

NORTHERN BEACHES COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

**DEVELOPMENT APPLICATION FOR EXTENDED TRADING HOURS AS
LICENSED FOOD AND DRINKS PREMISES**

**GUZMAN Y GOMEZ
SHOP 29 & 30 FORESTWAY SHOPPING CENTRE
22 FOREST WAY FRENCHS FOREST NSW 2086**

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SITE DETAILS

Address	Shop 29 & 30 Forestway Shopping Centre 22 Forest Way Frenchs Forest NSW 2086
Lot on Plan	Lot 20 DP1209801
Local Authority	Northern Beaches Council
Local Environmental Plan	Warringah Local Environmental Plan 2011
Development Control Plan	Warringah Development Control Plan 2011
Zone	B2 Local Centre
Overlays	Height of Building (12m), Bushfire Prone Land (Vegetation Buffer), Landslide Rise Land (Area A – Slope <5), Local Aboriginal Land Council (Metropolitan)

DEVELOPMENT PROPOSAL DETAILS

Level of Assessment	Permitted with consent
Proposal Summary	Extended trading hours as licensed food and drinks premises
Assessment Controls	Warringah Local Environmental Plan 2011, Warringah Development Control Plan 2011
Applicant	Guzman y Gomez C/- Platinum Planning Solutions

REVISION DETAILS

Version	1.0
Prepared by	James Connolly (BUrbanEnvPlan, GCHM, MPIA)
Signed	
Date	1/12/2020

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Guzman y Gomez (the applicant) to accompany a development application to Northern Beaches Council over land located at 22 Forest Way Frenchs Forest (the subject site).

The development application seeks development consent for extended trading hours for the licensed Guzman y Gomez (GYG) food and drinks premises at Tenancy 29 & 30.

This SEE provides the following:

- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of the planning considerations relevant to the proposed development.

The proposed works are seen to be consistent with the envisioned use of the site as a commercial premises and is seen to be a positive addition to the building and area as a whole. This Statement of Environmental Effects is to be read in conjunction with the attached plans, elevations, and supporting documents.

2.0 SITE DESCRIPTION AND CONTEXT

2.1 Subject Site

The subject site is located at 22 Forest Way Frenchs Forest and is formally described as Lot 20 on DP1209801. The site is oddly irregular in shape with frontages to Forest Way and Grace Avenue. The site is improved by the Forestway Shopping Centre which incorporates a number of commercial and retail tenancies and on-site parking. The subject tenancy (Shop 29 & 30) are located towards the Western part of the shopping centre. The surrounding land uses consist of a mix of commercial and residential premises in the greater vicinity. The location of the site and tenancy is indicated below in Figure 1 to 4 respectively.



