



Minto Planning Services

Town Planning Consultants

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED ALTERATIONS AND ADDITIONS TO AN
EXISTING COMMERCIAL PREMISES AND USE AS A
TAKE AWAY FOOD AND DRINK PREMISES**

12A RODBOROUGH ROAD, FRENCHS FOREST

**On behalf of
The Olive and the Bee P/L**

28th May 2024

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STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Alterations and Additions to an Existing Commercial Premises and
Use as a Take Away Food and Drink Premises**

12A Rodborough Road, Frenchs Forest

Prepared under instructions from

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of The Olive and the Bee P/L. The proposal seeks approval for the carrying out of alterations and additions to the existing commercial premises and the proposed use of the ground floor lobby as a take away food and drink premises upon land at 12A Rodborough Road, Frenchs Forest.

In assessing this proposal consideration has been given to the following documents:

- *Environmental Planning & Assessment Act 1979*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

In addition to this Statement of Environmental Effects, the proposal is described in the following documentation:

- Survey Plan prepared by SurveyPlus, Ref. No. 22896_DET_1A, Sheets 1 and 2, Revision A and dated 30/10/2023.
- Architectural Plans prepared by McCullum Ashby Architects, Job No. 2404, Drawing No's. DA01 to DA11, Issue A and dated 24/05/2024.
- Landscape Plan prepared by IScape Landscape Architecture, Job/Dwg No. 57.24/131, Sheet One of One and dated May 2024.
- Waste Management Plan.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site is identified as comprising Lot 1 in DP 855673 and is known as 12A Rodborough Road, Frenchs Forest.

The site is an irregular shaped allotment located on the northern side of Rodborough Road to the east of its intersection with Allambie Road.

The combined site has an area of 8,725m² with a frontage width of 60.625m, a maximum depth of 115.35m and a rear norther boundary width of 121.6m.

The site's location is depicted in the street map extract below.



Site Location Map

Development upon the overall site currently comprises a multi-storey concrete commercial/warehouse building with basement and at-grade car parking and associated concrete driveway.

The proposal relates to the existing office premises occupying the front southern portion of the building and includes a new take away food and drink premises use to the lobby.

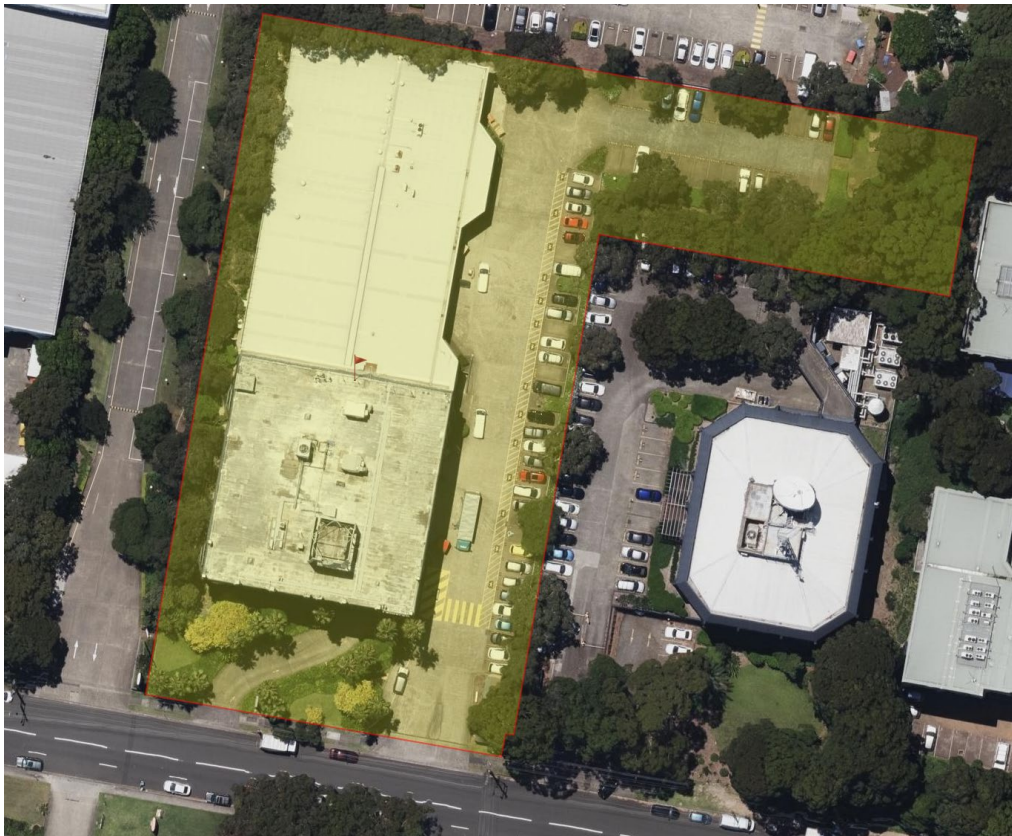
The existing premises is not heritage listed and is not considered to have any heritage significance which would prevent the proposed alterations and additions and proposed new café use.

