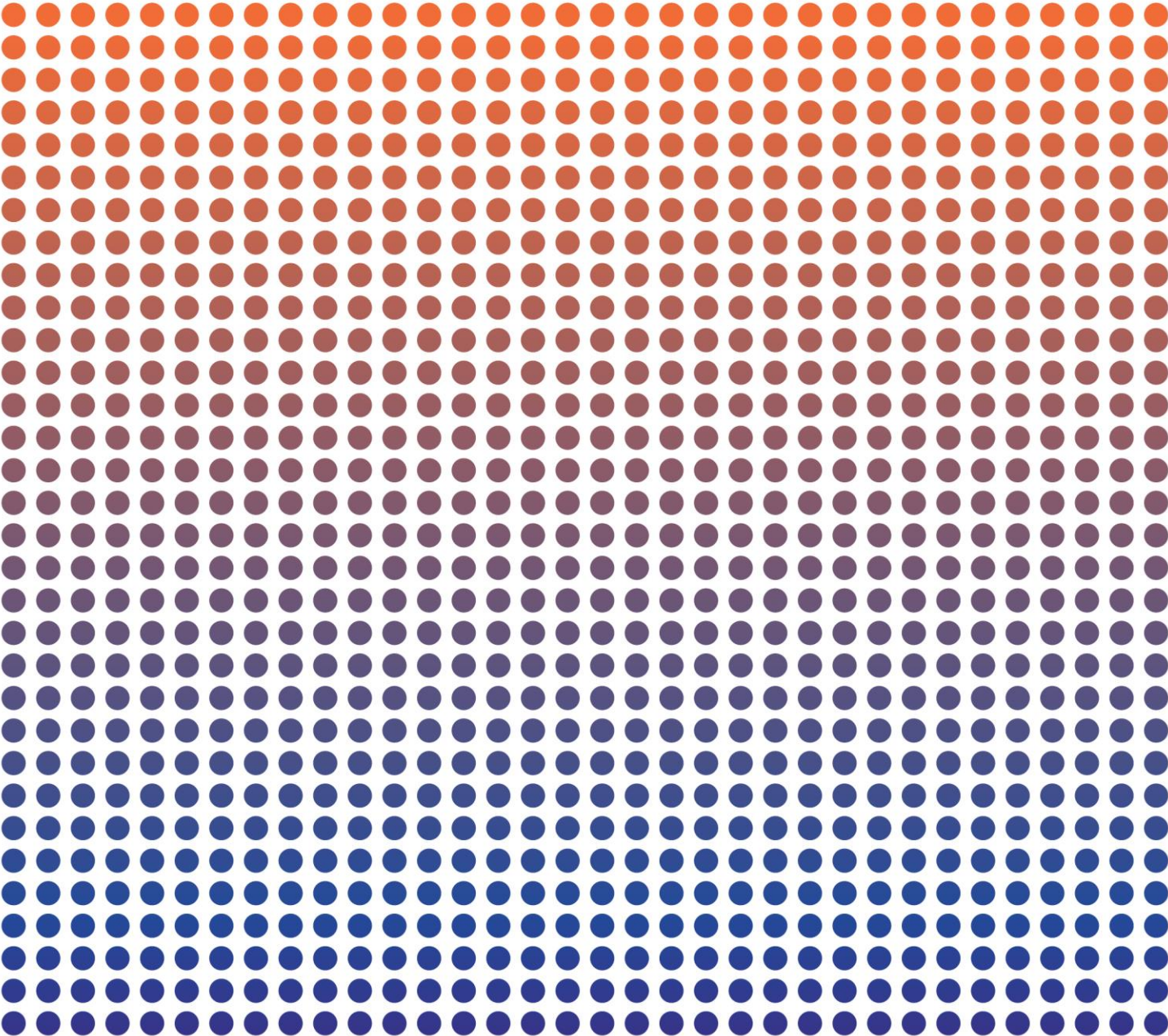


Statement of Environmental Effects

Proposed Demolition, Alterations and Additions to the Existing Building for the Purpose of an Indoor Recreation Facility including a Swim School, Wellness Centre, Swimming Pools including associated Business Identification Signage

Shop 6CC2, 145 Old Pittwater Road, Brookvale (Lot 103 DP 1247294)

November 2021



Prepared by  
**Milestone (AUST) Pty Limited**

Contact  
**Lisa Bella Esposito**

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Version	Status	Date	Prepared By	Reviewed By
A	Draft	18 October 2021	Ryan Kelleher	
B	Final	1 November 2021	Ryan Kelleher, Lisa Bella Esposito	Lisa Bella Esposito, Director

## TABLE OF CONTENTS

<b>1</b>	<b>Introduction.....</b>	<b>2</b>
<b>2</b>	<b>Site Background .....</b>	<b>3</b>
	2.1 Site Description.....	3
	2.2 Site Context.....	4
	2.3 DA Pre-Lodgement Meeting .....	5
	2.4 Site Development Approval History .....	5
<b>3</b>	<b>Description of Proposal .....</b>	<b>6</b>
	3.1 Change of Use.....	6
	3.2 Operational Details.....	7
	3.3 Demolition .....	8
	3.4 Alterations and Additions .....	8
	3.5 Business Identification Signage .....	10
<b>4</b>	<b>Strategic Planning Context .....</b>	<b>11</b>
	4.1 Towards 2040: Northern Beaches Local Strategic Planning Statement .....	11
<b>5</b>	<b>Statutory Planning Framework and Environmental Assessment .....</b>	<b>13</b>
	5.1 Environmental Planning Instruments.....	13
	5.2 Development Control Plans.....	17
	5.3 Section 4.15(1) of the Environmental Planning and Assessment Act 1979 .....	28
<b>6</b>	<b>CONCLUSION .....</b>	<b>32</b>

## LIST OF FIGURES

Figure 1: Site Aerial Map.....	3
Figure 2: Site Aerial Context Map .....	5
Figure 3: Indicative Photomontage, Cover Sheet, Drawing No. DA-A-000 .....	6
Figure 4: Site Elevation, Notification Plan, Drawing No. DA-A-010 .....	10
Figure 5: Northern Beaches Structure Plan .....	11
Figure 6: Disability in the Northern Beaches.....	12
Figure 7: Land Zoning Map.....	15
Figure 8: Landslip Risk Map.....	17

## LIST OF PHOTOS

Photo 1: View looking north-west toward existing maintenance depot and child care facility .....	4
Photo 2: View looking west toward existing maintenance depot and child care facility.....	4
Photo 3: View looking north-west to existing vacant child care facility.....	4
Photo 4: View looking south-east to interior of existing vacant childcare facility .....	4
Photo 5: View looking south from car park to boom gate entry to site .....	4
Photo 6: View looking north from access road to boom gate entry to site.....	4

## 1 INTRODUCTION

This Statement of Environmental Effects Report has been prepared for Aqua Culture Swim Academy Pty Ltd (Aqua Culture Swim), lessee and operator of the subject building located at No. 145 Old Pittwater Road, Brookvale by Milestone (AUST) Pty Limited (Milestone) to accompany a Development Application (DA) to Northern Beaches Council (Council) for the proposed change of use to an indoor recreation facility including a swim school and hydrotherapy pool, a wellness centre, demolition, alterations and additions to the existing building and the display of business identification signage on the subject site (site).

This report has been prepared with reference to the following:

- Completion of the Development Application Form and Lodgement Checklist via the NSW Planning Portal;
- Development Application Pre-Lodgement Meeting No. PLM2021/0091 with Northern Beaches Council held on Thursday 20 May 2021 (**Appendix A**);
- Landowner's consent to lodge the DA with Council (including ASIC Company Extract);
- Architectural Plans prepared by Quattro Architecture dated 6 October 2021 including:
  - Cover Sheet, Drawing No. DA-A-000, Revision H.
  - Notification Plan, Drawing No. DA-A-010, Revision H.
  - Existing Site Plan, Drawing No. DA-A-049, Revision H.
  - Site Plan, Drawing No. DA-A-050, Revision H.
  - Site Analysis Plan, Drawing No. DA-A-060, Revision H.
  - Ground Level Plan, Drawing No. DA-A-100, Revision H.
  - Level 1 Plan, Drawing No. DA-A-101, Revision H.
  - Roof Plan, Drawing No. DA-A-102, Revision H.
  - Wellness Centre Ground Plan, Drawing No. DA-A-150, Revision H.
  - Wellness Centre Level 1, Drawing No. DA-A-151, Revision H.
  - Ground Level – Wet Areas, Drawing No. DA-A-153, Revision C.
  - Building Elevations, Drawing No. DA-A-200, Revision H.
  - Building Sections, Drawing No. DA-A-250, Revision H.
  - Building Signage, Drawing No. DA-A-800, Revision D.
  - Building Signage, Drawing No. DA-A-801, Revision D.
  - Building Finishes, Drawing No. DA-A-850, Revision H.
- Boundary Identification Survey prepared by North Western Surveys dated 6 July 2021;
- Demolition Scope of Works prepared by Scentre Group dated 9 September 2021;
- Landscape Plan, Drawing No. L-01, Revision A prepared by Space Landscape Designs Pty Ltd dated 7 October 2021;
- Operational Plan of Management (including COVID-19 Safety Plan) prepared by Milestone dated October 2021;
- SEPP No. 64 Assessment prepared by Milestone dated October 2021;
- BCA Review prepared by McCarthy Consulting Group (NSW) Pty Ltd (MCG) dated 13 October 2021;
- Waste Management Plan prepared by the Applicant dated 28 October 2021;
- Acoustic Report prepared by RCA Australia dated October 2021;
- Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 28 October 2021;
- Preliminary Geotechnical Investigation prepared by JK Geotechnics dated 23 September 2021;
- Concept Stormwater Drainage Plan, Drawing No. SW01, Revision A prepared by MLH Engineers dated 2 September 2021; and
- Access Report prepared by Accessed dated 14 October 2021.

This report identifies the site and its context, describes the proposed development and provides an assessment of the matters for consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act), as amended.



## 2 SITE BACKGROUND

### 2.1 Site Description

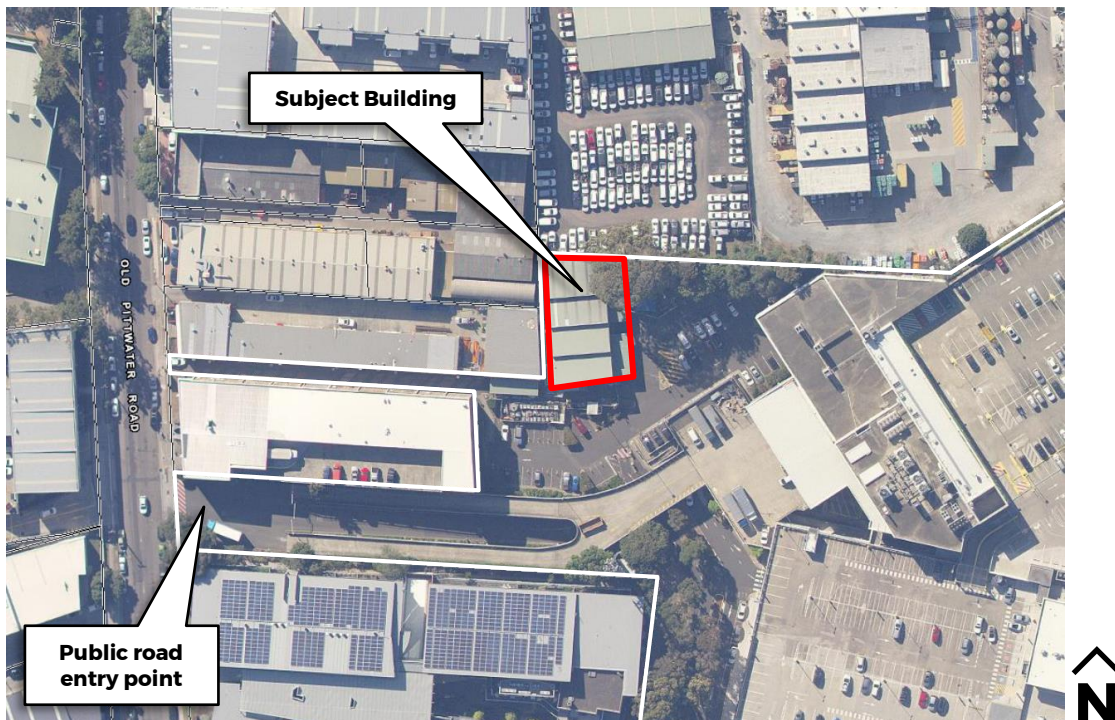
The site is located at No. 145 Old Pittwater Road, Brookvale and is situated within a single lot legally described as Lot 103 DP 1247294. The larger development site is irregular in shape and is 17.008ha. The subject site is located in the northern part of the Westfield Shopping Centre located at Warringah Mall. The floor area of the existing building on the site is 552.06m<sup>2</sup> and is situated with an overall leasable area of 1,561m<sup>2</sup> (**Figure 1**).

The subject site of this Development Application accommodates a warehouse building comprised of a steel framed structure with Colorbond cladding. The site is identified as Shop 6CC2 in Westfield Shopping Centre and is used for the purposes of the Westfield Maintenance Depot in the southern portion of the building and a former child care centre with an associated external play area in the northern portion of the site. The child care centre is currently vacant and **Photos 1 to 4** show the current state of the site which has deteriorated and its interior.

The site contains 53 car parking spaces in association with the Westfield Shopping Centre and includes 4 accessible car parking spaces to the south-west, south and east of the subject site. Primary access to the site is achieved via Old Pittwater Road through a boom gate entry point (**Photos 5 and 6**).

The site contains existing vegetation on the western side, including a tallowwood tree (*Eucalyptus microcorys*), a spotted gum tree (*Corymbia citriodora*) and a swamp mahogany tree (*Eucalyptus robusta*). The Boundary Identification Survey prepared by North Western Surveys dated 6 July 2021 identifies the location of existing vegetation on the site. Approval has been obtained under Tree Permit No. TA2021/0690 issued on 5 October 2021 to remove the aforementioned trees.

