
DEVELOPMENT APPLICATION RELATING TO PROPERTY AT UNIT 3, 1 SYDENHAM ROAD, BROOKVALE (LOT 3 72732)



Statement of Environmental Effects

Change of Use and internal alterations to existing building

**Unit 3 (Level 1), Sydenham Road,
Brookvale, NSW, 2100 28**

(Lot 3 DP 72732)

Prepared by Chipchase Planning on behalf of Bermagui Holdings Pty Ltd

June 2020



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UNIT 3 (LEVEL 1), SYDENHAM ROAD
LOT 3 STRATA PLAN 72732



STATEMENT OF ENVIRONMENTAL EFFECTS

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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared by Chipchase Planning on behalf of Bermagui Holdings Pty Ltd, and is submitted to Northern Beaches Council to support a Development Application (DA) for the proposed change of use and internal alterations at Unit 3 (Level 1), 1 Sydenham Road, Brookvale. The subject site is legally described as Lot 3 Strata Plan 72732.

The proposal seeks to support the provision of 'shop-top housing' by conversion of existing internal configuration to cater for the residential needs of the site user. This would be achieved through a change of use and internal alterations to the existing Level 1 (Unit 3). No works to the exterior proposed.

The application seeks approval for reconfiguration of the approved use as a restricted premise (adult shop) and conversion of first level to a residential dwelling. The proposed works include demolition of internal partition walls and construction of new internal layout that better utilizes the existing arrangement for the renewed purposes. Design and mitigation measures have been considered and applied to ensure the introduction of the use will not have a significant impact on any adjoining land in the predominant industrial zone.

The provision of shop top housing demonstrates the future land use of the site as identified in the *Brookvale Vision and Structure Plan* and the additional permitted use that relates to the site. The proposed use responds to the strategic direction of the site and provides a medium-term solution for the future redevelopment of the site.

The SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The primary Environment Planning Instruments (EPIs) applicable to the site and proposed development include *Warringah Local Environmental Plan 2011* (WLEP 2011) and the *Warringah Development Control Plan 2011* (WDCP 2011).

Based on the assessment undertaken, it is recommended that Council's favorable consideration to the approval of the DA be given.

Proposed Development Summary

The development for which approval is sought relating to the subject site is described as follows:

- Demolition of existing partition walls;
- Construction of partition walls to accommodate residential unit;
- Construction of kitchen and kitchenette; and
- Change of use from restricted premise (adult shop) to shop top housing.

Assessment

The proposed development has been assessed against the relevant existing planning policies.

- The proposal is consistent with State and Local planning policies.
- The subject site is located within B5 Business Zone under WLEP 2011 and achieves and protects the relevant objectives of the zone. In addition, the proposal provides provision of housing as permitted within the additional permitted use that relates to the site.
- The proposal demonstrates compliance with the relevant development standards under the WLEP 2011 and the WDCP 2011.
- The building retains the existing approved building envelope, proposing an internal configuration responding to the needs of the site occupant. No external works proposed, therefore contextually the proposal will have no adverse impact to the character of the streetscape.

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- The proposed development responds to the strategic land use planning framework for Brookvale for the next 20 years as outlined in Council's strategic visionary document, the Northern Beaches Local Strategic Planning Statement (LSPS) and the State's North District Plan.
- The design of the residential component has been formulated having close consideration of bulk, scale, views, solar access, and the character of the existing neighbourhood.

The Statement of Environmental Effects (SEE) provides an assessment of the proposal for Council's consideration. The assessment considers the development will not have a significant adverse impact on any adjoining land in the zone and is in accordance with the strategic land use planning framework for the locality.

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1. INTRODUCTION

1.1 OVERVIEW

This SEE has been prepared to support a Development Application on behalf of Bermagui Holdings Pty Ltd facilitating the change of use and internal alterations to the existing premise.

The works support the provision of the permitted additional permitted use, 'shop-top housing'. To achieve the desired intent, internal configuration of level 1 unit is proposed to correct the existing arrangement for the purposes of the renewed use. The proposal is specific to Unit 3 (level 1), though applies a proposed change of use to the site that has no implications to the permissibility or operation of the ground floor tenancies (Unit 1 & 2).

The proposal retains the existing approved building footprint and envelope (no alterations and additions required) whilst configuring the internal layout of the first floor. The proposal is consistent with the objectives of the zone and the strategic land use planning framework. The objective of the proposal is to provide a medium-term land use solution in anticipation of the implementation of the Brookvale Structure Plan as driven by the LSPS. The future LEP amendment will provide the opportunity to reconsider the development strategy for the site.

The SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The document is arranged as follows:

- **Part 1** Introduction – Summary of Proposed Development
- **Part 2** Site Analysis – Describes the site and its context
- **Part 3** Proposed Development – Outlines the details of the proposed development
- **Part 4** Planning Framework – Provides an assessment against the relevant policies and planning framework
- **Part 5** Likely Impacts of the Development – Outlines the potential impacts of the development
- **Part 6** Conclusion – Provides the conclusions and recommendations

1.2 PURPOSE OF THIS REPORT

The report provides the following:

- A description of the site context, including identification of the site, existing development on the site, and surrounding development;
- Detailed description of the proposed development;
- Demonstrated compliance of the proposal against the relevant Strategic, State and Local planning controls;
- Identification and assessment of the issues relevant to the proposed development; and
- Assessment of relevant matters under Section 4.15 of the *EP&A Act*.

