



# **Statement of Environmental Effects**

Development Application (DA) for 'change of  
use to an artisan food and drink premises'

44/ 54 Wattle Road, Brookvale (Lot 44 SP  
38006)

April 2024

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Proposal: Development Application (DA) for 'change of use to an artisan food and drink premises'

Applicant: Sky Planning

Consent Authority: Northern Beaches Council

Date: April 2024

		Draft	Final
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# Table of Contents

1	<i>Introduction .....</i>	6
2	<i>Site and Context Analysis.....</i>	7
2.1	<b>Locational Context .....</b>	7
2.2	<b>Site Description.....</b>	7
2.3	<b>Application History.....</b>	10
3	<i>The Proposal.....</i>	10
3.1	<b>Background to the Proposal.....</b>	10
3.2	<b>Description of the Proposal .....</b>	11
3.3	<b>Operational and Management Details (Refer to POM) .....</b>	14
4	<i>Statutory Planning Framework.....</i>	18
4.1	<b>State Environmental Planning Policies.....</b>	18
5	<i>Warringah Local Environmental Plan 2011.....</i>	19
5.1	<b>Zone and Objectives .....</b>	19
5.2	<b>Definitions (Clause 5.4).....</b>	20
5.3	<b>Height and Floor Space Ratio (LEP Clauses 4.3 and 4.4) .....</b>	20
6	<i>Warringah Development Control Plan 2011.....</i>	21
4.5	<b>EP&amp;A Act 1979, Section 4.15 Evaluation – Matters for Consideration.....</b>	24
5	<i>Summary of Proposal.....</i>	26



## Supporting Documents

- **Architectural Plan set**, *Drafter*, dated 17.04.2024
- **Traffic Impact and Assessment Report**, AusWide Consulting, dated March 2024
- **Cos Summary Report**, *Sale Pepe*
- **Waste Management Plan**, *Sale Pepe*
- **Plan of Management**, *Sale Pepe*
- **Acoustic Report**, *PKA Consulting*, dated 15 July 2024

# 1 Introduction

This Statement of Environmental Effects has been prepared as a component of a development application proposing the change of use to an artisan food and drink premises at Unit 44 of No. 9 Powells Road, Brookvale legally described as Lot 44 SP 38006 and also known as No.54 Wattle Road, Brookvale. Presently though there is no access from Wattle Road to the tenancy.

This Statement is based on and should be read in conjunction with, the architectural drawings and supporting technical documents submitted under separate cover with the DA.

It provides information on the following:

- Description of the site and locality;
- Description of the proposed development;
- Assessment of relevant environmental planning considerations under Section 4.15 of the EP&A Act including compliance with planning instruments, environmental impacts, site suitability and the public interest.

The following regulatory frameworks are applicable to the site and proposal:

- *The Environmental Planning & Assessment Act, 1979*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Warringah Local Environmental Plan (LEP) 2011*
- *Warringah Development Control Plan (DCP) 2011*

This report provides the applicant's assessment against these provisions and requirements. It concludes that the development is appropriate, and generally consistent with current planning controls and with Council's intent for the area.

The proposed change of use is not anticipated to contribute to adverse environmental impacts and the development application succeeds on its merits. Accordingly, Council's approval of the application is therefore sought, subject to relevant and reasonable conditions.

## 2 Site and Context Analysis

### 2.1 Locational Context

The subject site is located in the suburb of Brookvale within the Northern Beaches Council Local Government Area (LGA) and is located approximately 16 km north-east of the Sydney Central Business District. Surrounding major suburbs include Beacon Hill, Narrabeena, Dee Why. Refer to Figure 1 below:

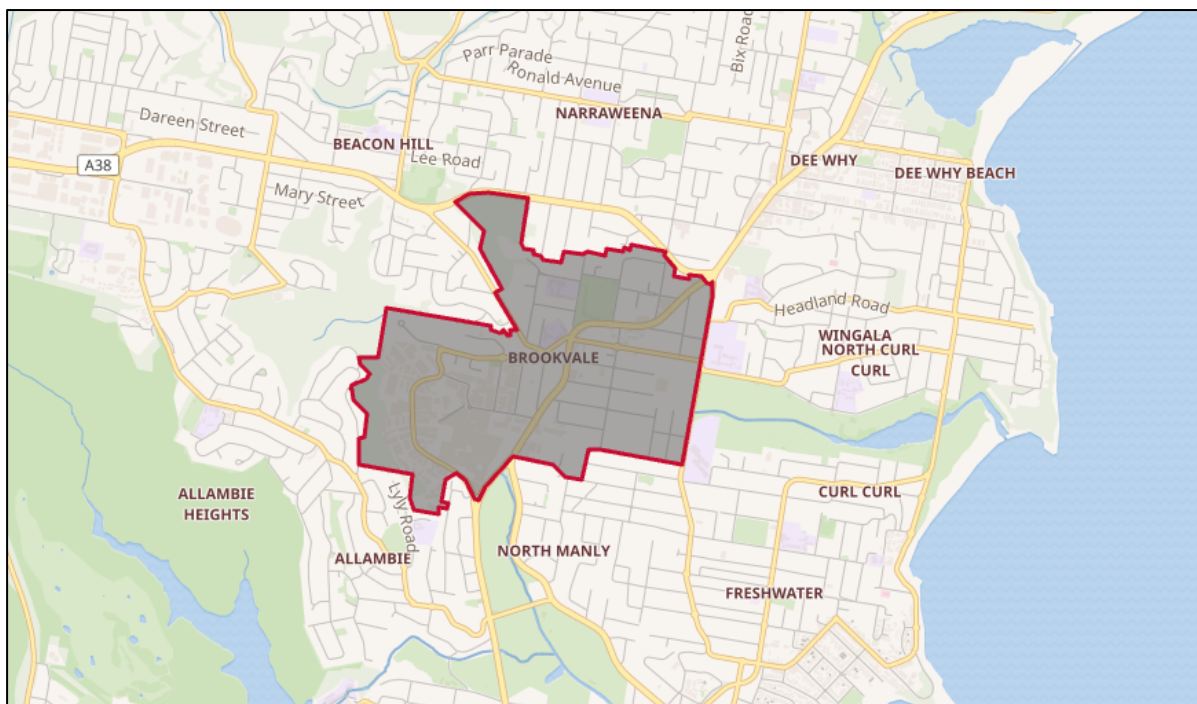


Figure 1: Suburb Context (source: Google Maps)

### 2.2 Site Description

The subject site is No.44/9 Powells Road, Brookvale and is legally described as CP 38006 and known as the 'Building & Business Centre', Brookvale.

The site is a regular rectangular allotment and has an area of approximately 1.37ha. The site measures 121 metres on the front boundary facing Powells Road and approximately 104 meters on the secondary boundary towards Mitchell Road. The site itself comprises of 2 level business precincts with vehicle parking at ground and first floor level up a ramp. Both the ground and upper level comprise of businesses that range from commercial, office, industrial and food and drink related premises.

The details of the subject site being Unit No.44 are included in the architectural drawings prepared by Drafter issued on 14 November 2023 which is submitted with this submission.

Key characteristics of the existing site include:

**Existing development on site:** The site, known at Unit 44, is currently occupied by a food and drink business with both casual dine in and takeaway food being sold. The existing business continues to operate under previous consent for canteen with sit-in seating and a 'food tenancy' as described under previous No.1930/92 approval and consent No.92/281 allowing seating for 50 people as issued by the Council.

The site is surrounded by various businesses and industries. The 7<sup>th</sup> Day Brewery shares access to the site through its outdoor seating area. This use also includes a component of food and drink that is consumed onsite and is of similar hours to the proposed use.

**Vehicular and pedestrian access:** The subject site consists of units 22-44 with direct vehicle access from a ramp from Powells Road. The site is set between Wattle Street and Powells Road and has vehicular access and pedestrian access from both street frontages.

**Topography:** The site mildly slopes from Pittwater Road toward Mitchell Road on the east of the subject site.

**Views:** The site overlooks E4: General Industrial on all sides of the allotment. The site is part of a commercial/industrial precinct.

**Services, easements and other restrictions on title:** Services such as electricity, sewer and water are all available to the existing development.

**Other site constraints:** The site is not known to be contaminated and there are no other known site constraints such as flooding, groundwater or contamination.

Refer to Figure 2, 3 and 4 for the front view of the subject site.