Figure 1: Subject Site Location

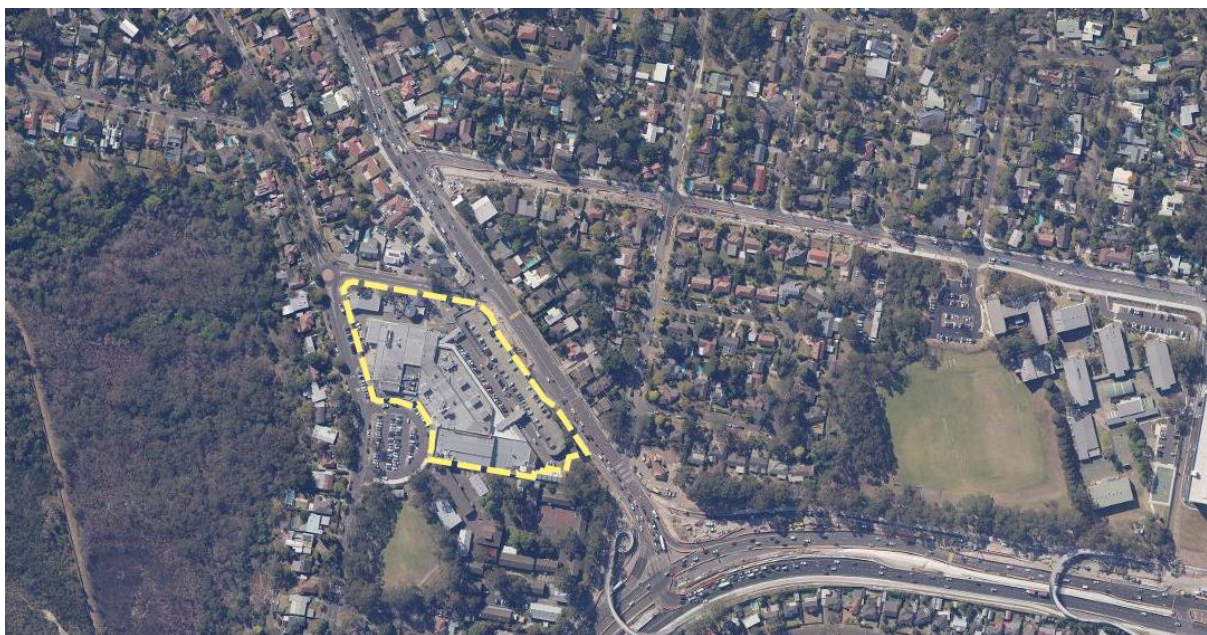


Figure 2: Subject Site Location

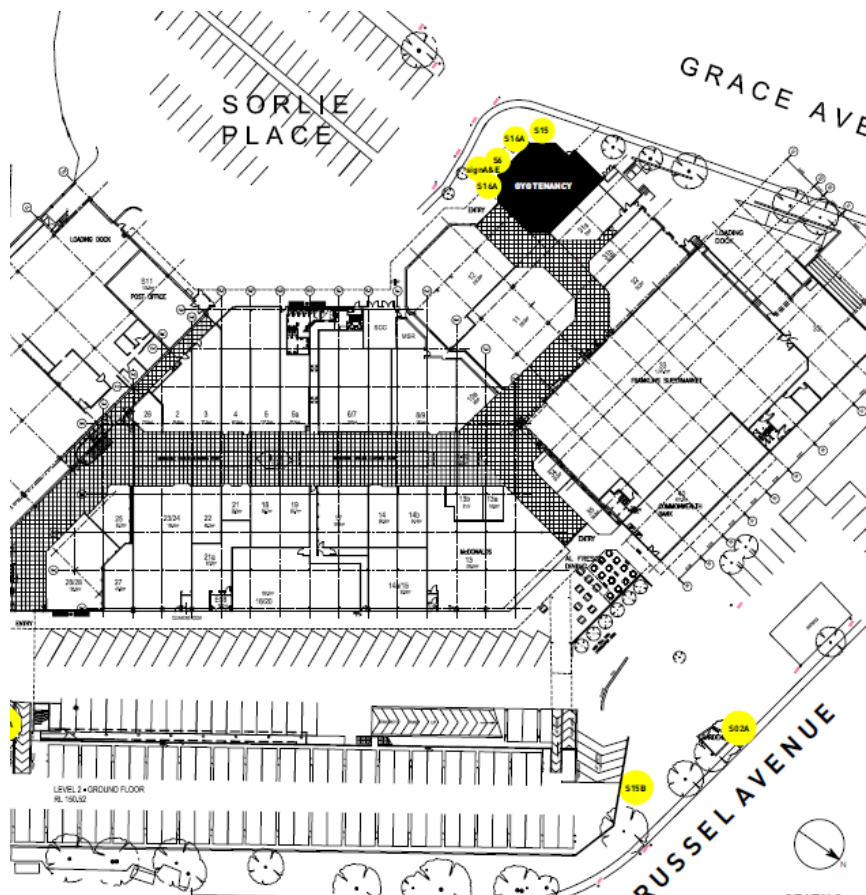


Figure 3: Subject Tenancy Location



Figure 4: Subject Tenancy Streetview

2.2 Context and Background

As way of background, Shop 29 & Shop 30 is currently occupied by Guzman y Gomez subject to a Complying Development Certificate for the fit-out (Complying Development Certificate No.: CBS206501) and DA for the signage (DA2020/0736). As part of obtaining their liquor licence and with discussions with council, the proposed operating hours have been restricted. GYG are seeking to formally apply for larger operating hours for their premises.

