

Statement of Environmental Effects

Accompanying a development application for

Change of Hours and Outdoor Seating for approved
Food/Drink Premises

At

Lot 4 SP 95443

**Shop 4 180 South Creek Road Wheeler Heights NSW
2097**

28th June 2021

Prepared by Lara Ferrazzano & Sean Toth

Version 1.2

Table of Contents

| | |
|---|----------------|
| 1. Introduction | Page 3 |
| 2. Site Description & Analysis..... | Page 3 |
| ○ 2.1 Location and property description..... | Page 5 |
| 3. Details of proposal..... | Page 5 |
| ○ 3.1 Proposed Works..... | Page 5 |
| 4. Clause 4.15 - Matters for consideration..... | Page 7 |
| ○ 4.1 State Environmental Planning Policies..... | Page 7 |
| ○ 4.2 Local Environmental Plan..... | Page 7 |
| ○ 4.3 The Impacts..... | Page 7 |
| ○ 4.4 The Site Suitability..... | Page 7 |
| ○ 4.5 Submissions..... | Page 7 |
| ○ 4.6 The Public Interest..... | Page 7 |
| 5. Other Considerations..... | Page 8 |
| ○ 5.1 Visual Impacts | Page 8 |
| ○ 5.2 Open Space..... | Page 8 |
| ○ 5.3 Noise..... | Page 9 |
| ○ 5.4 Economic and Social Impacts..... | Page 9 |
| ○ 5.5 Disabled Access..... | Page 9 |
| ○ 5.6 Security, Site Facilities and Safety..... | Page 9 |
| ○ 5.7 Waste Management..... | Page 9 |
| ○ 5.8 Traffic and Parking..... | Page 9 |
| ○ 5.9 Toilet Facilities..... | Page 9 |
| 6. Conclusion..... | Page 10 |

Statement of Environmental Effects
Shop 4 180 South Creek Road Wheeler Heights NSW 2097

1. Introduction

This statement of environmental effects has been prepared by Lara Ferrazzano & Sean Toth to accompany a development application.

The purpose of the SEE is to request:

- A) Change of Hours (extension to current approved hours)
- B) Outdoor Seating (approval for seating on strata owned land)

For an approved Food and Drink Premises at Shop 4 180 South Creek Road Wheeler Heights NSW 2097. The application is being lodged by Sean Toth of Toth Brothers Group Pty Ltd pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions of Warringah Local Environmental Plan 2011, and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended)

2. Site description and analysis

The site is located at Shop 4, 180 South Creek Road, Wheeler Heights and is legally described Lot 4 in SP 95443. The site is located on the southern side of South Creek Road, between Penrith Street and South Creek Lane.



Figure 1 – Site locality map (Google Maps)

Statement of Environmental Effects
Shop 4 180 South Creek Road Wheeler Heights NSW 2097



Figure 2 – Aerial map (SIX Maps)

The entire site of 180 South Creek Road, Wheeler Heights is generally rectangular with a total area of approximately 2660 square metres by survey with a 70.34 metre street frontage to South Creek Road. The north-eastern boundary measures 70.105 metres and fronts South Creek Lane. The south-western boundary measures 33.555 metres and the south-eastern side boundary measures 33.325 metres.

The site currently contains a mixed-use multi-storey building, with ground floor commercial spaces.

The land is zoned B1 Neighbourhood Centre under the provisions of Warringah Local Environmental Plan 2011 (WLEP2011). The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.



Figure 4 – Artists impression of No. 180 as viewed from South Creek Road Road

2.1 Location and property description

The site is located within the local commercial and residential centre of Wheeler Heights. The locality comprises a mix of commercial, retail and residential development of buildings heights typically of two to three storeys.

The site is located within the local commercial and residential centre of Wheeler Heights. The locality comprises a mix of commercial, retail and residential development of buildings heights typically of two to three storeys.

The site corners with Penrith Avenue along the south. The site adjoins South Creek Lane at the rear.

3. Details of proposal

The purpose of this SEE is to support:

- **(A)** Extension to Hours of Operation (overarching original Development Application DA2016/0792 limits trading hours, Development Application is to apply for extension)
- **(B)** Apply for outdoor Seating approval (outdoor seating is on private/strata land).
Exclusive use of the outdoor space in relation to Shop 4 has been granted in the Strata By-Laws and now requires Council approval.

