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Statement Of Environmental Effects

11 Mitchell Road
BROOKVALE NSW 2100

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1.0 PREAMBLE

This is an Application that concerns the submission of a Development Application to Northern Beaches Council (the Consent Authority) on land at Lot 32, Section 2, DP6033, being 11 Mitchell Road, BROOKVALE (the Site).

The Application is made to the Consent Authority subject to the power conferred by Section 4.12 of the Environmental Planning & Assessment Act 1979 (the Act) and to the satisfaction of Schedule 1 of the Environmental Planning & Assessment Regulations 2000 (the Regulations).

The Application is made concerning Approval for the fit-out and use of a mixed-use development, including Warehouse or Distribution Centre and Take Away Food And Drink Premises (the Development).

2.0 PHYSICAL DESCRIPTION

2.1. SITE DESCRIPTION

The Site is located on Mitchell Road, approximately two hundred and eighty metres east of Pittwater Road, in the Brookvale industrial complex. Mitchell Road runs in an approximate north-south direction, and the nearest cross-street to the Site is Chard Road, approximately forty metres at the south. Winbourne Road intersects Mitchell Road approximately seventy five metres to the north.

The Site is oriented in an approximate east-west direction, and has one street frontage, that is Mitchell Road. The Site is of regular proportions, measuring 12,190mm in width, and 48,770mm in depth, with a total Site area of 594.4m².

The site presently contains one, single storey warehouse of masonry construction, characterised by a single front facing gable and centre ridge-line running perpendicular with the street. The roof is constructed of steel truss framing and sheet metal cladding. Four on-site vehicle parking spaces are situated within the front boundary setback area, adjacent to Mitchell Road, and are accessed from an existing vehicle crossover that extends across the full width of the Site. The building is setback from the front boundary by (12,300mm), and is built to the north and east side boundaries. For the first half of the building, the south side boundary is set in by approximately 3,000mm, before being extended and also built to the south side boundary for the last half.

The Site contains no landscaped area or any remnant natural features, and is concreted and paved where there are no building elements.

The building was approved and built in 1963, and remains predominantly in tact from that original approval, despite operating with numerous uses and functions over time. The last use of the Site was for a Vehicle Repair Station, approved in 1996.

2.2. SURROUNDING DEVELOPMENT

The surrounding development to the Site is characterised by a mix of predominantly industrial uses, interspersed with commercial and take-away food and drink premises. Within a three hundred metre radius, half a dozen food and drink premises operate, providing a convenient service to the heavily populated industrial operations occurring in the area.

To the Site's immediate north side boundary, a motorcycle dealer and mechanic operates, and at the Site's immediate south side boundary, a commercial premises and a sex services premises operates.

The Site is described below:

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Figure 1 — 11 Mitchell Road, BROOKVALE, described outlined.

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Figure 2 — Primary street front of the Site looking east, described outlined.



Figure 3 — Rear view of the Site looking west, described outlined.

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Figure 4 — Interior of the existing building at the Site, looking east.

3.0 BACKGROUND OF DEVELOPMENT

3.1. PRE-LODGEEMENT APPLICATION

The Development has not been subject to any Pre-Lodgement Applications.

3.2. DEVELOPMENT HISTORY (SITE)

A Freedom Of Information Application was made to the Consent Authority under the Government Information (Public Access) Act 2009. The information has revealed the Site was originally developed in 1963, for a factory. Original plans identify that the building has remained predominantly unchanged from its original construction, with minor internal reconfigurations occurring. The last Approval was granted in 1996 for a Vehicle Repair Station. Two Applications have been made against the property in that time, both awarded refusals by the Consent Authority. The established development history to the Site is as follows:

Table 1 — Development history of 11 Mitchell Road, BROOKVALE

| Date | Number | Application Details | Outcome |
|------------|-------------|--|----------|
| 11/05/2020 | DA2020/0097 | Change of use – Use of premises as an Artisan Food and Drink premises (brewery). | Refused |
| 01/06/2009 | DA2009/0262 | Fit out and use of the premises as a Dance Studio and associated Signage. | Refused |
| 07/06/1996 | 1996/156 | Car Repair Station and oil separator. | Approved |

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| | | | |
|------------|--------|----------|----------|
| 04/01/1963 | B52/63 | Factory. | Approved |
|------------|--------|----------|----------|

3.3. DEVELOPMENT HISTORY (ADJOINING)

Surrounding development to the Site comprises a mix of light industrial uses, and a commercial premises and sex services premises at the south side boundary.