Vegetation located upon the property comprises of a number of trees set amongst garden beds which are located within the front setback, the north eastern portion and adjoining the boundaries of the site. The proposal requires removal of one (1) tree located within the front setback.

The tree proposed for removal is identified as a '*Livistona australis*' Cabbage Tree Palm and its removal is required as a result of the proposed new steel ramp which will provide for accessible access to the existing building. A Landscape plan has been prepared by IScape Landscape Architecture which provides details of replacement planting of a Cabbage Tree Palm within the front setback.



The subject site as viewed from Rodborough Road



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject property is located in a precinct zoned SP4 Enterprise and which supports a range of uses consisting mainly of commercial premises, light industries and warehouse or distribution centres.

Surrounding development comprises of buildings which are typically between 2 and 5 storeys in height.

The site analysis plan in conjunction with the survey plan and this Statement of Environmental Effects accurately illustrates the location of the adjoining development and key features of the site and the locality.

The aerial photo below depicts the relationship of the subject property with the surrounding area.



Aerial Photo of Surrounding Locality

4. THE PROPOSAL

The proposal seeks approval for the carrying out of alterations and additions to the existing commercial premises and the proposed use of the ground floor lobby as a take away food and drink premises.

The proposal relates mainly to external works to the existing office premises occupying the front southern portion of the building and includes internal fit out works associated with a new coffee shop tenancy within the existing lobby.

The following is a detailed description of the proposed works.

Demolition

- Removal of existing metal roofed covered area located within the south eastern corner of the site.
- Demolition of the existing balustrade to the existing front terrace.

Alterations and Additions

The proposed building alterations and additions have been designed to match the style and finish of the existing building and are to comprise:

- Internal building alterations including:
 - Fit-out of new 16m² café tenancy within the existing lobby comprising of hand washing basin, food preparation benches, enclosed cupboards, double sink and bowl, coffee machine and coffee preparation area, below sink fridge, refrigerated food display and point of sale.
- External building alternations including:
 - Installation of a new steel ramp (1:14) forward of the existing building to access garden area and connecting with a path of fire egress to the front terrace.
 - Installation of new galvanised steel balustrade to front terrace compliant with NCC & ASS 1428.1.
 - Construction of a 'Gazebomate' covered aluminium roof structure over new paved seating area measuring 3m x 3m with a height of 2.3m and located within the front south western corner forward of the existing building.
 - Provision of a 12m² external seating area to the existing front terrace.
 - Construction of one (1) additional car parking space (No. 62) to AS 2980.1 over new concrete slab to match existing.

The proposal also includes landscaping in accordance with the submitted landscape plan prepared by IScape Landscape Architecture. A schedule of plant material has been included which provides details of additional and replacement tree planting within the front setback area.

The proposed take away food and drink premises is to operate from Monday to Friday between the hours of 6.00am to 5.00pm.