The purpose of this report is to support the assessment of the proposed development, to ensure the transparent and expedient assessment of the proposal given the physical and statutory context of the site and surrounding locality.

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2. SITE ANALYSIS

2.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT

The site is identified as 1 Sydenham Road, Brookvale, being legally described as Strata Plan 72732. The subject site is identified as Lot 3 Strata Plan 72732, known as Unit 3, 1 Sydenham Road, Brookvale. Unit 3 is located on the first floor of the building and is accessed via stairs from the street frontage with a secondary access currently utilized from the rear roof top parking area. The site is located on the northern side of Sydenham Road near the intersection with Pittwater Road.

The subject site is occupied by a two-storey development which comprises three (3) separate tenancies divided by the ground and first floor levels and a tenancy at the rear. The ground level premises (Unit 1) is occupied by Divine Designs an interior design, retail furniture and homewares shop. The secondary tenancy (Unit 2) located at the rear of the ground floor is occupied by Surfski Warehouse, a kayak, surfski and watersport accessory supplier.

The previous approval relating to the use of the first level tenancy (Unit 3), the subject of this application is a restricted premise (adult shop). As proposed, the previously approved fit-out which includes 'office', storage, amenities, bathrooms and kitchen largely remain the same. On departure of the previous tenant (Black Label Adult Shop), the tenancy has since been used as an office in which the application seeks to rectify the use of the site.

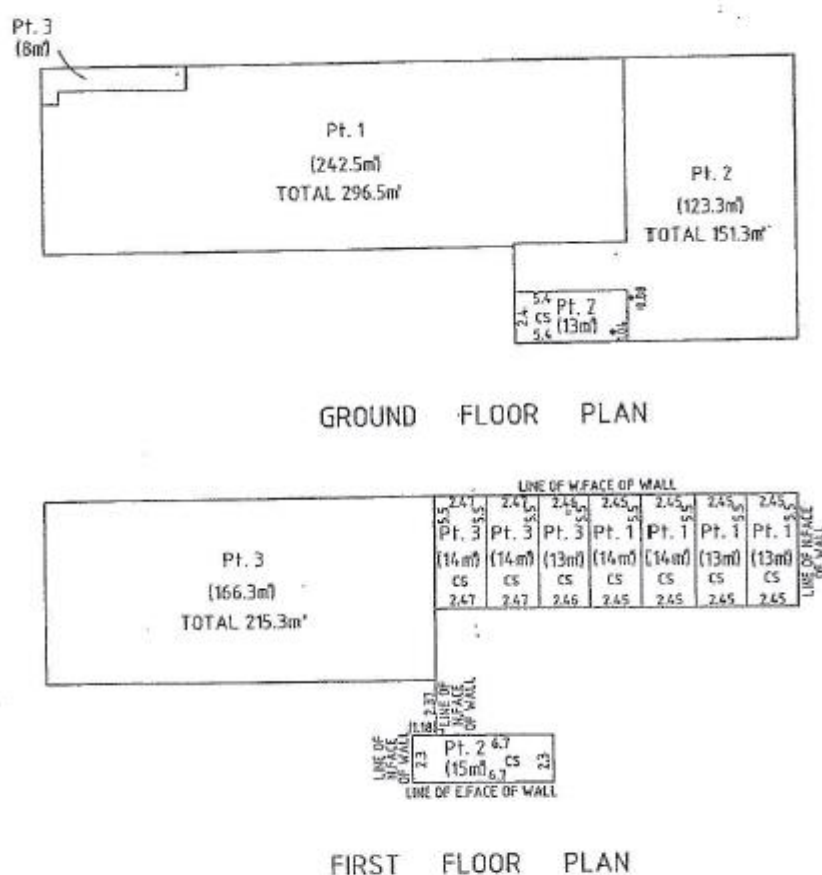


Figure 1: Strata Plan (NSW Land Registry Services 2020)

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A dual driveway access is located along the eastern boundary including private access the rear tenancy and ramp to the rear car park. The site provides nine (9) tenancy dedicated car parks utilized for employee and customer car parking.

The location of the site is shown in **Figure 1**.



Figure 2: Aerial Site Location (SixMaps 2020)

2.2 SITE CONTEXT

The site is located within the suburb of Brookvale, which forms part of the Northern Beaches Local Government Area (LGA).

The site is located on the interface of the business and warehouse associated uses that line the corridor of Pittwater Road and the established industrial precinct to the east, commonly referred to as Brookvale industrial area. The predominant industrial uses include general and light industries, hard ware and builder supplies, vehicular sales or repair workshops and warehouse or distribution centres.

The Business development zone to the west comprises a mix of business and warehouses uses, and bulky good premises. Small businesses and that activate the Pittwater Corridor include food and drink premises, financial services, car dealerships, banking, center link and small businesses that support the commercial viability of Westfield Warringah Mall. There are 'shop top housing' development at 517 Pittwater Road and relatively new residential building at 23 Old Pittwater Road.

