Sign	<ul style="list-style-type: none"> <li>• Not exceed 2.5m in length or 0.3m in height.</li> <li>• No less than 2.7m above the ground and at right angles to the property boundary to which the awning is attached.</li> <li>• Not project beyond the awning.</li> <li>• No more than one under-awning sign may be erected per business/shop.</li> </ul>	<ul style="list-style-type: none"> <li>• 2.75m L x 0.65m H.</li> <li>• 2.4m.</li> <li>• Projects beyond awning.</li> <li>• 1 proposed.</li> </ul>	<p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p>Yes</p>
Signs 04 & 05 Projecting Wall Sign Illuminated	<ul style="list-style-type: none"> <li>• Not extend within 200mm of the top and sides of the wall.</li> <li>• Not cover any window or architectural projections.</li> <li>• Be of a size and shape that relates to the architectural design of the building to which it is attached.</li> <li>• Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground.</li> <li>• Not project more than 300mm from the wall.</li> </ul>	<ul style="list-style-type: none"> <li>• 100m from top.</li> <li>• Covers top window.</li> <li>• Lettering only.</li> <li>• 2.7m above footpath.</li> <li>• No detail provided.</li> </ul>	<p><b>No</b></p> <p><b>No</b></p> <p>Yes</p> <p>Yes</p> <p>Unknown</p>
Signs 06 & 07 Flush Wall Sign Not illuminated	<ul style="list-style-type: none"> <li>• Not extend within 200mm of the top and sides of the wall.</li> </ul>	<ul style="list-style-type: none"> <li>• Edge to edge.</li> </ul>	<p><b>No</b></p>



	<ul style="list-style-type: none"> <li>• Not cover any window or architectural projections.</li> <li>• Be of a size and shape that relates to the architectural design of the building to which it is attached.</li> <li>• Not project more than 300mm from the wall.</li> </ul>	<ul style="list-style-type: none"> <li>• Sign 06 covers window.</li> <li>• Rectangular.</li> </ul> <p>Flush.</p>	<p><b>No</b></p> <p>Yes</p> <p>Yes</p>
Signs 08 & 12 Top Hamper Sign	<ul style="list-style-type: none"> <li>• Not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached.</li> <li>• Not exceed 600mm in height.</li> <li>• Not have an advertising area greater than 5sqm.</li> </ul>	<ul style="list-style-type: none"> <li>• Flush with building alignment.</li> <li>• 600mm H.</li> <li>• 3m<sup>2</sup>.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Signs 10 & 11 Freestanding sign	<ul style="list-style-type: none"> <li>• Not exceed 2 metres in height above the existing natural ground level.</li> <li>• Not have an area greater than 4sqm.</li> <li>• Not project beyond the boundary of the premises.</li> <li>• Not be illuminated.</li> </ul>	<ul style="list-style-type: none"> <li>• 2.3m H</li> <li>• 1.72m<sup>2</sup> each.</li> <li>• At boundary.</li> <li>• No detail provided.</li> </ul>	<p><b>No</b></p> <p>Yes</p> <p>Yes</p> <p>Unknown.</p>
Sign 13 Window Sign	<ul style="list-style-type: none"> <li>• Occupy less than 50% of the window area so as to not obstruct natural light.</li> <li>• Only be permitted on ground floor windows, below awning level or equivalent.</li> </ul>	<ul style="list-style-type: none"> <li>• Less than 50%.</li> <li>• Ground floor only.</li> </ul>	<p>Yes</p> <p>Yes</p>

The property is located at a highly visual gateway to Brookvale. The development includes a considerable number of signs which should be reduced (particularly with respect to the flush wall signs (Signs 06 & 07) at the Orchard Road frontage) to minimise visual clutter and respect the architectural integrity and appearance of the approved shop top housing development (within which the proposed scheme is based) and to avoid any adverse visual impact on the streetscape.

In each instance, the remaining non-compliant signs identified above (in bold) are to be adjusted to achieve compliance.



Please be aware that signage is to also satisfy the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64). A Statement of Environmental Effects accompanying Development Application for the proposal is to address SEPP 64.

## Part H - Appendices

### Appendix 1 – Car Parking Requirements

Appendix 1 stipulates that the development is to provide the following provision of on-site car parking for a takeaway food and drink premises which provides a drive-in take-away food outlet with on-site seating and drive through facilities:

Use	Parking rate	Provided	Difference
Take away food and drink premises	1 space per 2 seats: 27 spaces (54 seats)	Nil	-27 spaces
<b>Total</b>	<b>27 spaces</b>	<b>Nil</b>	<b>-27 spaces</b>

Please refer to the information under Appendix 1 later in this table and separate comments provided by Council's Traffic Engineer.