Between one (1) and two (2) staff members will be required to operate the proposed take away food and drink premises at any given time.

The hours of operation and circumstances associated with the existing commercial premises will remain unchanged.

Development Indices

The development indices for the proposal are as follows:

Total Site Area:	8,725m²
Landscape Open Space (Existing):	2286m² or 26.2%
Landscape Open Space (Proposed):	2276m² or 26%

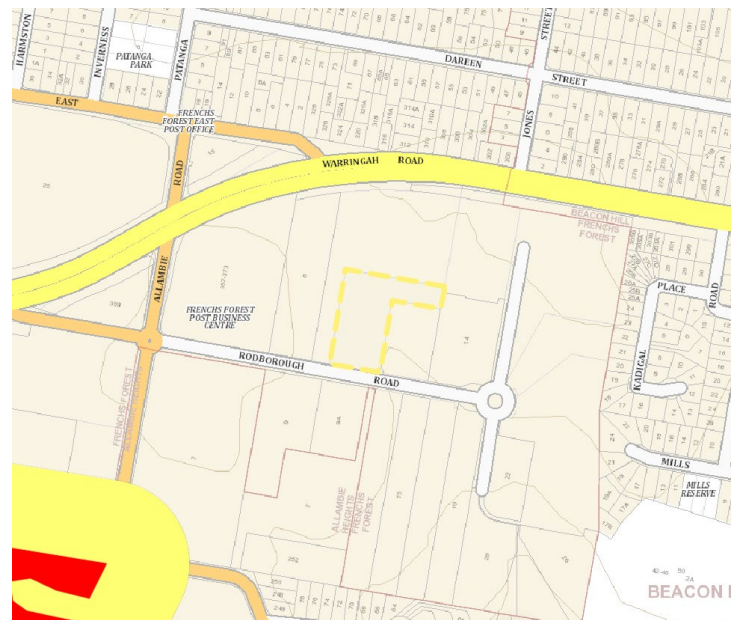
5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 Planning for Bushfire Protection

The site is not identified as comprising Bushfire Prone Land on Council's Bushfire Prone Lands Map and therefore the provisions of Planning for Bushfire Protection do not apply to the proposed development.



Extract of Council Bushfire Prone Lands Map

5.2 Warringah Local Environmental Plan 2011

The subject land is zoned SP4 - Enterprise under the provisions of the Warringah Local Environmental Plan 2011.

Under the SP4 - Enterprise zone a range of uses including that of a “commercial premises” and a “take away food and drink premises” are permissible with the consent of the Council.

The LEP defines a *commercial premises* as:

Commercial premises means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

The LEP defines a *take away food and drink premises* as:

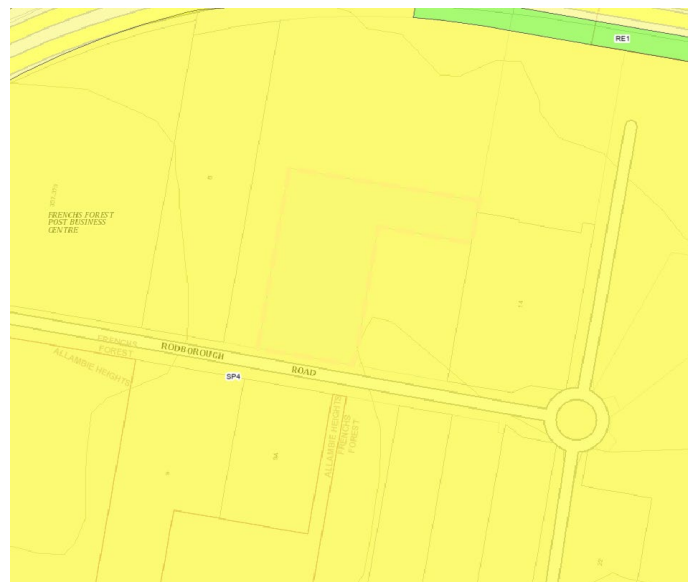
Food and Drink Premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

And,

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

The proposal which seeks approval for the carrying out of alterations and additions to the existing office premises together with a take away food and drink premises is considered to be development which is permissible with the consent of the Council.