3.0 PROPOSED DEVELOPMENT

The aspects of the proposed development are as follows:

Aspect	Details
Use / Trading Hours	<ul style="list-style-type: none"> Operating Hours: 7AM to 10PM 7 days a week as a licensed food and drinks premises Staff: Maximum of 10 staff on-site Patrons: 52 patrons

No physical works are proposed under this DA. Refer to attached and below layout plan for an indicative layout on the tenancy.

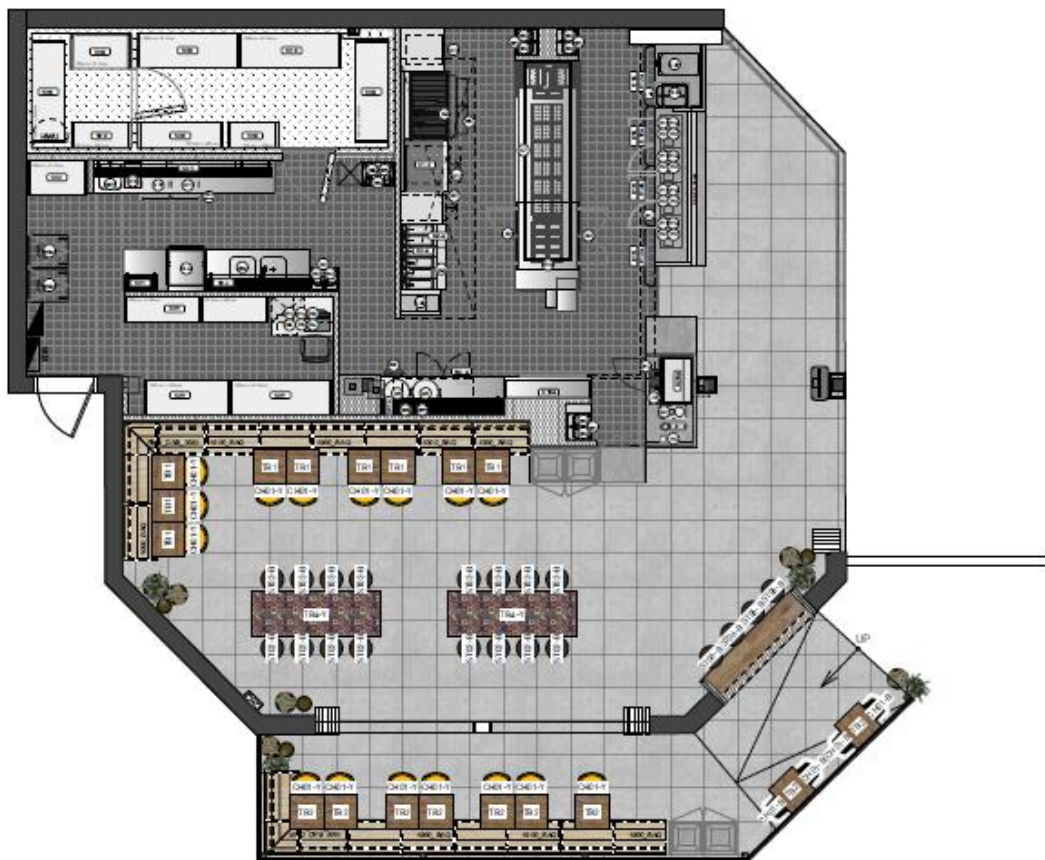


Figure 5: Subject Tenancy Layout

4.0 TOWN PLANNING ASSESSMENT

4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
 - i. *any environmental planning instrument, and*
 - 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan, and*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- 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,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

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

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.4 of this report.

4.2 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (LEP) is the principle local planning instrument that applies to the site.

4.2.1 Zoning & Permissibility

The subject site is zoned as B2 Local Centre under the LEP. The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide an environment for pedestrians that is safe, comfortable and interesting.*

- To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

The food and drinks premises is permitted with consent in the zoning as part of “commercial premises” group. The proposed premises meets the objectives of the zone as the development contributes to the retail mix within the area and is compatible with the surrounding land uses. The proposal encourages on-going investment in the area and is seen as a desirable outcome.