The site is not identified as a heritage item nor is it located within a heritage conservation area pursuant to Schedule 5 of the Warringah Local Environmental Plan 2011 (LEP 2011).



**Figure 1: Site Aerial Map**  
**Source: SIX Maps 2021**



**Photo 1: View looking north-west toward existing maintenance depot (left) and child care facility (right)**



**Photo 2: View looking west toward existing maintenance depot (left) and child care facility (right) and car park**



**Photo 3: View looking north-west to existing vacant child care facility including existing mezzanine area**



**Photo 4: View looking south-east from existing mezzanine area to interior of existing vacant childcare facility**



**Photo 5: View looking south from car park to boom gate entry to the site**



**Photo 6: View looking north from access road to boom gate entry to the site**

## 2.2 Site Context

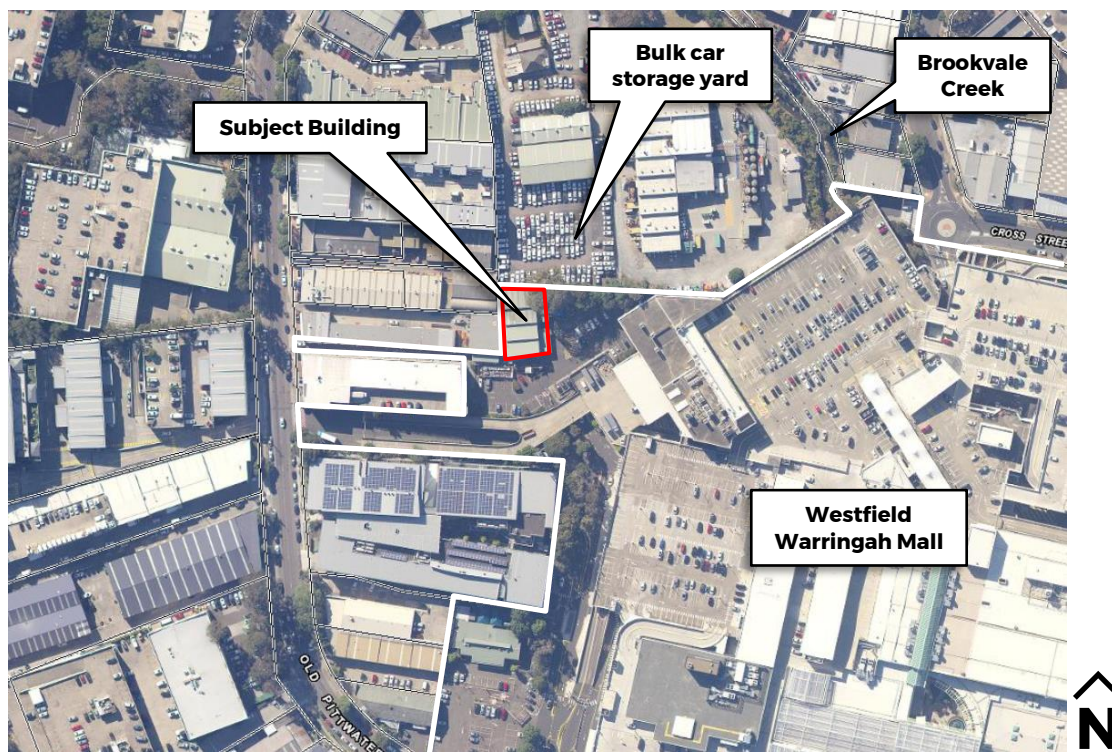
The site is located within an established commercial and industrial area of Brookvale on land within the B3 Commercial Core Zone under LEP 2011 and is adjacent to industrial land uses to the north and west within the IN1 General Industrial Zone. The site also is approximately 500m to the north-east of residential land uses within Allambie Heights in the R2 Low Density Residential Zone.

The site is located on land in relation to Westfield Warringah Mall, a partially enclosed shopping centre that has operated since 4 April 1963 and is one of the largest retail centres in Metropolitan Sydney. The shopping centre provides open-air and undercover multi-storey car parking. The site is adjoined by an existing concrete block warehouse to the west and a bulk car storage yard to the north. Vehicle access to Warringah Mall is currently made via Old Pittwater Road, Cross Street and Pittwater Road and access to the site is via Old Pittwater Road (**Figure 2**).

The site is located on the north-western side of Warringah Mall, approximately 500m to the west of bus services which travel along Pittwater Road between Mona Vale and Wynyard in the Sydney CBD.



Warringah Mall is built at the base of the Allenby Reserve escarpment and contains a number of culverts draining Brookvale Creek through the site. The site is located approximately 150m to the west of the Brookvale Creek.



**Figure 2: Site Aerial Context Map**  
Source: SIX Maps 2021

### 2.3 DA Pre-Lodgement Meeting

On Thursday 20 May 2021, Development Application Pre-Lodgement Meeting No. PLM2021/0091 was conducted with Northern Beaches Council Officers via Microsoft Teams to discuss the proposed development. This Development Application has been prepared in consideration of the specialist advice provided and relevant documentation required by the Pre-Lodgement Meeting Notes held at **Appendix A** of this Statement of Environmental Effects Report. The final Architectural Plans and supporting expert reports document the following matters raised by Council Officers.

### 2.4 Site Development Approval History

A summary of relevant approval history from Council's records for the site is set out below:

Development Consent No. 2001/353DA was approved by (former) Warringah Council on 29 May 2001 for a "Child care centre." This included the conversion of part of the existing warehouse/maintenance building situated on the north western portion of the site for the purpose of establishing a child care centre.

Development Consent No. DA2018/1514 was approved by the Sydney North Planning Panel on 10 December 2019 for "Major additions to Warringah Mall Shopping Centre including retail premises food premises kiosks department stores and cinema complex with associated carparking and landscaping." Approximately 16,809m<sup>2</sup> of Gross Leasable Floor Area (GLFA) at Warringah Mall was still available to be utilised as a result of this development, to which this Development Application will contribute to in a minor way.

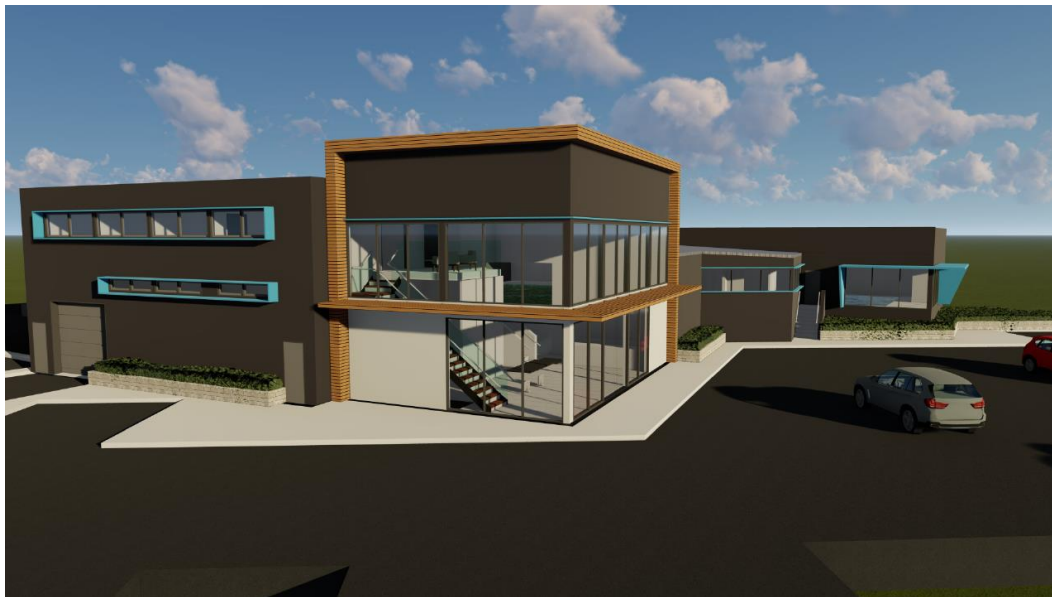
Tree Permit No. TA2021/0690 was approved by Northern Beaches Council on 5 October 2021 for "Tree Removal (3 tree)." This includes the removal of a tallowwood tree (*Eucalyptus microcorys*), a spotted gum tree (*Corymbia citriodora*) and a swamp mahogany tree (*Eucalyptus robusta*). Replacement trees will be planted

on the Warringah Mall site in accordance with an Offset Strategy provided to Council to ensure the preservation of the landscape character of the locality.

There have been no further approvals for the site.

### 3 DESCRIPTION OF PROPOSAL

The proposed development involves a change of use to an indoor recreation facility including a swim school and hydrotherapy pool, a wellness centre, demolition, alterations and additions to the existing building and the display of business identification signage at No. 145 Old Pittwater Road, Brookvale. **Figure 3** contains an indicative photomontage of the proposed building that seeks to reuse and extend the existing building which is located on the site.



**Figure 3: Indicative Photomontage, Cover Sheet, Drawing No. DA-A-000**  
**Source: Quattro Architecture dated 6 October 2021**

#### 3.1 Change of Use

The proposal involves the change of use of the existing former child care centre and maintenance building to an indoor recreation facility for the purposes of a swim school and hydrotherapy pool as well as a wellness centre.

An indoor recreation facility is defined as a 'recreation facility (indoor)' under LEP 2011 as the following:

***"recreation facility (indoor)" means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.***

The proposal includes an ancillary café area on the Ground Level adjacent to the primary customer entry and will include the retail sale of small food and drink items as well as merchandise associated with the swim school, hydrotherapy pool and wellness centre. This use is ancillary to the proposed facility and comprises a minor aspect of the proposed development.



### 3.2 Operational Details

The proposal involves the use and operation of a swim school and hydrotherapy pool, described as Aqua Culture Swim, and a wellness centre, Rigs Recovery, on the subject site at No. 145 Old Pittwater Road, Brookvale.

The swim school will cater for the growing number of children involved in aquatic activities within the Northern Beaches LGA and will allow for water safety, drowning prevention, learn to swim, water polo training and swim squad training. The wellness centre seeks to provide contemporary and high-quality services that assist members of the community in their physical recovery after an injury or operation. The centre including the hydrotherapy pool has been designed with multiple accessibility functions to enable services for all members of the community.

An Operation Plan of Management prepared by Milestone dated October 2021 provides further details on the operation of the swim school and wellness centre. A general summary of the operational details of the proposal is outlined below.

#### Hours of Operation

This Development Application seeks to establish the following proposed operating hours to the users of the swim school, hydrotherapy pool and wellness centre:

<i>Monday:</i>	5:00am to 12:00am midnight.
<i>Tuesday:</i>	5:00am to 12:00am midnight.
<i>Wednesday:</i>	5:00am to 12:00am midnight.
<i>Thursday:</i>	5:00am to 12:00am midnight.
<i>Friday:</i>	5:00am to 12:00am midnight.
<i>Saturday:</i>	5:00am to 10:00pm.
<i>Sunday:</i>	6:00am to 10:00pm.

#### Staffing

The premises will employ between 25 to 30 people to assist in the operation of the use of the site as an indoor recreation facility including a swim school and hydrotherapy pool wellness centre. The following employment positions will be fulfilled:

- Management staff.
- Reception staff.
- Support staff.
- Café staff.
- 'Learn-To-Swim' staff.
- Coaching staff.
- Physiotherapy staff.

It is estimated that between three (3) and thirteen (13) staff will be working on the premises at any one time. During particular events, staff numbers will increase to accommodate any additional patronage or capacity.

#### Loading and Unloading

Loading and unloading associated with the premises will be limited on a day-to-day basis. The vehicles performing these activities will be comprised of small commercial vans or similar B99 vehicles that are able to utilise existing standard car parking spaces.

The loading and unloading of pool and plant equipment associated with the swim school, hydrotherapy pool and wellness centre will occur via a separate access point on the south-western side of the building to ensure safety for staff and customers when transporting pool chemicals.

### Parking and Access

The site is adjacent to an at grade car parking area containing fifty-three (53) off-street car parking spaces, including four (4) accessible spaces, in association with the Westfield Shopping Centre that are able to be used by customers of the swim school and wellness centre.

Further, customers of the swim school and wellness centre are able to utilise approximately 4,500 off-street car parking spaces associated with Westfield Warringah Mall. It is anticipated that some parents of children attending the squad or junior water polo training sessions are likely to make a multi-purpose trip whereby they visit other services within the Westfield Shopping Centre whilst their child is participating in the swim school or wellness centre, supervised by staff.

The site is well-served by multiple access and egress driveways from Old Pittwater Road, Condamine Street and Cross Street in connection with the existing transport network associated Westfield Warringah Mall. Primary vehicular access to the site is achieved via Old Pittwater Road through a boom gate entry point and it is expected that the majority of users/patrons will use this access and egress point.

### COVID-19 Safety Plan

A COVID-19 Safety Plan has been prepared by Sean Davis dated 20 September 2021 and is held at Appendix A of the Operational Plan of Management prepared by Milestone dated October 2021.

### **3.3 Demolition**

The proposed development includes extensive internal and external demolition works to the existing building on the subject site. These works include, but are not limited to:

- Removal of all internal walls and floor finishes associated with the approved former child care centre, including existing mezzanine area shown in **Photo 3**.
- Removal of child care centre external play area, including fencing, external awning, roller shutter door, synthetic grass and external play equipment.
- Removal of internal walls and disassembly of structural beams associated with the Westfield Maintenance Depot shown in **Photo 1**, with temporary supports to be installed.
- Termination and relocation of all services.
- Removal and disposal of all lighting and air conditioning systems.
- Removal of box guttering and existing roof.
- Removal of existing carport and relocation of bollards.
- Removal of existing awning, external brick wall, gate and signage associated with the Westfield Maintenance Depot.
- Demolition of existing paint room and raised slabs and levels located on the subject site to accommodate floor levels for proposed alterations and additions.

