



northern  
beaches  
council

## PRELODGE MENT ADVICE

**Application No:** PLM2017/0151

**Meeting Date:** 19/12/2017 2:15:00 PM

**Property Address:** 54 Wattle Road BROOKVALE

**Proposal:** Change of use to an industrial retail outlet, brewing operation (industry), and take away food and drink premises

**Attendees for Council:** Renee Ezzy – Senior Planner  
Montasir Masrur – Planner  
Mary Shimon – Environmental Health Officer

**Attendees for applicant:** Mike Smith – Director  
Gavin Troxler – Director  
Ashley Freedman – Director  
Matthew Choi – Town Planner

### General Comments/Limitations of these Notes

These notes have been prepared by Council on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only. These notes are an account of the specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of the Warringah LEP 2011, Warringah LEP 2000 and Warringah DCP 2011 within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

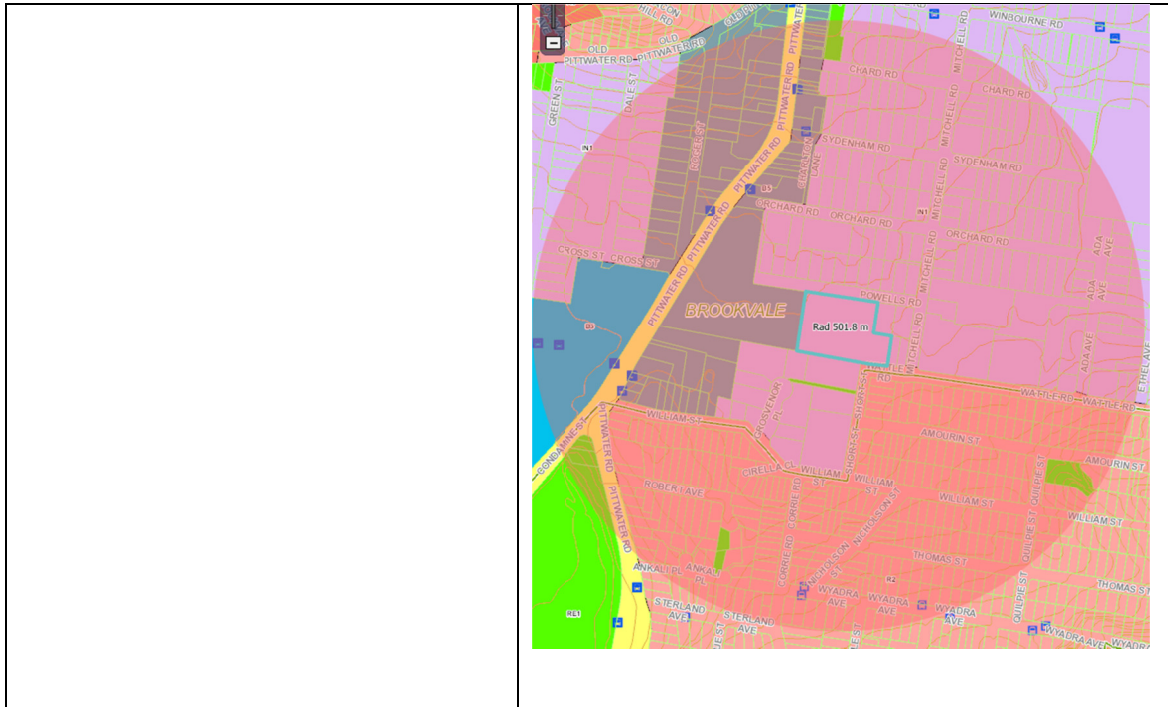


## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<p><b>Patronage</b></p> <p>Description of issue</p> <p><u>Relevant Policy</u> <i>Building Code of Australia</i></p>	<p>The allowable patronage for the site will be determined based on the requirements of the BCA, particularly relating to the provision of sanitary facilities on-site. A BCA Report must be supplied with a DA in support of the requested patronage number.</p> <p>The proposed patronage will also impact the demand and requirement of parking, for both the 'take away food and drinks premises' and the 'industrial retail outlet'. Adequate parking, in accordance with WDCP, should be provided on-site for this development. Traffic and parking has been discussed in detail elsewhere in this report.</p>
<p><b>Operating Hours</b></p> <p>Description of issue</p>	<p>The operating hours for the different uses should be consistent with the existing businesses in the complex and also in the surrounding area.</p> <p>An Operation Management Plan (OMP) should be provided with the application detailing the operating hours for the different uses. The OMP should detail number of staff for all components of the proposed uses. Expected patronage and proposed seating should also be detailed. It will be conditioned that the operating hours of the brewery and take away food and drinks premise will not overlap with the industrial retail outlet (tasting area).</p> <p>Council will not support the operation of the industrial retail outlet during usual business hours (i.e. proposed commencement at 11am daily). The parking allocated to the unit is not sufficient to accommodate the combined demand generated from all the uses on the site, even if the operating hours for the take away premise is reduced.</p>
<p><b>Parking/Traffic</b></p> <p>Description of issue</p> <p><u>Relevant WDCP/WLEP Clause</u> <i>WDCP C2</i> <i>WDCP C3</i></p>	<p>Based on the requirements of WDCP, the industrial use requires 6 parking spaces. The parking requirement for the 'take-away food and drinks premise' has utilised the WDCP calculation used for restaurant and cafe (which are not permitted in IN1 zone), due to the relatively significant number of seating proposed, resulting in a requirement of 8 spaces.</p> <p>The operation of the two uses will overlap and have a combined requirement of 14 parking spaces. The tenancy has 10 spaces allocated to it, thus resulting in a 4 space deficiency. Due to the high parking</p>