Key features of the surrounding context include:

- North– Centrelink and Medicare (immediate rear neighbour) Brookvale Hotel (100m), Brookvale Public School (210m), Brookvale Oval (360m), St Augustine's College (420m)

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- East – small general industrial uses including Nomad Brewing, PRO Dive, Fruitilicious Wholesale, Binding Prestige Panel & Paint, The Scooter Doctor, Sydney Tools etc. Denzil Joyce Park (700m) and Freshwater Senior Campus (800m).
- South – Pittwater Road (40m), Brookvale Medical Centre (general practitioner, dental, skin, physio and allied health, eye, specialists, diagnostic, pathology and occupational health) (350m)
- South-West – Westfield Warringah Mall (550m), Brookvale Community Health Centre which include a diverse range of medical services (480m) and Warringah Golf Course (650m)

The site is located 480m walking distance from the Brookvale B-Line bus station which is serviced by the B-Line and supporting bus system providing connectivity to Sydney Central Business District (CBD). The site is also serviced by the local and regional road network.

The site context is shown in **Figure 3**.

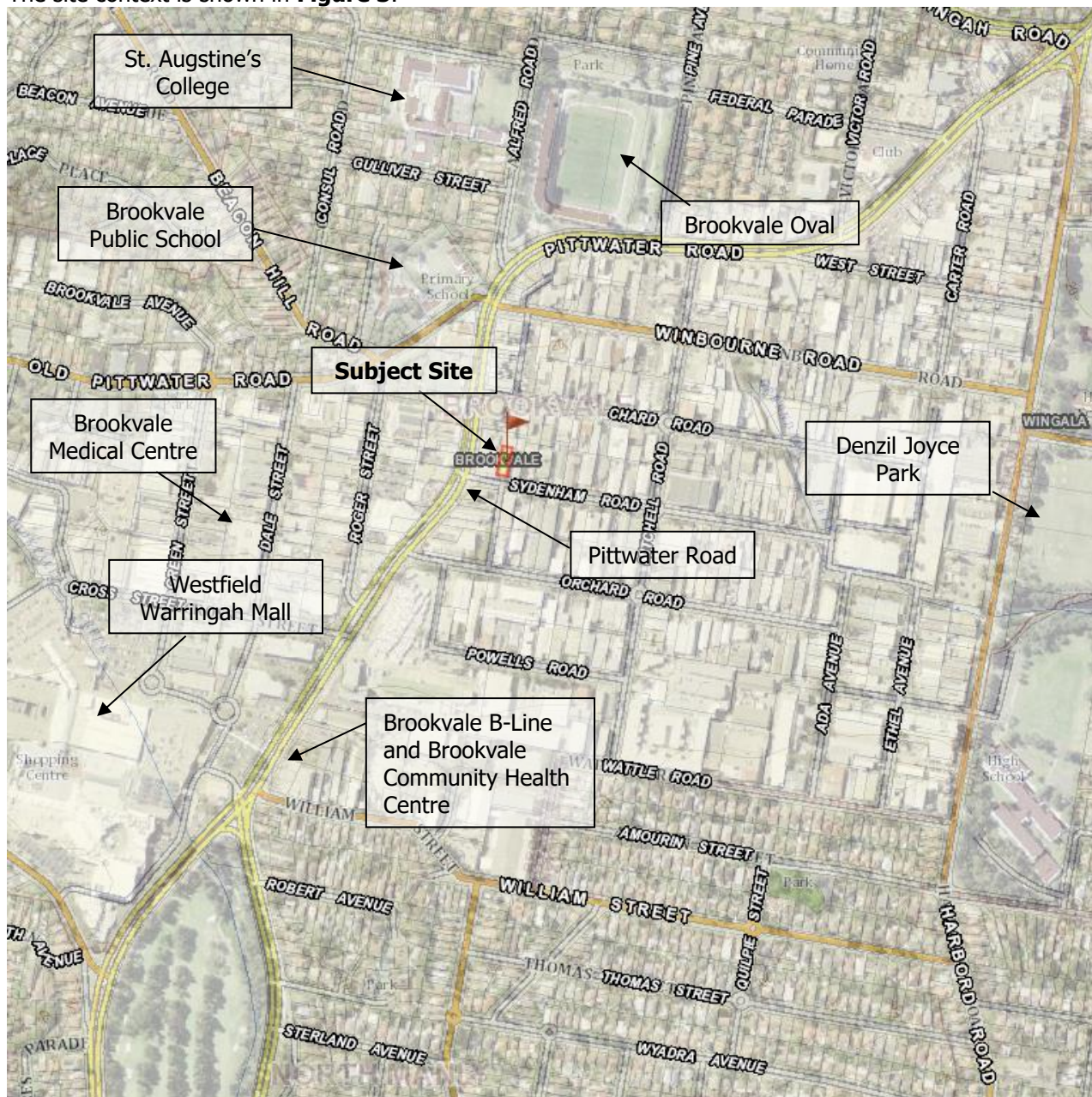


Figure 3: Site Context Map (SixMaps 2020)

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Figure 4: Subject site from south of Sydenham Road



Figure 5: Property frontage



Figure 6: Western property boundary setback



Figure 7: Property outlook to Pittwater Road

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Figure 8: Unit 1 & 3 driveway (left) & Unit 2 driveway (right)



Figure 9: Eastern Boundary wall to remain



Figure 10: Existing full height retractable door



Figure 11: Existing car park arrangement



Figure 12: View north from top of ramp

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3. PROPOSED DEVELOPMENT

3.1 DEVELOPMENT HISTORY

On 29 November 2005, a deferred commencement consent was granted for DA2005/0440. The Application (former land owner) failed to satisfy the deferred commencement condition requirements and the application lapsed.