Reference is to be made to the Demolition Scope of Works prepared by Scentre Group dated 9 September 2021 for further details on the proposed demolition supporting this Development Application.

### **3.4 Alterations and Additions**

The proposed development includes internal and external alterations and additions to facilitate the use and operation of the swim school and hydrotherapy pool as well as a wellness centre. Reference is to be made to the Architectural Plans prepared by Quattro Architecture dated 6 October 2021 for further details on the proposed internal and external alterations and additions supporting this Development Application.

Based on the findings of the Preliminary Geotechnical Investigation prepared by JK Geotechnics dated 23 September 2021, the proposed development will require minor excavation works for the purpose of subgrade preparation and site levelling works.

### 3.4.1 Internal

#### Ground Floor

- Swim School and Hydrotherapy Pool**
- Two (2) accessible ramp access points to swimming areas.
  - Female change room including three (3) toilets, one of which is wheelchair accessible.
  - Male change room including three (3) toilets, one of which is accessible, and two (2) urinals.
  - Separate adult and accessible change room including the following:
    - Automatic sliding door for ease of access.
    - Slip-resistant flooring.
    - Adjustable height change table.
    - Room coverage hoist.
    - Two (2) horizontal changing rails.
  - Fixed bench seating and wall-mounted spectator seating around the pools.
  - Internal pool and plant equipment area including separate access point for chemical transport on south-western side of building. A detailed description of this area is included in Section 6 of the Operational Plan of Management submitted with this DA.
  - Two (2) storage areas.
  - One (1) training pool measuring 25m (L) x 11m (W) x 1.5m (D). The pool will contain a bulkhead and diving blocks at one end and guttering around the pool, including ladder entry and will enable disabled access to the pool.
  - One (1) 'learn-to-swim' and hydrotherapy pool measuring 13.5m (L) x 7.5m (W) and depth of between 1-1.5m including two (2) accessible ramp entry points. Similar to the training pool, the hydrotherapy pool will be located 1.5m above ground level.
- Wellness Centre**
- Wellness Centre, including lockers, cryotherapy room, steam room, two (2) saunas and male and female change area.
  - Two (2) smaller recovery pools and associated showers.
  - Café area.
  - Reception area.
  - Stair and lift access to Level 1.

#### Level 1

- Wellness Centre**
- Staff area.
  - Seating area adjacent to stair and lift access.
  - Specialised cryotherapy room.
  - Two (2) physiotherapy rooms.
  - Compression cinema room.
  - Float and IR room.
  - 'Airpod' room including hyperbaric chamber.

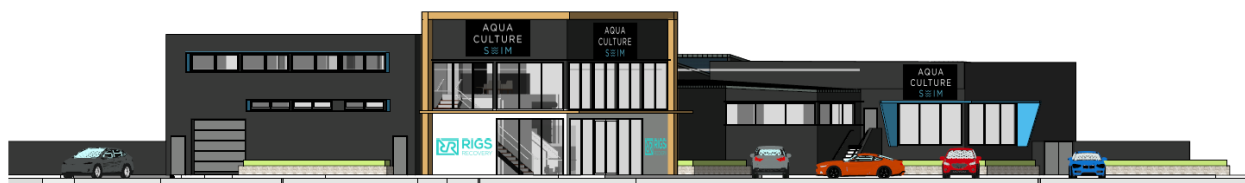
### 3.4.2 External

The proposed development seeks to carry out external alterations and additions that will accommodate the use of the site as an indoor recreation facility (refer to **Figure 4**).

- Extension of the floor area of the existing building to the east and south, including the creation of a new level to facilitate services associated with the wellness centre.
- Installation of new Colorbond metal roofing, window openings and associated glazing.
- Construction of new access and egress points from subject building.
- Construction of external plant and equipment area on western side of building.
- Introduction of landscaping on the southern extent of the building envelope.
- External alterations to existing building including the installation of concrete panelling and fibre cement sheet cladding. Refer to the Building Finishes, Drawing No. DA-A-850 for further details on the external colours, materials and finishes included in the proposed development which are suitable to the commercial character of Warringah Mall and the surrounding locality.



As aforementioned, the proposal includes the extension of the existing building to the east and south, which will increase the existing GFA of the building from 552.06m<sup>2</sup> to 1,173.5m<sup>2</sup>, including 1,025.5m<sup>2</sup> on the Ground Floor and 148m<sup>2</sup> on Level 1. This will result in a GFA increase of 621.44m<sup>2</sup>.



**Figure 4: Site Elevation, Notification Plan, Drawing No. DA-A-010**  
Source: Quattro Architecture dated 6 October 2021

### 3.5 Business Identification Signage

The proposed development includes the display of five (5) business identification signs associated with the swim school and hydrotherapy pool (Aqua Culture Swim) and the wellness centre (Rigs Recovery) as follows:

- South Elevation**
  - One (1) x non-illuminated wall sign comprising individual lettering 'Aqua Culture Swim' painted on the southernmost building frontage which measures 3890mm (W) x 1945mm (H). The sign will be elevated 6.268m above the ground level.
  - One (1) x non-illuminated wall sign comprising individual lettering 'Rigs Recovery' and the associated logo painted on the southernmost building frontage which measures 3600mm (W) x 1070mm (H). The sign will be elevated 1.18m above the ground level.
  - One (1) x non-illuminated wall sign comprising individual lettering 'Aqua Culture Swim' painted on the southern frontage on the eastern building extension which measures 3200mm (W) x 1600mm (H). The sign will be elevated 4.195m above the ground level.
- East Elevation**
  - One (1) x non-illuminated wall sign comprising individual lettering 'Aqua Culture Swim' painted on the eastern building frontage above the main customer entry which measures 3890mm (W) x 1945mm (H). The sign will be elevated 6.19m above the ground level.
  - One (1) x non-illuminated wall sign comprising individual lettering 'Rigs Recovery' and the associated logo painted on the eastern building frontage adjacent to the main customer entry which measures 2630mm (W) x 785mm (H). The sign will be elevated 1.24m above the ground level.

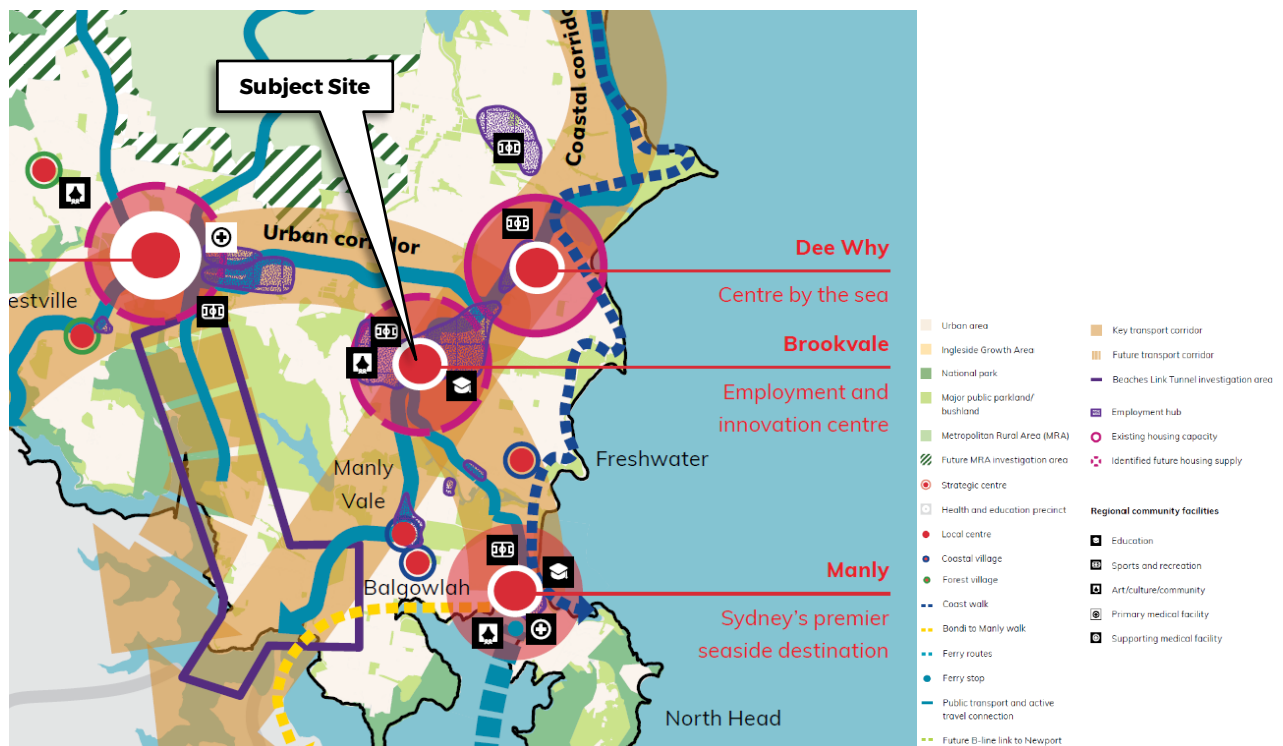
The signage will have a combined display area of approximately 26m<sup>2</sup> and appropriately identifies the functions of the indoor recreation facility as a swim school and hydrotherapy pool as well as a wellness centre. The Building Signage Drawings Nos. DA-A-800 and DA-A-801 included in the Architectural Plans provides further details on the position of the business identification signage.

## 4 STRATEGIC PLANNING CONTEXT

### 4.1 Towards 2040: Northern Beaches Local Strategic Planning Statement

*Towards 2040*, the Northern Beaches Local Strategic Planning Statement (LSPS), has been prepared in accordance with the requirements of Section 3.9 of the Act and provides a 20-year land use vision for the Northern Beaches LGA, within which the site is located.

The site is located within the Brookvale – Dee Why strategic centre and has been identified by the Northern Beaches LSPS as being the most accessible centre by way of public transport (**Figure 5**). The site is located along a coastal corridor of the Northern Beaches, connecting to the Dee Why Centre, which is to the north-east along Pittwater Road. Three types of regional community facilities have been identified within the centre including sports and recreation, arts/culture/community and education.



The proposed development will support the vision of the LSPS through the introduction of a use that provides recreational opportunities and facilities that support the health and wellbeing of the Northern Beaches community. The proposal will contribute to the enlivenment of Warringah Mall and provide employment opportunities that reflect the interests of the community. Especially in proximity to an expansive coastline to the east, the provision of this proposed facility is particularly important to members of the community including children and the elderly. The proposal will also accommodate a prominent accessibility function to cater to disabled members of the community requiring hydrotherapy services whose options are currently limited in the Northern Beaches LGA.

This is reinforced by Planning Priority N10 of the Northern District Plan to grow investment, business opportunities and jobs in strategic centres. The proposal will contribute to Action 41 so that the Brookvale-Dee Why Centre is strengthened in the following ways:

- Contributes to the mix of land uses so that Brookvale-Dee Why continues to perform strongly as a well-balanced, self-sustaining combined centre.
- Improves the integration of Warringah Mall with the fabric and life of Brookvale-Dee Why by delivering a new state-of-the-art facility to be used for recreational and wellness functions.

- Enhance employment opportunities within this centre through the introduction of a new land use and offers integrated services between the swim school and hydrotherapy pool as well as the wellness centre.

The proposal will support the following priorities identified by the LSPS:

### Priority 11

*Community facilities and services that meet changing community needs*

The proposal includes a use accommodating multiple functions to the community including squad training to cater to a learning function, a hydrotherapy pool for recovery which also serves an early childhood swimming educational function. The wellness centre located on the site will provide further functions to meet the needs of the Northern Beaches LGA through innovative facilities including physiotherapy, cryotherapy and a hyperbaric chamber.

Figure 35 of the Northern Beaches LSPS adapted a study prepared by Ethos Urban and Otium Planning Group in 2019 which identified swimming within the top three sport and recreation activities for residents in NSW. Further, the Australian Bureau of Statistics (ABS) Census in 2016 identified that the Northern Beaches LGA accommodated a population of persons aged 14 years and under at an equal or higher proportion as the NSW average. Persons aged 70 years or older are also accommodated at a higher proportion as the NSW average. This demonstrates a changing need and demand for facilities that accommodate the health, wellness and recreational needs of these parts of the community.

The proposal will cater to a broad range of users in the community for each function, and will ensure all persons, irrespective of their level of mobility, are able to enjoy and utilise these facilities.

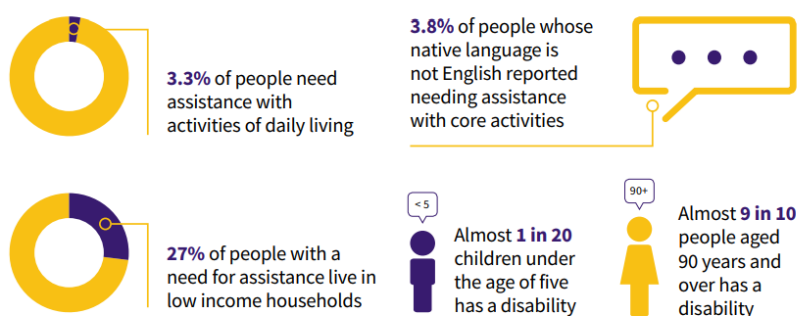
### Priority 12

*An inclusive, healthy, safe and socially connected community*

The proposal demonstrates consistency with a relevant principle of Priority 12 to "Provide accessible, welcoming and safe places for all ages, abilities and cultures."

**Figure 6** provides a general summary of disability statistics in the Northern Beaches LGA as identified by the Northern Beaches Disability Inclusion Action Plan 2017. The Disability Inclusion Action Plan identified that approximately 3.7% of the Northern Beaches population require assistance in a core activity.

