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STATEMENT OF ENVIRONMENTAL EFFECTS

*ALTERATIONS AND ADDITIONS TO EXISTING
BUILDING FOR USE AS YOGA STUDIO AND CAFE*

LOT 1 DP 502152

102 OLD PITTWATER ROAD BROOKVALE

FOR

ORLANI PROPERTY GROUP

JULY 2022

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of Orlani Property Group in support of an application for development consent for alterations and additions to an existing canteen building to allow its use as a yoga studio and café at the subject premises at **102 Old Pittwater Road Brookvale**. Under the *Warringah Local Environmental Plan 2011* (LEP), the dominant use (yoga studio) is defined as a recreation facility (indoor). The café may be viewed as ancillary to the dominant use. The proposed use is a permissible land use in the zone. The subject building is currently vacant.

The Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, (as amended) including:-

- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

In addition to this report, the application is accompanied by the following supporting documents:-

- Architectural Drawings – Nordon Jago Architects – Ref: ORL00519, dated July 2020.
- Traffic Report – Positive Traffic Engineering & Planning – Ref: PT21016, dated 11 July 2022.
- Flood Risk Assessment - C & M Consulting Engineers – Ref: R02388-FRA Rev A, dated June 2022.
- Plan of Management – Orlani Property – Version 1, dated June 2022.
- Waste Management - Wastetech Services Pty Ltd, Rev 2, dated 24 July 2022
- Survey – TSS Total Surveying Solutions – Ref: 192912_1, dated 17 January 2020.

As a result of the assessment it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the development application is justified.

2.0 PROPERTY DESCRIPTION

The subject allotment is described as **102 Old Pittwater Road Brookvale** being Lot 1 DP 502152. Located within the Warringah Local Government Area, the site is zoned IN1 General Industrial under the *Warringah Local Environmental Plan 2011*.

Approvals History

The original development approval from Warringah Council (no records) was estimated (by Northern Beaches Council) to be approximately 1962 for the Factory/ Industrial building with ancillary offices.

The 1969 approval and 1977/78 approval – **DA 333/78** was for a coffee house and work to the offices for Innoxia.

Recent Development approvals for the building on the lot is as follows:-

[DA2021/0241](#)

Application Type: Change of Use - Use of premises as a vehicle sales or hire including fit-out and signage

[Principal Certifying Authority NOC2021/0036](#)

Fire Safety Upgrade and Alterations and additions to an existing warehouse building - 200134/01 (Submitted: 13/01/2021)

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[Complying Development Certificate CDC2020/0935](#)

Duplicate - See CDC2020/0912 (Submitted: 27/11/2020)

[Complying Development Certificate CDC2020/0912](#)

Fire Safety Upgrade and Alterations and additions to an existing warehouse building - 200134/01 (Submitted: 24/11/2020).

[DA2011/0713](#)

Application Type: Development Application, Tree Application - Tree Application
Determined: 09/06/2011 (Council Staff)

[BA5003/1419](#)

Application Type: Converted Fujitsu ' Converted BA - ADD Substation N

[BA5002/0972](#)

