

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of use from kiosk to café Bilgola Beach



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SUMMARY & BACKGROUND

This statement of Environmental Effects accompanies plans and details as follows:

- A-01 Issue H Floor Plan as Built drawn by Gartner Trovato dated 28 February 2023
- A-02 Issue H Elevations & Section drawn by Gartner Trovato dated 28 February 2023
- A-03 Issue H Roof Plan drawn by Gartner Trovato dated 28 February 2023
- A-04 Issue H Aerial Site Plan drawn by Gartner Trovato dated 28 February 2023

The proposal is for the change of use of an existing kiosk to a café. No building works will be occurring as part of this proposal.

The kiosk site is owned by Crown Lands NSW and is under the care control and management of Northern Beaches Council, with reserve number 58243. The reserve was gazetted as public recreation on 21 August 1925.

PROPERTY DESCRIPTION

Bilgola Beach kiosk is located in the public carpark at Bilgola Beach. The lot has a legal description of Lot 7327 DP 1164236.

The site is zone RE1 Public Recreation under the provisions of the Pittwater LEP 2014 and in this zoning cafes and restaurants are permissible with consent.

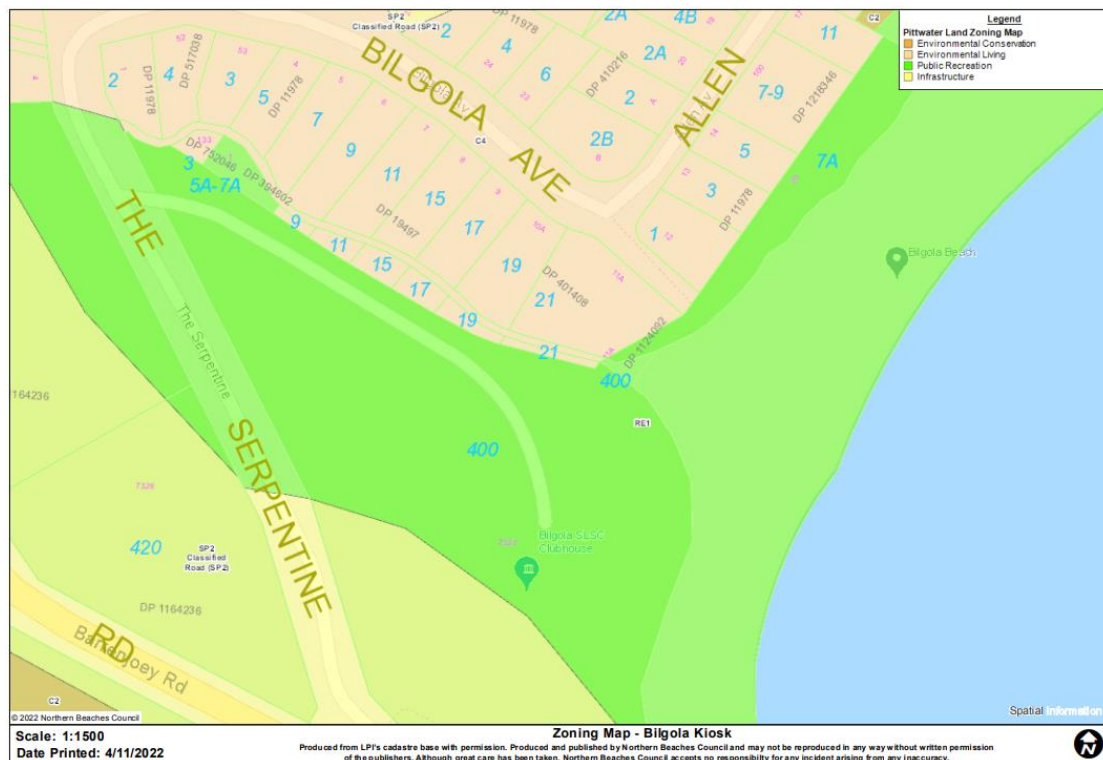


Figure 1: Extract from Pittwater LEP zoning map

SEE – Change of use from kiosk to café, Bilgola Beach kiosk, Bilgola Beach

PROPOSAL

The proposal is for a change of approved use from kiosk to café and is intended to regularise the existing situation where the premises has been operating as a café for a number of years although it was originally approved as a kiosk. The proposal will not result in an intensification of use as it will not alter any of the conditions of consent in the previous 2007 DA, including hours of operation, numbers of patrons of the prohibition on the sale of alcohol. Moreover, the previous consent included a number of conditions more usually included on café consents, which the premises has been abiding by. Patrons of the building will continue to utilise the nearby public toilets as was approved under the original DA.

LOCATION



The site is located within the public carpark at Bilgola Beach. There has been a kiosk on the site since at least the early 1970s and the current structures consists of a small single storey building with a kitchen at the western end and a covered outdoor seating area to the east of this. To the north of the building is a two storey residential dwelling, with carpark to the west and south. Immediately to the east lies Bilgola Beach. Other buildings within this part of the reserve include public toilets and the Bilgola Beach Surf Life Saving Club.

