

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED FOOD & DRINK PREMISES

91 McINTOSH ROAD, NARRAWEENA



1.0 INTRODUCTION

This statement has been prepared on behalf of the applicant in support of a development application to Northern Beaches Council (the "Council") for the first use of the new premises as a take away food and drink premises (pizza) and associated signage, at No. 91 – 93 McIntosh Road, Narrabeena.

The property is zoned B1 Neighbourhood Centre pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011). A food and drink premises is permissible in the zone. The proposal, being a takeaway pizza business, is a specific type of food and drink premises that will service the needs of people who live or work in the surrounding neighbourhood.

This document has been prepared pursuant to s.4.12 of the *EP&A Act 1979* and cl.47 and schedule 1, Part 1, cl. 2(c) of the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the Act. The subject proposal is not Integrated or Designated Development pursuant to the *EP&A Act 1979*.

The proposal is acceptable and is worthy of approval on its merits having regard to the provisions of the EP&A Act 1979, the WLEP 2011 and WDCP.

2.0 SITE AND SURROUNDS

The site is legally known as Lot 101 & 102, DP 868560, No. 91-93 McIntosh Road, Narrabeena. It is located on the southern side of the street, at the intersection of Alfred Street. The surrounding development consists of shop top housing to the west and south, residential development to the east and north east, and Narrabeena Public School to the north west. It is situated between other approved retail premises. It forms part of a mixed-use development. Development surrounding the site is predominantly commercial fronting Alfred Street and residential to the rear (east).

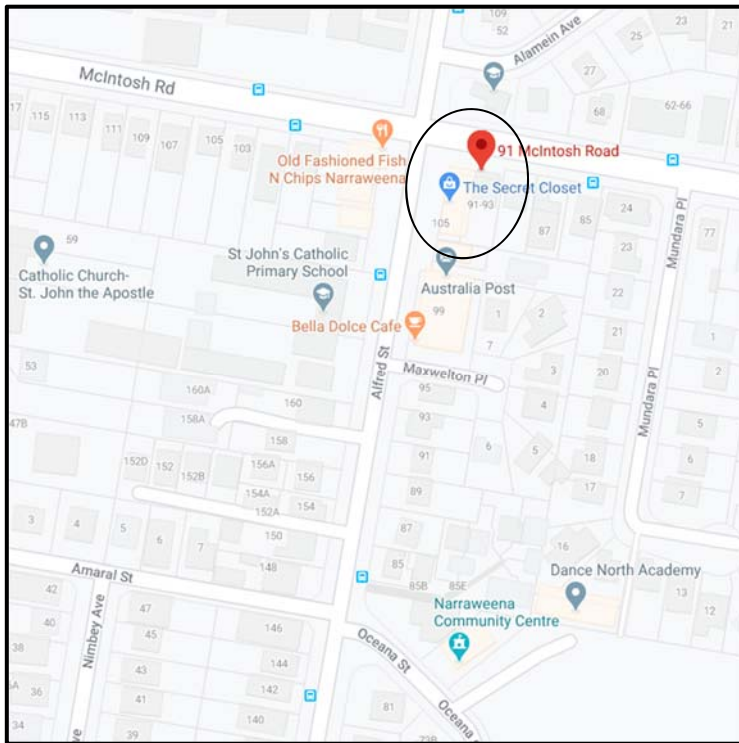


Figure 1: Location of the site (Source: google maps)



Figure 2: Aerial of subject site (shop is Unit 4 facing Alfred Street)

3.0 DESCRIPTION OF PROPOSAL

Development Consent is sought for a takeaway food premises (pizza) and comprises the following:

- i) Fitout of premises (GFA 38sqm), as per submitted DA plans;
- ii) Under awning signage and window signs;
- iii) Hours of operation Hours 7am – 9.00pm Sunday to Thursday and 7am - 11pm Friday & Saturday.
- iv) The average number of staff onsite at any one time is four (4).
- v) Takeaway premises only - no customer seating within premises.

Other aspects relevant to the proposal include:

- vi) Common toilets at ground floor are to be utilised for staff and customers
- vii) Parking is located within the basement and on the road reserve
- viii) Disposal of waste to be via a commercial contract – to include removal of all garbage, bottles and other commercial waste from the premises.
- ix) All servicing and deliveries to occur from McIntosh Road – with direct access to the lower ground floor level of the building.
- x) Deliveries predominantly via small rigid trucks during daylight business hours. No deliveries on Sundays.