Application Type: Converted Fujitsu

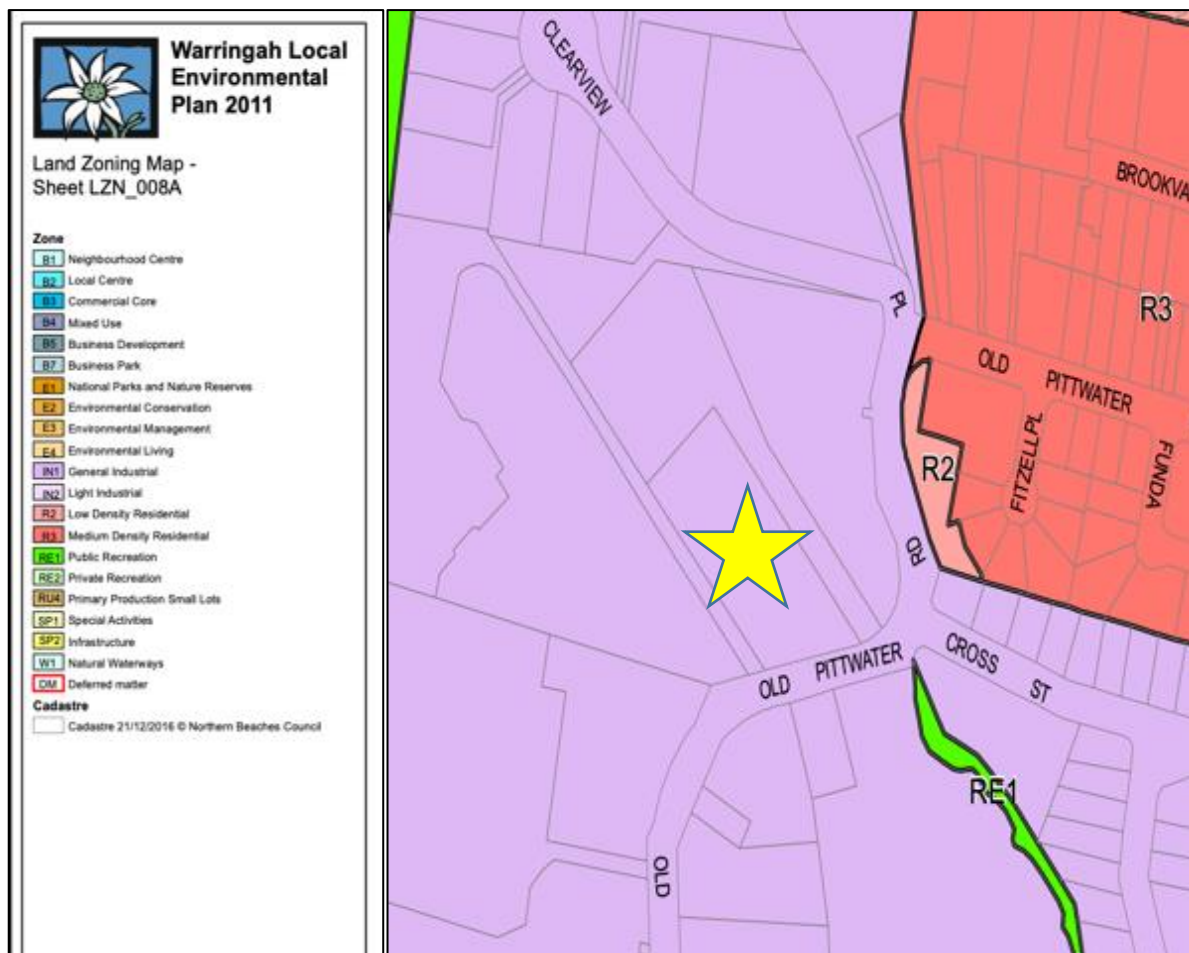


Figure 1: Location and zoning map. The subject site is highlighted yellow.

The existing Industrial building has been in existence since the 1962 and is not heritage listed nor in a Heritage Conservation Area.

The site is located on Landslide Risk Land, classified within Area A – Slope <5, however this is not a matter of concern as this application is for a change of use to an existing building and involves minor building works. There are no other mapped site constraints.

3.0 SITE DESCRIPTION

The subject site is located on the north western side of Old Pittwater Road Brookvale and is irregular in shape with an obtuse angle wedge frontage onto Old Pittwater Road Brookvale and a rectangular section at the rear.

The site is bordered by a shared access driveway to the industrial site behind on the northern boundary and an industrial development to the south eastern boundary. The site is developed as a two storey industrial building comprising of two tenancy areas with amenities at the rear and at the front of the building and ancillary offices at the front of the building.

The subject building at the front of the site was a former canteen building connected with the previous warehouse use of the site. Vehicular access is via Old Pittwater Road and there is rear access from the shared access driveway (also accessed from Old Pittwater Road).



Figure 2: Aerial view of the subject site noting the local industrial/commercial context (Source – Northern Beaches Council website 2021)



Figure 3: The subject former canteen building as viewed from Old Pittwater Road.

4.0 SURROUNDING DEVELOPMENT

Brookvale is a suburb of northern Sydney located 16 kilometres north-east of the Sydney central business district and is part of the local government areas of the Northern Beaches Council. Brookvale has a mix of residential, commercial and industrial developments.

The character of the locality of Old Pittwater Road west is predominately industrial land use with the majority of surrounding developments being industrial warehouses. Westfield Warringah Mall is located approximately 250m south east of the subject site and supports a wide range of commercial and retail services.