On 5 May 2013, Development Application No. DA2013/0520 for use of premises as a restricted premise (adult shop) and sex services premises lodged with Council. The application was withdrawn by the applicant on 2 July 2013.

DA2013/1703 was approved by former Warringah Council for use of the premises as a restricted premise (adult shop).

3.2 AIMS AND OBJECTIVES OF THE PROPOSAL

The proposal seeks to support the provision of shop top housing on the site. The following objectives have been identified as forming the basis of the proposed development:

- Retains the approved building footprint and building envelope (no external alterations or additions) whilst reconfiguring the internal layout of the first level to support the provision of a residential dwelling above the business premises.
- Deliver housing within Northern Beaches in response to demonstrated demand as documented in the strategic land use planning framework.
- Align with direction of key strategic documents.
- Achieve a high-level amenity for future residents noting the proposal is a medium-term residential solution.
- Provides a development that is substantially the same (but land use) and has no significant adverse impact on any adjoining land in the general industrial zone.
- Protect neighboring amenity of the site and surrounds.

The site, proposed use and minor internal alterations are considered to meet the objectives of the proposal as it responds to the use of land in the vicinity of Pittwater Road and considers the amenity of the surrounding locality.

3.3 DESCRIPTION OF THE PROPOSAL

Development consent is sought for change of use and internal alterations to Unit 3. This would achieve the project objective of the proposal to provide a medium-term land use solution in anticipation of the implementation of Council's vision of Brookvale. This would achieve the project objectives of providing shop top housing on the site.

Key elements and development particulars are summarized as follows:

<i>Table 1 – Proposed Development Particulars</i>	
Proposed Works	Description
Change of Use	<ul style="list-style-type: none">▪ Change of use from restricted premises (adult shop) to shop top housing
Demolition	<ul style="list-style-type: none">▪ Demolish internal walls
Construction	<ul style="list-style-type: none">▪ Construct internal walls to reconfigure layout to accommodate a residential dwelling;

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- New kitchen and laundry;
- New smoke alarms to ensure fire safety.

The proposed development is detailed within the plans annexed within **Appendix 1** of this Report.

Details of the re-use, store and disposal of materials are further outlined within the Waste Management Plan at **Appendix 2**.

