

Shop 1 -142-146 Pitt Road,  
North Curl Curl  
Change of Hours of  
Operation and Window  
Enlargements

Statement of Environmental Effects – April 2020



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## INTRODUCTION

### 1. Overview

This Statement of Environmental Effects has been prepared by Mod Urban Pty Ltd to support a development application on behalf of Bacino Bar and relates to the proposed extension of trading hours at their café at Shop 1, 142-146 Pitt Road, North Curl Curl and proposed window enlargement to the front and rear. The site is legally described as Lot 28 in DP 394337

The proposed new extension to trading hours and works is highly compatible with the existing development and use of the site as well as surrounding land uses. The proposal will not impact on the amenity of the surrounding land uses and residential occupiers.

The site is zoned B1 Neighbourhood Centre under the *Warringah Local Environmental Plan 2011*. The site is also located within the Northern Beaches Council area.

This SEE provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 (as amended).



## SITE ANALYSIS

### 2. The Subject Site

The site is located at Shop 1, 142-146 Pitt Road, North Curl Curl and is legally described as Lot 28 in DP 394337.

#### 2.1 Site Details

- The subject site is located at the northern side of Pitt Road and is related to Shop 1;
- An existing commercial building currently exists at the site, and includes the tenancy for Bacino Bar who currently operate a café from the premises and adjoining premises;
- The building is two storeys in height;
- The site also includes other tenancies which are not operated by Bacino Bar, however include a news agency, butcher, bakery and fish and chip shop;
- Vehicular access to the site is from Pitt Road, and onsite car parking currently exists on site at the front of the tenancy; and
- The existing hours of operation of the cafe are 7.00am to 3.30pm Monday to Friday, and 7.00am to 3.00pm Saturday and Sunday.

The site is identified in **Figure 1** of this SEE.



**Figure 1:** The site is located within a commercial centre surrounded by residential dwellings (Source: Six Maps)

## 2.2 Site Surrounds

- The site is immediately surrounded to the north, south and east of the site by residential dwellings;
- The site is located within a neighbourhood centre consisting of shops.
- The site is accessible by road to the surrounding suburb of North Curl Curl, and the wider northern beaches peninsula; and
- The surrounding zoning is R2 Low Density Residential.



## PROPOSED DEVELOPMENT

### 3. Overview

The proposal relates to the proposed extension to trading hours of Bacino Bar cafe at Shop 1.

#### 3.1 Proposed Hours of Operation

- The proposed hours of operation are as follows:

Monday to Friday – 6.00am to 3.30pm

Saturday and Sunday, Public Holidays – 7.00am to 3.00pm

- The proposal also seeks to enlarge the existing window in the shopfront and existing window to the rear.

## LEGISLATIVE FRAMEWORK

### 4. Overview

This Part of the SEE assesses and responds to the legislative and policy requirements for the project in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act).

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

#### State Planning Context

- Environmental Planning and Assessment Act 1979

#### Local Planning Context

- Warringah Local Environmental Plan 2011 (WLEP)
- Warringah Development Control Plan 2011 (WDCP)

This planning framework is considered in detail in the following sections.

### 4.1 Environmental Planning and Assessment Act 1979

Section 4.15 of the Environmental Planning and Assessment Act 1979, requires that in determining a development application, a consent authority is to take into consideration the following matters as are of relevance to the development:

Section 4.15 Matters for Consideration	Comment
<i>(a) the provisions of: (i) any environmental planning instrument, and</i>	See relevant sections of this report.
<i>(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</i>	Nil

Section 4.15 Matters for Consideration	Comment
<i>(iii) any development control plan, and</i>	The proposal generally satisfies the objectives and controls of the Warringah DCP 2011. See table below and where necessary key issues section of this report.
<i>(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</i>	Not applicable
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	The relevant clauses of the Regulations have been satisfied.
<i>(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,</i>	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
<i>(c) the suitability of the site for the development,</i>	The proposed development is suitable for the site.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	No submissions have been raised at this stage, and the applicant has notified each adjoining neighbor of this proposal.

Section 4.15 Matters for Consideration	Comment
(e) <i>the public interest.</i>	The proposal is in the public interest as it improves the appearance of the building and not result in detrimental amenity impacts to neighbours.