4.2.2 Height of buildings (Clause 4.3)

The proposed works will not alter the height of the building, therefore Clause 4.3 of the LEP is not applicable.

4.2.3 Floor space ratio (Clause 4.4)

The site does not have a specified floor space ratio limit, therefore Clause 4.4 of the LEP is not applicable.

4.2.4 Heritage conservation (Clause 5.10)

The site is not identified as a heritage item, and is not located within a heritage conservation area, therefore Clause 5.10 of the LEP is not applicable.

4.2.5 Acid sulfate soils (Clause 6.1)

The proposed development does not involve any ground soil disturbance, therefore Clause 6.1 of the LEP is not applicable.

4.2.6 Earthworks (Clause 6.2)

The proposed development not involve any earthworks, therefore Clause 6.2 of the LEP is not applicable.

4.2.7 Flood planning (Clause 6.3)

The subject site is not identified as being flood affected therefore Clause 6.3 of the LEP is not applicable.

4.2.8 Development on sloping land (Clause 6.4)

There are no alterations proposed to the existing building footprint. Therefore, the proposal is seen to comply with Clause 6.4 of the LEP.

4.3 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below.

4.3.1 Built Form Controls (Part B)

Control / Objective	Compliance	Comments
B1 Wall Heights	N/A	N/A not applicable.
B2 Number of Storeys	N/A	N/A not applicable.
B3 Side Boundary Envelope	N/A	N/A not applicable.
B4 Site Coverage	N/A	N/A not applicable.

Control / Objective	Compliance	Comments
B5 Side Boundary Setbacks	N/A	N/A not applicable.
B6 Merit Assessment of Side Boundary Setbacks	N/A	N/A not applicable.
B7 Front Boundary Setbacks	N/A	N/A not applicable.
B8 Merit Assessment of Front Boundary Setbacks	N/A	N/A not applicable.
B9 Rear Boundary Setbacks	N/A	N/A not applicable.
B10 Merit Assessment of Rear Boundary Setbacks	N/A	N/A not applicable.
B11 Foreshore Building Setback	N/A	N/A not applicable.
B12 National Parks Setback	N/A	N/A not applicable.
B13 Coastal Cliffs Setback	N/A	N/A not applicable.
B1 Main Roads Setback	N/A	N/A not applicable.

4.3.2 Siting Factors (Part C)

Control / Objective	Compliance	Comments
C1 Subdivision	N/A	No subdivision is proposed as part of this development application.
C2 Traffic, Access and Safety	N/A	No alteration to existing traffic pathways or access as part of this development application.
C3 Parking Facilities	N/A	No applicable as DA is for signage only.
C3(A) Bicycle Parking and End of Trip Facilities	N/A	As no additional floor space is being created, this section of the DCP does not apply.
C4 Stormwater	N/A	Existing stormwater management techniques in place.
C5 Erosion and Sedimentation	N/A	Existing erosion and sedimentation management techniques in place.
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A no building over or adjacent to drainage easements proposed.
C7 Excavation and Landfill	N/A	N/A no excavation or landfill proposed.
C8 Demolition and Construction	N/A	N/A no demolition of construction proposed.
C9 Waste Management	Complies	Waste will be managed appropriately and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate. Refer to attached Waste Management Plan.

4.3.3 Design (Part D)

Control / Objective	Compliance	Comments
D1 Landscaped Open Space and Bushland Settings	N/A	N/A not applicable to signage DA.
D2 Private Open Space	N/A	N/A not applicable.
D3 Noise	N/A	N/A not applicable.