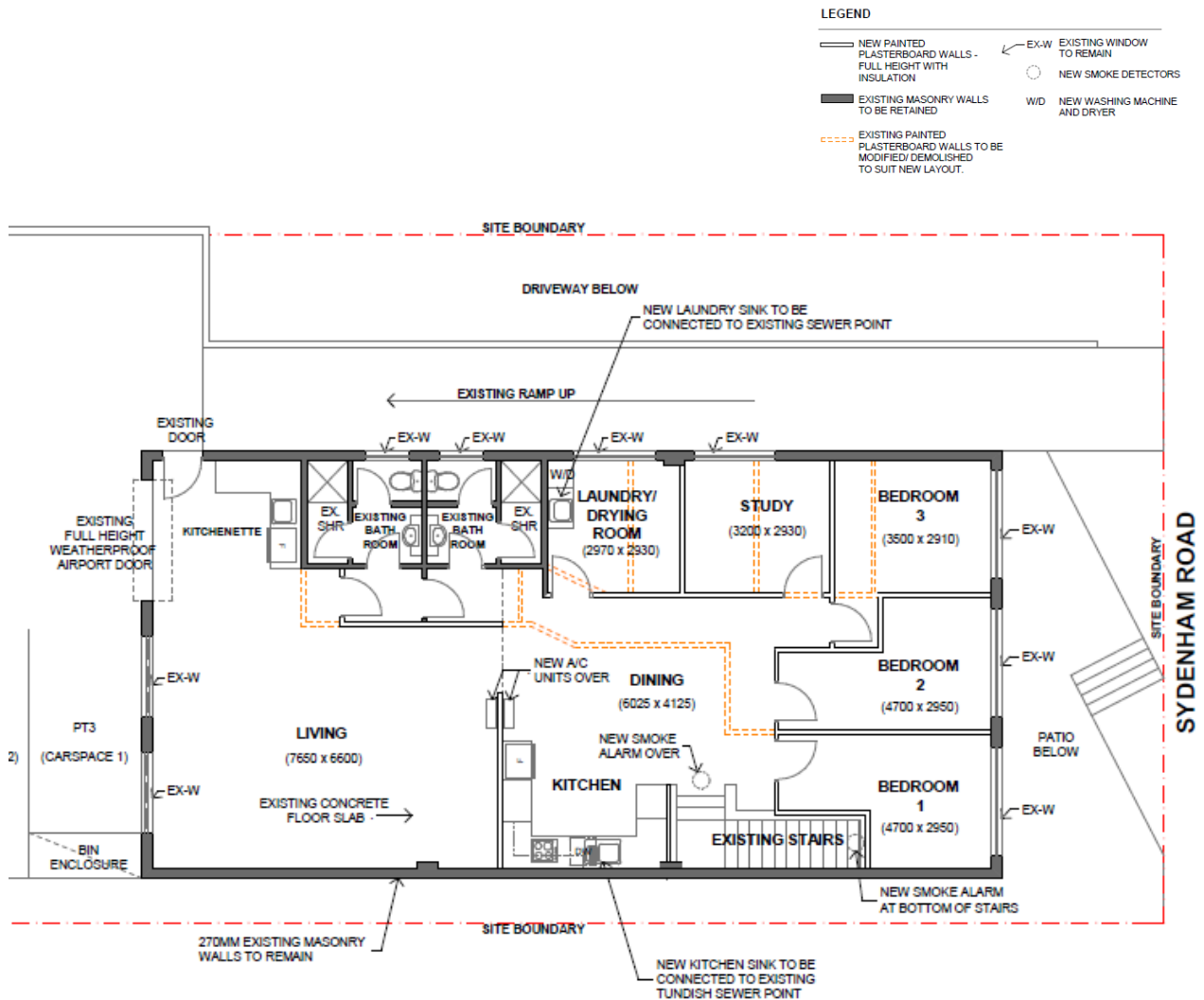


Figure 13: Proposed First Floor Plan (Nicole Sellin Design 2020)

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4. LEGISLATIVE AND POLICY FRAMEWORK

4.1 OVERVIEW

Section 4.15 of the EP&A Act set out specific matters that Council is to take into consideration in the assessment and determination of DAs.

This section of the SEE assesses and responds to the relevant current and draft State, Regional and Local planning controls and policies, including:

- **Strategic Planning Context**

- *North District Plan*
- *Northern Beaches Local Strategic Planning Statement*
- *Brookvale Structure Plan Report Final Draft*

- **State Planning Context**

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Act 2000*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 55 – Remediation of Land*

- **Local Planning Context**

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

The sections below respond to the relevant matters in applicable legislation and policy documents.

4.2 NORTH DISTRICT PLAN

The Greater Sydney Commission released the *Northern City District Plan* on 18 March 2018. The plan contains the planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The proposed development is consistent with the priorities and actions of the District, and specifically the actions to strengthen the Brookvale-Dee Why Strategic Centre.

4.3 NORTHERN BEACHES LOCAL STRATEGIC PLANNING STATEMENT

The *Towards 2040* is the Northern Beaches Local Strategic Planning Statement (LSPS) is a Council adopted document (March 2020) to inform how the LEP will evolve to meet the community's 20-year land use vision to the LGA over a ten-year period. The LSPS outlines the Northern Beaches '*direction for housing, employment, transport, recreation, environment and infrastructure to guide future land use directions through planning priorities, principals and actions*'.

The LSPS identifies the Brookvale Strategic Centre for employment and innovation and will undertake precinct-level planning to support the employment hub and the envisaged direction in balancing the targeted growth for the area. The site is identified within the Brookvale Town Centre which in principal, aims to revitalize the main commercial strip on Pittwater Road.

The Brookvale Strategic Centre action highlights the need to '*respond to the findings of the LEP studies, review the draft Brookvale Structure Plan and develop LEP and DCP controls to optimise the growth of*

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Brookvale as a transit supportive employment centre, the centre of focus for the LGA. The draft structure plan has informed the direction of the strategic centre and is further elaborated below.

4.4 BROOKVALE VISION AND STRUCTURE PLAN

The Brookvale Structure Plan (August 2017) was Council's initial response to the former *Metropolitan Plan for Sydney 2036*. The Brookvale Structure provides the strategic land use planning framework for Brookvale for the next 20 years. It guides future development while protecting employment land and managing housing diversity and affordability. It includes consideration of traffic, transport, environmental, economic and social issues. Brookvale provides a vital economic and employment role for both the Northern Beaches region and metropolitan Sydney.

The Structure Plan involves preparation of number of reports and studies to inform the statutory implementation of the LSPS which is the mechanism to update Council LEP. The Final Draft Plan includes the site to have a LEP amendment from B5 Business Development to B4 Mixed use and increase the height standard. The proposed development is in accordance with and provides a medium-term solution in anticipation for the implementation of the Brookvale Structure Plan.

4.5 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW and pursuant to Part 4, the subject proposal is Local development.

4.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) prescribes requirements for Development Applications and Statements of Environmental Effects in Schedule 1. This SEE and the supporting DA documentation contained with the appendices have been prepared in accordance with the form prescribed by the EP&A Regulation.

4.7 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposal does not trigger traffic generating thresholds under the SEPP.

4.8 STATE ENVIRONMENTAL PLANNING POLICY No.55 – REMEDIATION OF LAND

Previous and current use has been for business purposes, thus it is not considered there is any risk in respect of contamination. No remediation works form the subject of the proposal. The proposal therefore satisfies the provisions of SEPP 55.

4.9 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The subject site is subject to the provisions of *Warringah Local Environmental Plan 2011* (WLEP 2011). Relevant permissibility and development standards are summarized in the subsequent sections of this SEE.

Zoning and Permissibility

The subject site is zoned B5 Business Development pursuant to WLEP 2011 (**Figure 14**). The objectives of the zone are:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To provide for the location of vehicle sales or hire premises.*
- *To create a pedestrian environment that is safe, active and interesting by incorporating street level retailing and business uses.*

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Within the B5 zone the following are permissible without consent:

Centre-based child care facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Within the B5 zone the following are prohibited:

*Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; **Residential accommodation**; Retail premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies*

The proposal is for *shop-top housing*, being a type of *Residential Accommodation*, which is considered prohibited as prescribed in the respective zone uses listed above.