This application intends to serve the needs of the local resident and working communities by providing a recreational facility and café. The need for this type of premises in Brookvale is due to the large local working population in Brookvale. This type of development has a low environmental impact.

5.0 PROPOSED DEVELOPMENT

The development application seeks consent for the use of the former canteen building as a yoga studio and café. Alterations and additions are required to make the building fit for purpose. The proposed works include a new deck, office, bathroom and counter space. New bifold doors will be installed on the south and west elevations. Foot traffic will enter from Old Pittwater Road via a new accessible ramp.

The building is a small single storey building with a flat roof. The floor area of the building is 95m² which will not change as a result of the application.

The dominant use is defined as a *Recreation Facility (Indoor)* under the Warringah Local Environmental Plan 2011. The café is ancillary to the yoga studio but would be permissible as either a food and drink premises or a take away food and drink premises in its own right.

The following sections of this report provide a planning assessment against Council's Local Environmental Plan and Development Control Plan for the change of use.

Staffing and Hours of Operation

A maximum of 35 people at any one time will utilise the studio during the peak times of 5am - 8am and 6pm - 9pm. The usage levels outside these peak times will be significantly less at approximately 8 users per day between 10pm - 5am. The premise will generally operate with 1 to 2 staff members/managers and 1 personal fitness trainer at any one time during regular business hours.

Parking. The number of car parking spaces provided for this tenancy is 8 car spaces. There will be 5 spaces for the yoga studio and 3 for the café. A complete breakdown of the parking provision for the whole site is provided on the architectural plans as well as the traffic and parking assessment report by Positive Traffic – Ref: PT21016, dated 11 July 2022. The site as a whole has a provision for 52 car spaces with one (1) accessible car space located at the front of the building near Old Pittwater Road.

6.0 RELEVANT STATUTORY CONTROLS

In accordance with the *Environmental Planning and Assessment Act 1979*, the following assessment considers the proposal against the relevant planning instruments.

6.1 Warringah Local Environmental Plan 2011

The site is zoned IN1 General Industrial under the provisions of the *Warringah Local Environmental Plan 2011*. The proposed use falls under the definition of a *Recreation Facility (Indoor)* which is a permissible use in the zone.

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.

As previously mentioned, the café is ancillary to the yoga studio which is the dominant use. Notwithstanding, the café is also permissible in the zone as a food and drink premises or a take away food and drink premises.

Take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Zone Objectives

The objectives and permitted uses of the IN1 General Industrial zone are:

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.

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- *To support and protect industrial land for industrial uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To enable a range of compatible community and leisure uses.*
- *To maintain the industrial character of the land in landscaped settings.*

2 Permitted without consent

Nil

2 Permitted with consent

Boat building and repair facilities; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities.

The proposal is consistent with the zone objectives because the proposal provides employment opportunities and provides a service for the needs of people who live, work or visit the local area.

The below table provides an assessment against the relevant development standards contained within the LEP 2015.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011		
CONTROL	PROPOSED	COMPLIANCE
2.1 Land Uses Permissible uses in the IN1 General Industrial zone include <u>Recreation Facilities (Indoor)</u> since they are not prohibited. Both food and drink premises and take away food and drink	The subject proposal is for the use of the former canteen building as a yoga studio and ancillary café.. The uses are permissible in the zone with the consent of council.	Complies

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WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011		
CONTROL	PROPOSED	COMPLIANCE
premises are permissible in the zone.		
4.3 Height of Buildings The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map, being 11m.	The height of the building is unchanged by the proposal.	N/A

6.2 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 provides the relevant design guidelines for development within the former Warringah local government area. The DCP 2011 does not provide specific development controls relating to specific uses such as yoga studios however there are generic sections of the DCP which are applicable.

As the subject building is existing and there are no provisions of the DCP specifically applicable to the proposed use, the proposal must be assessed on its merits having regard to the potential external impacts of the development.

C3 Parking Facilities

A thorough analysis of the required and provided carparking is provided in the traffic and parking assessment report by Positive Traffic – Ref: PT21016, dated 11 July 2022.

In summary, the number of car parking spaces provided for the proposed use is 8 car spaces. There will be 5 spaces for the yoga studio and 3 for the café. The site as a whole has a provision for 52 car spaces with one (1) accessible car space located at the front of the building near Old Pittwater Road.