Control / Objective	Compliance	Comments
D4 Electromagnetic Radiation	N/A	N/A not applicable.
D6 Access to Sunlight	N/A	It is to be noted that there is no proposed alterations to the existing building footprint, with the existing conditions considered appropriate.
D7 Views	N/A	It is to be noted that there is no proposed alterations to the existing building footprint, with the existing conditions considered appropriate.
D8 Privacy	N/A	It is to be noted that there is no proposed alterations to the existing building footprint, with the existing conditions considered appropriate.
D9 Building Bulk	N/A	It is to be noted that there is no proposed alterations to the existing building footprint, with the existing conditions considered appropriate.
D10 Building Colors and Materials	N/A	It is to be noted that there is no proposed alterations to the existing building façade under this DA, with the existing conditions considered appropriate.
D11 Roofs	N/A	It is to be noted that there is no proposed alterations to the existing building footprint, with the existing conditions considered appropriate.
D12 Glare and Reflection	N/A	It is to be noted that there is no proposed alterations to the existing building footprint, with the existing conditions considered appropriate.
D13 Front Fences and Front Walls	N/A	No front fences or walls proposed.
D14 Site Facilities	Complies	The subject site has the appropriate site facilities and waste areas.
D15 Side and Rear Fences	N/A	N/A no side or rear fences proposed.
D16 Swimming Pools and Spa Pools	N/A	No swimming pool or spa proposed.
D17 Tennis Courts	N/A	No tennis court proposed.
D18 Accessibility and Adaptability	N/A	N/A not applicable to signage DA.
D19 Site Consolidation in R3 and IN1 Zone	N/A	Not within an R3 or IN1 Zone.
D20 Safety and Security	Complies	The proposed use addresses the relative CPTED principles including surveillance, access control, territorial reinforcement and space management.
D21 Provision and Location of Utility Services	Complies	Access to utility services is existing.
D22 Conservation of Energy and Water	Complies	Appropriate measures will be in place to ensure the conservation of energy.
D23 Signs	N/A	N/A no signage proposed.

4.3.4 The Natural Environment (Part E)

Control / Objective	Compliance	Comments
E1 Preservation of Trees or Bushland Vegetation	Complies	No significant trees or bushland will be impacted by the proposal.
E2 Prescribed Vegetation	N/A	N/A no prescribed vegetation will be impacted by the proposal.
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	N/A	The subject site is not identified as land known for potential habitat for threatened species.
E4 Wildlife Corridors	N/A	The subject site is not identified as being a wildlife corridor.
E5 Native Vegetation	N/A	The subject site does not contain any native vegetation.
E6 Retaining unique environmental features	Complies	The proposal will not impact on any environmental features.
E7 Development on land adjoining public open spaces	N/A	The subject site is not identified as being land adjoining public open space.
E8 Waterways and Riparian Lands	N/A	The subject site is not identified as being within Waterways and Riparian Land areas.
E9 Coastline Hazard	N/A	The subject site is not identified as being within a Coastline Hazard area.
E10 Landslip Risk	Complies	The subject site is identified as Landslide Risk Land – Area A – <5 under the LEP. The proposed development will not impact on the ground level or stormwater runoff paths. Noting the existing established setting of the site and building footprint, there will be no risk associated with the proposed signage.
E11 Flood Prone Land	N/A	The subject site is not identified as being flood affected.

4.4 Section 4.15 Assessment

In determining a development application, the assessing consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
<p>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</p> <p>a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p>	<p>a) The proposed development aligns with the relative matters of the LEP and DCP as per the compliance assessment in this</p>

Evaluation	Assessment
<p>(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</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</p> <p>that apply to the land to which the development application relates,</p> <p>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,</p> <p>c) the suitability of the site for the development,</p> <p>d) any submissions made in accordance with this Act or the regulations,</p> <p>e) the public interest.</p>	<p>Statement of Environmental Effects. The proposed works are seen to meet all the relative controls and are seen as a good outcome for the subject site.</p> <p>b) The proposed works will not have any negative impacts on the surrounding land uses considering the commercial setting of the site and envisioned use of the tenancy as a commercial premises.</p> <p>c) The tenancy is part of a building which is envisioned for a commercial use of this nature. The proposed development to an existing commercial premises is considered appropriate.</p> <p>d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.</p> <p>e) The proposed works are to an established commercial site and are seen to be in the public's interest through the provision of an envisioned use.</p>

5.0 CONCLUSION

This Statement of Environmental Effects has reviewed the proposed extended trading hours as a licensed food and drinks premises for Guzman y Gomez. It is considered that the proposed development, which is permissible with consent, is appropriate for the subject site and will not impact on the amenity of the surrounding area. Ultimately the proposal complies with the intent and design objectives of local planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.