Figure 14: Land Zoning Map (NSW ePlanning 2020)

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Whilst 'residential accommodation' is a prohibited use in the zone, the site is recognized as being in the 'use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale'. The Site is identified as 'Area 5' on the Additional Permitted Uses Map, and an extract of the map has been attached. The Site is included and subject to Clause 5, Schedule 1 Additional Permitted Uses of the WLEP 2011.

5 Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale

(1) This clause applies to land in the vicinity of Pittwater Road and Roger Street, Brookvale, shown as "Area 5" on the [Additional Permitted Uses Map](#).

(2) Development for the following purposes is permitted with consent:

(a) office premises,

(b) retail premises,

(c) shop top housing.

(3) Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial.

In light of the above, the proposed use for shop-top housing permissible with development consent and demonstrates that the objective of clause 5(3) is satisfied, as detailed in the SEE.



Figure 15: Additional Permitted Use Map (NSW ePlanning 2020)

Clause 4.3 Height of Buildings

The maximum height for the subject site is 11 metres.

The proposal retains the existing building footprint and envelope. No alterations or additions to the existing compliant height of the building.

The proposal is compliant with this relevant standard.

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Clause 4.4 Floor Space Ratio

No maximum Floor Space Ratio (FSR) control relates to the subject site. The proposal retains the existing building footprint with no increase in Gross Floor Area (GFA).

The existing scale and bulk of the building is to remain, thus no adverse impact on any adjoining land in terms of built form, the streetscape and the general character of the area.

The proposal is compliant with this relevant standard.

Clause 5.9 Preservation of trees or vegetation

No trees or vegetation are subject to be removed. The existing vegetation (garden bed at front of property) will remain and be preserved.

Clause 5.10 Heritage Conservation

The site is not identified to be a heritage item and is not located within a heritage conservation area under the provisions of the WLEP 2011. No heritage significant items are located in the vicinity of the site.

Clause 5.11 Bush fire hazard reduction

The subject site is not located in a bush fire hazard reduction zone. The closest bush fire prone land is located in Beacon Hill, 450m from the site.

Clause 6.1 Acid Sulfate Soils

The subject site is not identified to contain any Acid Sulfate Soil. The proposal relates to internal fit-out works to the first level and will not impact the water table.

No excavation works are proposed subject to this development application.

Clause 6.4 Land of sloping land

The subject site is located in 'Area A' recognized to slope <5° as identified in the Landslide Risk Map under the provisions of the WLEP 2011.

The Site is located on land identified to have the most minimal landslip risk. Furthermore, no substantial work relates to the site that would have impact on development and on properties in the vicinity.

4.10 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments apply to the proposed development.

4.11 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

An assessment of the proposed development is provided against the relevant provisions of the *Warringah Development Control Plan 2011* (WDCP 2011).

The proposal considers the relevant matters and demonstrates compliance with the key controls of the WDCP 2011. The proposal generally complies with the provisions, and where the proposal departs from the controls, it is considered to have a negligible impact on the outcome of the proposal. If the control is considered not to comply, the objectives of the control are able to be achieved.

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Part B – Built Form Controls

B1 Wall Heights

No increase to existing compliant wall height.

B2 Number of Storeys

No applicable number of storeys identified in DCP, however is determined by reference of the 11m maximum building height as pertained in WLEP 2011.

The building retains the existing 2-storey building envelope.

B3 Side Boundary Envelope

No side boundary envelope control relates to the site.

B4 Site Coverage

No site coverage control relates to the site.

B5 Side Boundary Setbacks

The side boundary setback of the site is identified as 'Merit Assessment' and is assessed in the control below.

B6 Merit Assessment of Side Boundary Setbacks

No external alterations to the existing development, existing side boundary setbacks to remain.

B7 Front Boundary Setbacks

The site is identified as 'P' to have consistent with adjacent buildings. The proposal demonstrates compliance and provides for a built form that is consistent with the built form in the streetscape. No alterations to front setback or façade proposed.

B9 Rear Boundary Setbacks

The rear boundary setback is identified as 'Merit Assessment' and is assessed in the control below.

B10 Merit Assessment of Rear Boundary Setbacks Assessment

The proposal retains the existing building footprint and envelope. No alterations or additions to the existing compliant height of the building.

Part C – Siting Factors

C2 Traffic, Access and Safety

The existing traffic, access and safety arrangements to continue including vehicular access and on-site loading and unloading. The proposed residential use is considered to alleviate traffic flow to the first-floor rear car park.

C3 Parking Facilities

The existing rear car park provides adequate off-street parking. The existing car parks are in accordance with the Australian Standards and no increase in car park demand is warranted as Unit 3 will maintain the existing three (3) dedicated car spaces.

C7 Excavation and Landfill

No exaction or landfill proposed.

C8 Demolition and Construction

The proposal details disposal and use of materials and complies with appropriate sections of the Waste Management Guidelines and is accompanied by a Waste Management Plan (**Appendix 2**).