4.0 DEVELOPMENT PROPOSAL

4.1. PROPOSED WORKS

The Application is made for a change of use from a Vehicle Repair Station, to a mixed-use development comprising two uses, that are a Take-Away Food And Drink Premises and a Warehouse Or Distribution Centre. The mixed-use is to operate with the Take-Away Food And Drink Premises located at the front of the building, easily servicing local foot traffic, and the Warehouse Or Distribution Centre situated at the rear half of the building.

The Take-Away Food And Drink Premises will operate under the name "Okay Coffee Roasters". Okay Coffee Roasters will trade in speciality coffee and simple food and drink beverages. The Warehouse Or Distribution Centre will operate under the name "Sticky Bottle". Sticky Bottle operates an online retail business specialising in high-end road cycles, mountain bikes, electric bicycles, apparel and equipment. The Warehouse Or Distribution Centre is to function as Sticky Bottle's stock warehouse and distribution centre for its online sales.

Both proposed uses are capitalising on the recently published shared path extension from Brookvale to Dee Why, in which the shared path will improve opportunities for walking and cycling in line with Northern Beaches Council "Move – Northern Beaches Transport Strategy 2038" and "Northern Beaches Bike Plan". The shared path extension will result in a 3,000mm wide shared path along Pittwater Road, Orchard Street, Mitchell Road, and Cross Street. The shared path will bring increased public exposure to both uses.

The Development will require a minor internal reconfiguration of space by the installation of partition walls and reconfiguration of existing mezzanine level. The Application does not propose any external changes.

4.2. SEATING CAPACITY

The Take-Away Food And Drink Premises proposes to operate with a low in-house seating capacity, relying predominantly on take-away food and beverages. The total seating capacity of the Take-Away Food And Drink Premises will be 15.

4.3. STAFF

The Application proposes the following staff arrangements at any given time:

Table 2 — Proposed Staff Arrangements

| | Take-Away Food And Drink Premises | Warehouse Or Distribution Centre |
|----------------------------------|-----------------------------------|----------------------------------|
| Number Of Full / Part-Time Staff | 4 | 3 |
| Number Of Casual Staff | 2 (or as required) | 0 (or as required) |

4.4. HOURS OF OPERATION

The Application proposes the following hours of operation for each use as follows:

Table 3 — Proposed Hours Of Operation

| Day | Take-Away Food And Drink Premises | Warehouse Or Distribution Centre |
|-----------|-----------------------------------|----------------------------------|
| Monday | 6:30am — 6:00pm | 10:00am — 6:00pm |
| Tuesday | 6:30am — 6:00pm | 10:00am — 6:00pm |
| Wednesday | 6:30am — 6:00pm | 10:00am — 6:00pm |
| Thursday | 6:30am — 6:00pm | 10:00am — 6:00pm |
| Friday | 6:30am — 6:00pm | 10:00am — 6:00pm |

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| | | |
|----------------|-----------------|------------------|
| Saturday | 6:30am — 6:00pm | 10:00am — 6:00pm |
| Sunday | 6:30am — 6:00pm | 10:00am — 6:00pm |
| Public Holiday | 6:30am — 6:00pm | 10:00am — 6:00pm |

4.5. WASTE MANAGEMENT

The tenants propose the use of a shared dedicated waste management system, with a 660L bulk bin for general waste, to be stored at the front of the Site at the north-west corner. The bin is proposed to be enclosed in a housing for sightliness and pest control. Cardboard waste will be stored internally within the warehouse. Waste collection will occur up to four times weekly for general waste, and twice weekly for cardboard waste, relying on a commercial agreement with waste contractors.

4.6. DELIVERIES

The two business operations will require loading / unloading facilities to service each use for deliveries and shipments. The Take-Away Food And Drink Premises will require small scaled deliveries for the day-to-day running of the premises. The Warehouse Or Distribution Centre operates an online retail business, that transacts high-valued performance bicycles and other peripheral items. In general, deliveries and shipments are small-scaled, and rely on couriers to collect and dispatch orders. Larger scaled orders include bicycles, and are carried out by a specialist courier service for transportation.