The proposal demonstrates consistency with Priority 12 and the Disability Inclusion Action Plan by providing a range of services and facilities that accommodate people with a disability, including ramps to and within swimming pools, lift access to Level 1 and the inclusion of a change room catered specifically to disabled adults.



There are more than **20,000** unpaid carers, supporting individuals with a disability, long term illness, poor mental health or old age.

**Figure 6: Disability in the Northern Beaches**  
**Source: Northern Beaches Disability Inclusion Action Plan 2017**

### Priority 22

The proposal satisfies Priority 22 of the Northern Beaches LSPS by providing employment opportunities to appropriately qualified persons with Westfield Warringah Mall. This will consequently strengthen the role of Brookvale as a



*Jobs that match the skills and needs of the community*

**Priority 24**

*Brookvale as an employment and innovation centre*

strategic centre within a high amenity hub that delivers services closer to major transport nodes and areas of high traffic.

Brookvale has been identified as the largest employment precinct in the North Beaches, comprising approximately one-third of all jobs in the LGA. The North District Plan identified an estimated job increase of between 3,000 and 6,000 people by 2036.

**Figure 6** further identifies the site within the Brookvale employment and innovation centre, which will continue to grow as a result of the proposed development. The proposal supports the continued sustainable expansion of Warringah Mall and provides a built form outcomes that creates a positive visual impact for the surrounding locality.

On this basis, there is strong merit for the proposed development to be carried out in accordance with the vision of the Northern Beaches LSPS.

## **5 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT**

In accordance with Section 4.15(1) of the Act, the following section provides an appraisal of the proposed development having regard to the statutory planning instruments and development control plans that apply to this site.

### **5.1 Environmental Planning Instruments**

#### *5.1.1 State Environmental Planning Policy No.64 – Advertising and Signage*

The aims and objectives of State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) are set out at Clause 3(1)(a) as follows:

*“(1) This Policy aims:*

- (a) to ensure that signage (including advertising):*
  - (i) is compatible with the desired amenity and visual character of an area, and*
  - (ii) provides effective communication in suitable locations, and*
  - (iii) is of high quality design and finish.”*

Clause 8 of SEPP 64 states that:

*“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- “(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.”*

The proposal involves the display of five (5) business identification signs associated with the swim school and hydrotherapy pool as well as the wellness centre. All signage will not be illuminated and will be painted directly on the face of the subject building.

For further details on the nature and position of the business identification signage, refer to the Building Signage Drawings Nos. DA-A-800 and DA-A-801 included in the Architectural Plans.

The proposed business identification signage is compatible with the commercial character of Warringah Mall and provides prominent signage in proximity to the principal access points to the building. The proposal is of a simple design and application and clearly promotes the offering of the swim school, hydrotherapy pool and wellness centre. Refer to the SEPP No. 64 Assessment prepared by Milestone dated October 2021 supporting this Development Application for assessment of the signage with respect to the assessment criteria outlined in Schedule 1.

On this basis, the proposed signage is consistent with the objectives of SEPP 64 and development consent is able to be granted.

### 5.1.2 State Environmental Planning Policy No 55—Remediation of Land

Clause 7(1) of SEPP 55 states that Council cannot consent to development on the land unless:

*'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'.*

The site and surrounding properties have a long history of commercial and child care use. The proposal changes the use to an indoor recreation facility. There is no documented evidence made available by Council that suggests potentially contaminating uses were present on the site prior to the use as a child care centre.

On the basis there is no evidence from Council's records to suggest the site has contained contaminating uses in the past, and the long standing shopping centre and child care use of the property, the proposal satisfies the requirements of Clause 7 of SEPP 55 and use of the property for indoor recreational and commercial uses is acceptable.

### 5.1.3 Warringah Local Environmental Plan 2011

#### Zoning

The site is located within the B3 Commercial Core Zone as prescribed by LEP 2011 (**Figure 7**). The objectives of the B3 Commercial Core Zone are as follows:

- "To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- To encourage appropriate employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To recognise and support the role of Warringah Mall as a retail centre of sub-regional significance."*

The proposal involves the change of use of the existing child care centre and maintenance building to an indoor recreation facility for the purposes of a swim school, hydrotherapy pool. The proposal as an indoor recreational facility is permissible with development consent in the B3 Commercial Core Zone

An indoor recreation facility is defined as a 'recreation facility (indoor)' under LEP 2011 as the following:

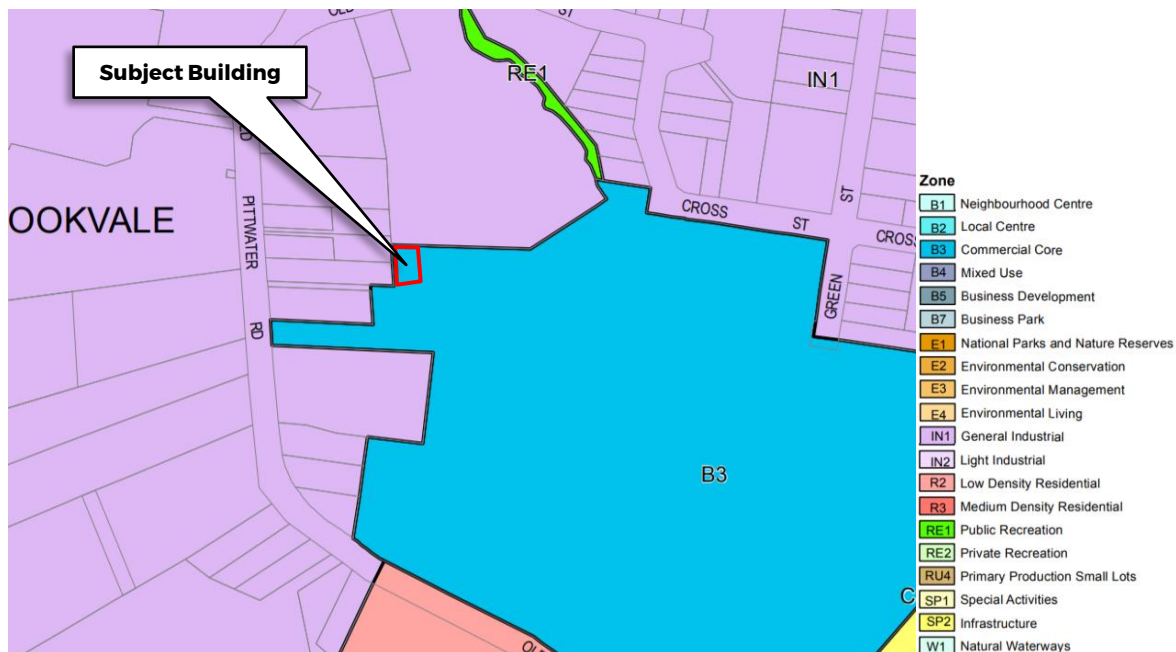
**"recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club."

The proposal includes the use of part of the site as a wellness centre, which is defined as a 'business premises' under LEP 2011 as follows:

**"business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital."*

Business premises, under the group term of 'commercial premises,' are permissible with development consent in the B3 Commercial Core Zone. Notwithstanding, the wellness centre is an ancillary component to the indoor recreation facility use.



**Figure 7: Land Zoning Map**  
**Source: LEP 2011**

#### Building Height

A maximum building height control does not apply to the site pursuant to Clause 4.3 of LEP 2011. The proposed development includes a maximum building parapet level of 8.7m.

#### Floor Space Ratio

The site is not subject to a maximum Floor Space Ratio (FSR) control pursuant to Clause 4.4 of LEP 2011. This matter has been addressed in Section 5.2 of this report pertaining to an assessment against the Warringah Development Control Plan 2011 (DCP 2011) for the broader Westfield Warringah Mall site.

#### Demolition

The proposed development includes internal and external demolition associated with the existing building as described in Section 3.3 of this report. Demolition requires development consent pursuant to Clause 2.7 of LEP 2011 and therefore these works are captured within this application.

#### Heritage

The site is not identified as an item of environmental heritage nor is it located within a heritage conservation area pursuant to Schedule 5 of LEP 2011. The site is not located within the vicinity of any heritage items and therefore further consideration of Clause 5.10 of LEP 2011 is not required.

Milestone conducted a search of the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) on 6 October 2021. Based on this search, Milestone confirm that no Aboriginal sites have been recorded and no Aboriginal places have been declared within 200m of No. 145 Old Pittwater Road, Brookvale. The proposal is located in an area that has been highly modified for a range of urban uses and therefore it is considered unlikely that there are any landscape features to indicate the presence of Aboriginal objects due to the past history of disturbance.

On this basis, the proposal is considered to have a negligible heritage impact.



## Flood Planning

Milestone obtained a Section 10.7 (2) & (5) Planning Certificate No. ePLC2021/2432 for the subject land, which identified that the site is subject to flood related development controls. This matter was addressed in the Pre-Lodgement Meeting Notes held at **Appendix A** of this report, which stated the following with respect to floodplain planning on Page 4:

*"Council's flood information suggests that the Warringah Mall site at 145 Old Pittwater Road, Brookvale is identified as flood affected. However Warringah Mall has undertaken major stormwater augmentation works in the last few years that significantly reduce the flood exposure of the site.*

*The applicant has provided flood modelling results to Council prepared by Cardno for Scentre Group that demonstrate that the subject site within 145 Old Pittwater Road is not identified as being subject to flood risk in a 1% AEP event and would not be subject to flood related development controls."*

Council has determined that the proposed development is not subject to further flood related development controls and impacts. On this basis, pursuant to Clause 5.21 of LEP 2011 development consent can be granted to the proposed development as impacts are considered to be acceptable.

## Acid Sulfate Soils

The eastern side of No. 145 Old Pittwater Road, Brookvale contains land that is identified as being within a Class 4 and Class 5 Acid Sulfate Soils Area pursuant to Clause 6.1 of LEP 2011. Section 4.6 of the Preliminary Geotechnical Investigation prepared by JK Geotechnics dated 23 September 2021 identifies the high watertable of the site and identifies the proposed development will require minor excavation works for the purpose of subgrade preparation and site levelling works and the works are not likely to lower the watertable.

## Earthworks

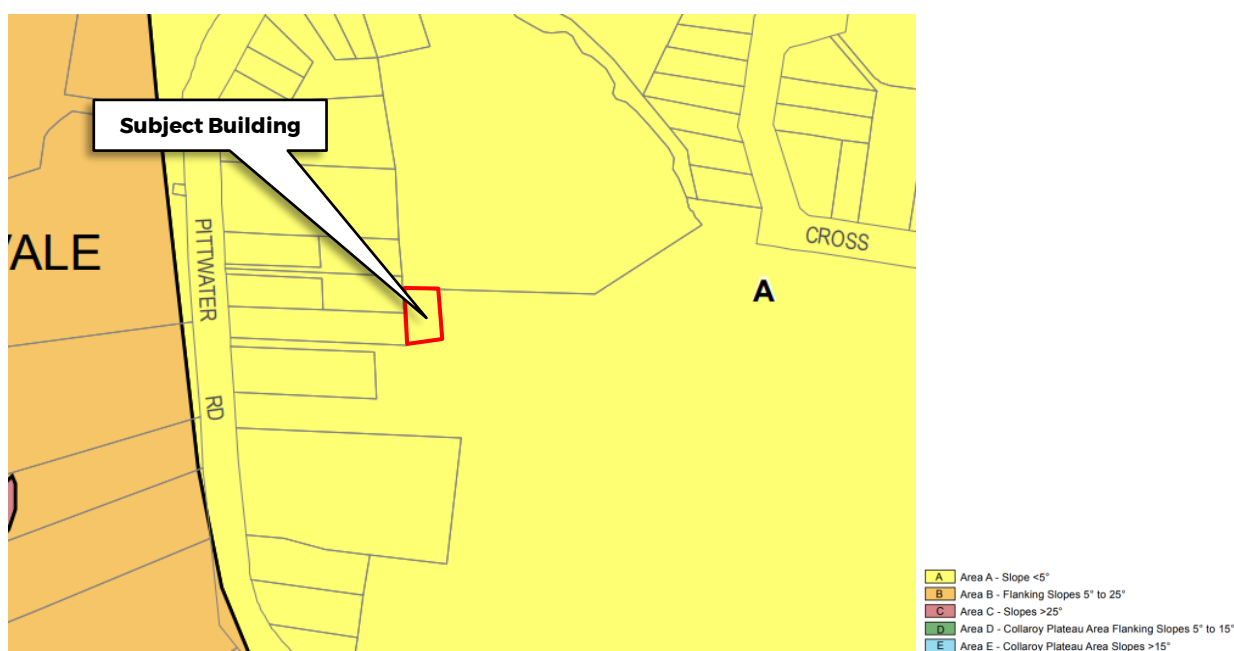
Based on the findings of the Preliminary Geotechnical Investigation prepared by JK Geotechnics dated 23 September 2021, the proposed development will require minor excavation works for the purpose of subgrade preparation and site levelling works.

Pursuant to Clause 6.2(2)(b) of LEP 2011, development consent can be granted as any potential earthworks undertaken as part of the proposed development will be wholly ancillary once development consent is obtained.

## Development on Sloping Land

The site is located within Area A of the Landslip Risk Map pursuant to Clause 6.4 of LEP 2011, which is for land with a slope of less than 5 (**Figure 8**).

The proposed development will utilise an existing building with alterations and additions located on the subject site that does not have a history of landslip risk. Further, the Concept Stormwater Drainage Plan, Drawing No. SW01, Revision A prepared by MLH Engineers dated 2 September 2021 provides detailed technical information on the management of stormwater resulting from the proposal so as to limit any potential overall impact. On this basis, the proposal is considered to demonstrate satisfaction of Clause 6.4 of LEP 2011 and development consent can be granted.



**Figure 8: Landslip Risk Map**  
Source: LEP 2011

## 5.2 Development Control Plans

### 5.2.1 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 (DCP 2011) provides detailed guidelines and environmental standards for development within the former-Warringah LGA. The relevant controls contained within DCP 2011 are summarised and assessed below.