C9 Waste Management

The Waste Management Plan is in accordance with the guidelines.

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Part D – Design

D1 Landscape Open Space and Bushland Setting

No landscape control relates to the site.

D2 Private Open Space

Residential development for shop top housing that is not located at ground level is required to have a total of 10m² with minimum dimensions of 2.5 metres.

The proposal has not provided a dedicated outdoor private open space to mitigate any adverse impacts on adjoining land as prescribed in the provisions of the APU in WLEP 2011. For this reason, the proposal has made an improvisation in having the flexibility to use the full height waterproof airport door which allows the rear living area to be used as private open space. Responsive to the industrial precinct to the east, the private open space is contained within the existing building envelope, ensuring sufficient solar access and privacy.

The residential component provides functional, well located area of private open space with respect of mitigating any adverse impacts on adjoining buildings or land.

D3 Noise

The proposed development carefully considers the residential amenity impacts that may arise and considers the proposal will not have any noise implications to surrounding land uses.

D6 Access to Sunlight

The proposed development does not provide unreasonable overshadowing of public open space and provides for sufficient solar access. The existing arrangement provides for sufficient access to sunlight due to its north south orientation.

D7 Views

Existing envelope to remain, thus no impact to the current sharing of views to neighbouring buildings.

D8 Privacy

Whilst maintaining the existing building footprint, the proposed building layout is designed to optimise privacy for occupants and occupants of adjoining properties. Principal living areas are located to the rear to prevent overlooking and windows on the eastern boundary are above head height to ensure privacy to neighbouring building. The proposed configuration considers and provides a high-level of visual and acoustic privacy for occupants, site users and neighbours. Whilst maintaining privacy, the proposal will provide for public surveillance promoting safety in the area especially outside of core business hours.

D9 Building Bulk, D10 Building Colours and Materials, D11 Roofs, D12 Glare and Reflection

No external works proposed.

D14 Site Facilities

Existing site facilities to remain.

Part E – The Natural Environment

The site is not identified to be located in any environmental sensitive areas and thus no environmental impacts shall result from the proposed development.

Part F – Zones and Sensitive Areas

The site is not located in local or neighbourhood areas or within the Brookvale Brickworks.

Part G – Special Area Zone

The site is not located in the identified special areas.

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The proposal is considered to support the commercial viability of Westfield Warringah Mall by continuing the operation of the ground floor business premise and providing a residential component that complements the changing and desired character of the area.

Part H – Appendices

Appendix 1 – Car Parking Requirements

The use as shop-top housing (residential component) is subject to 1.5 spaces per 3-bedroom dwelling. The proposed use decreases the parking demand and maintains the existing three (3) dedicated car spaces.

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5. LIKELY IMPACTS OF THE DEVELOPMENT

Pursuant to Section 4.15 of the EP&A Act, the following matters have been addressed.

5.1 LIKELY IMPACTS

5.2.1 CONTEXT AND SETTING

The proposed change of use and internal alterations will enable the conversion of the first floor of the building to a residential dwelling. The proposal will therefore support the provision of 'shop-top housing' which demonstrates the strategic intent of the site as identified by Council and the State's strategic plans. The recommendation responds to the strategic direction of the Brookvale town centre, whilst protecting the ground floor business use.

The proposal provides a medium-term solution to the future land use planning framework. No alterations and additions to the external of the existing building, thus no adverse impacts to the character or streetscape of the surrounding locality. Similar uses have been approved in the vicinity and do not impose any adverse impacts on neighbouring amenity.

The proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity or environmental values of any adjoining sites. Therefore, the proposed works will be compatible with the site context.

5.1.2 DESIGN AND APPEARANCE

As demonstrated in the architectural drawings at **Appendix 1** and described in the SEE, the proposal retains the existing building footprint and envelope, whilst reconfiguring the internal first floor to improve the functional arrangement of the revitalized residential use. No external alterations and additions are proposed therefore the existing design will remain consistent with the character of the area. The proposal demonstrates and achieves the design standards of the locality and proposed use as outlined in the WDCP 2011.

5.1.3 AMENITY

The proposed configuration of the first floor has been designed to optimise the amenity for site occupants and the users of the neighbouring and adjacent properties. The configuration of the floorplan was thoughtfully considered to ensure that the development will not have any impacts on adjoining land, especially to the industrial zone to the east. The following design considerations were implemented to ensure the proposal doesn't have impact to the neighbouring amenity of the area:

- No alterations or additions to the external of the building, the existing windows and doorways provide sufficient solar access and conditions for livability. No external wall penetrations to the facade or wall boundaries of the building;
- Deletion of outdoor open area to mitigate visual and acoustic impact on the adjoining land uses. Improvisation of the indoor/outdoor private open space provided through the ability to close or open the retractable airport door;
- Dedicated laundry/drying room to meet the needs of the occupants without detracting from the streetscape;
- Principal living areas are located to the rear to prevent overlooking;
- Existing windows on the eastern boundary are conveniently above head height to ensure privacy to the neighbouring building and industrial locality;
- The proposed configuration similarly aligns with the existing approved floor plan utilizing the existing kitchen and bathrooms.

The proposed development has been designed with the objective to satisfy the provision to not have a significant adverse impact on any adjoining land in General Industrial zone.

