

Statement of Environmental Effects

Proposed change of use (shop fitout) and associated signage.



65 Waterloo St Narrabeen, 2101 NSW

Date: 14 January, 2020

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1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to the Northern Beaches Council (the Council) as part of a Development Application (DA) which seeks consent for change of use (previously a shoe repair shop, now vacant) involving a shop fitout and signage for the purposes of a cake shop at 65 Waterloo Street, Narrabeen (the site), pursuant to the provisions of the Warringah Local Environmental Plan 2011 (WLEP 2011). Specific details of the proposed development are provided under Section 3 of this SEE.

This SEE has been prepared by Town Planning Professionals on behalf of the client, Alessandro Ciappi. It is based on the plans prepared by Byrne & Associates Pty Limited (Sheets 1 to 3 inclusive) dated 30.11.19 and information included in the development application package.

This SEE describes the site, the locality and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). All references to “site” refers to 65 Waterloo Street.

The proposed development has been assessed in accordance with the relevant requirements of the Act and found to be worthy of Council’s approval.

2.0 Site Analysis

2.1 Site Description, adjoining development & locality

The subject land is legally described as Lot 2 in Deposited Plan 1015218, and is known as 65 Waterloo Street, Narrabeen (subject site).

The subject site is rectangular and has a total area of approx. 283.5m². The site falls slightly to the west. The site is located on the northern side of the road between Lagoon Street and Pittwater Road in Narrabeen, within the commercial and retail strip of Narrabeen. Refer to Figure 1 for an aerial photograph of the subject site.



Figure 1: Aerial image of the subject site (identified in yellow) at 65 Waterloo Street, Narrabeen and surrounds (source: Six maps)

The existing 2-storey building currently accommodates (at ground level) a café (Deli on Waterloo), sushi restaurant (Sushi Hero), and vacant shop (previously a shoe repairs

shop). The first floor level accommodates an engineering and surveying firm (Byrne & Associates). Further to the west along the site (71 Waterloo Street) there is a shop top housing development with residential above shops.

The subject premise is located within the middle of the ground floor of the building with its own direct pedestrian access to the street. The site and its uses have proved popular due to level of service, proximity to bus stops on Pittwater Road (within 100m), as well as proximity to Narrabeen Beach, Lake and the Narrabeen Lagoon Bike Trail.

The subject site is within the B2 Local Centre zone and identified for its local significance (shops and residences) item I92.

The site is within the Northern Beaches Local Government Area.

3.0 Proposed development

The proposal seeks a fitout of the vacant shop (54m²) for the purpose of a cake shop. Previously the shop was a shoe repair shop.

The proposed hours of operation of the shop is 9am till 5pm every day.

Signage is proposed with the words “Narrabeen Cake Shop”. The dimensions of the signage is 0.5m high x 5m long. The wording is white in colour over a light brown background. Artwork of the signage is included in the development application documentation. More details of the signage are in Section 4.3.1 of this report.

4.0 Environmental Planning Instruments and Controls

Pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act), the consent authority must take into consideration the following relevant matters for the proposed development application when determining a development application:

- (i) the provisions of any environmental planning instrument,
- (ii) the provisions of any proposed instrument that is or has been the subject of public consultation,
- (iii) the provisions of any development control plan,
- (iv) any planning agreements,
- (v) the regulations,
- (vi) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (vii) the suitability of the site for the development,
- (viii) any submissions made in accordance with this Act or the regulations; and
- (ix) the public interest.

The provisions and development standards under the following environmental planning instruments and development control plans are applicable to the proposed development:

4.1 Applicable Planning Instruments

4.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied that the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The proposal seeks the fitout of a vacant shop (which does not involve structural works or removal of the existing floor), and associated signage. All structural elements including the existing floor slab are to remain in situ.

On this basis, the site is considered to be suitable in its present state for the proposed development and no further investigations of contamination are considered to be warranted.