The proposal seeks to ensure a positive planning and built form outcome that maintains a high level of environmental quality and amenity achieving consistency with the relevant objectives of DCP 2011 by creating an attractive and innovative design outcome, maintaining transport access to the site and facilitating accessibility within the site.

As the site is located within a Part C Special Area (Warringah Mall), Part B of DCP 2011 does not apply. **Table 1** provides an assessment of the proposed development against the relevant provisions of DCP 2011.

**Table 1: DCP 2011 Assessment**

DCP 2011 Requirement		Comment
Part C - Siting Factors		
Section C2 - Traffic, Access and Safety		
1	Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.	<b>Complies.</b> The proposal maintains the existing car parking associated with the overall Warringah Mall site and demonstrates consistency with the objectives of Section C2.
2	Vehicle access is to be obtained from minor streets and lanes where available and practical.	<b>Not applicable.</b> Existing vehicle access to the site is maintained.
3	There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.	<b>Not applicable.</b>
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.	<b>Not applicable.</b>
5	Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.	<b>Not applicable.</b>
6	Facilities for the loading and unloading of service, delivery and emergency vehicles are to be:	<b>Complies.</b> Loading and unloading associated with the premises will be daily. The vehicles performing these activities will be small commercial vans or similar B99

	<ul style="list-style-type: none"> <li>appropriate to the size and nature of the development;</li> <li>screened from public view; and</li> <li>designed so that vehicles may enter and leave in a forward direction.</li> </ul>	vehicles that are able to utilise existing standard car parking spaces.
<b>Section C3 – Parking Facilities</b>		Reference is made to Milestone's assessment of Part C4 of DCP 2011 provides comment on the site-specific car parking facility requirements for Warringah Mall.
<b>Section C3(A) – Bicycle Parking and End of Trip Facilities</b>		Reference is made to Milestone's assessment of Part C4 of DCP 2011 provides comment on the site-specific bicycle parking facility requirements for Warringah Mall.
<b>Section C4 – Stormwater</b>		
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.		<b>Complies.</b> The Concept Stormwater Drainage Plan, Drawing No. SW01, Revision A prepared by MLH Engineers dated 2 September 2021 submitted with this Development Application provides detailed technical information on the management of stormwater resulting from the proposal demonstrating acceptable impact.
The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.		<b>Complies.</b> Refer to the Concept Stormwater Drainage Plan, Drawing No. SW01, Revision A prepared by MLH Engineers dated 2 September 2021 submitted with this Development Application for further details.
<b>Section C8 – Demolition and Construction</b>		
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.	<b>Complies.</b> A Waste Management Plan has been prepared by the Applicant dated 28 October 2021 and submitted with this Development Application and details the waste management requirements of the proposed development with respect to construction and demolition as specified in accordance with the appropriate sections of Council's Waste Management Guidelines.
<b>Section C9 – Waste Management</b>		
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.	<b>Complies.</b> Refer to the Waste Management Plan prepared by the Applicant dated 28 October 2021 for further details.
<b>Part D – Design</b>		
<b>Section D3 – Noise</b>		
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 <i>NSW Industrial Noise Policy</i> at the receiving boundary of residential and other noise sensitive land uses	<b>Complies.</b> Section 3.1 of the Acoustic Report prepared by RCA Australia dated October 2021 details the operational noise criteria for the proposed development with respect to the NSW Noise Policy for Industry (NPfI). Based on this relevant criteria, the Acoustic Report concludes that the potential noise impacts for the proposal will be suitable for development.
<b>Section D9 – Building Bulk</b>		Reference is made to Milestone's assessment of Part C4 of DCP 2011 which provides comment on the site-specific design quality and building setback requirements for Warringah Mall.
<b>Section D10 – Building Colours and Materials</b>		Reference is made to Milestone's assessment of Part C4 of DCP 2011 which provides comment on the site-specific material requirements for Warringah Mall.
<b>Section D11 – Roofs</b>		Reference is made to Milestone's assessment of Part C4 of DCP 2011 which provides comment on the site-specific roof requirements for Warringah Mall.
<b>Section D18 – Accessibility and Adaptability</b>		
1	The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.	<b>Complies.</b> The design of the proposed development seeks to produce a built form outcome that accommodates a prominent accessibility function to cater to people with disabilities in the community whose options are currently limited in the Northern Beaches LGA.



		<p>The proposal seeks to implement an accessible adult change room that includes an automatic sliding door for ease of access and slip-resistant flooring to reduce barriers to movement.</p> <p>The Access Report prepared by Accessed dated 14 October 2021 submitted with this DA provides detailed requirements and recommendations of the development prior to the issue of a Construction Certificate to ensure compliance with the Premises Standards, Building Code of Australia, and Australian Standards for accessibility.</p>
2	There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.	<b>Complies.</b>
3	Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.	<b>Complies.</b>
4	Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.	<b>Complies.</b>
5	There is to be effective signage and sufficient illumination for people with a disability.	<b>Complies.</b>
6	Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.	<b>Complies.</b>
7	Access for people with a disability is to be provided at the main entrance to the development.	<b>Complies.</b>
8	Development is to comply with Australian Standard AS1428.2.	<b>Complies.</b> The Access Report prepared by Accessed dated 14 October 2021 provides a detailed assessment on the relevant requirements of AS1428 with regard to design for access and mobility.
9	Where a development comprises at least five (5) dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299	<b>Not applicable.</b>
<b>Section D20 – Safety and Security</b>		Reference is made to Milestone's assessment of Part C4 of DCP 2011 provides comment on the site-specific security and safety requirements for Warringah Mall.
<b>Section D22 – Conservation of Energy and Water</b>		
1	The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy	<b>Complies.</b> The proposed landscaping shown on the Landscape Plan, Drawing No. L-01, Revision A prepared by Space Landscape Designs Pty Ltd dated 7 October 2021, is located adjacent to the car parking area to enhance the amenity for users of the site.
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.	<b>Complies.</b> The site is adjoined by an existing concrete block warehouse to the west. It is considered that the proposed extension to the subject building will not unreasonably reduce existing solar access for the adjacent warehouse located in an industrial land use zone.
3	Buildings are to be designed to minimize energy and water consumption.	<b>Complies.</b> The proposed swimming pools on the site will utilise a Perlite regenerative filter media rather than a Diatomaceous Earth (DE) filter media during its operation and will provide significant water and energy savings. The pre-cast concrete wall panelling associated with the alterations and additions will also enable green energy management solutions.
4	Landscape design is to assist in the conservation of energy and water.	<b>Complies.</b> The proposal seeks to install an inground dripline irrigation system, which is a low-pressure and low-volume watering system that minimises water usage.
5	Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.	<b>Able to comply.</b>

6	All development must comply with Council's Water Management Policy.	<b>Able to comply.</b>
<b>Section D23 - Signs</b>		
1	Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter.	<p><b>Complies.</b> The proposed development seeks to display five (5) business identification signs associated with the swim school, hydrotherapy pool and the wellness centre. The proposed signage cannot be viewed from the local streetscape due to the substantial setback of the site within Warringah Mall.</p> <p>The proposed signage is of a simple design that will not obscure other business identification signage and is consistent with the existing commercial offering of Warringah Mall.</p>
2	Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.	<b>Complies.</b> The proposed signage respects the proposed scale of the subject building and seeks to complement its architectural character.
3	Signs on heritage items or on buildings in conservation areas should not by their size, design or colour, detract from the character or significant qualities of individual buildings, the immediate context or the wider streetscape context of the area.	<b>Not applicable.</b>
4	Signs are not to obscure views of vehicles, pedestrians or potentially hazardous road features or reduce the safety of all users of any public road (including pedestrians and cyclists).	<b>Complies.</b> The signs will be located directly on the façades of the subject building and will not obscure the views of vehicles or pedestrians using the adjacent parking and access areas.
5	Signs should not be capable of being confused with, or reduce the effectiveness of, traffic control devices.	<b>Complies.</b> The content of the signage relates specifically to the use of the subject building as a swim school, hydrotherapy pool and wellness centre.
6	Signs are not to emit excessive glare or cause excessive reflection.	<b>Complies.</b>
7	Signs should not obscure or compromise important views.	<b>Not applicable.</b> Signs will be fixed directly to the elevations of the subject building.
8	Signs displayed on dwellings are to be attached to the ground floor façade of the dwelling, unless the land is located on a main road or the dwelling is not visible from the street, in which case the sign may be attached to a front fence.	<b>Not applicable.</b>
9	For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.	<b>Not applicable.</b>
10	No more than one sign is to be located above the awning level for business uses.	<b>Not applicable.</b> The display of business identification signage supports the use of the site as an indoor recreation facility.
11	Tenancy boards and the like are encouraged to be in the form of consolidated signs.	<b>Not applicable.</b> The site will be occupied by a swim school and hydrotherapy pool as well as a wellness centre that contains separate facilities, offerings and membership arrangements.
12	Signs shall meet the following criteria (wall signs):	<p><b>Complies.</b></p> <p><b>Complies.</b></p> <p><b>Complies.</b></p> <p><b>Not applicable.</b></p> <p><b>Not applicable.</b></p>
13	<ul style="list-style-type: none"> <li>• Shall not extend within 200mm of the top and sides of the wall.</li> <li>• Shall not cover any window or architectural projections;</li> <li>• Must 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; and</li> <li>• Shall not project more than 300mm from the wall.</li> </ul>	
14	The following signs are not considered appropriate and are discouraged:	<b>Complies.</b> No sign will be located above the roof or parapet of the subject building.

	<ul style="list-style-type: none"> <li>Flashing or moving signs on all land other than the carriageway of a public road</li> <li>Pole or pylon signs, unless there is no building on the site, or the building is not visible from the street or public domain; this does not include identification, interpretive, directional and advance warning signs described as Exempt Development, or a sign erected by the Council for the display of community information;</li> <li>Signs on or above the roof or parapet of a building.</li> <li>A-frame and temporary signs located on public land, including: <ol style="list-style-type: none"> <li>Signs on motor vehicles which are not able to be driven with the sign displayed,.</li> <li>Balloons or other inflatable objects used for the purpose of advertising which are placed on or above roof level.</li> <li>Illuminated signs in residential zones</li> </ol> </li> </ul>	
<b>Part E - The Natural Environment</b>		
<b>Section E1 - Preservation of Trees or Bushland Vegetation</b>		<b>Not applicable.</b> Tree Permit No. TA2021/0690 was approved by Northern Beaches Council on 5 October 2021 for "Tree Removal (3 tree)." This includes the removal of a tallowwood tree ( <i>Eucalyptus microcorys</i> ), a spotted gum tree ( <i>Corymbia citriodora</i> ) and a swamp mahogany tree ( <i>Eucalyptus robusta</i> ). Replacement trees will be planted onsite in accordance with an Offset Strategy provided to Council to ensure the preservation of the landscape character of the locality.
<b>Section E10 - Landslip Risk</b>		
1	The applicant must demonstrate that: <ul style="list-style-type: none"> <li>The proposed development is justified in terms of geotechnical stability; and</li> <li>The proposed development will be carried out in accordance with good engineering practice.</li> </ul>	<p><b>Complies.</b> The site is located within Area A of the Landslip Risk Map pursuant to Clause 6.4 of LEP 2011, which is for land with a slope of less than 5 (<b>Figure 8</b>).</p> <p>The proposed development will utilise an existing building located on the subject site that does not have a history of landslip risk. Further, the Concept Stormwater Drainage Plan, Drawing No. SW01, Revision A prepared by MLH Engineers dated 2 September 2021 provides detailed technical information on the management of stormwater resulting from the proposal so as to limit any potential impact.</p> <p>Further, reference is made to the comments and recommendations of the Preliminary Geotechnical Investigation prepared by JK Geotechnics dated 23 September 2021 submitted with this DA. The proposed development seeks to ensure the detailed design of the development aligns with the findings of this document.</p>
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	
<b>Section E11 - Flood Prone Land</b>		<p><b>Not applicable.</b> In accordance with the Pre-Lodgement Meeting Notes held at <b>Appendix A</b> of this report, Council has determined that the proposed development is not subject to further flood related development controls.</p> <p>On this basis, it is considered that an assessment of Section E11 of DCP 2011 is not required.</p>

