

Statement of Environmental Effects

Proposed Development for a Restaurant including Internal Fit-out and Hours of Operation

Shop 4, 91 - 93 McIntosh Road,
Narraweena

Prepared by

TUDOR PLANNING AND DESIGN

for

Protech Hospitality Hub

January 2020

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Signed:

A handwritten signature in black ink, appearing to read 'Michael Gheorghiu', written in a cursive style.

Date:

20 January 2020

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1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Protech Hospitality Hub Pty Ltd and supports a development application to North Beaches Council (Council). The application seeks Council's consent for a restaurant, internal fit-out and trading hours of operation for the property located at Shop 4, 91-93 McIntosh Road, Narraweena (site).

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations).

The preparation of this SEE relied upon the adequacy and accuracy of plans in support of the development.

1.2 Existing Development Consent

On 30 August 2019, Council granted consent to development application DA2018/1800 for the subject site for a shop top housing development, consisting of nine residential apartments above ground floor commercial/retail space and basement car parking.

Condition of Consent No.49 requires that a separate development consent must be obtained for the fit-out and use of the ground level commercial/retail space.

2 The Site

The site is located at 91-93 McIntosh Road, Narrabeena (site) and is legally described as Lot 102 in DP868560. The site is located near the corner of Alfred Street and McIntosh Road.

The site, prior to development consent DA2018/1800 was a small neighbourhood centre, providing services and the sale of good to meet the everyday need of the local community.

The current approved development introduces increased residential development and an improved retail/commercial offering in the area in a new contemporary designed development.

The exiting site and approved development benefit from on-street car parking on Alfred Street and McIntosh Road.

Refer to Figure 1 for the site's location in the wider area.