4.1.2 State Environmental Planning Policy (Coastal Management)

The aim of SEPP (Coastal Management) is to promote an integrated and co-ordinated approach to land use planning in the coastal zone (which applies to land adjacent to the open coast and harbour areas, such as Mosman). The coastal zone is comprised of four coastal management areas:

- Coastal wetlands and littoral rainforests area (including a 100m proximity area)
- Coastal vulnerability area
- Coastal environment area
- Coastal use area

The site is located within the Coastal Environment Area only. The site is located outside the Coastal Use Area and other areas.

Clause 13 relates to development on land within the coastal environment area of SEPP (Coastal Management). Clause 13(1) of SEPP (Coastal Management) states that development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact in relation to the following matters:

MATTER FOR CONSIDERATION	COMMENT
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposal has no impact in this regard as it relates only to a shop fitout.
(b) coastal environmental values and natural coastal processes,	The proposal has no impact in this regard as it relates only to a shop fitout.
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The proposal has no impact in this regard as it relates only to a shop fitout.

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposal has no impact in this regard as it relates only to a shop fitout.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal has no impact in this regard as it relates only to a shop fitout.
(f) Aboriginal cultural heritage, practices and places,	The proposal has no impact in this regard as it relates only to a shop fitout.
(g) the use of the surf zone.	The proposal has no impact in this regard as it relates only to a shop fitout.

Clause 13(2) states that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied in relation to the following matters:

MATTER FOR CONSIDERATION	COMMENT
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1),	Satisfactory.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,	N/A
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	N/A

Clause 15 of SEPP (Coastal Management) states that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. The proposal has no impact in this regard as it relates only to a shop fitout.

Clause 16 of SEPP (Coastal Management) states that development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land. No certified coastal management program applies to the land.

4.1.3 State Environmental Planning Policy No. 64 - Advertising and Signage

The application proposes awning signage proposed with the words “Narrabeen Cake Shop”. The dimensions of the signage is 0.5m high x 5m long. The wording is white in colour over a light brown background. Artwork of the signage is included in the development application documentation.

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP 64 states that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- 8(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Clause 3(1)(a) states the policy's aims, which are to (inter alia):

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish.

The proposal blends with the existing signage in the surrounds including the adjacent "Deli on Waterloo" signage. It utilises the same colours and dimensions of lettering.

It's congruency with its surrounds ensures the signage is compatible with the desired amenity and visual character of an area. It is a suitable location and provides effective communication of the shop's use. The design quality and finish is selected to ensure the presentation of series of signage facing Waterloo Street is kept at a high standard.

The proposed signage is satisfactory under Schedule 1 as follows:

Assessment areas	Criteria	Complies with objectives?
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?	Yes
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?	No
3 Views and vistas	<ul style="list-style-type: none">• Does the proposal obscure or compromise important views?	No

	<ul style="list-style-type: none"> • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	Yes
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? 	<p>Yes</p> <p>N/A</p> <p>No</p> <p>No</p>
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? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	Yes
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? 	N/A
7 Illumination	<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? 	The proposed signage is not illuminated.

	<ul style="list-style-type: none"> • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	
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 bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>Yes</p> <p>No</p> <p>No</p>

The proposal meets the requirements of State Environmental Planning Policy No. 64 (Advertising and Signage).

4.1.4 Warringah Local Environmental Plan 2011 (WLEP 2011)

The WLEP 2011 establishes the requirements for the use and development of land within the Warringah precinct of the Northern Beaches Local Government Area. For simplicity the area is referred to as the Warringah LGA. Relevant clauses of WLEP 2011 are discussed below.

Zoning and Permissibility

The Land Use table contained within Part 2 of the WLEP 2011 outlines the objectives of each land use zone within the Warringah LGA, along with those land uses which are either permitted without consent, permitted with consent or prohibited within each respective zone.

As identified in the Land Zoning Map extract from the WLEP 2011 below, the subject site is identified as being located within the B2 Local Centre zone (Figure 2)



Figure 2: Land use extract from WLEP 2011 showing the site (circled in yellow) within the B2 Local Centre zone.