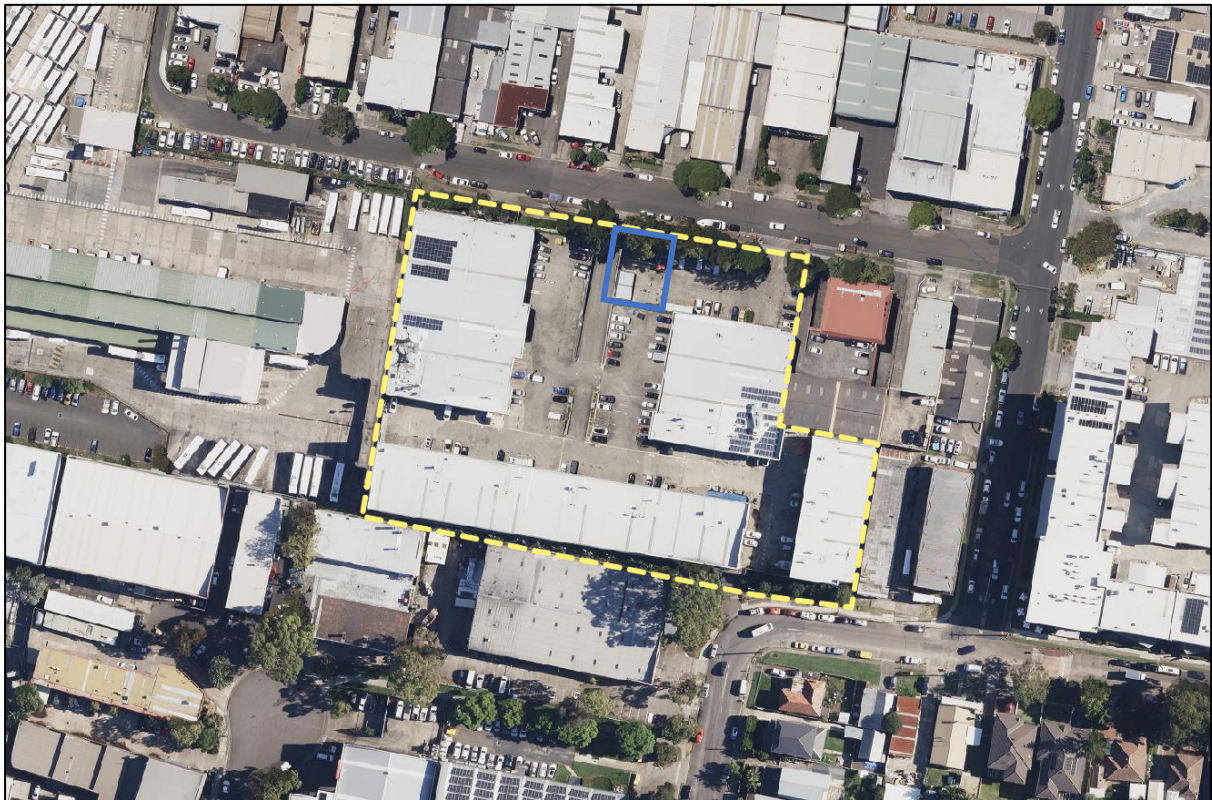


Figure 2: Aerial of Site (Blue outline of subject tenancy) (source: NSW Spatial)

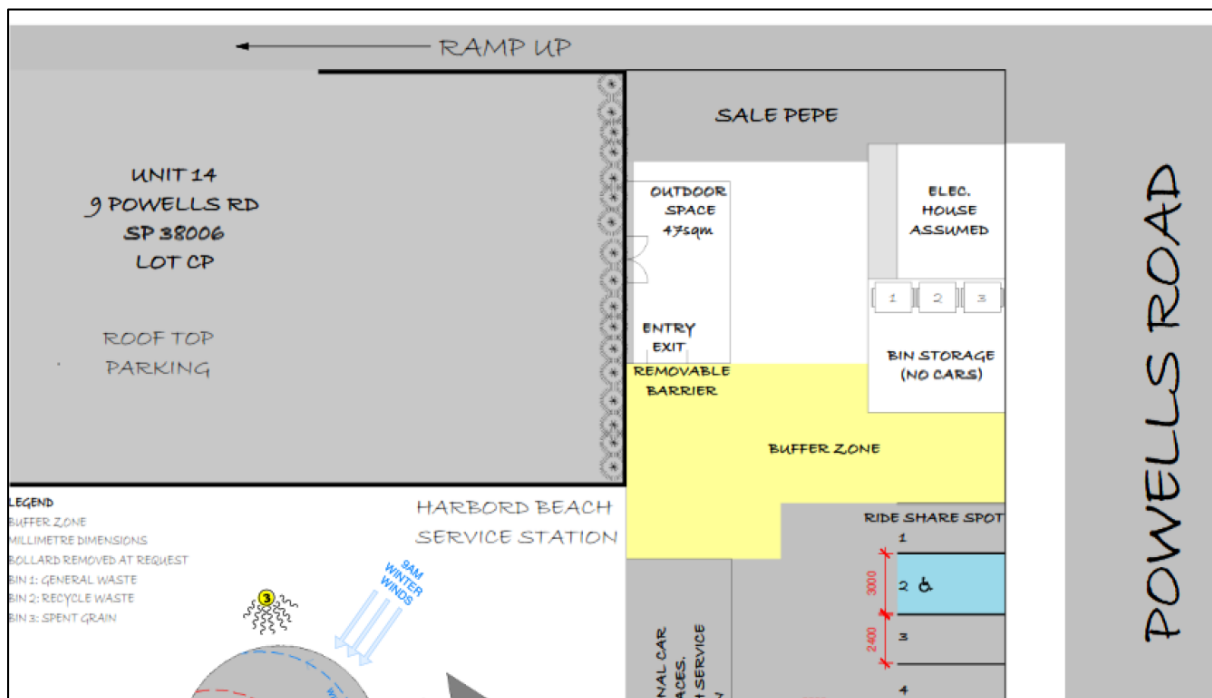


Figure 3: Partial Site Plan of subject tenancy and adjoining Brewery (source: Demont Design)



## 2.3 Application History

A search of Council online records revealed that the unit was approved as a food tenancy, specifically the original consent No.92/281 identified the use as a “canteen” with seating for 50 people at the site approved in 1992. The shop was later fitted out and approved as a “food tenancy” noted within Councils approved building application.