## Specialist Advice

### Traffic Engineering

#### Loading Dock

The approved development on the site has 2 x loading bays which would be accessible at all times, the proposed development has only a single loading bay could conceivably be inaccessible at most times due to the queuing of vehicles accessing the drive through component of the development. Information must be provided with the DA including a Loading Dock Management Plan to demonstrate how the loading bay can serve the needs of this and the proposed retail and residential uses on the site together with the future development to the north of this site referenced under DA2019/0239

- There is concern that vehicles queuing to use the drive through will prevent access to the Loading Bay.
- There is also concern that safe operation of the Loading Bay would require closing down of the eastern drive through lane to allow trucks to manoeuvre into position and then load/unload the vehicle.
- If one lane of the drive-through needs to be closed to allow for deliveries vehicles to enter/exit and complete deliveries, will there be sufficient queuing area on site to cater for anticipated queuing demands?
- Is it feasible to undertake deliveries only in periods of low demand at the restaurant if so what are those hours and can the queues be accommodated at those times in a single queuing lane.
- It is unclear how deliveries will be safely made to the proposed Guzman Y Gomez restaurant given the separation of the Loading Bay from the restaurant.
- The adequacy of a single loading bay catering only for a Small Rigid Vehicle to serve the existing and future retail and commercial uses on the site needs to be addressed.



## **Specialist Advice**

### Queuing issues

There is concern about the adequacy of the proposed queuing area in the drive through. Although the use of two drive through lanes is supported the DA must be accompanied by material to demonstrate that the on-site queuing area is sufficient to cater for the peak period queues. Recent experience at other drive through restaurants suggests that there is a need for greater on site queuing length post Covid than there was before with people's take away ordering habits having shifted towards increased use of drive through options over "eat in" or "in store" ordering. Queuing comparisons drawn from other similar drive through restaurants ideally operated by Guzman Y Gomez in similar locations within the last 12 months is required.

Any queuing area used to support the application must be entirely accommodated on site. The pre-lodgement plans show vehicles queuing across the footpath. The footpath area is not acceptable to be included as queuing area and is something that should be avoided.

The proximity of the egress driveway to the intersection of Pittwater Road is an issue that will need to be considered. It is likely that most motorists wishing to access the restaurant will approach the site by turning left off Pittwater Road and will then primarily exit the site by turning right from the restaurant and left onto Pittwater Road. A queuing analysis on Orchard Road in anticipated peak operating times (probably weekdays 5pm to 7pm, midday on weekends and early evening on weekends) is required to demonstrate that vehicles will have sufficient space to turn right from the driveway and enter the queue. If not there is concern that they may queue across the eastbound traffic flow on Orchard Road, queue across the footpath or impede egress from the restaurant's driveway creating tailback issues in the drive through lanes.

### Parking Requirements

The existing approval includes consent Conditions 82 & 85 which outline required parking allocations. Any DA submitted with regard to this development must review these parking requirements and demonstrate that the parking demands generated by the restaurant can be met from the available parking on site without impacting upon parked requirements for other existing and future uses. Parking requirements for a take away food outlet with on-site seating and drive through facilities would be applicable i.e. 1 space per 2 seats

### Lifts

It is noted that the basement parking below the proposed restaurant is located within the residential section of the carpark and would not therefore be accessible by restaurant customers. The lifts and stairs located within the commercial portion of the carpark would require commercial customers to egress to the street via the SOHO units which is considered inconvenient and also requires a circuitous path of travel. Consideration should be given to siting commercial parking beneath the restaurant to allow direct lift/stair access into the restaurant.

The development application will need to be accompanied by a Loading Dock Management Plan and a Traffic and Parking Impact Report addressing in part, the issues outlined above.

## **Environmental Health**

### Acoustics

An Acoustic Report will be required to be submitted with the development application that addresses, new mechanical ventilation, any plant equipment and noise generated from the



### Specialist Advice

operation of the drive through, operation of the waste storage area, how noise from the commercial operation when considered against the existing attention proposed for the residential receivers from the existing noise consent. It is important that the acoustic report reviews how noise can be attenuated by the commercial use and determine if existing noise attenuation from the previous consent is adequate. The acoustic report will need to be completed in accordance with the EPA noise policy for industry and provide recommendations on how the ongoing operation of the development will be effectively managed through a plan of management. The acoustic report shall look at sound power levels of mechanical equipment and operational noise. For the consultant is to provide suitable RW ratings for walls ceilings and acoustic screens for both commercial and residential receivers.

**Note:** 24/7 operation will need a high standard of controls, especially in the early morning, night and evening hours.

#### Food premise

Any new fit out of the food premise must comply with Australian standard 4674-2004 and food standard code 3.2.3. Any imposed conditions will include this requirement.

#### Waste storage and management.

The waste storage area should be bunded with floor waste to sewer to ensure that any spills and general operational waste are contained within the development and do not cause pollution. A Plan of Management should address deliveries and bin collection times, bottle recycling times and waste disposal times to ensure they do not negatively affect adjacent residents.

#### Odour and mechanical exhaust

Odour and mechanical ventilation exhaust will need to be addressed in accordance with the EPA Local government air quality toolkit based on the proximity to direct residential receivers. For 24/7 operation, mechanical air handling systems will be required to be very advanced considering wet scrubbers and electrostatic precipitators. Location of the flue, its height and where it fits within the current building envelope is also very important as low flues may result in trap air pockets of smoke and odour.