3.1 Proposed works

- A) Shop 4 180 South Creek Road has been approved for a Food and Drink Premises under CDC2100224/1. This was lodged through Modern Building Certifiers and has been submitted to Northern Beaches Council.

As outlined in the Complying Development Certificate operational hours were approved from 7.00am – 10.00pm Monday to Saturday & 7.00am – 8.00pm on Sunday. However, as there is an existing condition on the original development consent (DA2016/0792) applying to the hours of operation, the premises is limited to trading hours of 7.00am – 7.00pm Monday to Sunday.

Below are the hours Shop 4 is requesting approval to operate and require an extension to the original approved hours.

Extension of operational hours as follows:

- Monday: 6.00am – 10.00pm
- Tuesday: 6.00am – 10.00pm
- Wednesday: 6.00am – 10.00pm
- Thursday: 6.00am – 10.00pm
- Friday: 6.00am - 10.00pm
- Saturday: 6.00am - 10.00pm
- Sunday: 6.00am -10.00pm

It is worth noting surrounding restaurants in the complex (such as Shop 2) have been granted the same trading hours under DA approval.

Please note: as the premises has already been approved for a food and drink premises under CDC2100224/1 a Change of Use to request change of hours is not required. The SEE is to support the extension of hours.

Statement of Environmental Effects
Shop 4 180 South Creek Road Wheeler Heights NSW 2097

- B) The request to support the use of exclusive outdoor seating on private strata owned land. As this is within private strata owned land and is not on council property a DA is required for use of this space (as advised by Northern Beaches Council) for outdoor seating purposes. The Strata By-Laws are in support of exclusive use of the outdoor space for Shop 4. As shown below in Image 1, the architectural stamped plan A-05 indicates approved outdoor seating from the original DA (DA2016/0792). Please note, as the original DA included approval for the outdoor dining, parking also sufficiently caters to this area (as this was also approved in the original consent).

As shown below in image 2, Shop 4 is seeking exclusive use of the area marked in red.

Image 1

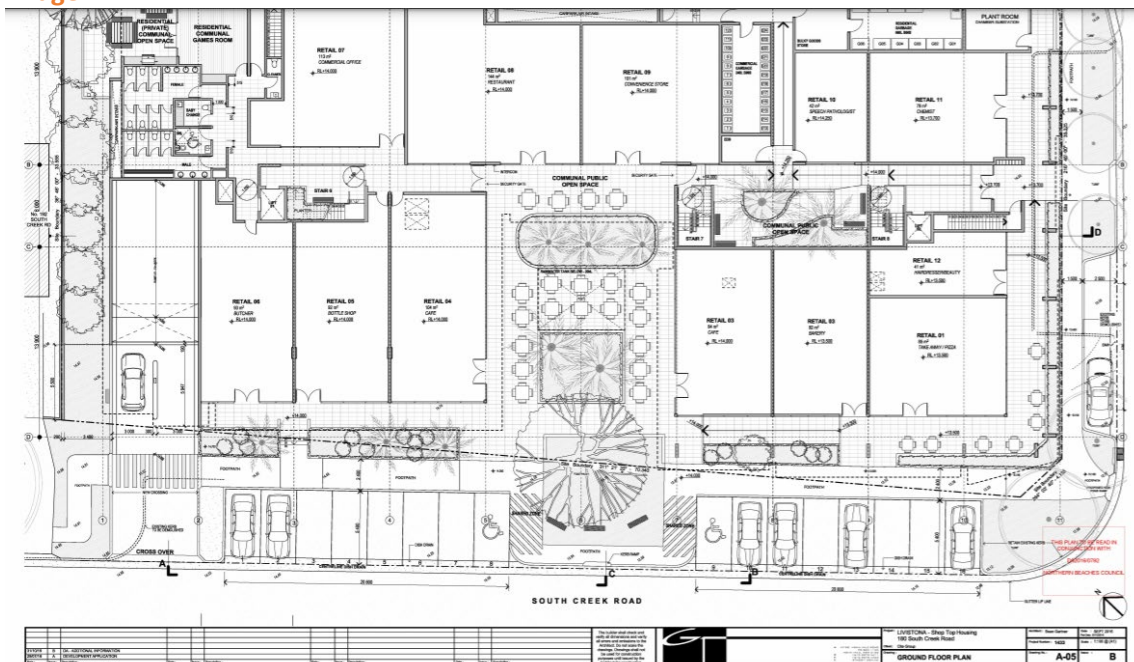
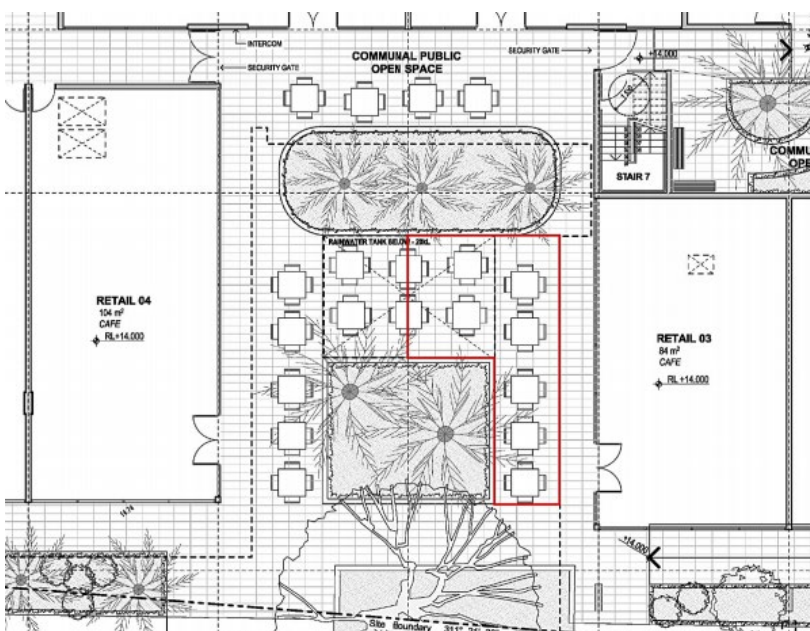


