

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use to a Food &
Drink Premises including
the Service of Alcohol

1/54 Garden Street, North
Narrabeen

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Statement of Environmental Effects

Change of Use to a Food and Drink Premises

1/54 Garden Street, North Narrabeen

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May 2025

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1 Introduction

This statement has been prepared for the owners of Fuel Espresso as part of the supporting documentation for a Development Application in to a change of use from a takeaway food and drink premises to a food and drink premises (restaurant or café) including the service of alcohol.

It is understood that development consent for a restaurant or café is required by the consent authority to be able to apply for an on premises liquor licence.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development;
- The proposed works are compatible with the desired future character of the locality;
- The proposed works will have a negligible impact on the environmental quality of the land and the amenity of surrounding properties;
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 10 in DP 75993 and is known as 1/54 Garden Street, North Narrabeen. An aerial location image is provided below.

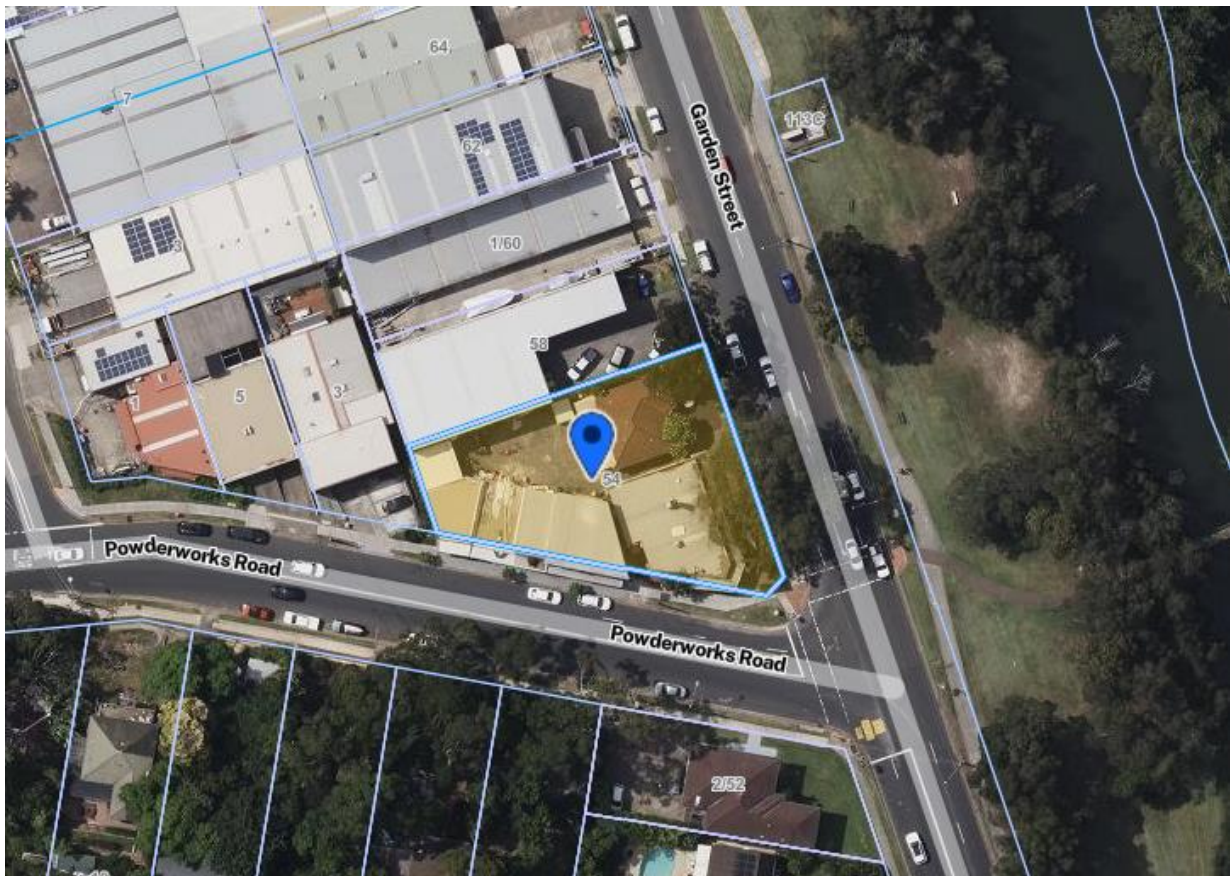


Figure 1: Site Location (Source: Six Maps)

The subject site is zoned as a local centre and borders a general industrial zone. Opposite Powderworks Road is a residential zone. The area is well established industrial area with the local centre providing commercial uses to support the surrounding residential and workers. The site is located on the corner of Garden Street and Powderworks Road.

Directly to the east are public reserves and Narrabeen Sports High School.

The local centre comprises 10 units with the subject site currently operating as a takeaway food and drink premises.



Image 1: Powderworks Road Frontage



Image 2: Garden Street Frontage

3 Description of Proposed Development

3.1 Details of the Proposed Development

The current use of the subject site is as a takeaway food and drink premises which was approved via a complying development certificate which was issued on 2 June 2017 with certificate number 17/2571-1.

The proposal is to change the use to a restaurant or café which is separately defined from a takeaway food and drink premises. This change of use is to include the service of alcohol and to be able to apply for a liquor licence it requires the use to be as a restaurant or café.