	<p>demand during the usual operating hours, a compliant provision of on-site parking is required. Reduction of the proposed seating and/or floor area of the 'take away food and drink premise' would reduce the parking requirement.</p> <p>Parking provision for the industrial retail outlet should be based on comparisons drawn from developments for a similar purpose. As the original proposed operating hours (5pm-11pm) are proposed to be outside of usual operating hours (9am-5pm), parking is not expected to be an issue.</p> <p>Written permission must be provided from the Owner's Corporation in the case that development relies on the parking spaces, available from surrounding businesses in the complex, after normal business hours as overflow parking. An additional parking provided for overflow parking should be identified on a site plan.</p> <p>The Traffic &amp; Parking Report should address and consider all the matters detailed above. Any variations to the requirements must be supported with detailed evidence.</p>
<p><b>Designated Development</b></p> <p>The proposed industrial use (brewery) may constitute 'Designated Development' under the <i>EP&amp;A Act 1979</i>.</p> <p><u>Relevant Policy</u>  <i>Environmental Planning and Assessment Act 1979 No 203</i>  <i>Environmental Planning and Assessment Regulation 2000 (Schedule 3 (6))</i></p>	<p>The <i>Environmental Planning and Assessment Regulation 2000, Schedule 3 (6)</i> should be referred to in determining whether the proposed brewery will constitute 'Designated Development'.</p> <p>This must be addressed in detail in the SEE. Additional details must be provided regarding the daily or annual production capacity, and the disposal/management of any effluent/sludge that will be produced.</p> <p>The tenancy and the whole site would be within 500m of the residential zoning (see below). The SEE should provide details of and demonstrate that the development will not affect the amenity of the neighbourhood in regards to odour, traffic, or waste.</p>



## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

**Note:** WLEP 2011 can be viewed at Council's website.

Zoning and Permissibility	
<p><b>Definition of proposed development(s):</b> (ref. WLEP 2011 Dictionary)</p>	<p><b>take away food and drink premises</b> means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.</p> <p><i>Note: A 'café or restaurant' use is not permitted in IN1 zoning. The submitted plans indicate "cafe" and propose a significant number of internal seating.</i></p> <p><b>general industry</b> means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.</p> <p><b>industrial retail outlet</b> means a building or place that:</p> <ol style="list-style-type: none"> <li>is used in conjunction with an industry or rural industry, and</li> <li>is situated on the land on which the industry or rural industry is located, and</li> <li>is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,</li> </ol>



	but does not include a warehouse or distribution centre.
<b>Zone:</b>	IN1 General Industrial
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

<b>Principal Development Standards:</b>
<b>4.3 Height of Buildings</b>
The proposal does not alter the height of the building.

### WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

**Note:** The WDCP can be viewed at Council's website.

<b>Part B: Built Form Controls</b>
The proposal does not alter the built form.

<b>Other WLEP 2011/WDCP 2011</b>
<p><b><u>WLEP 2011</u></b>  <b>Land Use</b>  The proposed brewery (industrial activity) can be described as <i>general industry</i> (as described in WLEP 2011), based on the information provided for the pre-lodgement meeting. It does not appear to meet the definition of <i>light industry</i>, as it will likely generate – to a minor degree – some noise, smell, waste products, and other potential impacts. If the development is intended to be defined as any other use, this must be adequately addressed in the SEE.</p> <p>The proposed <i>take away food and drinks premise</i> appears to be more of a <i>restaurant and cafe</i> (which is not a use permitted used in IN1 zone), based on the significant number of seating proposed. This would not be supported as it is not a permitted use under the WLEP 2011, and it will not be able to provide the required on-site parking, under the WDCP. A condition of any consent issued would clearly state that no approval is given for a <i>restaurant and cafe</i> and a condition would also limit the seating.</p> <p><b>5.4 (4) Industrial Retail Outlet</b>  The industrial use of the site has an approximate GFA of 364.4m<sup>2</sup> on the main floor and 108m<sup>2</sup> on the mezzanine level, for a combined 472.4m<sup>2</sup> (the staircase, loading bay, take away food and drinks premise/brewery tasting area has been excluded). The floor space for the retail use is approximately 107m<sup>2</sup>.</p> <p>The retail floor area is 22.65% of the GFA for the industrial use.</p> <p><b><u>WDCP 2011</u></b>  <b>C9 Waste Management</b>  The SEE/OMP supplied with the application should discuss how waste will be managed during construction and also for the ongoing operation.</p> <p>The brewery will likely generate effluent/sludge from its operation. The SEE/OMP must</p>



demonstrate that all generated waste will be managed and disposed in accordance with any relevant legislation or regulation.