As each premises do not require a large or dedicated facility for day to day operations and order fulfilment, the Application does not propose a dedicated delivery zone or loading bay. Couriers and deliveries are typically carried out in vans and sometimes B85 vehicles, and are capable of parking in a vacant on-site vehicle parking bay if necessary. However, street-parking is generally preferred, given the quick turnaround of deliveries.

5.0 LEGAL FRAMEWORK & LAND CONSTRAINTS

5.1. ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

In determining a Development Application under the power conferred by Section 4.15 of the Act, the Consent Authority is to take into consideration the provisions of any Environmental Planning Instruments, any proposed instrument, any Development Control Plan, and Planning Agreement, and the Regulations. The following parts of this Statement address the relevant provisions of the applicable Environmental Planning Instruments as so required:

- Environmental Planning & Assessment Act 1979;
- State Environmental Planning Policy No.55 — Remediation Of Land;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan 2011

6.0 ASSESSMENT OF ENVIRONMENTAL IMPACTS

6.1. ENVIRONMENTAL PLANNING INSTRUMENTS

An assessment of the Development against the Environmental Planning Instruments identified above, is carried out here.

6.1.1. State Environmental Planning Policy No.55—Remediation Of Land

The State Environmental Planning Policy No.55—Remediation Of Land (Remediation Of Land SEPP) was adopted on August 28, 1998, and provides a standardised framework for the remediation of contaminated land across the State.

The Remediation Of Land SEPP defines when consent is required to carry out remedial works, and stipulates the minimum remediation standards. Clause 7 compels a Consent Authority to consider whether a site is contaminated, and that it may or may not be satisfied that the land is suitable for the purpose of the development proposed if the site is contaminated, and whether any remediation is to occur.

To assist councils and developers, the New South Wales Department Of Planning, Industry and Environment, in conjunction with the Environment Protection Authority, has prepared the guidelines Managing Land Contamination: Planning Guidelines (1998), and the draft document Contaminated Land Planning Guidelines (2018), to assist with the process.

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As part of the assessment process, the Consent Authority is required to consider the potential for land to be contaminated, and the impacts of that contamination on the suitability of the land for the proposed use. An initial evaluation of a property is often linked to past uses of land, and is more likely to have occurred when land is or was used or zoned for industrial, agricultural, defence or some commercial purposes. An initial evaluation considers the current and previous use of the land, the current land zone, previous zones and permissible uses in that zone, the history of development approvals at the site, whether the land has been previously remediated, or is listed as a contaminated site.

A brief study into the history of the Site reveals that its use has been predominantly industrial in nature for the past half a century. The 1943 aerial imagery of the Site finds that the locality in general was predominantly residential, and that the Site itself was vacant. In 1963, an Approval was granted for the erection of a new factory, that predominantly remains in its original form today. In 1996, Approval was granted for a Vehicle Repair Station, of which the Approval has not been superseded to this day.

The historical use of the Site has been predominantly for light industry, and a Vehicle Repair Station is not reasonably expected to be a heavy contaminant of the land. Notwithstanding, the Application considers the proposed works and the proposed use. The Development is for a change of use, to a use that is permissible in the IN1 — General Industrial zone. The Development does not propose the material destruction of the existing building on the Site, or the excavation or disturbance of soil. In this regard, the Application may reasonably satisfy a preliminary investigation into the Site that, notwithstanding any historic contamination of the land, no further contamination will occur or be disturbed as a result of the Development.

6.1.2. Warringah Local Environmental Plan 2011

The Site is subject to the Warringah Local Environmental Plan 2011 (WLEP2011) that came into effect on December 12, 2011. The Application is assessed against its relevant Clauses here.

6.1.2.1. Aims Of Plan

The Aims of the WLEP2011 are described at Clause 1.2(2):

Table 4 — Warringah Local Environmental Plan 2011, Clause 1.2(2): Aims Of Plan

(2) The particular aims of this Plan are as follows—

- (a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,
- (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,
- (c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,
- (d) in relation to residential development, to—
 - (i) protect and enhance the residential use and amenity of existing residential environments, and
 - (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
 - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,
- (e) in relation to non-residential development, to—
 - (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and
 - (ii) maintain a diversity of employment, services, cultural and recreational facilities,
- (f) in relation to environmental quality, to—
 - (i) achieve development outcomes of quality urban design, and
 - (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and
 - (iii) achieve land use relationships that promote the efficient use of infrastructure, and
 - (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and
 - (v) protect, conserve and manage biodiversity and the natural environment, and
 - (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,
- (g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,
- (h) in relation to community well-being, to—

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- (i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and
- (ii) ensure that the social and economic effects of development are appropriate.