Proposed Hours of Operation:

- Monday – Wednesday: 6am – 10pm
- Thursday – Sunday: 6am – 12am

The business will remain trading as a café throughout the day. It will close temporarily in the afternoon to reset for a dinner service from approximately 5.30pm.

The staff on site per day will vary from 5-8 throughout the week depending on the day.

The existing fitout is for a food and drink premises and no further fitout works are required in that regard.

No off-street parking is available with the existing site circumstances.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

The site is zoned E1 Local Centre pursuant to the provisions of the Pittwater Local Environmental Plan 2014. The objectives of the zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse, and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

The proposed restaurant & café use is a type of food and drink premises which is permissible in the zone.

4.1.2 Height of Buildings

Pursuant to Clause 4.3 of the PLEP, the site is identified on the height of buildings map as having a maximum permissible height of 8.5 metres. No change to the existing external built form is proposed and is compliant with this provision.

4.1.3 Acid Sulfate Soils

Pursuant to Clause 7.1 of the LEP, the site is located within Acid Sulfate Soils Area Class 3 & 5. No works are proposed that would risk exposing acid sulfate soils.

4.1.4 Terrestrial Biodiversity

The site is mapped as a terrestrial biodiversity area. No physical works are proposed that would impact on the biodiversity value of the local area.

4.1.5 Flood Planning

The site is mapped as flood prone land. No physical works are proposed with this application and will maintain the existing floor levels.

4.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
Section B – General Controls			
B6.3 Off-Street Vehicle Parking Requirements	The minimum number of vehicle parking requirements must be determined using the appropriate guidelines for parking generation and servicing facilities based on development type comparison based on the <i>Roads and Maritime Services Guide to Traffic Generating Development</i> or analysis drawn from surveyed data for similar development	<p>The site does not include off-street parking. The area largely relies on on-street parking.</p> <p>The subject site will continue to operate in the same capacity during the day and, as such, does not present an increase in parking demand.</p> <p>The new element to the use is to offer a dinner service. On-street parking is more available in the evenings due to it being outside business hours.</p> <p>The change of use from a takeaway food and drink to a restaurant and café does not</p>	Yes

Control	Requirement	Proposed	Compliance
	uses. Provision must be made within the development site for access and parking of all service vehicles servicing the site, visitor parking and parking for people with disabilities.	present an unreasonable level of additional parking demand.	
B8.3 Construction and Demolition - Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	No demolition is required.	Yes
C5.5 Accessibility	Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.	Complies	Yes
C5.8 Waste and Recycling Facilities	Adequately sized, accessible, convenient waste and recycling facilities that	Maintained as per existing	Yes

Control	Requirement	Proposed	Compliance
	<p>integrate with the development.</p> <p>Waste and recycling facilities located such that they do not adversely impact upon amenity of the adjoining development or natural environment.</p>		
C5.9 Signage	<p>Signage is compatible with the desired amenity and visual character of the locality. (S)</p> <p>Signage does not adversely impact upon any heritage item or conservation area.</p>	No signage proposed with this application.	Yes
C2.12 Protection of Residential Amenity	<p>Development that does not have an adverse impact upon adjoining residential accommodation</p> <p>Maintenance of a reasonable level of solar access and visual privacy to residential properties.</p>	<p>The proposed change of use will include new dinner service which will aims to predominately service the local residents and businesses. The dinner service will operate as any typical restaurant and will seek to obtain an on-premises liquor licence.</p> <p>The use will not significantly change from the existing and does not raise any unreasonable privacy impacts.</p>	Yes

Control	Requirement	Proposed	Compliance
C2.21 Food Premises Design Standards	Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).	The existing development is a type of food and drink premises and complies with the Australian Standards	Yes

4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any environmental planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Pittwater DCP applies

(iiia) Any Planning Agreement that has been entered into under Section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed change of use is entirely commensurate with that established by adjoining development and development within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These issues have been discussed in detail in the body of this report. The works have been designed such that the potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The existing parking circumstance will be maintained.

Public Domain

The existing built form and its streetscape presentation is retained.

Utilities

Existing utility services will continue to service the building

Flora and Fauna

N/A

Waste Collection

Waster contractors will be engaged to collect waste generated by the business.

Natural hazards

N/A

Economic Impact in the locality

The proposed development will have a positive impact on economic factors within the area and will generate employment opportunities.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations and site attributes including:*
 - *size, shape and design of allotments*
 - *The proportion of site covered by buildings*

- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

The impact of the proposal with respect to design and site planning is positive. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by the Environmental Planning and Assessment Regulation 2021. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*

■ *Are the site attributes conducive to development*

The site is located in an established residential area and provides for a supportive land use by providing high quality medical care that is considered to be of a low impact and low intensity use.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed business will provide a valuable service to the local community while providing economic opportunities. The support of small business is within the public interest and the proposed use raises no concerns that would not be in the public interest.

5 Conclusion

The proposal is permissible and in conformity with the intent of the Pittwater Local Environmental Plan 2014 and Development Control Plan as they reasonably relate to this form of development. The use of the site has been considered to be consistent with the objectives of the E1 local centre zone.

It is considered that the application is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed use is compatible with the desired future character of the locality.
- The proposed land use will have a negligible impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.