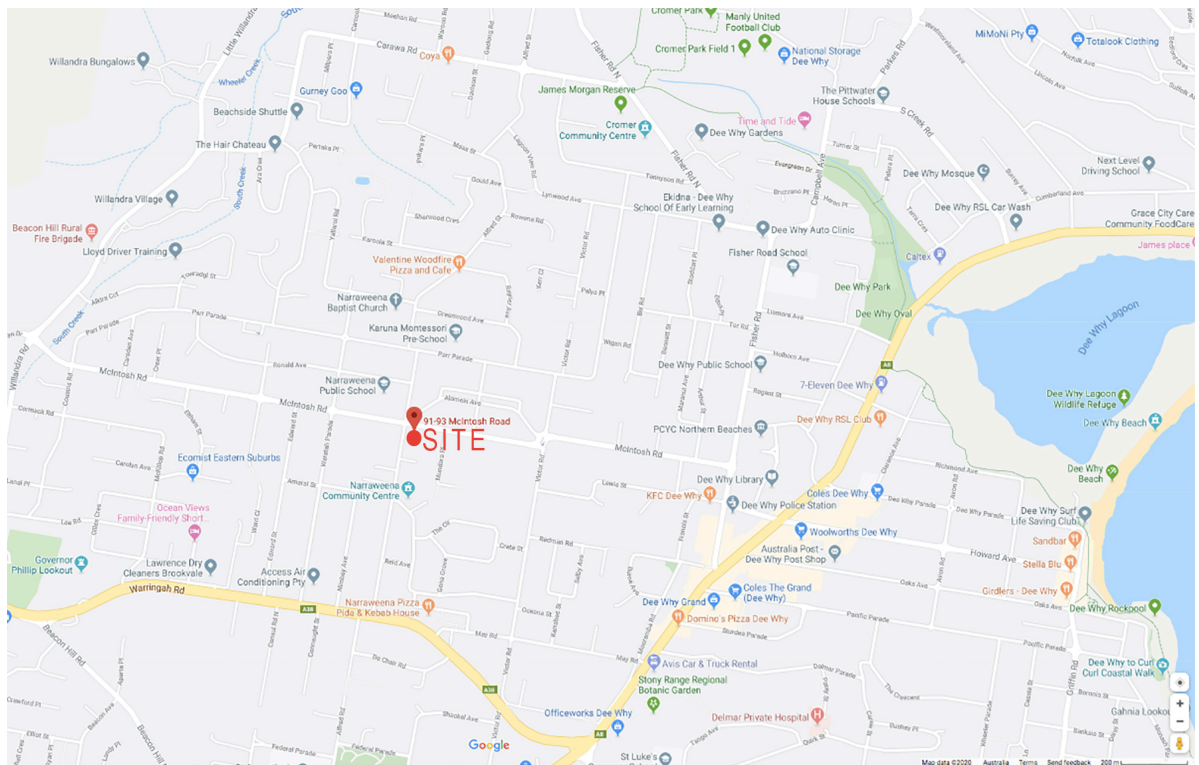


Figure 1. Subject site in local context

Figure 2 on the following page shows the site in its immediate surrounding context.



Figure 2. Subject site

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The Proposal

This application seeks consent for the following:

- Use of the property as a restaurant (food and drink premises);
- Fit-out of premises with a capacity of 25 seats; and
- Trading hours of operation for the following days and times;
 - Monday to Sunday 7:00am-11pm.

The proposal will provide employment for up to five staff members at any one time.

Refer to enclosed architectural design plans for internal fit-out design.

4 Planning Framework

This section provides an assessment of the proposal against the relevant planning and environmental legislation, development controls and guidelines that apply to the proposal.

4.1 Environmental Planning and Assessment Act 2017

The Act is the governing legislation for all development matters in the NSW. Section 4.15(1) of the Act details the following matters of relevance that a consent authority is to take into consideration in determining a development application. Relevant sections of this SEE report provide an assessment to each 'head of consideration' matter under Section 4.15 of the Act. Importantly a summary of the assessment of the 'heads of consideration' matters is provided in Section 5.3 of this report.

The assessment found that the proposal does offend any of the evaluation matters under Section 4.15(1) of the Act. Moreover, the proposal is considered to be a suitable development for site, and is an orderly and economic use of the land that has been already approved by Council for commercial purposes.

4.2 Strategic Planning Assessment

4.2.1 GSRP and Central City District Plan

The current NSW Government strategic planning documents that apply to the site and that establish the framework to accommodate the future growth of the Sydney Metropolitan Area are the '*A Metropolis of Three Cities – Greater Sydney Region Plan*' (GSRP) and *North District Plan* (District Plan).

The proposed development is for use of the property as a restaurant, which is considered to be minor works in context of the GSRP and District Plan. Therefore, the proposal has no bearing on the broader strategic objectives and priorities of the GSRP and District Plan.

4.3 Planning Assessment

The section assesses the relevant environmental planning instruments and development control plans that apply to the site and proposal.

4.3.1 State Environmental Planning Policies (SEPPs)

There are no State Environmental Planning Policies (SEPPs) that apply to this proposal for the subject site.

4.3.2 Warringah Local Environmental Plan 2011

The *Warringah Local Environmental Plan 2011* (LEP) is the primary local environmental planning instrument that applies to the site. Table 1 provides a summary of the key development standards that apply to the site under the LEP.

Table 1. LEP Assessment

Control	LEP Clause	Provision	Assessment
Land Use Zone	Cl.2.1	B1 Neighbourhood Centre	Complies. The proposal for a restaurant (food and drink premises), which is a retail use and is permissible within the zone. The proposal also meets the objectives of the zone which are to provide a range of small scale retail uses on the site that serve the local community. The proposed uses reinforces the Village-style nature of the neighbourhood centre, while not conflicting with any surrounding uses.
Building Height	Cl.4.3	8.5 metres	Not applicable. No additional height of building is being proposed and does not alter the approved height of the building under DA2018/180.
Floor Space Ratio (FSR)	Cl.4.4	Not applicable	Not applicable
Heritage	Cl.5.10	There are no heritage items identified on the site.	Not applicable.