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5.1.3 TRAFFIC, ACCESS & TRANSPORT

The existing traffic, access and transport arrangements will remain and are in accordance with the requirements of the WDCP 2011. The site accessibility and egress is suitably maintained to ensure efficiency for each premises in terms of vehicular and pedestrian movement.

The proposal is not considered to intensify the existing use of the site, and thereby warrant additional parking. In addition, the proximity to public transport (Brookvale B-Line bus station 480m) is given consideration in that it could assist in alleviating traffic flow and parking associated with the proposed use.

5.1.4 HERITAGE

The proposal as submitted to Council will have no unacceptable impact in respect of heritage. The site is not identified as containing any heritage significance nor is it within proximity of any heritage items or heritage conservation areas.

5.1.5 SOLAR ACCESS

The proposed conversion makes positive use of the existing north/south orientation providing a central open space and a layout that best optimizes the maximum level of solar access. The proposal achieves the sufficient required solar access levels whilst mitigating any adverse impacts the use many consider to have on surrounding land uses through implemented design considerations.

5.1.6 BCA REPORT

A BCA Report (**Appendix 3**) has been prepared by Building Anatomy to document the review that has been carried out of the proposed development for compliance against the *Building Code of Australia 2019 Amendment 1*.

The review has identified a number of areas requiring assessment against the relevant performance requirements of the BCA due to proposed change of use from a Class 6 Retail/Commercial Premises, to Class 4 Dwelling. The fire safety items are outlined in the BCA Report and the current Annual Fire Safety Statement Schedule is provided at Appendix A of the report.

The Report concludes that the proposal does create a new Deemed-to-satisfy (Dts) departure nor does it exacerbate the issue. Based on the existing level of fire and life safety afforded to occupants in terms of the active fire systems installed in the building, we find the exiting issue not requiring an upgrade. Furthermore, it is commensurate with community expectations and that all category 1 fire safety provisions have either been addressed or are not required.

5.1.7 WASTE

A Waste Management Plan (**Appendix 3**) has been prepared by Bermagui Constructions Pty Ltd to address the management of waste during the internal demolition and alterations of the development. All waste materials associated with the construction will be sorted and stored on the site before being transported to licensed recycling or disposal facilities. Waste reduction will be achieved through materials re-use and recycling.

5.1.8 UTILITIES

All essential services and utilities are available to the site and are capable of accommodating the development.

5.1.9 CONSTRUCTION

The development will be undertaken in accordance with all relevant Australian Standards. The proposed design will not compromise the ability of the built form to conform to the building regulations.

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5.1.10 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. Rather the proposed development provides a medium-term solution in anticipation for the future realization of the future land use which will meet the housing needs of the district and Local Government Area (LGA).

5.2 SUITABILITY OF THE SITE FOR DEVELOPMENT

The proposal is both consistent with the relevant objectives of the zone, and permissible with development consent. Additionally, the proposal satisfies the provisions specified in the Area 5 Additional Permitted Uses, provided that the assessment demonstrates that the development will not have a significant adverse impact on any adjoining land. The site is suitable for the proposed land use as it protects the existing business viability of the zone and provides an additional permitted use that responds to the future strategic land use planning framework.

No external works proposed, therefore contextually the proposal will have no adverse impact to the character of the streetscape.

5.3 SUBMISSIONS

No submissions have been received in relation to the proposed development at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

5.4 THE PUBLIC INTEREST

The proposed development will have no adverse impact on the public interest. The proposed shop-top housing will deliver housing in accordance with the statutory and strategic direction of the area.

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6. CONCLUSIONS

The proposed change of use and internal alterations will support the conversion of the existing building to shop-top housing without the need of external works to the site at 1 Sydenham Road, Brookvale.

The SEE provides an assessment of the proposal against the relevant components of the environmental planning framework, including strategic and statutory pursuant to WLEP 2011 and WDCP 2011. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies.

No environmental economic or social impacts have been identified as likely to arise from the proposed development. Rather, the proposal will provide for positive impacts by providing housing on a highly-accessible site within waking distance to day-to-day needs.

In overview, it is considered that the proposal should warrant a positive assessment for the following compelling reasons:

- The proposal will facilitate the conversion of the restricted premises (adult shop) to residential dwelling to provide the provision of housing for the LGA.
- The integration of housing whilst maintaining the existing ground floor use of the zone is in accordance with strategic future land use planning framework of the District Plan, LSPS and Draft Final Draft Brookvale Structure Plan.
- The site is highly accessible to public transport, services and facilities in the local area.
- The proposal retains the existing building footprint, envelope, setbacks and external areas which will have no altered impact to the streetscape or character of the area.
- The proposed development has been designed with the objective to satisfy the provision to not have a significant adverse impact on any adjoining land in General Industrial zone.
- The proposal will not result in increased in traffic generation and parking demand.
- The proposal is generally consistent with the provisions of the WLEP 2011 and WDCP 2011 and where minor departure is considered (private open space), consistency with the objectives is demonstrated.

As stipulated previously in this report, the matters for consideration under Section 4.15 of the EP&A Act have been satisfactory addressed demonstrating the proposal is compatible with the surrounding environment. Accordingly, it is recommended that Council grant development consent to the proposal.

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APPENDIX 1
Plans

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APPENDIX 2

Waste Management Plan

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APPENDIX 3

BCA Report