**D3 Noise**

The operation of machinery for the brewery, and noise from patrons and/or live music associated with the tasting area must be considered and not cause adverse impact on surrounding residential properties. An Acoustic Report should be submitted with the application, assessing the potential noise generated from the operation of the proposed uses.

Refer to comment from Council's Environmental Health section.

**D18 Accessibility**

Adequate facilities should be provided on site to enable access for all people. The application must be supported with a BCA Report, demonstrating disability access.

**D23 Signs**

If the proposal involves any new signage details must be provided with the DA (unless exempt development), including signage plans. The requirements of this control must be addressed and the signage will be assessed against SEPP 64 (if visible from public places).

Specialist Advice	
Referral Body	Comments
<p><b>Environmental Health</b></p> <p><u>Relevant Policies</u>  <i>WDCP D3 Noise</i>  <i>Building Code of Australia</i>  <i>Australian Standards</i></p>	<p><b>Food</b></p> <ul style="list-style-type: none"> <li>• Provide detail of Compliance with AS4674 – 2004 Design, construction and fit out of a food premise</li> <li>• Provide detail of compliance with Food standards Code PART 3.2 Food Safety Requirements: <ul style="list-style-type: none"> <li>○ Standard 3.2.1 Food safety programs</li> <li>○ Standard 3.2.2 Food safety practices and general requirements</li> <li>○ Standard 3.2.3 Food premises and equipment</li> </ul> </li> <li>• Please note food premise is required to be registered to Council once approval is issued</li> <li>• If brewery is going to be used for manufacturing purposes the NSW Food Authority is required to be notified</li> </ul> <p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• Details that the noise generated from business operation will not create offensive noise as defines under the Protection of the Environment Operations Act 1997 (including deliveries, waste removal, mechanical</li> </ul>



	<p>equipment, noise generated by patrons and any other business operation)</p> <ul style="list-style-type: none"> <li>Noise generated from the property shall comply with the Industrial Noise Policy 2000/Noise Policy for Industry (2017).</li> </ul> <p>Any amplified music shall be located within the premises and used in such a manner that the noise cannot be heard in any habitable room of any residential premises or surrounding sensitive receivers. An Acoustic Report should be provided with a DA.</p>
<p><b>Building Control</b></p> <p><u>Relevant MDCP Clause</u>  <i>WDCP D18 Accessibility</i>  <i>Building Code of Australia</i></p>	<p>This proposal involves a change of building use for an existing building and as such under S.93 of the <i>Environmental Planning and Assessment Regulation</i> fire protection and structural capacity for the building is required to be considered prior to determining a development application.</p> <p>The maximum number of persons accommodated, according to use, in the building may be determined under D1.13 of the Building Code of Australia (BCA). It would appear that the numbers of patrons indicated may be less than determined under D1.13 of the BCA.</p> <p>Sanitary facilities including accessible toilets are required in accordance with Part F2 and F2.4 of the BCA. It is noted that in Part F2 calculation of the number of occupants and facilities makes reference to D1.13.</p> <p>In order to satisfy Section 93 and to determine the provision of sanitary facilities a BCA Report should be provided by the applicant at DA stage.</p>
<p><b>Traffic Engineering</b></p> <p><u>Relevant MDCP Clause</u>  <i>C2 Traffic, Access and Safety</i>  <i>C3 Parking Facilities</i></p>	<p>The development should be acceptable subject to some changes, however, traffic are mindful of the café use and applying the restaurant use rates.</p> <p>As long as the café and the beer tasting areas do not operate at the same time, the parking requirements should be sufficient provided that the restaurant is reduced in size/seating.</p> <p>A Traffic and Parking Report must accompany any DA. It should consider parking demand during and after the normal trading hours (9am-5pm), on-street availability, and traffic/parking demand generated by similar types of development.</p>



### Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at Council's website:

- Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140
- Stormwater drainage for low level properties PDS-POL 135
- Vehicle access to all roadside development: LAP-PL 315
- Waste PL 850

Amend list as applicable

### Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Request to vary a development standard
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Survey Plan
- Site Analysis Plan
- Demolition Plan
- Waste Management Plan (Construction & Demolition)
- Waste Management Plan Ongoing
- Schedule of colours and materials
- Operation Management Plan
- Advertising Structure / Sign Plan
- Acoustic Report
- Traffic and Parking Report
- BCA Report
- Fire Safety Measures Schedule

*Please refer to Development Application Checklist for further detail.*

### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 19/12/17 to discuss the change of use of premises to an industrial retail outlet, general industry (brewery), and take away food and drink premises at 54 Wattle Road, Brookvale. The notes reference preliminary plans prepared by DeMont Design dated 17/11/17.

The proposal may be acceptable, subject to provision of adequate on-site parking to accommodate the parking demand generated by all the proposed uses. This will require changes to the operating hours, patronage limit, and seating in accordance with the recommendation of various Council referral bodies.





Prior to lodging of a DA, the applicant should determine if the proposal constitutes 'Designated Development' under the Act. This would avoid the need for withdrawal of an application if determined to be 'Designated Development' in the process of assessment.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.