The land use table for the B2 Local Centre zone, contained within WLEP 2011, is reproduced below:

Zone B2 Local Centre

1 Objectives of zone

- *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.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

The proposed is permitted with consent, being commercial premises (commercial premises under the WLEP 2011 Dictionary includes retail premises which includes food and drink premises. A food and drink premises includes a take away food and drink premises, which is the primary purposes of the premise. There are also seats (x 8) for customers to sit and enjoy their cake purchased from Narrabeen Cake.

Floor space ratio

The floor space ratio is unchanged so there is no further consideration required under Clause 4.4 of WLEP 2011.

Heritage conservation

The site identified for its local significance (Shops and residences) within WLEP 2011 (I92) as shown in Figure 3. The proposal is a good response for the item in that it seeks



Figure 3: The site (circled in yellow) is identified as a heritage item, together with the adjoining site which both contains the historic building.

to do nothing to change the external appearance of the building, with the exception of signage which is a sympathetic and appropriate signage response that is congruent

with the existing signage on the premises. The proposal satisfies Clause 5.10 of WLEP 2011.

Acid Sulfate Soils

The site is identified as Class 3 Acid Sulfate Soils but the proposal involves no work to dig up or replace any existing slab. There will be no potential disturbance to acid sulfate soils. The proposal satisfies Clause 6.1 of WLEP 2011.

4.2 Any Relevant Draft Environmental Planning Instruments Section 4.15(1)(a)(ii)

No draft Environmental Planning Instruments have been assessed as applying to the subject site or proposed development.

4.3 Any Development Control Plans – Section 4.15(1)(a)(iii)

4.3.1 Warringah Development Control Plan 2011 (WDCP 2011)

The WDCP 2011 provides more detailed provisions with respect to development to complement the provisions and achieve the purposes of the WLEP 2012.

The proceeding commentary and compliance tables provide a full assessment of the proposed development against the relevant objectives and controls of WDCP 2011. Only applicable sections to the proposed fitout are discussed.

Part B WDCP 2011

The proposal makes no change to the external built form or envelope of the building. Accordingly, the parameters within Part B of WDCP 2011 (including site coverage, side and rear setbacks) do not apply.

Traffic, Access & Safety Part C2 WDCP 2011

Part C2 Traffic, Access and Safety seeks to minimise (inter alia) traffic hazards and the loss of on street kerbside parking. There is an existing designated loading zone on Waterloo in close proximity (within 20m) to the proposal that applies 8.30am to 6pm Monday to Friday. This space is used for the unloading of any goods during the week. The proposal satisfies Part C2 of WDCP 2011.

Parking Facilities Part C3 WDCP 2011

Under Appendix 1 of WDCP 2011 (1 space per 16.4m² GFA) a total of 3 carpark spaces would typically (for any new development) be required.

No carparking currently exists on the site and this situation remains unchanged. The proposal. Lagoon Street Car Park is located approximately 80m from the proposal and provides 55 spaces with 3hr parking Monday to Friday and 2 hour parking on Saturdays. 'Woolworths carpark' at the end of Wellington Street provides 103 spaces within 100m from the proposal, where the restrictions are 3hr parking Monday to Friday and 2 hour parking on Saturdays.

There is an adequate number of existing spaces in close proximity to the site to cater for patronage to the proposed cake shop. The proposal satisfies Part C3 of WDCP 2011.

Waste Management C9 WDCP 2011

The proposal satisfies the requirements for Waste Management as demonstrated by the Waste Management Plan submitted with this application.

Noise D3 WDCP 2011

The proposal does not use any noise producing processes (ovens only) and therefore ensures that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors. The proposal satisfies Part D3 of WDCP 2011.

Accessibility and Adaptability D18 WDCP 2011

There is no disabled access to the premises at present and it is proposed to retain the existing building unchanged. The height of the floor above the footpath is 42cm maximum. In the event Council seeks the cake shop to have a disabled ramp incorporated internally to the shop this could be conditioned within the development consent.