<b>Part G4 - Warringah Mall</b>		
Whilst Section G4 of the Warringah Development Control Plan 2011 (DCP 2011) specifies development for Lot 100 DP 1015283, the subject site at 145 Old Pittwater Road, Brookvale (Lot 103 DP 1247294) is identified in the Warringah Mall Shopping Centre Site Area.		
1	Future development on or adjacent to the perimeter of the site must be designed to positively address the street, relate to the natural environment and create a clear distinction between the public and the private domain.	<b>Not applicable.</b>
2	Future development on the site is to incorporate design elements that optimize the use of natural light and the ambient environment to the pedestrian malls within the centre.	<b>Not applicable.</b> The site is located outside of the primary built form of Warringah Mall shopping centre.
3	New development along the southern edge of the site must not result in any unreasonable impacts on the amenity of residential properties in Old Pittwater Road and Smith Avenue.	<b>Not applicable.</b>
4	New development along the eastern frontage to Pittwater Road/Condamine Street must incorporate a legible pedestrian connection from the street into the centre that is conveniently located in relation to existing bus stops.	<b>Not applicable.</b>
5	All future development must be designed to strongly and positively reinforce the corners of the site and street alignment and frame the street. Incorporating landmark or distinctive building elements on "Gateway" street corners is encouraged.	<b>Not applicable.</b>
6	Long continuous walls are to incorporate design treatments to reduce their visual mass and bulk. Such design treatments may include the use of architectural treatments or elements that serve to provide building articulation and modulation and the use of a variety of high quality external colours and materials.	<b>Complies.</b> The proposed development is of a high quality architectural design that respects the amenity of the locality with suitable articulation.
7	Views of the ground level car parking areas must be suitably screened from the street by either landscaping or an appropriate architectural building facade treatment.	<b>Not applicable.</b>
8	High quality, attractive and durable materials are to be used. The selection of colours is to respond to the natural landscape. A detailed schedule of external colours and finishes, a sample board and photomontages are to be submitted with any application to alter or extend the external façade and roof of Warringah Mall	<b>Complies.</b> The proposed development includes external alterations to the existing building including the installation of concrete panelling and fibre cement sheet cladding. The proposed materials are sympathetic to Warringah Mall and includes timber-like finishes surrounding the main customer entry to complement the natural amenity of the site.  The Building Finishes, Drawing No. DA-A-850 included in the Architectural Plans has been submitted with this DA.
9	The roof is to be designed so that the visual impact of the roof form is minimised	<b>Complies.</b>
10	Rooftop plant and equipment are to be integrated into the building/roof forms or screened in a manner compatible with the building design to minimise visual and acoustic impacts on the surrounding properties, including elevated properties which have views over the centre	<b>Not applicable.</b>
11	Setbacks are to be consistent with those shown in Figure 2.	<b>Complies.</b> The subject site is afforded a nil setback from the northern and western boundaries in accordance with Figure 2.
12	In the event that there is a change to the current title boundary, the setback as nominated in Figure 2 is to be measured from the new boundary alignment.	<b>This item is acknowledged.</b>
13	Corner of Condamine Street and Old Pittwater Road	<b>Not applicable.</b>
14	Junction of Condamine Street and Pittwater Road	<b>Not applicable.</b>
15	Pittwater Road	<b>Not applicable.</b>
16	Corner of Cross Street and Green Street	<b>Not applicable.</b>



17	New development is to comply with the maximum building heights as shown at Figure 2 except where provided for in the following requirement	<b>Complies.</b> The proposed development includes a building parapet level of 8.7m and will remain below the required building height control shown for the site in Figure 2.
18	<p>Development may exceed the maximum height controls shown at Figure 2 only in the following circumstances:</p> <p>(a) Architectural roof features Architectural roof features may exceed the height controls but only if the consent authority is satisfied that the architectural roof feature:</p> <ul style="list-style-type: none"> <li>• satisfies the objectives of the height control, and</li> <li>• comprises a decorative element on the uppermost portion of a building, and</li> <li>• does not include floor space area and is not reasonably capable of modification to include floor space area, and</li> <li>• does not provide access for recreational purposes, and</li> <li>• is not a structure designed specifically for signage or advertising, and</li> <li>• is an integral part of the design of the building in its context, and</li> <li>• will have minimal overshadowing impact, and</li> <li>• does not add to the visual bulk of the building.</li> </ul> <p>(b) Plant and equipment Any ancillary plant, equipment or access point may exceed the height controls but only if the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>• The height of plant, equipment or access point does not exceed 3.0m.</li> <li>• The total area of the equipment does not exceed 10% of the roof area.</li> <li>• The plant, equipment and access point is integrated with the architectural design of the building/roof.</li> <li>• The plant or access point is centrally located within the roof area to minimize the visibility of these structures when viewed from surrounding properties and the public domain.</li> </ul>	<b>Not applicable.</b>
19	The existing centre currently provides 127,878m <sup>2</sup> of Gross Leasable Floor Area (GLFA). The existing shopping centre may be expanded by 35,000m <sup>2</sup> GLFA subject to compliance with all other relevant planning objectives and requirements.	<p>Complies. The proposal includes the extension of the existing building to the east and south, which will increase the existing GFA of the building from 552.06m<sup>2</sup> to 1,173.5m<sup>2</sup>, including 1,025.5m<sup>2</sup> on the Ground Floor and 148m<sup>2</sup> on Level 1. This will result in a GFA increase of 621.44m<sup>2</sup>.</p> <p>Page 3 of the Pre-Lodgement Meeting Notes held at <b>Appendix A</b> of this report required details as to the GLFA of the shopping centre resulting from the proposed development.</p> <p>On 10 December 2019, the Sydney North Planning Panel approved Development Consent No. DA2018/1514 for major additions to Warringah Mall Shopping Centre.</p> <p>Page 11 of the Statement of Environmental Effects Report prepared by Urbis dated 20 August 2018 stated the following:</p> <p><i>"The development application proposes an additional 9,847sq.m of GFLA. The proposed development will result in a total GLFA of 146,069sq.m (both stages), which is less than the maximum permissible total GFLA of 162,878sq.m."</i></p>

		<p>At the time of approval, approximately 16,809m<sup>2</sup> of GLFA was still available to be captured. Considering that the site has not recorded further development consent that has detailed significant increases in GLFA, the proposed development presents a minor increase in GLFA on the site of 0.4%.</p> <p>The proposed development demonstrates consistency with the relevant objectives and requirements of DCP 2011 and on this basis, the proposed increase in GLFA at Warringah Mall is considered to be acceptable.</p>
20	Landscaping is to be retained and enhanced and provided generally in the zones shown in Figure 8.	<b>Complies.</b> Page 5 of the Pre-Lodgement Meeting Notes held at <b>Appendix A</b> of this report notes that the northern and western boundaries of the site are located within a Landscape Zone as shown in Figure 8. The proposal seeks to include landscaping associated with the use of the site as an indoor recreation facility.
21	The existing mature landscaping at the junction of Pittwater Road/Condamine Street is to be retained where practical and functional for the future design of this precinct. An illustrative example of possible future development outcomes at this location is shown at Figure 9.	<b>Not applicable.</b>
22	New development along Condamine Street and Pittwater Road is to incorporate landscaping that screens or softens non-active facades or building elements.	<b>Not applicable.</b>
23	Landscaping treatments are to be integrated into the design of new entries to the centre.	<b>Not applicable.</b>
24	Recycled water or harvested rainwater is to be used, where possible, to irrigate new landscaped areas.	<b>Able to comply.</b>
25	Water efficient plants and/or, locally indigenous vegetation should be used to minimise water consumption.	<b>Complies.</b> The Landscape Plan submitted with this DA includes a planning schedule that seeks to install an inground dripline irrigation system, which is a low-pressure and low-volume watering system that minimises water consumption.
26	The overspill from artificial illumination or sun reflection is to be minimised. A 'Lighting Strategy' is to be submitted with any development application incorporating new or modified roof top parking or for new development which is adjacent to existing residential areas. The 'Lighting Strategy' is to demonstrate that the development will not result in lighting glare or overspill from artificial illumination.	<b>Not applicable.</b>
27	The development is to be designed and managed so that it does not result in an unreasonable adverse acoustic impact on surrounding and nearby residential properties.	<b>Complies.</b> Refer to the Acoustic Report prepared by RCA Australia dated October 2021 submitted with this Development Application for further details.
28	Public art is to be integrated into the design of the primary pedestrian entry adjacent to the intersection of Pittwater Road and Condamine Street.	<b>Not applicable.</b>
29	Public art is to be incorporated into new development where appropriate. It could include murals to blank walls, freestanding sculpture, pavement art and the like.	<b>Not applicable.</b> The proposed development seeks to ensure a clear and legible design of the subject building to contain simple business identification signage associated with the primary customer access points to assist navigation for all persons using the site.
30	A 'Public Art Plan' is to be submitted with all future development applications which involve the creation of new public spaces at the interface of the shopping centre and the public domain. The plan is to identify opportunities for the integration of public art in the publicly accessible areas of Warringah Mall, themes for public art, relevance to the local area, durability, robustness and longevity. The public art concepts shall be prepared by a person with demonstrated expertise in public art.	<b>Not applicable.</b>

31	A 'Signage Strategy' is to be submitted with all development applications proposing a significant increase in floor area or change to external façades of the building. A Signage Strategy must also be submitted with any development application for the provision of signs. The Signage Strategy shall identify the number and location of proposed signs, and demonstrate how the signs will be integrated into the design of the development.	<b>Complies.</b> Refer to the Building Signage Drawings Nos. DA-A-800 and DA-A-801 included in the Architectural Plans provides further details on the position of the business identification signage.
32	All illuminated signs are to comply with any relevant Australian Standards	<b>Not applicable.</b> The building identification signs will not be illuminated.
33	Development is to be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting particularly in public spaces and carparks, and the appropriate landscaping of public areas.	<b>Complies.</b> The proposed development contains significant glazing adjacent surrounding the site including the primary customer entry point on the ground level to enhance natural surveillance opportunities.
34	The need for technical surveillance which is achieved through mechanical/electronic measures such as the provision of closed circuit television (CCTV), help points and mirrored building panels, is to be addressed in future developments.	<b>Complies.</b> CCTV will be provided on the interior and exterior of the subject building to enable technical surveillance of the new land use.
35	New development is to be designed to remove any opportunities for the concealment of crime.	<b>Complies.</b> The proposed development is not of a nature that will encourage opportunities for crime to be concealed on the subject site. The proposed operating hours will enable passive surveillance and presence during night-time periods and is associated with security systems currently utilised by Westfield Warringah Mall.
36	The incorporation of crime prevention measures in the design of buildings and spaces is not to detract from the quality of the urban design of the development and the streetscape	<b>Complies.</b>
37	The development is to be consistent with CPTED principles. A report providing an assessment of the proposal against CPTED principles is to be submitted with all development applications for additions to Warringah Mall.	<b>Not applicable.</b>
38	A draft Operational Plan of Management that outlines the potential measures to be implemented to ensure the safety and security of the public is to be submitted with any development application involving a major expansion of Warringah Mall.	<b>Not applicable.</b> The nature of the proposed development is not considered to have impacts on the safety and security of the public. Notwithstanding, an Operational Plan of Management prepared by Milestone dated October 2021 has been submitted with this DA.
39	A Social Impact Assessment (SIA) is to be submitted with a development application where there is the likelihood that the proposed development may significantly impact on the following matters: <ul style="list-style-type: none"> <li>• Public Transport</li> <li>• Child care</li> <li>• Accessibility</li> <li>• Health facilities</li> <li>• Young people</li> <li>• Facilities for children</li> </ul>	<b>Not applicable.</b>
40	Significant additions to the floor area on the site will only be supported if traffic modelling is submitted with the development application which demonstrates that the surrounding road network can accommodate the additional traffic generated and that the network can continue to operate at a satisfactory level as determined by Council and the RTA.	<b>Not applicable.</b> It is not considered that the additional floor area pertaining to the proposed development will not be of a nature that will adversely affect the operation of the surrounding road network. Refer to the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 28 October 2021 for further details.
41	New development applications for the significant expansion of Warringah Mall are to identify road upgrades and traffic management works in areas adjoining and nearby to the site to adequately	<b>Not applicable.</b>

	accommodate growth in vehicle movements to and from the site.	
42	Future development is to incorporate measures to improve vehicle circulation within the site, where relevant.	<b>Complies.</b> The Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 28 October 2021 states that no change is proposed to the geometric design layout of the existing car parking facilities and consequently, it is considered that vehicle circulation will not be adversely impacted.
43	Vehicle access points from surrounding roads shall be provided in accordance with Figure 10.	<b>Complies.</b>
44	No additional vehicular entries are permitted from Pittwater Road or Condamine Street excluding any future access or egress arrangements for buses associated with the proposed new bus interchange.	<b>Complies.</b>
45	Main building entry points are to be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve the clarity of a building's address and contribute to visitor and occupant safety and amenity.	<b>Not applicable.</b> The subject site is not adjacent to a primary street frontage.
46	New development is to ensure that existing pedestrian links from the surrounding area into the site are strengthened in the locations shown in Figure 11.	<b>Not applicable.</b> Existing pedestrian access is maintained.
47	New development shall incorporate measures to achieve safe and continuous paths of travel from existing or proposed bus stops to the Shopping Centre and throughout Warringah Mall.	<b>Complies.</b> The proposal seeks to utilise existing paths of travel through Warringah Mall, including an existing accessible walkway ramp on the southern side of the car park adjacent to the boom gate entry point.
48	New development along the Cross Street / Green Street frontage shall incorporate enhanced pedestrian link(s) through to the existing centre.	<b>Not applicable.</b>
49	Safe pedestrian access is to be provided through the car parks.	<b>Complies.</b> The car park includes a pedestrian crossing area adjacent to the existing accessible walkway ramp on the southern side of the car park to ensure safe pedestrian access to the subject building.
50	Where new development is proposed along the Old Pittwater Road frontage of the site, an improved pedestrian link is to be provided from the TAFE site to the pedestrian entrance of the centre.	<b>Not applicable.</b>
51	A single integrated bus interchange for the site is to be provided.	<b>Not applicable.</b>
52	Car parking is to be provided at the rate of 4.1 spaces per 100 square metres of Gross Leaseable Floor Area unless it can be demonstrated that a lesser rate can still achieve sufficient parking provision to meet the needs of the shopping centre	<b>Complies.</b> Refer to the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 28 October 2021 for further details.
53	Provision is to be made for the parking of motorcycles in easy to access and clearly visible locations.	<b>Not applicable.</b>
54	Car and motorcycle parking space dimensions must comply with the relevant Australian Standard. Note. AS/NZS 2890.1:2004 Parking Facilities - Off-street car parking applied at the time this DCP was adopted.	<b>Not applicable.</b>
55	<p>Bicycle parking and storage facilities shall be provided for any additional floor area proposed to allow parking or storage of a minimum number of bicycles, in accordance with the following;</p> <ul style="list-style-type: none"> <li>• Bicycle storage facility - 1 per 300sqm</li> <li>• Bicycle parking facility - 1 per 500sqm</li> </ul> <p>This required provision may be reduced having regard to:</p> <ol style="list-style-type: none"> <li>(a) The expected number of employees, and their likely or desired use of bicycles for travel to and from work.</li> <li>(b) The expected number of visitors, and their likely or desired use of bicycles to visit the development.</li> </ol>	<p><b>Complies.</b> The proposed development presents a modest increase in GLFA on the site of 621.44m<sup>2</sup> in context to the current estimated GLFA of 146,069m<sup>2</sup>.</p> <p>The site is well-served by an existing car parking area associated with Warringah Mall. It is therefore unlikely that employees and visitors of the swim school, hydrotherapy pool and wellness centre will prefer to the use of bicycles to travel to the site. On this basis, the provision of additional bicycle parking at Warringah Mall is not considered to be required.</p> <p>Notwithstanding, the development will utilise existing bicycle parking facilities 50m from the site adjacent to the Woolworths located at Warringah Mall.</p>