6.1.2.2. Land Use Zone

The Site is zoned IN1 — General Industrial. The Objectives for the IN1 — General Industrial Zone are:

Table 5 — Warringah Local Environmental Plan 2011, IN1 — General Industrial Objectives

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.
- 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.

The prescribed Land Use Table for the IN1 — General Industrial Zone is:

Table 6 — Warringah Local Environmental Plan 2011, Land Use Table: IN1 — General Industrial

2. Permitted without consent

Nil

3. 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 Development is for a mixed-use building, consisting of a Take Away Food And Drink Premises and a Warehouse Or Distribution Centre, and is therefore Permitted With Consent.

6.1.2.3. Height Of Building

Clause 4.3(2) of the WLEP2011 states that the height of a building is not to exceed the maximum height depicted on the Height Of Buildings Map. The Height Of Buildings Map identifies the Site is subject to a building height that is not to exceed 11,000mm.

The Building Height calculations of the Development are:

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Table 7 — Building Height Calculations

| | Height |
|-----------------------|--------------------|
| Maximum | 11,000mm |
| Existing | 4,940mm |
| Proposed | 4,940mm |
| Variation To Maximum | -55.1 % (-6,060mm) |
| Variation To Existing | 0.0 % (0.0mm) |

The Application relies on a Building Height of 4,940mm, and therefore upholds the Development Standard.

6.1.3. Warringah Development Control Plan 2011

The Site is subject to the Warringah Development Control Plan 2011 (WDCP2011), that was adopted by the Consent Authority on June 8, 2010. The Application is assessed against its relevant parts here.

6.1.3.1. Introduction (Objectives)

The aims of the WDCP2011 are stated as:

Table 8 — Warringah Development Control Plan 2011; Part A.5: Objectives

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

6.1.3.2. Built Form Controls (Side Boundary Setbacks)

Part B5(1) of the WDCP2011 states that development on land shown coloured on the Side Boundary Setbacks Map is to maintain that minimum setback. The Site is identified as being within a 'Merit Assessment' area, and the Application turns to the Objectives of Part B6 of the WDCP2011 that specifies the requirements of a merit assessment of side boundary setbacks:

Table 9 — Warringah Development Control Plan 2011; Part B6: Objectives

- To provide opportunities for deep soil landscape areas.
- To ensure that development does not become visually dominant.
- To ensure that the scale and bulk of buildings is minimised.
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- To provide reasonable sharing of views to and from public and private properties.

The Requirements at Part B6 of the WDCP2011 continue by stating:

Table 10 — Warringah Development Control Plan 2011; Part B6: Requirements

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

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- Streetscape;
 - Amenity of surrounding properties; and
 - Setbacks of neighbouring development
2. Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences

The proposed scheme does not alter the current side boundary setbacks of the building, and there is presently no Landscaped Area on the Site. Given the extent of works proposed, the Application finds that no change is proposed to the existing bulk and scale of the building, and that the Development is not visually dominant in its setting. The current side boundary setbacks are also found to be characteristic of the locality.

In this regard, the Application finds the Development acceptable in its setting and relative to the proposed use.

6.1.3.3. Built Form Controls (Front Boundary Setbacks)

Part B7(1) of the WDCP2011 states that the front boundary setback of a building is not to exceed that specified on the Front Boundary Setback Map. The Front Boundary Setback Map specifies a minimum front boundary setback of 4,500mm to the Site.

Building line or setback is defined in the WLEP2011 as the horizontal distance between the property boundary and a building wall, the outside face of any balcony, deck or the like, or the supporting posts of a carport or verandah roof. Part B7(2) of the WDCP2011 also precludes car parking and garbage storage areas from the front setback area.

The Application relies on the existing front boundary setback of 12,300mm, but existing on-site vehicle parking spaces occur within that setback area. In this regard, the Application turns to the Objectives of Part B8 of the WDCP2011 that specifies the requirements of a merit assessment of front boundary setbacks:

Table 11 — Warringah Development Control Plan 2011; Part B8: Objectives

- To create a sense of openness.
- To provide opportunities for casual surveillance of the street.
- To provide opportunities for deep soil landscape areas and aesthetic improvements.
- To protect and enhance the visual quality of streetscapes and public spaces.
- To achieve reasonable view sharing.