Signs D23 WDCP 2011

WDCP 2011 requires that Awning fascia signs (attached to the fascia or return end of an awning) do not project above, below or beyond the fascia or return end of the awning to which it is attached. The proposal complies with this requirement. The proposed sign satisfies this criteria and satisfactorily complements its surroundings and adjoining, existing signage. The artwork and dimensions of the proposed signage is

shown in Figure 4 below.

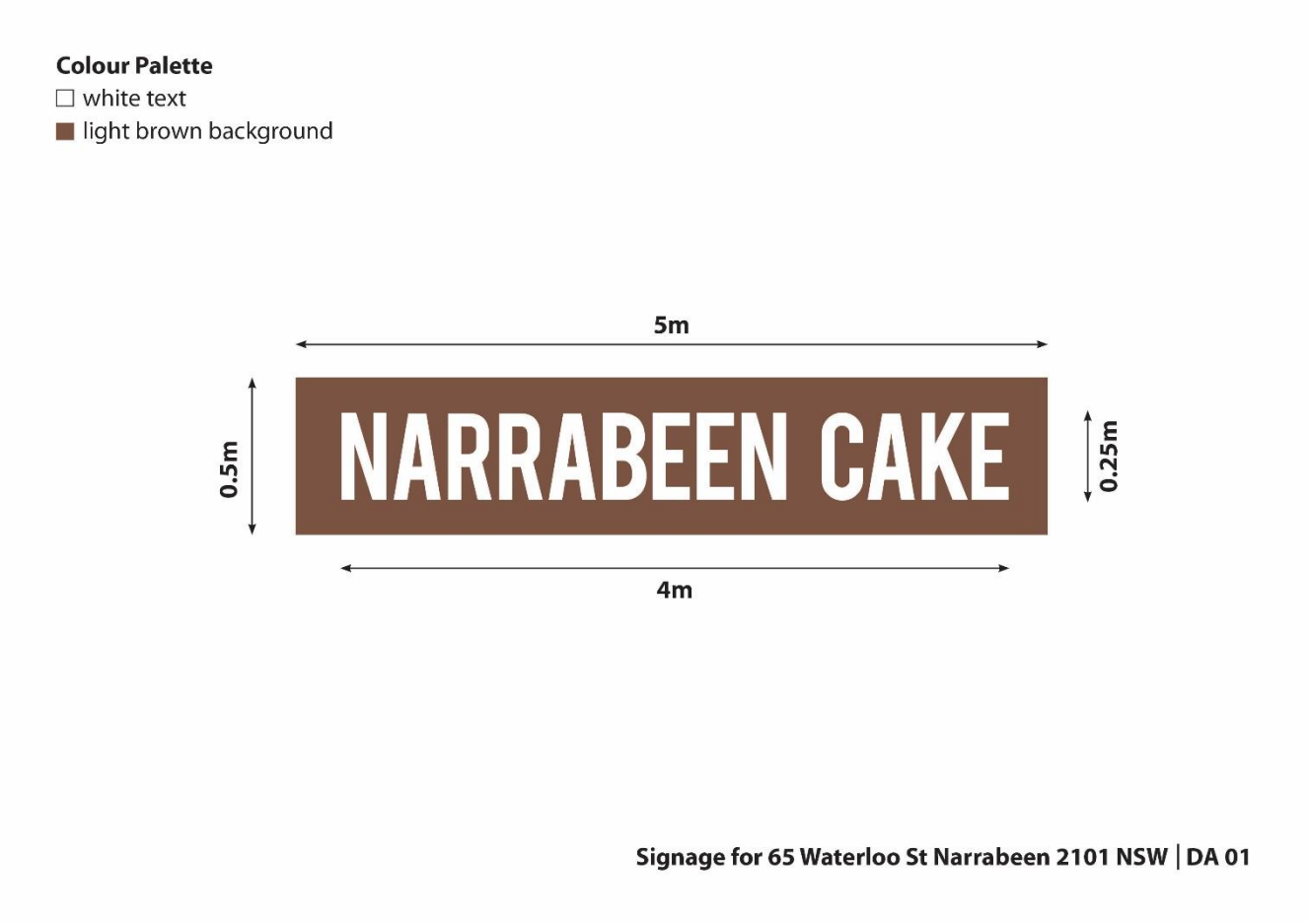


Figure 4: Proposed awning fascia signage at 65 Waterloo Street.