Since its inception the use has operated as various food and drink premises offering both casual dining at the site and take away in accordance with the existing development consent. No complaints have been received to date regarding the existing operations at the site as a casual dining restaurant.

# 3 The Proposal

## 3.1 Background to the Proposal

The subject unit No.44 at present, remains as a type of food and drink premises, benefitted by *existing use rights*. Presently there is no terminology with the Standard Instrument that defines a “canteen” (as per original approval), however, it implies a type of casual dining which can be both at the premises and take away.

It is deduced that the usage given its history at the site is in line with intent of the original consent and intention for the site. The current business having operated for 10 years has continued to provide a needed service to nearby residents and community at large. The current use offers both options and aims to expand on services to focus more on in-house artisan processes and manufacturing, dine in and takeaway food as well as provide a retail component to the business selling house-made products to customers. It is considered that the proposed use will operate and function in a similar manner as the existing business at the site.

### 3.2 Description of the Proposal

The proposal seeks consent for the following change of use to an *artisan food and drink industry* to allow for the following:

- Continuation of dining inside and outside in the designated seating areas (see Figure 4 below). Extra seating will be provided in the approved outdoor seating area to accommodate a total of 100 patrons seated (both in and out).
- Preparation, manufacturing and serving of Italian cuisine which includes woodfire pizza using in-house made dough, using boutique ingredients and in-house made pasta to be prepared and served to customers on premises and on a takeaway basis. *Note: The kitchen and cooking areas will remain the same as the current business. Only extra preparation space is needed for pasta making, drying and storage.*
- Pasta will be made within the existing kitchen with a designated area for drying and separate area for storage and packaging of pasta.
- Retail sale of dried pasta manufactured on site, stored within storeroom and displayed in new cabinetry at the entry counter.
- Minor fitout involving construction of new joinery such as shelving for storage and display of pasta.
- Serving of alcohol to be consumed on site with meals.

There will be no change to the structural walls or partitions within the premises and the floor area is to remain the same size as previously approved.

Plumbing, gas and electrical services will remain unaltered from the previous approved use.

The business will continue to operate using the business name "Sale Pepe Pizzeria".

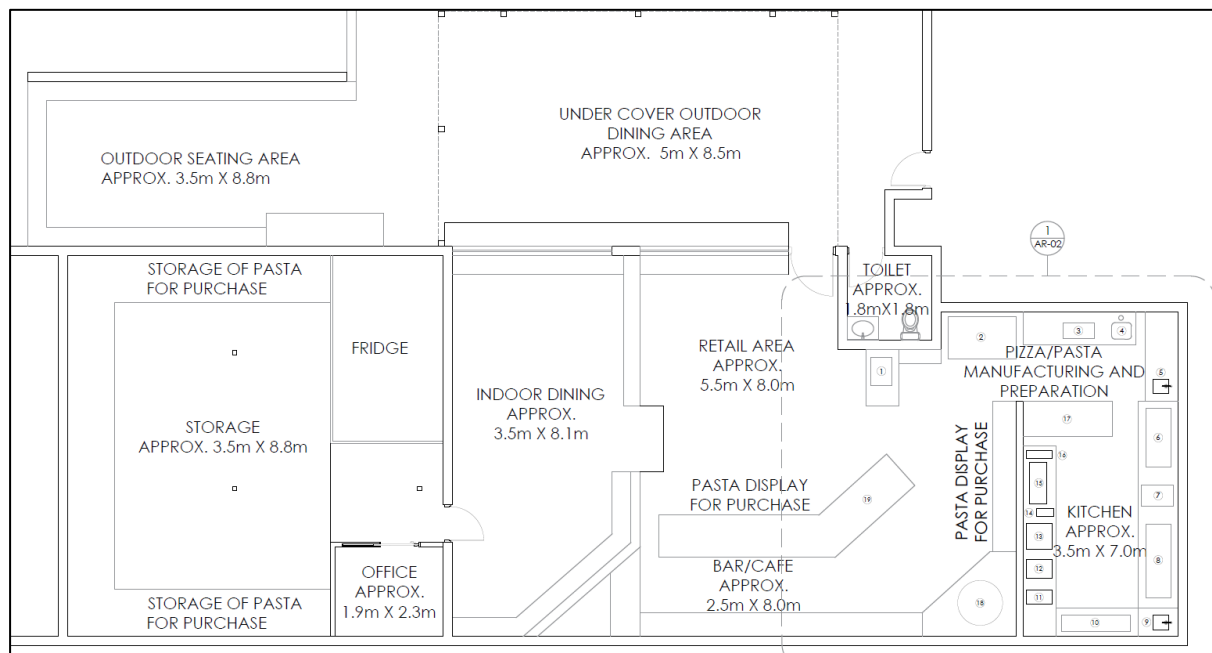


Figure 4: Proposed Floor Plan of Tenancy (source: Drafter)