PLANNING HISTORY

N0038/07: Development consent granted at the Pittwater Council meeting of 5 November 2007 for "Demolition of the existing site structure and redevelopment of the site to accommodate a new Kiosk in accordance with the Plan of Management adopted by Council on the 12th December 2005".

SEE – Change of use from kiosk to café, Bilgola Beach kiosk, Bilgola Beach

RELEVANT PLANNING LEGISLATION

The following planning legislation is relevant to this application

- Environmental Planning & Assessment Act, 1979 (as amended)
- Environmental Planning & Assessment Regulations 2000
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

Clause 2.3 Zone objectives and land use table

The site is zoned RE1 – Public recreation under the provisions of the Pittwater LEP 2014, with the following objectives of zone:

Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To allow development that does not substantially diminish public use of, or access to, public open space resources.*
- *To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.*

The proposed use as a café is permissible in the zoning as a “restaurant or café”, which is defined as

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) *an artisan food and drink industry, or*
- (b) *farm gate premises.*

The premises serves light meals and drinks for eating in or takeaway and thus meets the above definition.

Clause 5.10 Heritage conservation

While the site is not heritage listed, it is adjacent to an item of archaeological heritage, being the drainage and bridge structures at 15-21 Bilgola Ave which runs north of the carpark, including behind the existing kiosk. As the proposal involves no building work there will be no impact on the heritage structure.

Clause 7.1 Acid sulfate soils

The site is located within the acid sulfate soil level 4 however as no building works are being undertaken as part of this application, the proposal will not impact on acid sulfate soil issues.

Clause 7.7 Geotechnical hazards

While the larger site is listed as being affected by geotechnical hazards, this does not extend to the location of the existing building. As such there are no issues regarding geotechnical hazards on the site.

PITTWATER 21 DEVELOPMENT CONTROL PLAN

Council's Pittwater 21 Development Control Plan provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

Section B General Controls

B1.2 Heritage Conservation – Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

The site is adjacent to an item of archaeological heritage, being the drainage and bridge structures at 15-21 Bilgola Ave which runs north of the carpark in which the existing building is sited. As the current proposal does not involve any building works, the proposal will not impact on the archaeological value of the drain.

B1.4 Aboriginal Heritage Significance

Mapping indicates that there is an Aboriginal midden located on the larger site over 100 metres from the existing building. Given that no building works will be undertaken, the proposal will not impact on Aboriginal heritage in the area.

B3.1 Landslip Hazard

As stated previously, the geotechnical hazard shown on the larger site does not extend to this portion of the site.

B3.2 Bushfire Hazard

The building is shown in Council's mapping system as being partially located within the vegetation buffer for bushfire hazard. As there is no building work occurring as part of this application, the proposal satisfies the requirements of Section 3.2.

B3.6 Contaminated Land and Potentially Contaminated Land

The proposal is for a change of use of an existing building constructed in 2008 with no additional building work being proposed. There is no reason to believe that the proposal as submitted will be at risk from potential land contamination.

B4.17 Littoral Rainforest – Endangered Ecological Community

The site is mapped as being part of the Littoral Rainforest Endangered Ecological Community, however the building is located on an existing hardstand carpark and no building works are being contemplated as part of this DA. As such, there will be no impact on the littoral rainforest from this proposal.

B6.6 On-Street Vehicle Parking Requirements

The proposal does not seek any increase to the existing footprint or number of patrons approved under the previous development consent. There has historically been no parking associated with the building, as it was always envisaged that it would only be used by people visiting the beach. The Council report at which the DA was approved noted that no additional usable floor space was being created as part of that DA but that *“Parking demand in the beach car park is clearly greater than parking supply and this proposal to enhance the use of the kiosk will only create greater demand for parking in the area, however it is considered that it is appropriate given the nature of the area that redevelopment of the kiosk should not be required to provide additional parking”*

As such, it is considered that given there will be not increase in approved patron numbers or footprint the lack of parking is appropriate in this instance.

MATTERS FOR CONSIDERATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no draft environmental planning instruments on the site.

Any development control plan

The application has been prepared having regard to the requirements of the Pittwater DCP.

It is considered that the proposed design respects the desired character objectives of the DCP in that it provides for the ongoing use of a heritage site in a sensitive manner that is compatible with the existing uses surrounding the site.

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.

No matters of relevance are raised in regard to the proposed development.

Any matter prescribed by the regulations that apply to the land to which the development relates.

No matters of relevance are raised in regard to the proposed development.

Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979).

No matters of relevance are raised in regard to the proposed development.

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

There will be no impacts on the amenity of the surrounding built or natural environment. The community will benefit from having more options to memorialise their loved ones in their local community.

The suitability of the site for the development

The subject land is currently zoned SP2 Infrastructure (cemetery) under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

The Public Interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

CONCLUSION

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining properties, and will provide a much needed service for the residents of the surrounding locality, the issue of Development Consent is requested.