The Requirements at Part B8 of the WDCP2011 continue by stating:

Table 12 — Warringah Development Control Plan 2011; Part B8: Requirements

1. The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the:
- Streetscape;
 - Amenity of surrounding properties; and
 - Setbacks of neighbouring development.

The original building Approval in 1963 approved the current built form, and the specified conditions relating to parking. The subsequent approval in 1996 continued to uphold the existing parking arrangements. Since that Approval, the building and layout of the Site have remained predominantly unchanged. In this regard, the Application relies on the existing front building line and front boundary setback, and does not propose any change, notwithstanding the existing parking spaces. The Application considers the greater streetscape and pattern of development in the area, and finds that as a result of the Development, no further adverse impact is made. In consideration of amenity to surrounding properties, the prevailing industrial and commercial use of the immediate area is not found to be materially impacted on by a continuation of the external form and siting of the building. As the general external arrangement and function of the Site will remain predominantly unchanged, the Application is found to be satisfactory, and the existing building line and parking spaces forward of it, remains acceptable.

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6.1.3.4. Built Form Controls (Rear Boundary Setback)

Part B9 of the WDCP2011 states that the rear boundary setback of a building is not to exceed that specified on the Rear Boundary Setbacks Map. The Site is identified as being within a 'Merit Assessment' area, and the Application turns to the Objectives of Part B10 of the WDCP2011 that specifies the requirements of a merit assessment of rear boundary setbacks:

Table 13 — Warringah Development Control Plan 2011; Part B10: Objectives

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

The Requirements at Part B10 of the WDCP2011 continue by stating:

Table 14 — Warringah Development Control Plan 2011; Part B10: Requirements

1. Rear boundary setbacks will be determined on a merit basis and will have regard to:
 - Streetscape;
 - Amenity of surrounding properties; and
 - Setbacks of neighbouring development.

Similar to the front boundary setback Provisions, the Application relies on the existing, original and on-going rear boundary setback of the building, and does not propose any change. The Application finds that, similar to the front boundary setback, the proposed Development is not required to uphold any existing landscaped areas or predominant pattern of development, and there is no material impact on the amenity of adjacent properties by the buildings on-going use. In this regard, the Application is found to be acceptable.

6.1.3.5. Siting Factors (Traffic, Access And Safety)

The Development relies on existing on-site vehicle parking spaces at the Site, that is accessed from a single crossover that extends the width of the Site. In this way, the proposed parking arrangement remains predominantly unchanged. To assess the Application, the Objectives of Part C2 of the WDCP2011 are examined:

Table 15 — Warringah Development Control Plan 2011, Part C2: Objectives

To minimise:

- a) Traffic hazards;
- b) Vehicles queuing on public roads;
- c) The number of vehicle crossings in a street;
- d) Traffic, pedestrian and cyclist conflict;
- e) Interference with public transport facilities; and
- f) The loss of "on street" parking.

The proposed capacity of the building at any one time may be approximately 22 people, including working staff and patrons. As a relatively low number, the resultant traffic hazard is also considered low. The operation and the use of the building means that the total number of patrons at any one time is not centred around a particular time of day that would result in concentrated traffic movements around the Site. The function of the building also means that in general, less designated vehicle trips are made to the Site, as there is a general reliance on pedestrian traffic for this locality and type of business operation. In this way, traffic hazards and vehicle queuing on public roads is effectively managed.

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The Site presently contains, and will continue to rely on, one single crossover to Mitchell Road. The crossover is wide enough to accommodate entering and exiting traffic, and the open slab at the front of the Site means that sufficient space is available for vehicles to enter and leave the Site in a forward direction.

As discussed, the proposed shared path extension from Brookvale to Dee Why will pass along Mitchell Road. The shared path will improve the relationship between cyclists and vehicles, and manage the effects of ingress and egress to the Site as a result.

The historical function of the Site as a Vehicle Repair Station, utilising the current on-site vehicle parking spaces, and the proposed use of the Site and reliance on pedestrian and cycling traffic, means that the Development is capable of managing traffic to and from the Site, and is found to satisfy the Objectives of this Part.

6.1.3.6. Siting Factors (Parking Facilities)

The Objective of Part C3 of the WDCP2011 is to provide adequate off-street car parking. Requirement 4 of Part C3 states that parking is to be provided in accordance with Appendix 1 of the WDCP2011.