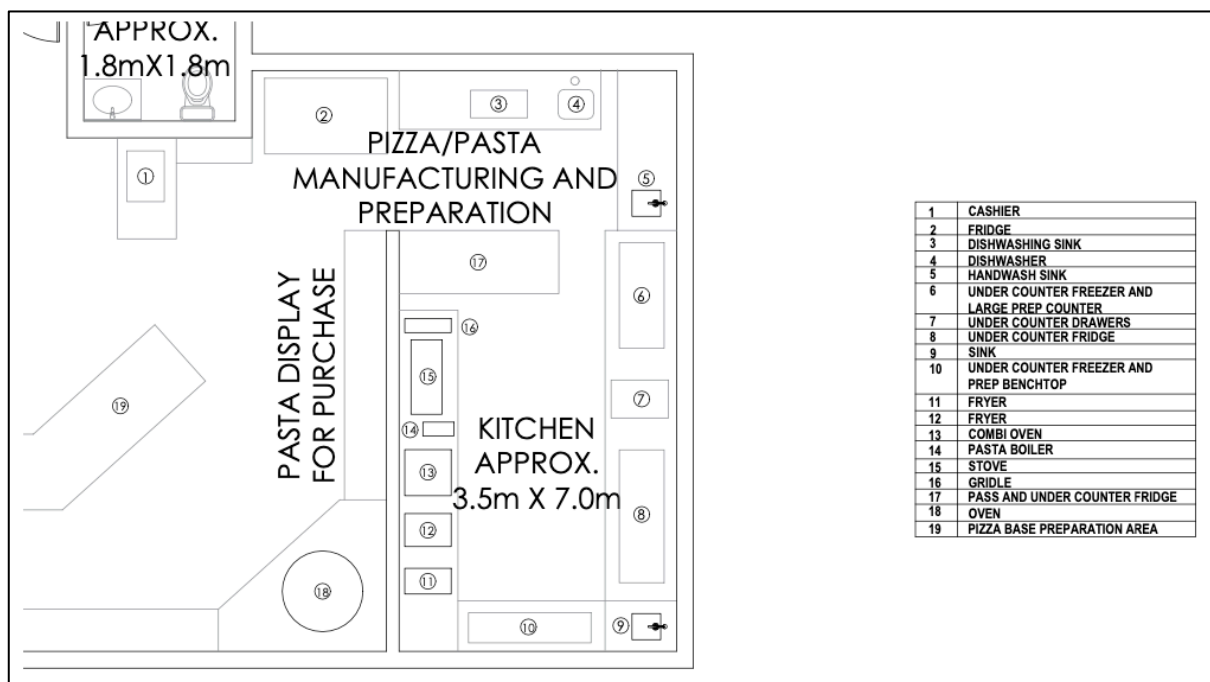


Figure 5: Proposed Kitchen Layout (source: Drafter)





Figure 6: Existing entry to subject tenancy  
(source: Sale Pepe)



Figure 7: Existing outdoor dining area to include more formal seating for dining.  
(source: Sky Planning photograph)



Figure 8: Interface between existing Sale Pepe and adjoining 7<sup>th</sup> Day Brewery business  
(source: Sale Pepe)

### 3.3 Operational and Management Details (Refer to POM)

#### I. Operational Details

The sites primary use will be for *artisan food and drink* as the business expands to allow for on-site food manufacturing of pasta and pizza dough **and retail sales**. The business will include a dedicated area to store and package the dry pasta to be sold to customers.

The site benefits from its services provided to the local community and other businesses within the complex.

The following requirements pertain to the artisan food and drink industry:

#### II. Hours of Operations

The subject site will be operational specific to the times indicated below:

Monday to Saturday:	9am to 12pm (Midnight)
Sunday:	9am to 11pm

### **III. Staff Numbers**

A maximum of ten (10) staff members will be working at the site per day, spread across the day. The site will maintain an adequate staffing ratio through the day.

### **IV. Number of Patrons**

A maximum of 100 patrons/customers will be able to be seated at the premises, both inside and outside within the designated and established outdoor seating area. Refer to seating plan within Floor Plan set that accompanies this application.

*Note: A maximum of 100 patrons at any one time is not likely to occur during the week, and more likely on weekends.*

*The existing business has operated for last 10 years with a maximum of 75 capacity seating within the tenancy and outside. The increase to 100 is therefore negligible in terms of acoustic impacts given the distance to residences (refer to accompanying acoustic report).*

### **V. Access and Traffic**

Access to the premises is via a driveway ramp from Powells Road.