Extract from Council Zoning Map

The objectives for development within the SP4 - Enterprise zone are:

- *To provide for development and land uses that support enterprise and productivity.*
- *To provide healthy, attractive, functional and safe business areas.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*
- *To create business environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide opportunities for new and emerging light industries.*
- *To restrict retail uses to ensure sufficient land is available for industrial and light industrial uses to meet future demands.*

The proposed alterations and additions to an existing commercial building including the new use of a take-away food and drink premises within the lobby are considered to be consistent with the objectives of the zone.

The following provisions of the Warringah Local Environmental Plan 2011 are considered to be applicable to the subject site.

Clause 4.3 - Height of Buildings

The subject is not subject to a maximum building height control.

The proposal is therefore considered to satisfy the requirements of Clause 4.3 of the LEP.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

There is no FSR control applicable to the subject site.

The proposal is therefore considered to satisfy the requirements of Clause 4.4 of the LEP.



Extract of Council FSR Map

Clause 5.10 - Heritage Conservation

The existing building is not heritage listed and is not considered to have any heritage significance which would prevent the proposed alterations and additions. The subject site is not located in a Heritage Conservation Area.

The proposal is therefore considered to be consistent with the requirements of Clause 5.10 of the LEP.



Extract from Council's Heritage Map

Clause 6.4 - Development on Sloping Land

The subject site is located within landslip risk area 'A - Slope less than 5 degrees' and 'B - Flanking Slopes from 5 to 25 degrees'.

The proposal involves minor alterations and additions to the existing commercial building. The proposed works are considered unlikely to result in any adverse impacts on adjoining properties in terms of stability as there will be no associated excavation and no increase in stormwater discharge or subsurface flow conditions. Therefore, the proposal is considered to satisfy the requirements of this Clause.

There are no other provisions of the Warringah LEP which it is considered are relevant to the proposal.

Summary

It is my opinion based upon this assessment that the proposal is compliant with the aims, objectives and the prescriptive requirements of the LEP and is therefore permissible upon the subject site with the consent of the Council.

5.3 Warringah Development Control Plan 2011

Council's Development Control Plan applies to all land to which Warringah LEP 2011 applies.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Part B - Built Form Controls

B5 - Side Boundary Setbacks

The side boundary setback required in this locality is nil. The proposed covered outdoor seating area is setback 2m from the western side boundary.

Therefore, the proposal is considered to be consistent with this particular DCP control.

B7 - Front Boundary Setbacks

The front boundary setback required for this locality is 10m. The proposed covered outdoor seating area is provided with a front setback of 6m resulting in a non-compliance.

A variation is sought as the proposal seeks to replace an existing outdoor covered structure having a similar front setback. The proposed structure is an open on all sides and measures 3m x 3m with a height of 2.3m. It is considered that the proposed structure is not visually dominant and will not result in any adverse streetscape impacts.

Therefore, the proposal is considered satisfy the objectives of this particular DCP control.

B9 - Rear Boundary Setbacks

The proposal does not result in any change to the existing rear setback.

Part C - Siting Factors

C3 - Parking Facilities

The DCP requires 1 space per 16.4m² GLFA for retail premises. As the proposal does not involve a 'drive-in' component as part of the take away food and drink premises it is considered that this requirement is applicable.

The proposal involves the construction of one (1) additional car parking space (No. 62) to AS 2980.1 over a new concrete slab to match existing.

The proposal is considered to satisfy the objectives and requirements for parking facilities and will provide a total of 179 car spaces (1 additional) in accordance with Appendix 1 of the DCP.

Part D - Design

D1 - Landscaped Open Space and Bushland Setting

The subject site has an area of 8,725m² and requires a minimum landscaped open space area of 2,905m² or 33.3%.