### Landscapes

I've reviewed the proposal and there are no major comments from a landscape perspective as the works are mostly internal.

We can support the comment from Urban Design regarding minimising impact to street trees proposed along Orchard Road, and add that, if any proposed street trees are impacted by the new vehicle crossover they should be relocated to a (nearby) suitable location to ensure public domain amenity is maintained.

### Urban Design

The proposal is for a 24/7 'drive -through' fast food restaurant located on the whole retail ground floor area including vehicle queuing area encroaching into the loading dock area. Multiple vehicle crossings are proposed on the footpath area facing Orchard Road. The current proposal cannot be supported due to the following concerns and issues:



### Specialist Advice

1. There is a great concern for noise generated from the 24 hours/ 7 days continuous operation hours proposed. The residential apartments located directly on top of the shop will be affected the most in terms of noise nuisance and visual/ acoustic amenity impact due to increased vehicular traffic generated.
2. The street trees proposed along Orchard Road will be affected or reduced in numbers due to the multiple vehicle crossings proposed on the footpath. The entry points to the residential lift lobbies along Orchard Road will be compromised in terms of pedestrian safety and amenity.
3. The loading dock area will be affected by the proposed vehicular queuing area. Future opportunity for loading/ unloading access to the neighbouring landlocked site next door at 640 Pittwater Road to north will be lost. The approved DA's loading dock layout allows the possibility of a knock-down wall panel to be located next to the service vehicle bay area to provide for possible future service entrance to the next door neighbour. This is in addition to the Basement Level 1 knock-down panel to access future basement of the neighbouring site
4. The roof top feature proposed in the approved DA should take into consideration the potential location of kitchen exhaust fans from the proposed restaurant on the roof.
5. The Apartment Design Guide proposed the following guidance on signage: "Signage responds to the context and desired streetscape character. Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development. Signage is limited to being on and below awnings and a single facade sign on the primary street frontage". The amount of signage proposed should be reduced to be less dominating on the street front.
6. The Northern Beaches 'Public Space Vision and Design Guidelines' classify Pittwater Road as a 'High Street' and Orchard Road as a 'Local & Collector Street'. The proposal should address the guidelines regarding High and Collector Streets in particular the opportunities for sustainable responses to future infrastructure assisting in the creation of climate resilient neighbourhoods such as pedestrian and cyclist safety/ amenity, street trees, public furniture (bike racks and seating), WSUD, vehicle calming measures and etc.
7. A revised draft of the Brookvale Structure Plan is being prepared, taking into consideration past engagement, updated technical studies and the completed Brookvale-Dee Why Transport Management and Accessibility Plan. There will be opportunities for community input once the draft Structure Plan has been reviewed, updated and re-exhibited in 2022. Orchard Road has been identified as a 'Green Street' that provides workable and attractive access for the east and west precincts of the Strategic Centre and also link the green grid assets across Brookvale/ integrate key pedestrian and cycle opportunities to encourage active living.

### Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
  - Site Plan;
  - Floor Plans;
  - Elevations;
  - Sections; and
  - Signage Plan(s).





- Landscape Plans (Street Trees)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (**Boundary Identification Survey**)
- Site Analysis Plan
- Swept Path Diagrams (to include access/egress movements for Council waste management vehicles)
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Traffic and Parking Assessment
- Operational Plan of Management
- Acoustic Report
- Arboricultural Impact Assessment

#### **IMPORTANT NOTE FOR DA LODGEMENT**

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

#### **Concluding Comments**

These notes are in response to a pre-lodgement meeting held on 24 February 2022 to discuss the use of the premises as a restaurant and take-away food and drink premises and signage at 638 Pittwater Road, Brookvale. The notes reference the plans prepared by Guzman Y Gomez (Holdings) Pty Ltd dated 23 November 2021.

Concerns are raised regarding the impact the development would have on the residential amenity of the approved development and upon the local road network as a result of the drive-through. A comprehensive Acoustic Report & Traffic and Parking Impact Assessment is to be submitted with a Development Application to address these concerns.

The proposed signage is considered to be excessive and cluttered and should be reduced to provide a better and more sensitive response to the architecture of the approved building and to the visual amenity of the streetscape generally.

The functionality of the drive-through element is questioned in how the loading dock can effectively operate. It appears that the incorporation of a drive-through feature severely limits the manoeuvrability within this area such that it would force delivery vehicles to park on the street. This is particularly concerning if the delivery vehicles are parking and delivering during the early hours of the morning in close proximity to approved residential apartments (many of which have bedrooms facing the street).



### **Concluding Comments**

The incorporation of a flu stack is to be designed to blend in with the architecture of the approved development.

Please ensure that the comments raised in the Notes are satisfactorily addressed prior to the submission of a Development Application.

### **Question on these Notes?**

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.