

Northern Development Assessment

STATEMENT OF ENVIRONMENTAL EFFECTS

TO ACCOMPANY

SECTION 8.2 REVIEW OF DEVELOPMENT APPLICATION DA2022/1320

FOR

**PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING RESTAURANT PREMISE
TO PROVIDE OUTDOOR SEATING AREA**

AT

**20 ALBERT STREET, FRESHWATER
LOT 21 DP 226287**

Prepared By

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1. INTRODUCTION

1.1 Summary

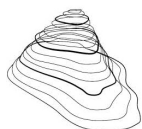
I have been commissioned to prepare a Statement of Environmental Effects (SEE) in relation to a Section 8.2 Review of the refusal of DA2022/1320, seeking consent for proposed alterations and additions to an existing restaurant to provide outdoor seating on land described as Lot 21 DP 226287, 20 Albert Street, Freshwater (The site).

This SEE also addresses relevant matters under the *Pittwater Local Environmental Plan 2014* and the *Pittwater 21 Development Control Plan*. In the preparation of this SEE consideration has been given to the following documents:

- a) Development Application DA2022/1320;
- b) Notice of Determination – Refusal dated 20 December, 2022
- c) Northern Beaches Council Development Application Assessment report prepared by Grace Facer, Assessment Officer;
- d) Minutes of Development Determination Panel dated 7 December, 2022
- e) Traffic Engineering Referral Response prepared by Northern Beaches Council dated 31 August, 2022;
- f) Environmental Health Referral Response – Industrial Use prepared by Northern Beaches Council dated 31 August, 2022;
- g) Environmental Health Referral Response – Commercial Use prepared by Northern Beaches Council dated 31 August, 2022;
- h) Engineering Referral Response prepared by Northern Beaches Council dated 9 September, 2022;
- i) NSW Police Referral Response prepared by NSW Police dated 18 November, 2022;
- j) Plans of the proposed development prepared by FiveFootOne Design dated May-December 2022;
- k) State Environmental Planning Policy (Resilience and Hazards) 2021
- l) Warringah Local Environmental Plan 2011
- m) Warringah Development Control Plan 2011
- n) Planning Principles of the NSW Land and Environment Court.

The proposal was refused by the Development Determination Panel of Northern beaches Council on 7 December, 2022 with the following Reasons for Refusal listed;

1. *Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, as the proposal will result in significant adverse noise impacts on adjoining and nearby residential properties.*



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2. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D3 Noise of the Warringah Development Control Plan, as the proposal will result in significant adverse noise impacts on the amenity of adjoining and nearby residential properties, as the mitigation measures to which the proposals acceptable noise environ relies is not supported by detailed construction information and specification.*

I note that the reasoning provided behind the refusal contained within the Minutes of the Development Determination Panel dated 7 December, 2022;

The Panel raised concerns in relation to the noise impacts of the proposal on the amenity of adjoining and nearby residential properties. During deliberations, the Panel conferred with the Assessment Officer and the Environmental Health Officer, as well as with the Applicant, regarding the acoustic properties of the retractable shade sail covering of the proposed outdoor dining area and whether it would provide the required noise protection.

The Panel were not satisfied that the proposed light weight shade sail covering would afford the level of acoustic protection for neighbouring properties as proffered in the Acoustic Report and the Statement of Environmental Effects.

The Applicant put forward an unsolicited amended design which attempted to address the Panels concerns. This design solution involved a solid translucent polycarbonate panel and aluminium framed roofing system, which may provide the level of noise protection required. However, such a revised scheme requires further detailed assessment of noise, visual amenity, streetscape and stormwater management, and further public consultation, which is to be facilitated through an appropriate application, and not as an amended application.

I note that prior to receiving the refusal from the Development Determination Panel, the application had received only supporting comments from Council's Assessment Officer (reflected within the Assessment Report) and all associated referrals required by Council. A summary of these referrals has been provided below;

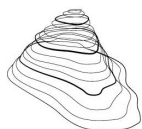
Engineering Referral Response dated 9 September, 2022: *Development Engineering has no objection to the application.*

Our traffic section has reviewed and requested the reinstatement of the driveway, layback and on street parking.

The following S138 condition shall be used to address the requested works.

The proposal is therefore supported.

Traffic Engineering Referral Response dated 31 August, 2022: *The removal of two offstreet parking spaces will be offset by the resultant increase in on-street parking supply by one space. The proposed changes will therefore result in a net parking loss of one space. It is noted that parking surveys have demonstrated that approximately half of the restaurant's customers are*



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travelling to the restaurant by means other than private motor vehicle with more than half of those who are travelling by private car doing so as a passenger. The change is considered to have a minimal impact and is not opposed on traffic grounds subject to conditions. The proposal is therefore supported.