Image 2



4. Clause 4.15 - Matters for consideration

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

- The land is zoned B1 Neighbourhood Centre under the provisions of Warringah Local Environmental Plan 2011 (WLEP2011).
- The proposal complies with the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011).
- The request for Change of Hours and Outdoor Seating approval is of a reasonable scale and nature, and does not present unreasonable environmental, social and economic impacts.

4.1 State Environmental Planning Policies

The subject site has a history of approval for the commercial purpose. Thus, there is no further consideration required under Clause 7(1) (b) and (c) of SEPP 55.

4.2 Local Environmental Plan

The proposal complies with the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011).

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

- The proposal is of a reasonable scale and nature, and does not present unreasonable environmental, social and economic impacts.
- The proposal does not impact upon native vegetation, soil conditions, foreshore environment or air quality.

4.4 The suitability of the site for the development,

- A) As this is a café/restaurant the extension of hours is required to meet the competitive nature of the surrounding commercial businesses along with meeting the demands of the highly populated residential area.
- B) The site provides ample space for outdoor seating that still allows for pedestrian access and will not affect accessibility to the surrounding areas.

4.5 Any submissions made in accordance with this Act or the regulations,

Consideration will be given to any submissions made as a result of Council's consultation and Notification processes.

4.6 The Public Interest.

The proposal is considered to be in the public interest as it provides additional seating and increase in operational hours to an already approved commercial food outlet in an existing mixed-use area with nominal negative environmental, social and economic impacts.

The proposed has been designed to relate to the size, shape and context of the site and has been designed in accordance with the desired future character for development in the area.

Statement of Environmental Effects
Shop 4 180 South Creek Road Wheeler Heights NSW 2097

The proposal seeks to provide a compliant development that makes efficient use of space on the site in a prime location that is in high demand for commercial use. In addition, the proposal has been designed to minimise as far as practical any adverse effects on existing and future neighbouring properties. Accordingly, the proposed is considered to be in the public interest.