Parking available to the tenancy will continue to be provided within the existing parking space across the complex. Overflow parking and general customer parking will continue on the street. Noting that after standard working hours (after 5pm) more spaces become available within the complex for customers to use.

Refer to accompanying Traffic and Parking Impact Report.

### **VI. Parking**

One (1) x parking space is to be retained on the subject site for parking by staff. Customer parking and general customer parking will continue on the street and within vacant shared parking spaces on the site, which are not utilised after business hours.

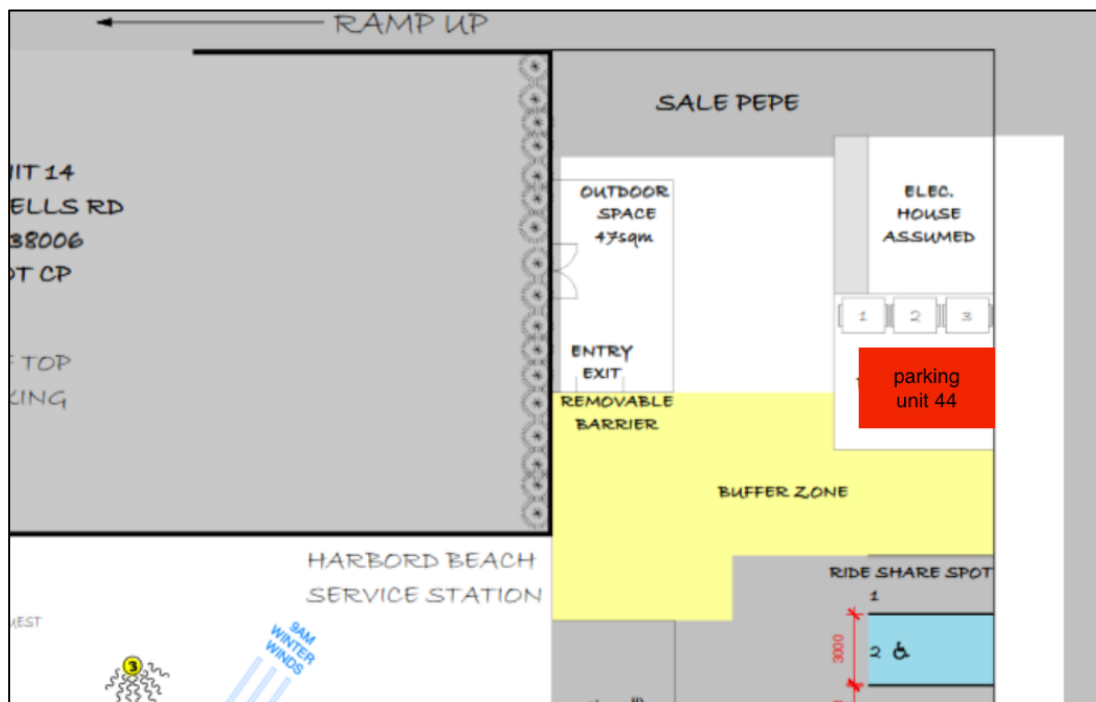


Figure 9: Parking plan showing 1 x car space dedicated to tenancy (source: Sale Pepe)

Refer to accompanying Traffic and Parking Impact Report.

## VII. Noise

The proposed use will continue to sit patrons inside and outside, within the designated seating areas. This includes usage of the existing casual outdoor area with more formal table seating arrangement (see accompanying seating plan). Additional noise generated by the use will be negligible when compared with the existing operations at this tenancy (food premises) and the adjoining 7<sup>th</sup> Day Brewery.

The current business has operated at a capacity of 75 (max.) people which has not generated any noise complaints from other tenants or any sensitive receivers which are a fair distance away. It is important to note that there are no residents within a direct line of sight and that the nearest residential area is located over 100 metres away from the premises, with building adding as a buffer between. Furthermore, the outdoor seating area is acoustically shielded from the street with masonry block wall, providing acoustic attenuation that has allowed this business to run without any issues/complaints.

The proposed use maintains that no amplified or live music will be used at the site and most noise generated will be at a talking level from customers.



Refer to accompanying acoustic report prepared by PKA consulting which concludes that acoustic compliance was readily achieved.

#### **VIII. Security & Emergencies Security Standards**

- The site maintains all security measures including locked doors and bathroom amenities outside of operating hours.
- The entrance to the centre will be securely locked outside business hours via the front entrance door.

Please refer to the Plan of Management, prepared by Sale Pepe attached with this submission.

#### **IX. Signage**

There will be no changes to the signage at the premises.

#### **X. Liquor License**

The use will apply for liquor licensing in accordance with the future development consent. Liquor will be sold and consume with meals in accordance with the *Liquor Act 2007*.