56	Bicycle parking and storage facilities shall be designed in accordance with the relevant Australian Standard.	<b>Not applicable.</b>
57	Adequate shower and change room facilities for staff shall be located close to secure bicycle storage facilities.	<b>Complies.</b>
58	Water quality control measures are to be provided in accordance with the adopted Northern Beaches Stormwater Management Plan and Council's <i>Water Sensitive Urban Design Policy</i> .	<b>Complies.</b> Pool water associated with the swim school, hydrotherapy pool and wellness centre will be monitored via a Brauer Remote Monitoring Wireless system using Brauer Swim Remote Alert Hardware. Pool water testing will automatically occur on a daily basis, allowing for daily chemistry logs and alerts to be provided to the operator in real time. If pool water quality is deemed to be non-compliant, water will be treated with ozone, UV light and hydroxyl radicals to deactivate and remove chlorine resistant parasites that may potentially form in the pool water. A combination of treatment methods will be utilised to increase their effectiveness.
59	Ground level development is to be avoided in the locations of the proposed concept drainage augmentation system as conceptually illustrated in Figure 12 and in accordance with Council policy <i>PAS – PL 130: Building Over or Adjacent to Constructed Council Drainage System and Easements</i> .	<b>Not applicable.</b>
60	Ensure that all new development on the site does not adversely impact upon the stormwater drainage system and any overland flow path through the site.	<b>Complies.</b>
61	Ensure that all new development on the site does not adversely affect flooding conditions in existing development located both internal and external to the site.	<b>Not applicable.</b>
62	New buildings or extensions involving habitable areas are to be designed to prevent the entry of stormwater for floods up to 100 year ARI and all new habitable floor levels are to have a 500mm freeboard to the 100 year ARI flood.	<b>Not applicable.</b>
63	Structural measures are to be implemented on the site as part of any significant alterations to existing buildings that will ensure affected habitable floor levels have a 300mm freeboard to the 100 year ARI flood.	<b>Not applicable.</b>
64	Structural measures are to be implemented on the site that ensure that overland flows are conveyed through the site in a low hazard nature for floods up to 100 year ARI. All new structural measures are to be confined, as far as is deemed practicable, to the site.	<b>Not applicable.</b>
65	Development involving an increase in floor space is to achieve a 'Green Star' rating (or equivalent) reflecting Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.	<b>Complies.</b> The proposed development involves the installation of pre-cast concrete wall panelling. The high-quality finish of the concrete maximises thermal massing benefits and contributes to green energy management solutions. Waste is also minimised on site as a result of this materials as only finished elements will be used on site during the construction phase of development.  The proposal is of a high environmental quality that seeks to reduce air pollution, noise and debris.
66	Shading devices are to be incorporated where practical, to reduce solar energy loads.	<b>Not applicable.</b>
67	Buildings are to be designed and oriented to maximise the use of daylight and solar energy for illumination. This may be achieved through the provision of light wells, skylights and voids.	<b>Complies.</b>
68	The thermal performance of buildings is to be optimised by using efficient methods of heating and cooling such as insulation and passive solar access.	<b>Complies.</b> The use of the site as a swim school and hydrotherapy pool will facilitate air-to-air heat recovery technology, meaning the energy use to heat the water in the proposed swimming pools will be reused to ventilate the air temperature of the subject

		site. This accommodates internal temperature control in an energy efficient manner.
69	<p>The following water saving measures are to be incorporated into all development:</p> <ul style="list-style-type: none"> <li>(a) Water fixtures (low flow shower heads and taps, dual flush toilets, low flush/waterless urinals, etc) are to be 3 stars (WELS Scheme) or better rated.</li> <li>(b) Stormwater capture and reuse, including water quality management to be in accordance with Council's Policy <i>Water Sensitive Urban Design</i>.</li> <li>(c) Select water efficient plants and/or locally indigenous vegetation.</li> <li>(d) Use recycled or harvested rainwater for watering new gardens and landscape features.</li> </ul>	<p><b>Able to comply.</b> As identified in the Operational Plan of Management submitted with this DA, the proposal will utilise ultrafine filters (UFF), which typically reduces water consumption by over 95% when compared to standard sand filters. Considering the proposal will include indoor swimming pools, total dissolved solids (TDS) tend to increase to a point where dilution is required. On this basis and dependent on the level of TDS, the proposed filtration system will reduce typical water consumption for the indoor swimming pools by approximately 50%.</p>

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

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

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

#### Visual Impact

The proposed development has been designed to create a positive visual contribution to the Warringah Mall site and the surrounding locality. The existing conditions of the site, as shown in **Photos 1 to 6**, provide a poor existing visual impact. The proposal seeks to reuse and revitalise this structure to produce a positive design outcome that is visually attractive for users of the site and surrounding buildings. The proposed materials and finishes are visually interesting and compatible with the commercial character of Westfield Warringah Mall and the surrounding locality.

The subject site is located a substantial distance from the site frontage along Old Pittwater Road and therefore does not contribute to the streetscape along Old Pittwater Road. Notwithstanding, the proposed building extension, external alterations and associated business identification signage seeks to create a positive visual impact for the surrounding locality and will not obscure any view corridors. The proposal includes contemporary finishes and materials that seek to attract customers and will directly contribute to the viability of Warringah Mall as a strategic commercial centre without detracting from the amenity of nearby properties.

#### Natural Environment

The proposed development seeks to ensure the preservation of the landscape character of the locality through the provision of landscaping along the southern extent of the building envelope. The proposed landscaping will ensure a high level of natural environmental amenity for users of the site and will minimise water consumption through the installation of an inground dripline irrigation system to service the new landscaping.

Further, replacement trees will be planted on the subject site in accordance with an Offset Strategy that provided and agreed by Council as part of Tree Permit No. TA2021/0690 approved on 5 October 2021. On this basis, the proposal is considered to have a positive natural environmental impact.

#### Social and Economic Impact

The proposal will have positive social and economic benefits by producing a contemporary and upgraded building on the site that will service the needs of the community within the Northern Beaches LGA with positive social and economic impacts associated with access, employment, security and community structure. Principally, the proposed development intends to accommodate two specific uses as a swim school and wellness centre. The proposed swim school will allow for water safety, drowning prevention, learn to swim, water polo and swim squad training, hydrotherapy and the wellness centre seeks to provide

contemporary and high-quality services that assist members of the community in their physical recovery with consequent positive flow on effects for the strategic centre.

The Northern Beaches LGA accommodates multiple opportunities for outdoor swimming between Palm Beach to the north and Manly Beach to the south. The proposed swim school provides an opportunity for members of the community, particularly children, to learn to swim and develop their skills in a safe and controlled environment to provide a foundation for safe swimming practices and techniques.

The development will cater to all members of the community through substantial accessibility functions that form part of this proposal. As a result of the proposed development, vulnerable, injured and people with disabilities will be provided with a facility for their physical recovery and social development in an inclusive environment that will be fostered by the swim school, hydrotherapy pool and wellness centre. The proposal recognises the mobility requirements of all persons and ensures that barriers to movement throughout the premises are removed and accessible movement is integrated on the subject site. The proposal will create an overall positive social impact for the locality and Warringah Mall.

The proposal will also provide a range of positive economic impacts both during its construction and operation, including ongoing local employment opportunities.

The proposed development will also contribute to significant streetscape improvements with flow on social and economic benefits related to the attractiveness of the site and improved viability of existing surrounding uses on the Warringah Mall site. The proposed development will also support the commercial viability of Warringah Mall by providing an attractive land use that encourages customers to utilise other services offered by Warringah Mall generating multi-purpose trips to a centre that consequently support environmental benefits. The proposal is also supported by sustainable public transport options that customers of the indoor recreation facility can utilise.

#### Acoustic Impact

The Development Application is accompanied by a potential noise impact assessment prepared by RCA Australia relevant to operational noise impacts. The analysis concludes the proposal is acceptable.

The proposed development has been carefully designed to ensure that the proposed use of the site provides reasonable noise impacts and maintains amenity to the surrounding locality during operation of the building as well as during construction.

The proposed hours of operation are not considered to generate adverse impacts from additional activities beyond what is already established at Warringah Mall. It is considered that the proposed operating hours are an appropriate contextual fit within the existing neighbourhood and business zoning and will ensure that the acoustic privacy of surrounding properties is maintained.

#### Construction Impacts

The construction works will give rise to minor noise impacts over a short duration of time, expected to be six months. This impact is considered acceptable given both its temporary nature and the need to upgrade the site to a contemporary and usable facility. The majority of the construction relates to internal refurbishment works and all proposed construction works will occur within standard construction work hours permitted by the Northern Beaches Council.

The number of expected vehicles, vehicle movements and specific quantities of waste and recycling materials generated by the proposed works will be determined prior to the commencement of the works and upon the successful appointment of a qualified contractor.

#### Geotechnical Impact

A preliminary Geotechnical Investigation prepared by JK Geotechnics Consultancy Pty Ltd dated 23 September 2021 is included with the Development Application.

The report outlines details of the soil and substructure conditions of the locality on nearby sites and outlines specific issues for consideration prior and during the construction phase of the project.

The proposed construction for the redevelopment of the site will be carried out to satisfy the geotechnical considerations identified.

#### Utilities

Adequate utility services are available to the site and are able to meet the needs of the proposal.

#### BCA Compliance

The BCA Review prepared by MCG dated 13 October 2021 submitted with this Development Application has undertaken a desktop review of the Architectural Plans prepared by Quattro Architecture dated 6 October 2021 against the provisions of Building Code of Australia 2019 (Amendment 1). The proposal is able to achieve compliance with the relevant requirements outlined in this document and design resolution will be finalised prior to the issue of a Construction Certificate.

#### *4.2.2 Suitability of the Site for the Development*

The proposed development will produce a positive planning outcome that is ideally suited to the context of the site within the B3 Commercial Core Zone as prescribed by LEP 2011. The proposed change of use to an indoor recreation facility is permissible within this zone and will positively respond to the need for this type of service within the Northern Beaches LGA. The site enjoys a high level of accessibility and access to both public transport and the local and regional road network.

The proposal will modernise and substantially upgrade the existing building with a design that is appropriate for the locality and is consistent with surrounding development.

The site is ideally suited to the proposed use as it is located in a zone identified for indoor recreation facility business development. The buildings are currently vacant, the site is underutilised and the proposal will modernise, substantially revitalise and activate this centre site. It enjoys a high level of both local and regional road accessibility, and access to public transport is available in close proximity to the site. The proposed development is of a style and character appropriate to the locality.

#### *4.2.3 Any submissions made in accordance with the Act or Regulation*

Schedule 2 of the Local Planning Panels Direction issued by the Minister for Planning and Public Spaces under Section 9.1 of the Act contains development applications of a kind that must be determined by the Northern Beaches Local Planning Panel (NBLPP). The following conflicts of interest must be considered by the NBLPP if applicable as the consent authority:

##### **1. "Conflict of interest"**

*Development for which the applicant or land owner is:*

- *the council*
- *a councillor,*
- *a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979,*
- *a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or*
- *a relative (within the meaning of the Local Government Act 1993) of a person referred to in bullet points 2 - 4 above.*

*but not development for the following purposes:*

- *internal alterations and additions to any building that is not a heritage item,*
- *advertising signage,*
- *maintenance and restoration of a heritage item, or*
- *minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices)."*

This Statement of Environmental Effects Report has been reviewed by Lisa Bella Esposito, who is an Expert Member (Planner) of the NBLPP. Milestone (AUST) Pty Limited is owned by Lisa Bella Esposito. Milestone



(AUST) Pty Limited is not the Applicant for this Development Applicant nor land owner of No. 145 Old Pittwater Road, Brookvale (Lot 103 DP 1247294).

This Development Application is not considered sensitive development nor does it depart from a development standard imposed by an environmental planning instrument, that being the Warringah Local Environmental Plan 2011.

Council is required to publicly notify this Development Application for a period of 14 days in accordance with the Northern Beaches Community Participation Plan. The applicant will respond to any submissions received by Council during the public notification and advertising period.

#### *4.2.4 The Public Interest*

The proposed development is within the public interest as it facilitates the orderly growth and development of land zoned for business uses allowing an indoor recreation facility that is well served by existing transport and utilities infrastructure. The proposal satisfies the aims of LEP 2011 by accommodating a diversified recreational land use that caters to the welfare needs of residents and the workforce of the Northern Beaches LGA. The proposal recognises the role of Brookvale as a strategic centre and employment area for the sub-region and supports the commercial operation of Warringah Mall without detracting from the existing amenity of surrounding properties.

The proposed development is in the public interest as it supports the use of the site as an indoor recreation facility which will increase the usability of the site, is well serviced by existing transport infrastructure and will generate an overall positive outcome for the locality whilst providing minimal environmental impact.

## **6 CONCLUSION**

The Development Application seeks development consent for the proposed change of use to an indoor recreation facility including a swim school, hydrotherapy pool, a wellness centre, demolition, alterations and additions to the existing building and the display of business identification signage at No. 145 Old Pittwater Road, Brookvale.

The proposed development achieves consistency with the strategic vision for the Northern Beaches LGA through the introduction of a use that provides recreational opportunities and facilities that support the health and wellbeing of the Northern Beaches community. The proposal will contribute to the enlivenment of Warringah Mall, generate multi-purpose trips to a nominated strategic centre and provide employment opportunities that reflect the interests of the community. The proposal will also accommodate a prominent accessibility function to cater to physically or intellectually impaired people whose options are currently limited in the Northern Beaches LGA.