The existing landscaped open space area is 2,286m² or 26.2%. The proposal will result in a total landscaped open space area of 2,276m² or 26% for the site resulting in a minor non-compliance. A variation is sought given the proposal will result in a minor reduction of 10m². The proposal is considered to satisfy the objectives of this control as the proposal will provide for additional planting within the front setback to enhance the streetscape.

The proposal is therefore considered to comply with this section of Council's DCP.

D10 - Building Colours and Materials

The plans prepared by McCullum Ashby Architects include a schedule of materials and colours. It is considered that the proposed colours and materials and landscaping will minimise the visual impact of the development and complement the existing building.

D18 - Accessibility and Adaptability

The proposal will result in an outcome whereby access for people with a disability will continue to be provided at the main entrance to the development in accordance with the requirements of the Council.

Part E - The Natural Environment

E1 - Preservation of Trees or Bushland Vegetation

Vegetation located upon the property comprises of a number of trees set amongst garden beds which are located within the front setback, the north eastern portion and adjoining the boundaries of the site. The proposal requires removal of one (1) tree located within the front setback.

The tree proposed for removal is identified as a '*Livistona australis*' Cabbage Tree Palm and its removal is required as a result of the proposed new steel ramp which will provide for accessible access to the existing building. A Landscape plan has been prepared by IScape Landscape Architecture which provides details of replacement planting of a Cabbage Tree Palm within the front setback.

E10 - Landslip Risk

The subject site is located within landslip risk area 'A - Slope less than 5 degrees' and 'B - Flanking Slopes from 5 to 25 degrees'.

The proposal involves minor alterations and additions to the existing commercial building and will not require any excavation and fill. The proposed works are considered unlikely to result in any adverse impacts on adjoining properties in terms of stability as there will be no increase in stormwater discharge or subsurface flow conditions.

It is therefore considered that the requirements of this section of the DCP have been satisfied.

Conclusion

The proposal is considered to achieve appropriate compliance with the aims and objectives of the Warringah Development Control Plan and is therefore worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned SP4 - Enterprise under the provisions of the Warringah Local Environmental Plan 2011. The proposed carrying out of alterations and additions to the existing commercial premises and the proposed use of the ground floor lobby as a take away food and drink premises is permissible upon the site with the consent of Council. The proposal has been assessed against the objectives and provisions of both the Warringah LEP and Council's DCP as detailed within this report and is considered to be compliant with the aims and objectives of these documents.

There are no draft planning instruments applicable to the site.

Impacts of the Development - Section 4.15(1)(b)

The proposed development has been designed so as to have minimal impact upon the amenity of adjoining properties as has been demonstrated by this report.

The proposal is considered to provide for high quality additions to the existing building and which have been designed so as to complement the existing building architecture, materials and finishes. The proposal is considered to provide for an outcome which is in keeping with the character of the surrounding precinct and the characteristics identified for this locality.

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

The proposed carrying out of alterations and additions to the existing commercial premises and use of the ground floor lobby as a take away food and drink premises under the Warringah LEP 2011 is permissible with the consent of Council. The proposal will provide for additions to the existing building without impacting upon the character of the surrounding area or the amenity of adjoining properties.

It is not considered that there will be any adverse impacts as a result of the proposal and as such the subject site is considered suitable for the proposed development.

Public Interest - Section 4.15(1)(e)

It is my opinion that the proposal is in the public interest as it will maintain the existing commercial premises upon the site whilst introducing a proposed take away food and drink premises use which will primarily service the users of the building.

In the absence of any unreasonable impacts the proposal is considered to be in the public interest.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 4.15(1) of the Act, the Warringah LEP and Council's Policies.

In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims, objectives and applicable prescriptive requirements of the above controls.

It is considered that the proposal will not impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed alterations and additions to the existing commercial premises and the use of the ground floor lobby as a take away food and drink premises upon land at 12A Rodborough Road, Frenchs Forest is worthy of the support of Council.



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28th May 2024