#### **XI. Waste Management**

Compliance with the Councils *Guidelines for Waste Management* will be implemented during the construction phases.

Ongoing waste generate by the use will be disposed of within the applicable general and recycling garage bins already at the tenancy. The use will continue to generate the same amount of waste as the current business.

#### **XII. Energy**

The site is serviced by existing electricity services that have been utilised by the previous building use.

#### **XIII. Plumbing**

The site is serviced by plumbing and no new sink or water waste systems are proposed.

#### **XIV. Fire Safety (NCC/BCA)**

The building continues to abide to all the current fire safety standards and regulations. The proposed use will not result in any changes to the building class or alter any structural components of the building. See annual fire safety schedule which accompanies this application.

The change of use does not require any physical structural changes to the premises or overall operation of the business therefore maintaining compliance with the relevant requirements.

##### **I. Accessibility**

Access to the premises remain the same as the existing access points to the complex and the site itself. With most patron parking to be spread across the site and utilise street parking.

This an existing established building and there is no proposed changed to its classification, therefore is exempt from compliance with any further accessibility requirements.

## **4 Statutory Planning Framework**

### **4.1 State Environmental Planning Policies**

The proposed development is subject to the following State Environmental Planning Policies.

- State Environmental Planning Policy (Resilience and Hazards) 2021

According to Clause 4.6 of this SEPP, Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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.

Response: As the land has been continually used for commercial and industrial purposes. The current business operates as a restaurant with casual dining and takeaway options and has done so since its inception. The change of use is similar in nature and therefore no contamination is expected to have occurred. In this regard, it is considered that the site is suitable for the proposed use and that no further investigation is warranted.

## 5 Warringah Local Environmental Plan 2011

### 5.1 Zone and Objectives

The proposed development in the subject size is zoned E4: General Industrial pursuant to Warringah Local Environmental Plan 2011.

The objectives of the E4 Zone are:

- *To provide a range of industrial, warehouse, logistics and related land uses.*

Response: It is considered that the proposed development will have no impact on the objectives of Zone E4: General Industrial.

- *To ensure the efficient and viable use of land for industrial uses.*

Response: No changes are proposed to the existing use of the land.

- *To minimise any adverse effect of industry on other land uses.*

Response: The use will not have an adverse effect on any industry or nearby land uses.

- *To encourage employment opportunities.*

Response: The proposed use will increase employment opportunities by hiring staff to cater to the customers, in turn this will have a positive effect on the economy of the area.

- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

Response: The proposed use provides a non-industrial land use that still is able to provide facilities and services to meet the needs of a growing and evolving community of businesses.

- *To provide areas for land uses that need to be separated from other zones.*

Response: N/A.

- *To provide healthy, attractive, functional and safe light industrial areas.*

Response: The proposed use will add to the attractiveness and appeal of this commercial/industrial complex by activating the area. The uses immediately surrounding the proposed use are complimentary and consistent in their operation.

## 5.2 Definitions (Clause 5.4)

The proposed development is considered an *artisan food and drink industry* which is permitted under the E4 zone.

In accordance with Clause 5.4 of the LEP the following retail floor area is prescribed.

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

- (a) 33% of the gross floor area of the industry, or*
- (b) 400 square metres,*
- whichever is the lesser.*

The retail sales component of the use only pertains to the front service desk entry which has dimension 5.5m x 8m. This equates to only 44m<sup>2</sup> which equates to approximately 22% of the gross floor area of the use, complying with Clause 5.4.

## 5.3 Height and Floor Space Ratio (LEP Clauses 4.3 and 4.4)



Response: The change of use does not require any modifications to the tenancies height or floor area as all changes will be non-structural and contained within the existing premises.

There are no statutory zoning or zone objectives that are an impediment to the granting of approval to the proposed development

## 6 Warringah Development Control Plan 2011

This development does not propose to alter any internal or external modifications to the fabric of the building. The changes are all limited to the change of use and expansion of services and minor increase to the number of patrons seated. All alterations are wholly contained within the premises and no major construction or structural changes are proposed.

The following sections of the DCP are considered relevance to this development proposal.

### PART C - SITING FACTORS:

Standard	Performance Criteria	Response	Compliance
Traffic, Access and Safety	To minimise: <ol style="list-style-type: none"> <li>traffic hazards;</li> <li>vehicles queuing on public roads</li> <li>the number of vehicle crossings in a street;</li> <li>traffic, pedestrian and cyclist conflict;</li> <li>interference with public transport facilities; and</li> <li>the loss of "on-street" kerbside parking.</li> </ol>	As discussed, the commercial complex provides ample parking available to the use during and after hours. The premises itself utilises shared parking spaces with the brewery on site as well as street parking. A parking survey recently conducted for the adjoining brewery concluded that parking space occupancy rates are low within the area and therefore there is a sufficient amount of car spaces available for staff	Yes