4.3.3 Warringah Development Control Plans 2011

The *Warringah Development Control Plan 2011* (DCP) is the primary Development Control Plan that applies to the site and sets out the core controls for the site. Table 2 provides an assessment of the proposal against the controls in the relevant sections of the DCP.

Table 2. DCP Assessment

Section	Control	Assessment	Compliance (Y/N)
Part C Siting Factors			
C3 Park Facilities			
Objectives	<ul style="list-style-type: none"> To provide adequate off street carparking. To site and design parking facilities (including garages) to have minimal visual impact on the street 	<p>The proposal does not seek additional car parking beyond the current approved amount of car parking in DA2018/1800.</p> <p>The site benefits from on</p>	As per overall existing approval under DA2018/1800.

Section	Control	Assessment	Compliance (Y/N)
	<p>frontage or other public place.</p> <ul style="list-style-type: none"> To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces 	<p>street car parking. It is understood that the approved development on site has a total amount of retail GFA less than the amount of retail GFA previously found on the site. The traffic assessment that supported the overall shop top housing development on the site found that the future amount of car parking on the site is adequate for the proposed overall future uses on the site.</p>	
1.	<p>The following design principles shall be met:</p> <ul style="list-style-type: none"> Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; Laneways are to be used to provide rear access to carparking areas where possible; Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; Parking is to be located so that views of the street from front windows are not obscured; and Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. 	<p>Not applicable to this DA.</p> <p>Not applicable to this DA.</p> <p>Car parking in the approved development DA2018/1800 is provided in a basement. However, the site benefits from on-street parking as well.</p> <p>Not applicable to this DA.</p>	N/A
2.	<p>Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p>	<p>The proposed car parking arrangement is considered to suitable for the proposed uses on the site.</p>	Yes

Section	Control	Assessment	Compliance (Y/N)
	<ul style="list-style-type: none"> the land use; the hours of operation; the availability of public transport; the availability of alternative car parking; and the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles. 		
3.	<p>Carparking, other than for individual dwellings, shall:</p> <ul style="list-style-type: none"> Avoid the use of mechanical car stacking spaces; Not be readily apparent from public spaces; Provide safe and convenient pedestrian and traffic movement; Include adequate provision for manoeuvring and convenient access to individual spaces; Enable vehicles to enter and leave the site in a forward direction; Incorporate unobstructed access to visitor parking spaces; Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; Provide on site detention of stormwater, where appropriate; and Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1. 	Not applicable. The proposal does not seek any amendments to the approved car parking arrangement under DA2018/1800.	N/A

Section	Control	Assessment	Compliance (Y/N)
4.	Carparking is to be provided in accordance with Appendix 1, which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.	<p>The proposal does not seek any amendments to the approved car parking arrangement under DA2018/1800.</p> <p>Under Appendix 1 a restaurant is required to have 15 spaces per 100sqm GFA or 1 space per 3 seats. However, Council have discretion to reduce the required number of spaces if there is suitable available car parking in the vicinity of the site.</p> <p>It is considered that the development benefits a suitable amount of on-street car parking found directly in front of the development and in the vicinity of the proposal. As such, the required number of car parking spaces are considered onerous for this type of development that aims to predominately serve the immediate local community.</p>	No but considered suitable given available car parking in the vicinity of the proposal.
5.	Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.	The proposal does not seek any amendments to the approved car parking arrangement under DA2018/1800. Refer to above assessment.	As above.
6.	For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.	Not applicable. The proposal does not seek any amendments to the approved car parking arrangement under DA2018/1800.	N/A
7.	Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.	Not applicable. The proposal does not seek any amendments to the approved car parking arrangement under DA2018/1800.	N/A

