

NORTHERN BEACHES COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR SIGNAGE

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

Prepared by Platinum Planning Solutions
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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	Signage
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	29/06/2020

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 signage for Guzman y Gomez (GYG) 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

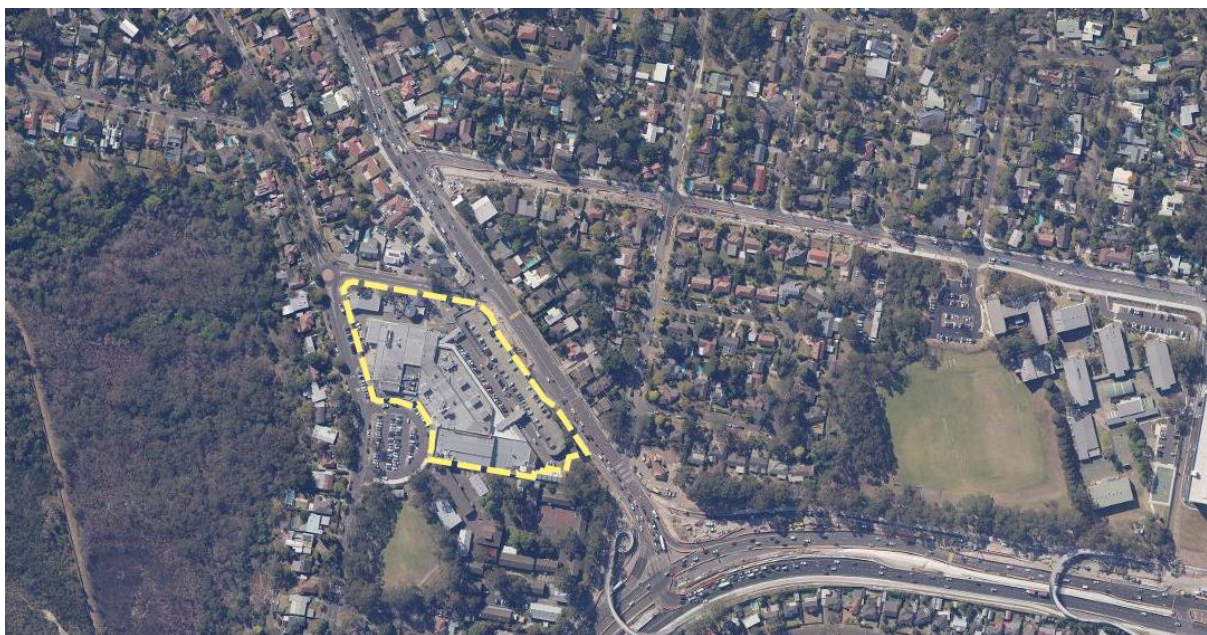


Figure 2: Subject Site Location

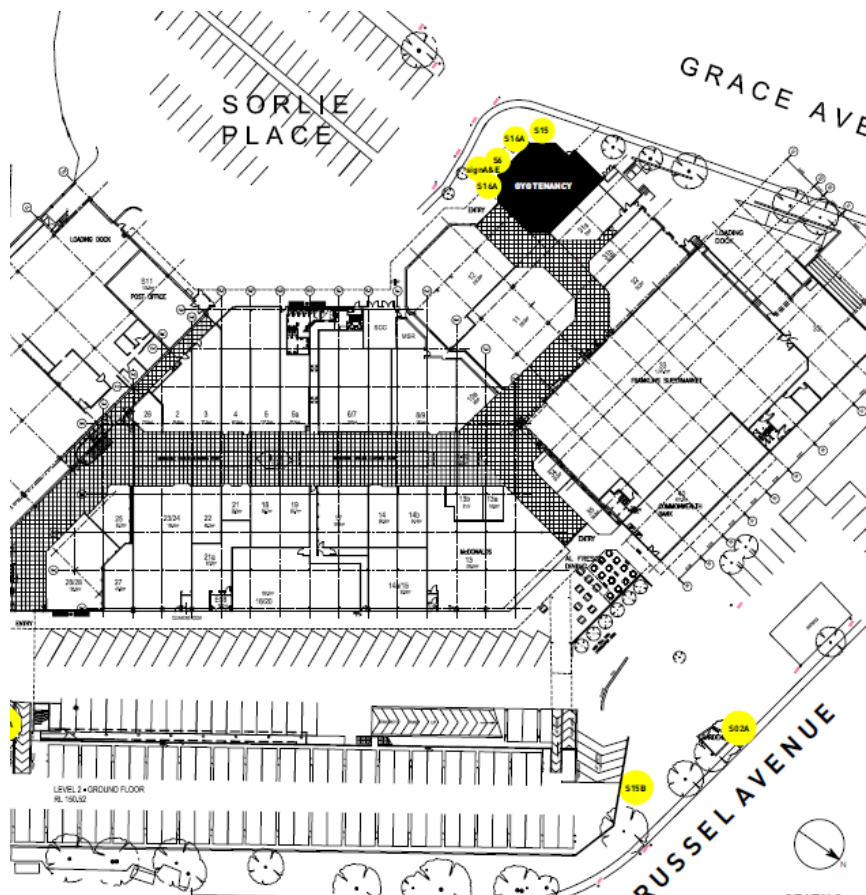


Figure 3: Subject Tenancy Location



Figure 4: Subject Tenancy Streetview

2.2 Context and Background

As way of background, Shop 29 & Shop 30 have previously been operated as commercial tenancies. Guzman y Gomez are taking over the tenancies and undertaking their fit-out works, change of use and external alterations under Complying Development. This DA only relates to the proposed signage for business identification purposes.