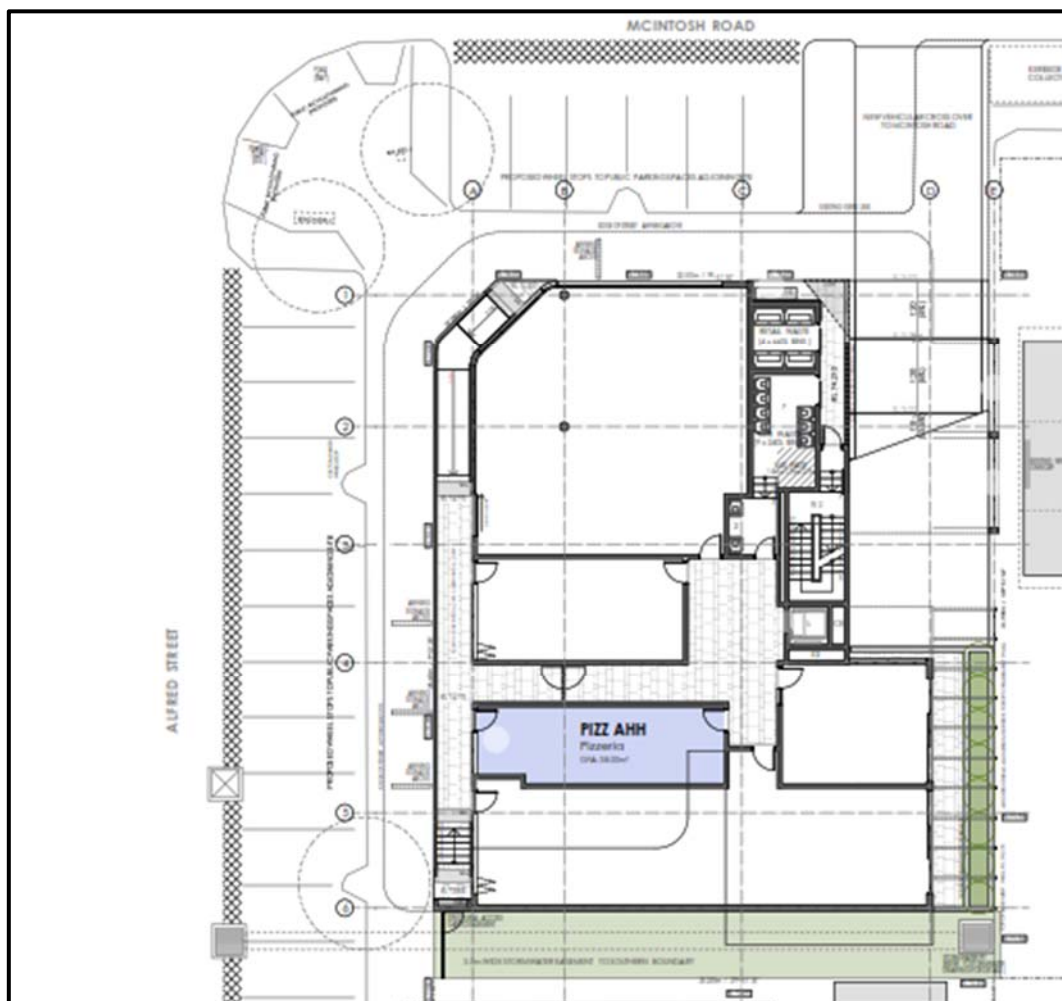


Figure 3: Floor outline showing location of food premises

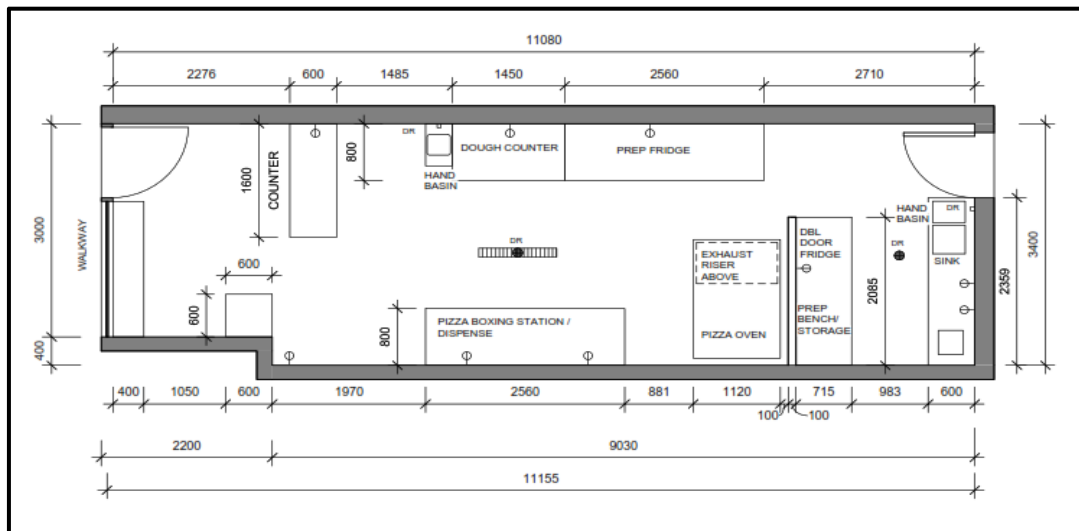
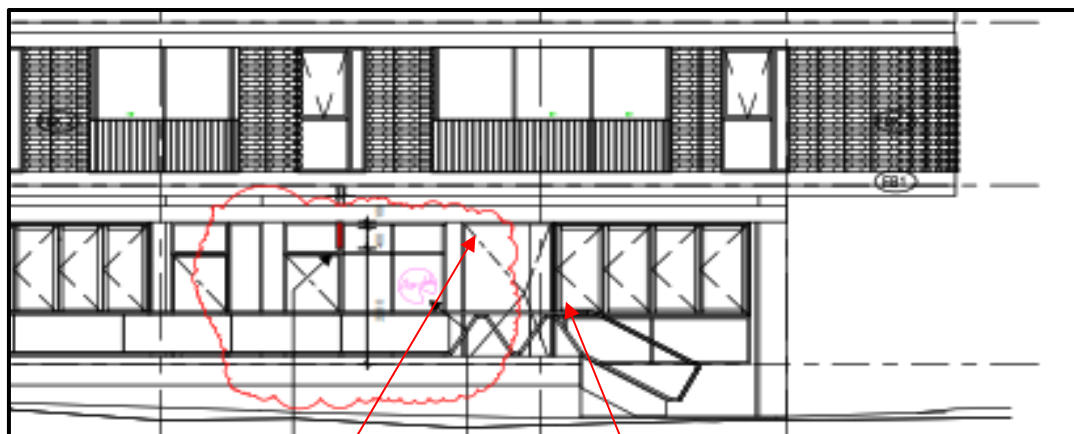


Figure 4: Extract of proposed fitout of Unit 4 as takeaway food and drink premises

SIGNAGE:



4

Illuminated signage under awning: 400 Diameter. 500mm total height. Black anodised metal box with fluorescent neon pink lighting. See graphic representation.

Illuminated signage in Window: 600 Diameter. Black anodised metal box with fluorescent neon pink lighting. See graphic representation, for visual effect.

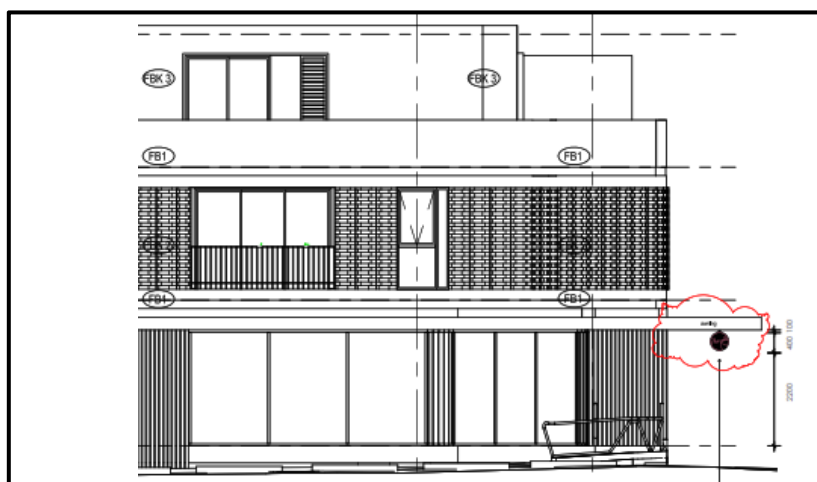


Figure 5: Proposed location, content and illumination of proposed signage

4.0 **SECTION 4.15 ASSESSMENT - HEADS OF CONSIDERATION**

In accordance with S4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application:

4.15 Evaluation

(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:

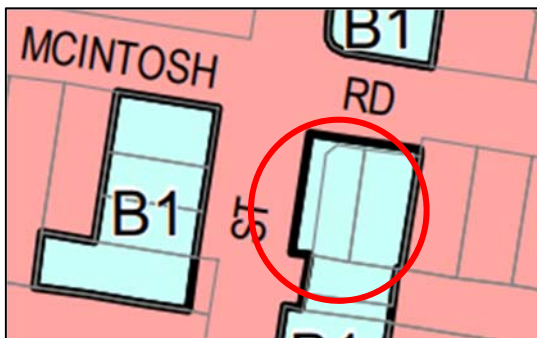
(a) the provisions of:

- (i) any environmental planning instrument, and*
- (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*
- (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*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) 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.*

4.1 Relevant Statutory Environmental Planning Policies (EPs)

The following identifies the relevant EPs applicable to the assessment of the application.