The proposal achieves a high level of compliance with the applicable provisions of Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan 2011 and will result in a minimal overall environmental impact to the locality. The proposed building extension will not impact on the amenity of the surrounding area and will result in an overall positive visual impact.

Based on the conclusions of the comprehensive assessment undertaken in this report, and in the absence of any significant adverse environmental, social, or economic impacts the proposal is deemed worthy of approval subject to conditions of consent.

### **MILESTONE (AUST) PTY LIMITED**

**APPENDIX A**

**DEVELOPMENT APPLICATION PRE-LODGEEMENT MEETING NO. PLM2021/0091 WITH NORTHERN  
BEACHES COUNCIL**

**HELD ON THURSDAY 20 MAY 2021**



## Pre-lodgement Meeting Notes

<b>Application No:</b>	PLM2021/0091
<b>Meeting Date:</b>	20 May 2021
<b>Property Address:</b>	145 Old Pittwater Road, Brookvale
<b>Proposal:</b>	Change of use to occupy the premises as a Recreation Facility (Indoor)
<b>Attendees for Council:</b>	<ul style="list-style-type: none"><li>• Tony Collier – Principal Planner</li><li>• Duncan Howley – Team Leader, Floodplain Planning</li><li>• James Brocklebank – Traffic Engineering Coordinator</li><li>• Anthony Powe – Landscape Advisor</li></ul> <p>Other Council comments provided by:</p> <ul style="list-style-type: none"><li>• Rosemary Roche – Environmental Health Officer</li></ul>
<b>Attendees for applicant:</b>	<ul style="list-style-type: none"><li>• Sean Davis – Operator</li><li>• Lisa Bella Esposito – Director</li><li>• Ryan Kelleher – Planning Consultant</li><li>• Peter Hosking – Project Architect</li></ul>

### 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.

#### SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

##### Response to Matters Raised by the Applicant

###### Car parking and access

Please refer to separate comments under Clause C3 of the *Warringah Development Control Plan 2011* and comments provided by Council's Traffic Engineer later in these Notes.

###### External alterations

Please refer to separate comments under provided by Council's Landscape Advisor later in these Notes.

#### 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

###### Definition of proposed development: (ref. WLEP 2011 Dictionary)

**Recreation Facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

###### Zone:

B3 Commercial Core

###### Permitted with Consent or Prohibited:

Permitted with consent

##### Part 4 - Principal Development Standards

Standard	Permitted	Proposed	Comment
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The site is not subject to a Development Standard under Part 4			
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#### 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 and/or matters for attention only.



Part C – Siting Factors		
Control	Permitted	Proposed
<b>C3 Parking Facilities</b>		
<p>Clause C3 requires that car parking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the car parking rate is not specified in Appendix 1 or the WLEP, car parking 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 <i>Guide to Traffic Generating Development</i> should be used as a guide where relevant.</p> <p>Appendix 1 does not specify a parking rate for a Recreation Facility (Indoor) which functions as a swim centre. Therefore, as specified above, car parking for the proposal must be adequate having regards to the objectives of Clause C3, being:</p> <ul style="list-style-type: none"> <li>• <i>To provide adequate off street car parking.</i></li> <li>• <i>To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.</i></li> <li>• <i>To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.</i></li> </ul> <p>Please see separate comments provided by Council's Traffic Engineer under 'Specialist Advice' later in these Notes.</p>		
Part G – Special Area Controls		
<b>G4 – Warringah Mall</b>		
<p>Clause G4 includes a number of requirements, most of which are directly related to the Warringah Mall Shopping Centre proper. However, the following requirements extend beyond the Centre and include the whole site (including the subject site) and should therefore be addressed in the Statement of Environmental Effects:</p> <ul style="list-style-type: none"> <li>• <b>Floor Space</b>  <i>The existing centre currently provides 127,878m<sup>2</sup> of Gross Leasable Floor Area (GLFA). The existing shopping centre may be expanded by 35,000m<sup>2</sup> GLFA [i.e. maximum 162,878m<sup>2</sup>] subject to compliance with all other relevant planning objectives and requirements.</i>  Please provide details as to the GLFA of the shopping centre resulting from the proposed development.</li> <li>• <b>Landscaping</b>  <i>Landscaping is to be retained and enhanced and provided generally in the zones shown in Figure 8 (see separate comments provided by Council's Landscape Advisor later in these Notes).</i></li> </ul> <p><b>Parking Facilities</b> is to be addressed in a Traffic and Parking Impact assessment (see separate comments provided by Council's Traffic Engineer under 'Specialist Advice' later in these Notes).</p>		
Specialist Advice		
<p><b>Traffic Engineering</b></p> <ul style="list-style-type: none"> <li>• The level of parking provision and traffic generation from the development are to be justified on the basis of comparisons with similarly sized and operated swim centre developments. The traffic and parking generated is then to be compared with those arising from the previous childcare centre development on the site.</li> <li>• In terms of traffic generation the RMS Guide to traffic generating development suggests that comparisons should be drawn with similar sites and that this should be derived from the</li> </ul>		



### Specialist Advice

predicted 85th percentile usage rather than usage at peak times. There are a number of privately operated swim schools with 15m-25m pools in the Northern Beaches and if possible comparisons should be drawn with observed traffic generation from those centres. It is recognised that there will be a degree of multi-purpose trips as parents/partners may drop children at the swim centre and then do their shopping so the degree of such activity should be estimated and discussed in the traffic report.

- For parking demands the RMS Guide also suggests that parking supply should accommodate peak demands for the predicted 85th percentile usage. Some allowance for multi-purpose trips may be applicable as parents/partners may drop off and then park elsewhere in the centre to shop and return later to pick up. The available off-street parking supply is to be confirmed with Westfield prior to submission and the traffic and parking report should demonstrate that this parking supply will meet the 85th percentile demand and provide commentary on how this parking supply would remain available for the use of swim centre patrons and not utilised by other Mall users (e.g. a boom gate, pavement markings, signage etc). A plan should be submitted clearly denoting which spaces will be available for users of the centre.
- Provision for disabled parking at 1-2% of available parking supply should be accommodated plus an accessible path of travel for the mobility impaired from those spaces into the centre. Details should be provided.
- There should also be provision for deliveries, demonstrating by swept path plots that access to the plant storage room by delivery vehicles is achievable and showing how this access can be maintained despite parking activity nearby. Forwards entry and exit by delivery vehicles through the parking area would be preferred or, if this is infeasible, a plan of management for deliveries to minimise potential for truck/pedestrian interactions.

A Traffic and Parking Impact Assessment report should be submitted with the development application to address traffic and parking implications of the proposal

### Floodplain Planning

Council's flood information suggests that the Warringah Mall site at 145 Old Pittwater Road, Brookvale is identified as flood affected. However Warringah Mall has undertaken major stormwater augmentation works in the last few years that significantly reduce the flood exposure of the site.

The applicant has provided flood modelling results to Council prepared by Cardno for Scentre Group that demonstrate that the subject site within 145 Old Pittwater Road is not identified as being subject to flood risk in a 1% AEP event and would not be subject to flood related development controls.

### Environmental Health

The Development Application should desirably address the following potential matters to facilitate a timely assessment:

1. The change room facilities to include shower and toilets to encourage bathing prior to swimming in line with BCA requirements.



### Specialist Advice

2. Overflow gully for pool so water on the deck does not re-enter the pool without first being filtered. This also enables the easy cleaning of the deck without contaminating the pool water.
3. Any trade waste requirements with Sydney water for backwashed pool water.
4. An operational plan of management should be developed to address who is responsible for the ongoing operation of the facility as well as listing disinfecting dosing equipment, testing frequency of pool water, responses to non-compliant water quality, backwashing frequency of filters, super chlorination frequency/schedule.
5. Incident response plans. Including litres of pool and turn around through filters. Examples can be found on the NSW Health Website:  
<https://www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx>
6. Schematics of water reticulation return points, dosing points and their location in the pool.
7. Chemical storage and bunding ensuring chemicals are kept separately.
8. Any auxiliary disinfection, Indoor pools often suffer from high levels of chloramines due to limited exposure to UV. This can be addressed through Auxiliary disinfection.
9. Ventilation of the centre to remove chloramines.
10. For more information on management of pool facilities please see the NSW Health Swimming pool and spa advisory document:  
<https://www.health.nsw.gov.au/environment/Publications/swimming-pool-and-spa-advisory-doc.pdf>

### Landscape

The proposed location currently includes substantial vegetation on the northern boundary. The Concept Plans provided indicate that this vegetation would be required to be removed. In view of the paucity of trees in the Brookvale area, retention of the trees is considered to be a significant consideration for any development.

It is noted that the Planning Summary letter provided by Milestone indicates that CI 20 of WDCP G4 Warringah Mall does not play a part in this site.

I believe that this interpretation is not correct on two counts.

1. By the use of the word 'and', the clause reads that landscaping is to be retained and landscaping is to be enhanced and landscaping is to be provided generally in the zones shown in Figure 8 (see the extracted figure below). My reading is that existing landscaping is to be retained. Where landscaping is to be provided, (i.e. new landscaping) it is to be provided in the zones shown in Figure 8.
2. My reading of Figure 8 is that the northern and western boundaries of the site are actually identified as a landscaping zone in Figure 8.



## Specialist Advice



**Figure 8:** Landscape Zones

Landscaping is therefore to be retained and provided in these areas under the DCP.

An Arborist's Report prepared by a Consulting Arborist with minimum qualification AQF Level 5 is required to be provided with any application for the site assessing tree health and options for retention.

In view of the requirements of the DCP, a Landscape Plan is also required to address landscaping requirements.

## 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;
  - Signage (if any proposed); and
  - Location of nominated car parking spaces.
- Landscape Plan(s) including a species schedule of vegetation proposed to be planted.
- Operational Plan of Management detailing (at least):
  - Operating hours;





#### Documentation to accompany the Development Application

- Number of staff in attendance;
- Customer/membership restrictions;
- Car parking and pick-up/drop-off arrangements;
- Evacuation measures and procedures;
- COVID-Safe operating procedures; and
- Emergency contact details.
- Cost of works estimate/ Quote
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- **Survey – including Boundary Identification by Field Survey**
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Geotechnical Report (if excavation is proposed)
- Arboricultural Impact Assessment (prepared by a Consulting Arborist with minimum qualification AQF Level 5)
- Traffic and Parking Report
- BCA Compliance Report
- BASIX Certificate
- Cost of Works

#### **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.



## Documentation to accompany the Development Application

 <b>Development Application &amp; Modification Lodgement Requirements 20/21</b>			
<b>General</b> Refer to this guide when preparing to lodge a Development Application, Modification Application or Review of Determination Application. The guide provides details as to how to lodge your application, mandatory lodgement items and details on other relevant items which may be required depending on the nature of your development proposal and the location of the site. For assistance with specific documentation required for your development proposal, please contact Council's Development Advisory Service on 1300 634 634.			
Mandatory Lodgement Items:	Page no.	Lodgement Items:	Page no.
Statement of Environmental Effects	9	Biodiversity Management Plan	11
Statement of Modification (only applicable for modification applications)	2	Builder's Report	12
Cost Summary Report Form	5	Building Code of Australia (BCA) Report	12
Boundary Identification Survey (applicable for the majority of applications, with the exception of e.g. change of use or internal alterations only)	7	Clause 4.6 Variation Report	12
<b>Plans - Master Set</b> <ul style="list-style-type: none"> <li>Site Plan</li> <li>Floor Plans</li> <li>Sections and sections plan</li> <li>Site Analysis Plan</li> <li>Demolition Plan</li> <li>Demolition and/or IR Plan</li> <li>Waste Management Plan (Construction, Demolition and/or ongoing)</li> <li>Subdivision Plan</li> <li>Certified Shadow Diagrams</li> <li>Schedule of colours and materials</li> <li>Photo Montage</li> <li>Road Design Plan</li> <li>Advertising Structure / Sign Plan</li> </ul>	2	Construction Traffic Management / Construction Methodology Report	12
	4	Contaminated Land Report	13
	4	Energy Performance Report	13
	5 & 6	Environmental Impact Statement	13
	5 & 6	Earthquake Hazard Assessment Report	13
	6	Fire Safety Schedule	13
	6	Flood Risk Assessment Report	14
	6	Flora and Fauna Assessment Report	14
	7	Geotechnical Report	15
	7	Onsite Wastewater Management System (Septic) Report	16
Landscape Plan	8	Overland Flow Study Report	16
Stormwater / Stormwater Drainage Assets Plan	8 & 9	Settlement & Erosion Control / Soil and water management plan	17
<b>Reports and other documentation (as applicable) - To be uploaded as separate files</b>		ICPP 43 Report	17
Agricultural Impact Assessment Report	9	Social Impact Statement	17
Aboriginal Heritage Assessment Report	9	Species Impact Statement	17
Access Report	10	Statement of Heritage Impact	17
Asot Surface Soil Report	10	Traffic and Parking Report	17
Acoustic Report	10	Waste Management Plan	8
Asphalt Ecology Assessment Report	10	Water Sensitive Urban Design Strategy Report	17
Backpackers' Accommodation / Boarding House Report	11	Water Table Report	18
BADIX Certificate	11	Watershed Impact Statement Report	18
		Electronic Model	18

PAGE 1 OF 18

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## Concluding Comments

These notes are in response to a pre-lodgement meeting held on 20 May 2021 to discuss a change of use to occupy the premises as a Recreation Facility (Indoor) at 145 Old Pittwater Road, Brookvale. The notes reference the undated plans prepared by Quattro Architecture. The proposal is considered to have some merit but matters relating to traffic/parking and landscaping will need to be satisfactorily addressed (see separate comments under 'Specialist Advice' in these Notes).

Please ensure that the matters raised in these Notes are 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.