The report concludes:-

At this highest demand for parking, a total of five (5) vehicles would enter and leave the site at the beginning and end of each class resulting in a potential hourly traffic generation of 10 vehicles. The potential traffic generation of the proposal would be minimal and would not be a detrimental impact on the surrounding road network.

C9 Waste Management

The proposed yoga studio will generate office related waste while the café will generate organic waste. A professionally prepared Waste Management Plan by Wastetech Services Pty Ltd, Rev 2, dated 24 July 2022 has been submitted with the application. The report analyses the waste generation and management on a whole of site and individual use basis specific to the yoga studio and café.

It is demonstrated that waste generation from the proposed uses may be properly managed on-site and conditions of consent in this regard may be imposed by Council.

It is considered that waste management for the on-going use of the premises has been properly considered by the application.

D3 Noise

The purpose of this control is to ensure that noise emissions do not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.

Uses such as recreational facilities have potential for acoustic impacts unless properly fitted out and managed. In this case, the premises are located within an industrial zone far from the vicinity of any residential uses. The subject building is also well separated from nearby industrial buildings. Lastly, given the low intensity scale of the proposed use, an acoustic assessment is not considered warranted in this instance.

It is our view that the application may be approved with acceptable environmental acoustic impacts.

As the subject building is existing and there are no provisions of the DCP specifically applicable to the proposed use, any proposal must be assessed on its merits.

7.0 SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the *Warringah Local Environmental Plan 2011* and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

The subject property is zoned IN1 General Industrial under the *Warringah Local Environmental Plan 2011* and the proposed development is a permissible use within this zone.

7.2 Any draft environmental planning instrument

There are no draft environmental planning instruments that are relevant to the proposed development. Council has recently concluded public consultation on a future consolidated local environmental plan however this has not yet reached the status of a draft environmental planning instrument.

7.3 Any development control plan

The following development control plans have been considered in this application:-

- *Warringah Development Control Plan 2011.*

As previously mentioned, there are no specific provisions of the DCP applicable to the change of use to a recreational facility indoor or café other than food hygiene controls which would be the subject of conditions of consent. The DCP is generally concerned with providing design guidance for new development rather than changes of use.

The proposal includes an internal fit out suited for the proposed use and external deck areas for the use of patrons. The proposal has been assessed for parking, waste management and acoustic compliance. Council may rely on these expert evaluations in its assessment of the application on merit in the absence of specific land use controls. In our opinion, there appears to be no reason why development consent cannot be granted. We have concluded that an acoustic report would not be warranted for this application given the location and lack of residential receivers.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 Any matter prescribed by the regulations

There are no additional matters called up by the *Environmental Planning and Assessment Act Regulations 2021*, that are immediately applicable to the development application for the use of the subject building in the manner proposed.

7.6 The likely impacts of that development

It is considered that the proposal, which seeks consent for the use of the former canteen building for a yoga studio and ancillary café will not likely have any detrimental impacts on the site or surrounding properties sufficient to cause refusal of the application.

The proposal will have an acceptable impact on the environment and the amenity currently enjoyed by the neighbouring commercial, industrial and warehouse buildings.

The objectives of the relevant planning controls are considered to be satisfied as demonstrated in the application.

7.7 Suitability of the Site - Section 4.15(1)(c)

It is considered the subject site is suitable as it is currently zoned as IN1 General Industrial under the *Warringah Local Environment Plan 2011*. The use of the subject tenancy as described in this application is permissible within this zoning.

The subject site does not exhibit any constraints preventing the granting of consent to the use of the subject tenancy for a yoga studio and cafe subject to implementation of measures recommended in the supporting consultant's reports.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The Public Interest

The proposal will not adversely impact upon the environment, the character of the locality or upon the amenity of adjoining properties and therefore approval of the application is considered to be in the public interest. The subject fit-out and the use of the premises for a yoga studio and café is appropriate in the locality.

8.0 CONCLUSION

The principle objective of the development is to permit the use of the former canteen building at **102 Old Pittwater Road, Brookvale** for a yoga studio and cafe. The use is consistent with the permissible land uses of the zone. Alterations and additions to make the building fit for purpose are also proposed as detailed in the architectural plans.

Subject to compliance with operational conditions that may be imposed by Council and the recommendations contained within the supporting expert reports, there is no reason that development consent to the proposed use should be withheld.

We therefore request the Council issue development consent to the application under delegated authority.



Eugene Sarich
Urbanesque Planning Pty Ltd