4.1.1 Warringah Local Environmental Plan 2011



Zone B1 neighbourhood Centre

1 Objectives of zone

- *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.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

*Boarding houses; Business premises; Centre-based child care facilities; Community facilities; **Food and drink premises**; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top housing; Shops; Any other development not specified in item 2 or 4.*

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; 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 takeaway (pizza) premises is a Food and Drink Premises, defined in the LEP as follows:

“food and drink premises” means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,*
- (b) **take away food and drink premises,***
- (c) a pub,*
- (d) a small bar.*

Note. Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary. Further, a retail premises is a type of commercial premises for the purposes of the LEP.

Comment: The proposed takeaway food and drink premises is permissible with consent. The requirement for the DA emanates from the first occupation of the premises within an approved development. Whilst ordinarily permissible as Complying Developments under the Exempt and Complying Developments Codes SEPP, the proposed hours of operations exceed those under the SEPP and hence a DA is required. The proposal is consistent with the B1 zone objectives as the business is a small, scale locally based operation which will service the local resident population within the B1 ‘village’ or neighbourhood centre.

4.2 Non Statutory Development Control Plans

The following DCP is relevant to the assessment of the subject application.

4.2.1 Warringah Development Control Plan

The site is located within the Warringah DCP area. The occupation of the approved premises as a food and drink premises – takeaway does not raised matters in relation to the approval or construction of the original development Therefore, the following assessment is provided:

Traffic & Parking

Trip generation to the site is as anticipated as part of the original development. The use of the premises as a takeaway food and drink premises results in high turnover, short stay traffic generation. Most patronage will be evenings/nights when there will be ample on street parking as most of the other business in the centre trade predominantly during the day.

The retail parking for the development has been permitted to be accommodated on-street. The takeaway only nature of the business requires only high turnover, short stay parking only. This is ideal in this location.

Deliveries and lower level car park

The access and layout of the car park at basement level – for servicing and deliveries are approved and adequate for the type of use of the subject premises. They are in accordance with AS2890.1:2004. Delivery is to be via vans or small rigid vehicles.

Waste

The site is able to comply with the Councils Waste Management Guides. A commercial contractor will collect and remove garbage from the premises, as described in Section 3 above. Council can apply conditions of consent as required, however the existing arrangements as imposed on the main consent adequately cater for waste management.

Signage

The proposal includes under awning signage and window signage. Both are small, illuminated signs with appropriate dimensions. Refer to Section 3 above.

WDCP D23 Signs

Sign	Criteria	Complies
<u>Awning fascia sign</u> (attached to the fascia or return end of an awning)	Shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	Yes
Under awning sign (attached to the underside of an awning)	Shall not exceed 2.5m in length or 0.3m in height; Shall be no less than 2.7 m above the ground and at right angles to the property boundary to which the awning is attached; Shall not project beyond the awning; and No more than one under-awning sign may be erected per business/shop.	Yes
Window sign (painted or letters stuck onto the inside or outside of a display window)	Must occupy less than 50% of the window area so as to not obstruct natural light; and Shall only be permitted on ground floor windows, below awning level or equivalent.	Yes

4.3 Suitability of the site for the development

The proposal is for the occupation of the new premises as a takeaway food and drink premises. The premises is part of a new development within the Narraweena Neighbourhood Centre. Other premises within the new development are being occupied as a small restaurant and deli.

4.4 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.5 The public interest

Given the size, scale and nature of this development, it is considered to be acceptable and will not be contrary to the public interest. Conversely, it will provide a service at a local level to satisfy the needs of local residents.

5.0 CONCLUSION

The proposal is the occupation of the newly approved retail premises as a food and drink takeaway – pizza outlet. The application is the first use of the premises and relies on existing mechanical exhaust system to be installed in the premises as per the approval. The site is zoned B1 Neighbourhood Centre zone and the use, being a takeaway food and drink premises, is permissible. There are no changes to the external fabric of the premises, no alteration to the street awning and only small-scale business identification signage included as part of this application – window sign and under-awning signage.

The site is located within the Narraweena Neighbourhood Centre. Development controls for the proposed use have been reviewed. There are no specific requirements or issues that are raised as a result of this use of the new premises. Parking for the new mixed use development was addressed as part of the original application, including servicing and delivering. The proposed use is a high turnover, short stay traffic generator only. There are no new or additional parking requirements.

Having considered the requirements of the *EP&A Act 1979*, the provisions of WLEP 2011 and relevant environmental matters under WDCP and the Act, the application is worthy of approval.