Section	Control	Assessment	Compliance (Y/N)
8.	For Forest Way Village car parking at ground level is to be provided for individual units.	Not applicable. The proposal does not seek any amendments to the approved car parking arrangement under DA2018/1800.	N/A
Part F Zones and Sensitive Areas			
F1 Local and Neighbourhood Centres			
Objectives	<ul style="list-style-type: none"> To encourage good design and innovative architecture. To provide a safe and comfortable environment for pedestrians. To provide a range of small-scale shops and business uses at street level with offices or low-rise shop-top housing to create places with a village-like atmosphere. To enhance the established scale and pattern of development and the continuity of existing streetscapes. To enhance the public domain. To increase adaptability, environmental performance and amenity of buildings. 	<p>The proposal is for the use of Shop 4 in the approved development DA2018/1800 for a restaurant, including internal fit-out and hours of operation.</p> <p>The proposal is considered to be suitable for the site. The proposal reinforces the neighbourhood character of the area and enhances the Village-style quality of the area.</p>	Yes
1.	Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as being interesting, safe and comfortable.	As per approved DA2018/1800.	N/A
2.	The minimum floor to ceiling height for buildings is to be 3.0 metres for ground floor levels and 2.7 metres for upper storeys.	As per approved DA2018/1800.	Yes
3.	The design and arrangement of buildings are to recognise and preserve existing significant public views.	The proposal does not impact any significant public views.	No
4.	Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.	As per approved DA2018/1800. The proposal does not diminish surrounding	Yes

Section	Control	Assessment	Compliance (Y/N)
		residential amenity given the orientation of the proposal to the street, while also reinforcing the Village-style character of the streetscape.	
5.	The built form of development in the local or neighbourhood retail centre is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above ground floor level.	As per approved DA2018/1800. No change to the overall approved development is being proposed.	N/A
6.	Buildings greater than 2 storeys are to be designed so that the massing is substantially reduced on the top floors and stepped back from the street front to reduce bulk and ensure that new development does not dominate existing buildings and public spaces.	As per approved DA2018/1800. No change to the overall approved development is being proposed.	N/A
7.	<p>Applicants are to demonstrate how the following significant considerations meet the objectives of this control:</p> <ul style="list-style-type: none"> • Scale and proportion of the façade; • Pattern of openings; • Ratio of solid walls to voids and windows; • Parapet and/or building heights and alignments; • Height of individual floors in relation to adjoining buildings; • Materials, textures and colours; and • Architectural style and façade detailing including window and balcony details 	As per approved DA2018/1800. No change to the overall approved development is being proposed.	N/A

Section	Control	Assessment	Compliance (Y/N)
8.	Footpath awnings should be designed to allow for street tree planting.	As per approved DA2018/1800. No change to the overall approved development is being proposed.	N/A
9.	Awnings should be consistent in design, materials, scale and overhang with adjacent retail developments.	As per approved DA2018/1800. No change to the overall approved development is being proposed.	N/A
10.	Awnings should have an adequate clearance from the kerb.	As per approved DA2018/1800. No change to the overall approved development is being proposed.	N/A

5 Environmental Assessment

This section addresses the key environmental impacts of the proposal.

5.1 Assessment

An assessment of the key environmental impacts and considerations is provided in Table 3 below.

Table 3. Environmental Assessment

Issue	Assessment	Recommendation
Hours of Operation	<p>The proposed hours of operation ensure the success commercial venture on the property. The proposed hours and use of the site ensures that the site is well used while not generating any impacts on the local area. The proposed hours of operation ensure that the community can be well serviced by the proposed uses.</p> <p>The proposed hours are considered to be standard operation hours for this type of development.</p>	<p>No further assessment is required.</p> <p>Council grant consent to the proposal as the development does not generate any unacceptable impacts.</p>
Acoustic Impact	<p>The site is located within an existing neighbourhood centre. The centre is recognised, under the land use zone to generate activities and noise reflective of the permissible uses on the site.</p> <p>Nonetheless, the orientation of the proposal ensures that customers and pedestrians will mainly experience noise from the proposed uses.</p>	<p>No further assessment is required.</p> <p>Council grant consent to the proposal as the development does not generate any unacceptable impacts.</p>
Accessibility	<p>It is understood that the proposal could readily comply with the relevant DDA standards and requirements.</p>	<p>No further assessment is required.</p> <p>Council grant consent to the proposal as the development does not generate any unacceptable impacts and can readily comply with relevant standards and requirements.</p> <p>Council impose a standard conditions of consent that require all DDA requirements be satisfied prior to issue of a Construction Certificate.</p>