The legislation and policies addressed hereunder have been addressed in accordance with the Act.

#### 4.2 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (WLEP2011) was prepared to meet new State Government guidelines for local planning documents.

The relevant provisions of WLEP2011 as they relate to the subject site are considered below.

##### Permissibility

The subject site is located in the B1 Neighbourhood Centre Zone pursuant to the Warringah Local Environmental Plan 2011 (WLEP2011).

The objectives of the B1 Neighbourhood Centre Zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.*
- *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 proposal will continue the existing use of the site, and only seeks to change hours of operation and minor alterations to a window. The new hours of operation will enhance pedestrian safety through increased periods of natural surveillance due to earlier opening hours. The extended trading hours will serve workers who go to work early outside of core hours.

The use is not a significant noise generating use, and therefore impacts on the adjoining residential zone are not considered to be likely.

#### 4.3 Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the subject site.



#### **4.4 Warringah Development Control Plan 2011**

The Warringah Development Control Plan 2011 (the DCP) was adopted by Warringah Council in 2011. The following addresses the relevant controls of the DCP, and the proposals compliance with the control.

There are no specific controls relating to hours of operation, however control D3 Noise is of relevance to the proposed hours of operation. The proposed hours of operation combined with the café use is not considered a noise generating use, and is not likely to attract noisy anti-social behavior. On site barista machines will not impact upon the amenity of neighbouring residential dwellings.

The proposed window enlargement complies with the relevant parts of Part D Design of the DCP.





## LIKELY IMPACTS OF DEVELOPMENT

### 5. Overview

The likely environmental impacts of the proposed development that have been assessed include:

- Design, Context and Setting;
- Access and Traffic;
- Amenity;
- Social, Environmental and Economic Impacts; and
- Cumulative Impacts.

#### 5.1 Design, Context and Setting

The proposed new hours of operation within a neighbourhood centre is appropriate to the setting and meet an existing public demand for earlier trading hours.

The minor alterations to the façade of the building enhance the appearance of the building.

Additionally, the proposal will preserve neighboring amenity including with respect to noise.

#### 5.2 Access and Traffic Impacts

The location of vehicular and pedestrian access remains as currently exists. There is not considered to be a significant increase in vehicle numbers to the site during the extended hours of operation. Background traffic noise is not anticipated to be any louder than currently exists at the site and its surrounds.

The proposed use is not a significant traffic generating development, and is not required to be supported by a Traffic Impact Assessment.

#### 5.3 Amenity

In summary, the proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity of any adjoining sites. The proposal will preserve neighbouring amenity including with respect to noise.

No significant noise emissions will occur from the site.

#### 5.4 Social, Environmental and Economic

The proposal will enable the use of the site for its intended cafe purpose whilst preserving the character of surrounding area and respecting neighbours amenity. The application will ensure existing jobs on site are maintained, and that the site contributes to the North Curl Curl Neighbourhood Centres success and the local and regional economy.

#### 5.5 Cumulative Impacts

No foreseeable cumulative impacts shall result from the proposed development.



## **5.6 The Suitability of the Site for Development**

Located within the B1 Neighbourhood Centre Zone and the proposed hours of operation is consistent with the zone objectives, the provisions of relevant statutory and strategic documents and the surrounding context.

The proposed development is also compatible with surrounding land uses and will achieve a high level of amenity adjoining land owners and operators.

Accordingly, the site is considered to be suitable for the development.

## **5.7 Any Submissions Made in Accordance with the Act**

No submissions are apparent at the time of writing.

## **5.8 The Public Interest**

The proposed development will have no adverse impact on the public interest.





## CONCLUSION

This SEE provides an assessment of the proposal against the relevant environmental planning framework, including the Warringah Local Environmental Plan 2011, and the Warringah Development Control Plan 2011.

The assessment finds that the proposal is consistent with the objectives and controls of the relevant statutory and policy framework. No adverse environmental, economic or social impacts have been identified as resulting from the proposed development.

No additional significant adverse impacts have been identified as likely to arise from the proposed development which has been favourably assessed against the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is therefore considered that the proposal responds to site constraints and provides a suitable development. Accordingly, it is requested that Council grant consent to the proposal.