3.0 PROPOSED DEVELOPMENT

The aspects of the proposed development are as follows, as per the attached proposed plans and elevations:

Aspect	Details
Signage	<ul style="list-style-type: none"> • 2 x Guzman y Gomez internally illuminated signs to awning fascia of tenancy (Sign 16A) • Guzman y Gomez internally illuminated sign to shopfront wall (Sign 15B) • Guzman y Gomez stencilled artwork to shopfront wall (Sign 6) • Guzman y Gomez internally illuminated blade signage to shopfront wall (Sign A & E) • Guzman y Gomez graphics to existing centre shared pylon signage. • Guzman y Gomez sign to shopping centre façade wall (Sign 15A) • Guzman y Gomez internally illuminated sign to shopping centre façade wall (Sign 15B)

The proposed works will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate. It is to be noted that the DA only relates to the proposed signage, with the change of use, fit-out and external alterations to be applied for under Complying Development. For further details on the proposed development please refer to the attached plans and supporting documents.



Figure 5: Proposed Shopfront Signage

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;
- State Environmental Planning Policy No 64 – Advertising and Signage.

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.5 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 proposed signage relates to a food and drinks premises which is permitted with consent in the zoning as part of “commercial premises” group. Additionally business identification signage is permitted with consent. The proposed signage 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 signage 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 signage 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. The proposed signage 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. 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.

Control / Objective	Compliance	Comments
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.
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.

Control / Objective	Compliance	Comments
D2 Private Open Space	N/A	N/A not applicable.
D3 Noise	N/A	N/A not applicable.
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 signage addressed 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	Complies	The proposed signage is for business identification purposes and is seen as a desirable outcome and will not contribute to visual clutter. The proposed

Control / Objective	Compliance	Comments
		signage will not adversely impact on the amenity of the streetscape noting the established commercial setting of the site. The signage will not obscure any important views and is seen to meet the requirements under SEPP 64. The proposed awning fascia signs and wall signs are wholly within the contains of the relative fascias and walls and will not project above the building height or fascia height. The illumination will be minimal in nature and will be fitted with timers as considered appropriate.

4.3.4 The Natural Environment (Part E)

Control / Objective	Compliance	Comments
E1 Preservation of Trees or Bushland Vegetation	Complies	N/A 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 signage 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 State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No. 64 (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area and regulates specific signage outcomes. Part 2, Section 8 of SEPP 64 states that a consent authority must not grant development consent for signage

unless the consent authority is satisfied that the signage satisfies the assessment criteria specified in Schedule 1. An assessment against Schedule 1 – Assessment Criteria of SEPP 64 is included below:

Control	Assessment
1. Character of the area	
<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<ul style="list-style-type: none"> Yes, the signage is compatible with the existing area that contains a number of advertising opportunities for commercial and retail premises alike.
2. Special areas	
<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<ul style="list-style-type: none"> No, the proposed signage will not detract from the visual amenity or quality of the area.
3. Views and vistas	
<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<ul style="list-style-type: none"> The proposed signage does not obscure any views, and it respects the viewing rights of other advertisers.
4. Streetscape, setting or landscape	
<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<ul style="list-style-type: none"> The proposed signage will be consistent with the scale, proportion and form of the area and surrounding future signage. The proposed signage will contribute to visual interest of the building. The proposed signage will be minimal, in order to prevent visual clutter, and to keep signage simple and conducive to the requirements of SEPP 64. The signage will not require ongoing vegetation management.
5. Site and building	
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? 	<ul style="list-style-type: none"> The proposed signage is compatible with the existing building and is visually interesting while being minimal in nature. The signage respects important features of the building and will not adversely affect the amenity of the surrounding area.

Control	Assessment
<ul style="list-style-type: none"> Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	
6. Associated devices and logos with advertisements and advertising structures	
<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<ul style="list-style-type: none"> The proposed signage has been designed as an integral part of the ground floor façade with the logo and text being an integral part of the signage.
7. Illumination	
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Is the illumination subject to a curfew? 	<ul style="list-style-type: none"> The proposed illumination of the signage will not result in unacceptable glare as the illumination is internal and will have appropriate limits in place. The illumination of the signage will not affect the safety of pedestrians, vehicles or aircraft and will not detract from the amenity of the surrounding area noting the established commercial setting of the site
8. Safety	
<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or cyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<ul style="list-style-type: none"> The proposed signage will not reduce safety as sightlines will not be affected and there will be no cause of distraction for drivers. The proposed signage will not reduce existing safety for pedestrians and cyclists. The proposed signage does not obscure sightlines from public areas.

4.5 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> <ul style="list-style-type: none"> (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 Secretary has notified the consent authority that the making of the proposed 	<p>a) The proposed works align with the relative matters of the LEP and DCP as per the compliance assessment in this 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>

Evaluation	Assessment
<p>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>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 signage 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.