Parking Facilities	<ul style="list-style-type: none"> <li>To provide adequate off street carparking.</li> <li>To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.</li> <li>To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.</li> </ul>	<p>and patrons to utilise despite the increase of patrons. The report went on the identify that there are approximately 425 on and off-street car parking spaces available for the proposed development in its normal business operations.</p> <p>Therefore, the proposed development is not envisaged to have an adverse impact on the surrounding parking conditions.</p>	Yes
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#### PART D - DESIGN:

Standard	Objectives	Response	Compliance
Noise	<ul style="list-style-type: none"> <li>To encourage innovative design solutions to improve the urban environment.</li> <li>To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.</li> </ul>	<p>The current business has operated in this manner for over 10 years without any noise complaints. The proposed use will continue to include both indoor and outdoor seating in a similar arrangement as the current business however will extend the operating hours by 1 hour, until midnight.</p> <p>Regarding the increase in patrons internally noise will not exceed the existing noise levels produced by the existing outdoor seating area or the adjoining outdoor seating area of the 7th Day</p>	Yes

### Brewery.

The use will remain contained within the existing premises, again utilising outdoor seating areas that already exists which is largely shielded from the street.

Additionally, there are no nearby sensitive residential receivers that would be able to hear the activities, given the distance and that existing buildings sit between acting as a buffer. Refer to accompanying acoustic report which concludes the use would comply entirely.

Accessibil  
ity and  
Adaptabili  
ty

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

There will be a designated entry and exit point managed by staff. The premises, being entirely on one level, generally complies with accessibility standards. It's worth noting that this is part of an established complex, which may not cover all aspects. However, as the building's classification remains the same, no additional accessibility requirements are triggered in this assessment.

Yes

Safety  
and  
Security

To ensure that development maintains and enhances the security

There will be security available at the adjacent brewery if needed.

Yes

and safety of the community. Otherwise, all security measures will remain as per the current business.

Staff will also be always on hand to control the flow of patrons whilst entering and exiting the area.

Existing security measures will be maintained. Please refer to the Operational Plan of Management Sale Pepe that accompanies this submission.

#### **4.5 EP&A Act 1979, Section 4.15 Evaluation – Matters for Consideration**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application and the provisions of any environmental planning instrument (EPI'S).

- The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations [Section 4.15 (1) (a)]

Response: The application is permissible and generally in accordance with the development standards contained within Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan 2011.

- The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality [Section 4.15 (1) (b)]

Response: The assessment provided in this S.E.E. reveals that there will not be any adverse impacts from the proposed use. The site is considered suitable for the proposed modifications. The subject site and surrounding area are adequately zoned for such a development and the development will be compatible with both existing and future developments.

*Access, Transport and Traffic:*

The proposal will not have any impact to access, transport and traffic.

*Public Domain:*

The proposal will not affect the public domain.

*Heritage:*

Property is not a heritage item, nor in a heritage conservation area.

*Other land resources:*

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

*Water:*

The modification will not significantly increase the proposed water consumption of the development.

*Air and Microclimate:*

The proposal is not expected to have any negative impact on air or microclimate.

*Flora and Fauna:*

No significant flora or fauna was identified on the site that may be affected by the development.

*Waste:*

The modification does not seek to change the conditions of consent relating to waste.

*Energy:*

The proposal will not significantly increase energy consumption beyond the existing approval.

*Noise:*

The impact of traffic associated with this modification is negligible.

*Natural hazards:*

There are no natural hazards affecting the site that would prevent the proposal.

*Safety, Security and Crime Prevention:*

This application does not result in any opportunities for criminal or antisocial behaviour.

*Social Impact:*

No adverse social impacts are anticipated from the development.

#### *Economic Impact:*

The proposal is not expected to create any negative economic impact.

#### *Cumulative Impacts:*

The proposal is not expected to have any negative cumulative impacts.

- The suitability of the site for the development [Section 4.15 (1) (c)]

Response: The site meets all the Councils criteria, aims and objectives and generally meets the applicable development controls. Having regard to this assessment, it is considered that the land is suitable for the intended development.

- The suitability of the development when considering public interest [Section 4.15 (1) (e)]

Response: The proposal is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the coordinated and orderly, and economic use and development of the land. The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties. As a result, it is considered that the development, subject to conditions, is consistent with the public interest.

## 5 Summary of Proposal

The proposal is permissible and generally in accordance with the development standards contained within the *Warringah LEP 2011* as they relate to the objectives and intent of the built form guidelines contained within the *Warringah DCP*.

The design successfully provides a site-specific response that takes advantage of the attributes of the site whilst respecting the environmental characteristics of the site and the amenity of adjoining residential properties. The outcome is a use that is consistent with the growing needs and demand of Brookvale.

The proposal succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as

amended. It is our professional opinion that the application should be granted development consent subject to conditions.