Landslip Risk E10 WDCP 2011

The proposal is located within an area identified in WLEP 2011 as “Landslide Risk Land”. The proposal does not involve any structural works that cause a need to investigate the landslide risk.

F1 Local and Neighbourhood Centres

This section applies as it is located within a B2 Local Centre zone.

The objectives are as follows:

- 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.

The proposal involves no works that alter the building envelope, setbacks, scale and proportion of the façade, awnings or even materials and textures. Only the signage is new with respect to outside appearance and, as demonstrated in his report, satisfies

SEPP 64 and Signs D23 WDCP 2011. The proposal satisfies F1 Local and Neighbourhood Centres WDCP 2011.

Part H Appendices

Appendix 1 Car parking Requirements

A shop requires 1 space per 16.4m² of floor area, meaning 3 car spaces would typically be required. There are no car spaces existing on the site and this does not change in this proposal. The proposal relates only to a fitout and signage and, due to the previous use of this (now vacated shop) being a shoe repair shop (BCA Class 6 retail), the proposal causes no increase in the demand for car parking.

Appendix 11 Class 2-9 Buildings

No trees are to be affected on the site.

5.0 The Regulations

The pertinent considerations identified within the Environmental Planning and Assessment Regulation 2000, are concerning conformity with the National Construction Code. The proposed development seeks to ensure compliance with the existing building to BCA standards, and in that respect, is consistent with the Regulations. A BCA report is included in the development application documentation that relates to Clauses 93, 94 and 94A of the Environmental Planning and Assessment Regulation 2000.

6.0 Likely impacts of the development – section 4.15(1)(b)

The likely environmental impacts of the proposed development have been assessed comprehensively throughout the preceding sections of this report. There are no detrimental impacts to surrounding properties or public land. Approval of this application would allow a permissible, sustainable, congruent and popular use that

maintains a vibrant pedestrian activity along Waterloo Street. The proposal is also sympathetic to a heritage item and involves no structural works.

The proposal is consistent with the relevant planning controls which apply to the development. Overall, the proposal is considered acceptable with regards to environmental impacts.

7.0 Suitability of the site - section 4.15(1)(c)

The site is suitable for the proposal pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979. This evidenced by its permissibility, intactness of the heritage listed building, congruence of the proposed use with its surrounds and the vibrancy that its use creates.

8.0 Public Submissions – section 4.15(1)(d)

Any public submissions received in response to the public notification of the development application (if deemed necessary for notification) will be required to be taken into consideration in the assessment of the application.

9.0 Public interest – section 4.15(1)(e)

The proposed fitout of a vacant shop (previously a shoe repair shop) retains the same classification under the BCA (Class 6) and is a congruent use with its retail surrounds. The associated signage is appropriate and sympathetic to the existing building and surrounds. The proposal is permissible with consent under the B2 Local Centre zoning of the site. Furthermore, this SEE has established that the proposal does not conflict with Council's planning controls.

The proposal is not anticipated to have any unacceptable impacts on neighbouring properties, nor any adverse impact on the local, natural, economic, or social

environment. In fact, it will influence its surrounds in a positive, vibrant and contributive manner.

Accordingly, approval of the proposal is considered to be in the public interest.

10.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The development is permissible under the WLEP 2011; it is consistent with the relevant objectives and controls of WDCP 2011; it is consistent with a vibrancy of uses along this active strip of Waterloo Street; it will cause no unreasonable impacts to adjoining or nearby properties including residential properties; it satisfies the public interest; and it will provide economic benefits to the local community and wider region.

As such, the proposal is considered worthy of Council's support.

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