The building is split into two uses: a Take-Away Food And Drink Premises, and a Warehouse Or Distribution Centre. On-site vehicle parking arrangements rely on a floor area calculation, that are as follows:

Table 16 — Gross Floor Area Calculations

| | Take-Away Food And Drink Premises | Warehouse Or Distribution Centre |
|------------------|-----------------------------------|----------------------------------|
| Gross Floor Area | 156.81m ² | 234.60m ² |

As such, the Application assesses the proposed parking arrangements:

Table 17 — On-Site Vehicle Parking Arrangements

| | Take-Away Food And Drink Premises | Warehouse Or Distribution Centre | TOTAL |
|------------------------|---|---|-------|
| Appendix 1 Requirement | Drive-in take-away food outlet with on-site seating: 12 spaces per 100m ² GFA <u>or greater of:</u> <ul style="list-style-type: none">1 space per 5 seats (internal and external), or1 space per 2 seats (internal) | 1.3 spaces per 100m² GFA. (including up to 20 % of floor areas as office premises space component. Office premises component above 20 % determined at office premises rate). | |
| Specification | 7.5 | 2.7 | 10.2 |
| Existing | 4 | 3 | 7 |
| Proposed | 4 | 3 | 7 |
| Variation To Maximum | -3.5 | +0.3 | 3.2 |

The Application proposes seven on-site vehicle parking spaces in total. Four of these occur in a tandem arrangement at the south side boundary setback. Three of the tandem spaces at the south side boundary setback will be allocated to the Warehouse Or Distribution Centre, and the four spaces at the front will be allocated to the Take-Away Food And Drink Premises. In general, the Application considers the proposed number of spaces as excessive relevant to the capacity of the Site and the proposed business operations.

In total, the Application represents a shortfall of 3.2 spaces in the total number of on-site vehicle parking spaces provided. In this regard, the Application submits that a strict upholding of the required number of on-site vehicle parking spaces is unnecessary under the circumstances.

Given the number of Take-Away Food And Drink Premises in the Brookvale industrial complex, the Development intends to fill a void in the immediate area, servicing local consumers within walking distance and those that may otherwise be passing the Site. In this way, the Development does not rely on specific purpose vehicle trips for patrons to journey to the Site. Furthermore, the Development relies on the future improvements to the proposed cycle-way occurring on Mitchell Road, that will improve accessibility and exposure to pedestrians and passing cyclists.

The Application considers the availability of on-street vehicle parking to the surrounding locality, of which there is a prevalence of, relative to the difference of the required number of spaces. In general, the split of 3.2 spaces is not considered substantial that the surrounding street infrastructure could not otherwise absorb this figure. The location of the Site relative to Pittwater Road, means there is considerable public transport options that service the industrial area, limiting the reliability of private vehicle use, and supplements the specified number of on-site parking spaces.

The Application turns to examine the parking arrangement of the Warehouse Or Distribution Centre. As approximately three staff will be working at any one time, it is an unreasonable supposition to conclude that three parking spaces will be required. Given the nearby public transport options, it is unlikely that all three staff will require on-site vehicle parking.

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In consideration of the format and arrangement of on-site vehicle parking spaces, the Application recognises that although seven parking spaces may be accommodated on Site, it most ideal, to improve amenity, that the tandem spaces need not be relied upon. Given the cumulative matters described above, four parking spaces at the front of the building is a reasonable and acceptable outcome, based on the patronage and target market, and means of accessing the Site. In this way, the Development is found to be consistent with the Objectives of the WDCP2011.

6.1.3.7. Siting Factors (Stormwater)

The Requirements of Part C4 of the WDCP2011 with regards to stormwater, are to not cause downstream flooding, must have minimal environmental impact on stormwater infrastructure, and utilise stormwater drainage systems that are designed, installed and maintained in accordance with Council's Water Management Policy.

As the Development does not alter the proportion of pervious and impervious area of the Site, or the exterior form and layout of the building, the Application relies on the existing stormwater drainage system. This system captures rainwater and drains directly to Mitchell Road, with a single drainage outlet at the north side of the Site. This present arrangement is considered acceptable relative to the proposed Development, and continues to uphold the Objectives of the Part.