Issue	Assessment	Recommendation
Building Code of Australia (BCA) and Fire Safety	<p>It is understood that the works subject to this application do not trigger any matters under the relevant Australian Standards or Building Code of Australia requirements, and readily comply with fire safety requirements.</p> <p>As such, it is understood that the proposal can readily comply with the relevant standards and requirements.</p>	<p>No further assessment is required.</p> <p>Council grant consent to the proposal as the development does not generate any unacceptable impacts and can readily comply with relevant standards and requirements.</p> <p>Council impose a standard conditions of consent that require all BCA requirements be satisfied prior to issue of a Construction Certificate.</p>
Traffic and Parking	<p>The proposal is located within a neighbourhood centre. The proposal is for a small-scale local restaurant that has a maximum seating capacity of 25 seats. The neighbourhood centre benefits from on-street car parking found on Alfred Street and McIntosh Road.</p>	<p>No further assessment is required.</p> <p>Council grant consent to the proposal as the development does not generate any unacceptable impacts and can readily comply with relevant standards and requirements.</p>
Waste Management	<p>Waste collection will occur as per Council's standard requirements and operations for these areas.</p>	<p>The proposal will manage waste as per standard practices.</p> <p>Council grant consent to the proposal as the development does not generate any unacceptable impacts and can readily comply with relevant standards and requirements.</p>

5.2 Site Suitability

The proposed development is considered to be suitable for the site as a result of the following:

- The proposal is within the envelope of the existing shop and building on the site;
- The proposal provides does not generate any adverse environmental impacts on the site;
- The proposal promotes commercial/retail uses on the site that meets the objectives of the land use zone; and
- The proposal provides and appropriate level of amenity.

5.3 Public Interest

The proposed development is considered to be within the public interest as a result of the following:

- The does not adversely impact the amenity of the public domain;
- The proposal is not likely to generate any potential adverse noise impacts;
- Reinforces the village-style character of the area; and
- Contributes to employment in the area.

5.4 Heads of Consideration Matters Assessment Summary

The various matters listed under Section 4.15(1) of the Act have been assessed in relevant sections of this SEE report. A summary of the assessment against Section 4.15(1) of the Act is provided in Table 4 below.

Table 4. Section 4.15(1) of the Act Assessment

Clause No.	Clause	Assessment
(1)	Matters for consideration—general 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:	
(a)	the provisions of:	
(i)	any environmental planning instrument, and	The relevant LEPs are assessed in Section 4 of this report. The proposal complies with all relevant controls.
(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	Not applicable
(iii)	any development control plan, and	The relevant DCP has been assessed in Section 4 of this report. The proposal complies with all relevant controls.
(iia)	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	Not applicable. No planning agreement has been entered into or has been offered to be entered into with Council.

Clause No.	Clause	Assessment
(iv)	the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	There are no prescribed matters pursuant to the <i>Environmental Planning and Assessment Regulation 2000</i> as amended that would relate to this application.
(v)	(Repealed)	Not applicable.
(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,	Not applicable.
(c)	the suitability of the site for the development,	The site is suitable for the development. The proposal does not change the objectives of the approved development. Refer to Section 5.2 of this report for further discussion.
(d)	any submissions made in accordance with this Act or the regulations,	No submissions made at this stage.
(e)	the public interest.	The proposal is within the public interest as it does not generate any adverse impacts or significantly alter the approved built form. Refer to Section 5.3 of this report for further discussion.

Conclusion

The proposed development is ideally suited to its location. The proposal does not generate an adverse environmental impact on adjoining properties. The proposal ensures a successful commercial venture on the property and promotes retail uses and employment generation that supports and serves the local community.

Further, the proposal satisfies the requirements under Section 4.15(1) of the Act.

The proposed development achieves an excellent outcome for the site and is a rational and orderly development. Therefore, we request that the proposed development be granted development consent.

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