5. Other Consideration

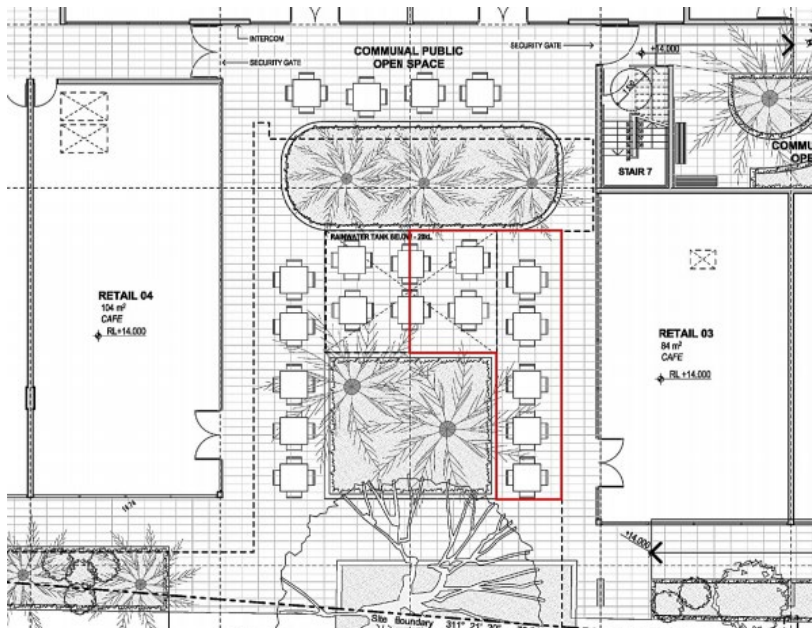
5.1 Visual Impacts

The sympathetic dimensions and colour scheme of the proposed outdoor seating contributes to the visual interest of the streetscape, and complements the locality visually.

5.2 Open Space

The open space (in relation to the outdoor seating) has been approved by Strata for exclusive use of shop 4.

This will not obstruct accessibility to walkways/pedestrian access ways and or local residents as shown in the below image, clear pathways are indicated.



5.3 Noise

| Item | Details |
|-----------------------------------|--|
| Proposed noise sources | Music (indoor) and patron chatter |
| Proposed noise reduction measures | Music will not be played in the outdoor seating area and patrons will be encouraged to keep conversation to a reasonable volume. |
| Complaint management | All complaints will be directed to the shift manager and addressed immediately. |

5.4 Economic and Social Impacts

The development increases the amenity of the property with the establishment of a food and drink premise (Restaurant/Café). The development will thus also upgrade the presentation of the site to the street and improve aesthetic quality of the streetscape. The proposal does not engender any negative social or economic outputs.

5.5 Disabled Access

Ramps are located on site to allow for wheelchair users to access the premises

5.6 Security, Site Facilities and Safety

- The proposal retains the outward-looking nature of the ground floor shop, facilitating for passive surveillance of South Creek Road.
- The outdoor and window seating additional provides for an activated frontage, preventing anti-social behaviours.
- The proposal does not reduce the safety for pedestrians or bicyclists through not obstructing or blocking any views or paths.
- The proposal does not reduce the safety of the public road through an appropriate design and location.
- There are 12 common bathrooms available for customers and staff in the northern corner of the site, including an ambulant one.
- All staff will be trained on evacuation procedures and will assist customers to vacate the site to South Creek Road in the event of a fire.

5.7 Waste Management

- Waste disposal and collection arrangement.
- Stored in bins on site.
- Collected by private contractors weekly, or more often where required.

5.8 Traffic/Parking

- There will be no impact to traffic
- Off and on street parking is available.

5.9 Toilet Facilities

There are 12 common bathrooms available for customers and staff in the northern corner of the site, including an ambulant one.

6.0 Conclusion

The Statement of Environmental Effects (SEE) has been prepared to consider the environmental, social and economic impacts of the development at Shop 4, 180 South Creek Road, Wheeler Heights. The report has addressed the applicable policies and plans, and has provided an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal incorporates appropriate design considerations to minimise any adverse impacts on the natural and built environment, and the amenity of the surrounding neighbourhood.

Given the benefits of the proposal and compliance with the relevant policies and plans, we conclude that the proposed **Change of Hours** and **Outdoor Seating** at Shop 4, 180 South Creek Road, Wheeler Heights as described in this application is reasonable and supportable, and worthy of approval by Northern Beaches Council.