6.1.3.8. Siting Factors (Demolition And Construction)

Part C8(1) and Part C9(1) of the WDCP2011 requires that all development that involves demolition or construction, must comply with the Waste Management Guidelines, and that a Waste Management Plan is to be submitted with a Development Application. To this effect, a Waste Management Plan is submitted with the Application, to the satisfaction of the Consent Authority.

6.1.3.9. Design (Noise)

Part D3 of the WDCP2011 applies controls for the regulation of noise management. The Objectives of Part D3 are:

Table 18 — Warringah Development Control Plan 2011; Part D3: Objectives

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

In consideration of the proposed Development, the Application recognises the use and hours of operation of the building. The Take-Away Food And Drink Premises is not by nature a noise generating function, such as a live entertainment venue or licensed premises, and by nature, patrons come and go, rather than stay on the premises for an extended period. Similarly, the Warehouse Or Distribution Centre operates with few staff, and run a service that does not rely on any plant or equipment to the extent that would reasonably cause adverse noise intrusion to surrounding properties in an industrial setting such as this. The proposed operating hours are also weighed, and found to be not unreasonable, being generally consistent with regular business hours. In this way, the Development is found to ensure that noise emission does not unreasonably diminish the amenity of the area.

6.1.3.10. Design (Privacy)

The Requirements for privacy that apply to the Site, as stated at Part D8 of the WDCP2011, are that building layout should be designed to optimise privacy for occupants of the development, and occupants of adjoining properties.

Given the siting of the building relative to the allotment, no external openings are present on the north or east side boundaries. The remaining south side boundary does feature several openings, however, the adjoining property at the south side boundary contains a building built to its north side boundary, and does not contain any openings. In this regard, no impact on privacy is made as a result of the Development.

6.1.3.11. Design (Building Colours And Materials)

The Objectives of Part D10 of the WDCP2011 are to ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment. The Application proposes a vertical green wall to the front elevation of the building, and supplementary medium colours to finish the rest of the building. The proposed scheme does not rely on a bright or reflective or obtuse colour scheme, adopting a neutral palette. The Development is found to be acceptable.

6.1.3.12. Design (Accessibility And Adaptability)

The intent of Part D18 of the WDCP2011 is to ensure vehicular access points for parking provide safety for pedestrians and to ensure comfortable access to all peoples. The Objectives of Part D18 are:

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Table 19 — Warringah Development Control Plan 2011; Part D18: Objectives

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.
- To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.
- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified. To promote 'ageing in place' and for people with disabilities.

The Application notes proposed on-site vehicle parking spaces to the Site. Given the past use of the Site, vehicles have the capacity to operate on the Site in a safe manner. The three tandem spaces at the south side boundary are not an ideal arrangement for access, and the Application is satisfied with the four 90° spaces to adequately serve the function of the Site, without an additional reliance on the tandem spaces if necessary.

Pedestrian access is achievable, directly to the main door, as there is sufficient space between parking bays to facilitate this. Servicing of deliveries has been addressed above, and a satisfactory arrangement is achieved, given the types of deliveries required, and not requiring a designated delivery bay that would be needed for bulkier items.

The Development is also designed and to be constructed to achieve compliance with AS1428.1 – 2009: Design For Access And Mobility.

6.1.3.13. Design (Safety And Security)

The Objective of Part D20 of the WDCP2011 is to ensure that development maintains and enhances the security and safety of the community. In general, the Development is designed and arranged to provide maximum exposure to potential customers. As a product of this design, and the inherent nature of the space as a public gathering point, the Development encourages active and passive surveillance from within and without the public domain. The Development also relies on a single entry and exit point to the Site, that is from a public road, and utilises active safety and security measures such as security cameras and lighting, and closable boundary fence and gate.

7.0 CONCLUSION

The Application has assessed the proposed Development for a fit-out and use of an existing single storey industrial warehouse as a Take-Away Food And Drink Premises and a Warehouse Or Distribution Centre against the relevant matters of State Environmental Planning Policies, Local Environmental Plan, and Development Control Plan. The Development does rely on a variation to the required number of on-site vehicle parking spaces, but is otherwise found to capably be supportive of the applicable Development Standards and Local Provisions. The Application has assessed the extent and impact of the variation, and finds that it is acceptable, and will not impact on the amenity of the area. To the contrary, the Application finds that the proposed Development represents an improved use of the Site, that will improve the visual appeal of the area, but also the amenity afforded to the local community by the provision of a Take-Away Food And Drinks Premises. The Application is therefore found to be supportable in its current format.