Environmental Health Referral Response - commercial use dated 31 August, 2022:

Environmental Health in this referral of food related issues supports the proposal without conditions.

Environmental Health Referral Response - industrial use date 31 August, 2022: I note that this referral specifically assessed the potential acoustic impact and hours of operation and supported the DA;

With the minor works proposed and the business in operation we are not aware if an OC will be required therefore our conditions relate to "operations".

At this time we are not aware of any complaints or objections.

A residential receiver is located immediately next door.

The updating of Plan of Management is critical to avoiding a nuisance.

The acoustic assessment is very detailed and prescriptive and compliance ongoing essential.

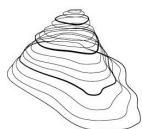
Subject to conditions Environmental Health supports the proposal.

The proposal is therefore supported.

NSW Police - Licensing (Clubs, Hotels, Pubs); *The proposal was referred to NSW Police who provided a response stating that the proposal is acceptable subject to compliance with relevant conditions. These recommendations will be included as a condition of consent*

It was not until the DA went before the Development Determination Panel on 7 December, 2022 that concern was first raised regarding the lack of clarity regarding the acoustic performance of the material of the proposed retractable awning. I note that following this concern being raised by the Panel, additional information was provided within 2 days incorporating amended plans and supporting documentation as follows;

- Proposed retractable awning over outdoor seating area to be replaced by a fixed shut awning. I note that this proposed change did not result in any change in the location, extent, angle or height of the proposed awning, with the structure remaining behind the previously proposed bulkhead.
- Proposed awning material changed from SergeFerrari Soltis Proof 502 fabric to a fixed Polycarbonate roofing system, specifically Danpal Seamless Roof System with Danpalon Multicell Panels, which has a documented acoustic rating of Rw (C,Ctr) 26(0,-3). I note that the proposed material change resulted in a significant improvement in the Acoustic Performance of the proposed awning compared to that previously supported by Council's Assessment Officer and Environmental Health Officer. Further details and



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specifications were provided to the Panel to confirm the performance of the proposed fixed shut awning.

Unfortunately, the Chair of the Panel, Steven Findlay, Manager of Development Assessment advised that the Development Determination Panel had changed their policy the week before the DA went before the Panel and no longer allowed assessment of amended plans. Instead, Steven Findlay advised that the application should be relodged as a Section 8.2 Review to allow the assessment of the minor amendments to be carried out. Further advice was provided by Steven Findlay via email as follows;

“The Panel reconvened to consider your submission made in response to the Panels concerns with the proposal.

Based on the significant changes to the roofing system, we do not accept that the amended plans can simply be substituted and conditioned for approval, therefore they will not be accepted as amended plans in the NSW Planning Portal.

The revised scheme, incorporating a fixed translucent solid roofing system and associated metal frame, whilst being similar in location, height and extent, has fundamentally different properties compared to the lightweight retractable shade sail system proposed under the DA, and different assessment issues, including visual/character, acoustic and structural characteristics.

The reasoning for this decision is that it will involve a re-assessment of the application (planning, noise and stormwater drainage), renotification of the application to the adjoining and surrounding residents and a further report and meeting of the Panel.

This is beyond the role and responsibility of this Development Determination Panel.

You are advised to wait to see the outcome of the assessment of the application as presented to the Panel, which will be before the end of the week and posted on Council’s website.”

Whilst I am of the opinion that the proposed amendments were minor in nature and resulted in a significant improvement in acoustic performance compared to the structure previously supported by Council’s Assessment Officer and Environmental Health Officer, the DA was subsequently refused resulting in the current application being prepared and re-assessed as a Section 8.2 Review.

The specifications of the Danpal system accompany this Section 8.2 Review to confirm the performance of this product. Furthermore, a Memorandum has been prepared by Pulse White

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Noise Acoustics Pty Ltd to further confirm the performance of the Danpal System to be installed over the outdoor seating area.

Clause 8.2 of the *EP&A Act Determinations and decisions subject to review* permits applicants to request reviews of decisions by consent authorities.

The purpose of this statement is to accompany a request (under 8.2) for Northern Beaches Council to review its decision of 7 December, 2022 whereby the proposal was refused for the following reasons –

- 1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, as the proposal will result in significant adverse noise impacts on adjoining and nearby residential properties.*
- 2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D3 Noise of the Warringah Development Control Plan, as the proposal will result in significant adverse noise impacts on the amenity of adjoining and nearby residential properties, as the mitigation measures to which the proposals acceptable noise environ relies is not supported by detailed construction information and specification.*

The review documentation, the subject of this Statement of Environmental Effects has addressed the issue of Acoustic Impact by directing the consent authority's attention to the previous assessment carried out by Council's Assessment Officer, Environmental Health Officer and amendment to the design to provide a fixed shut awning with significantly improved Acoustic Performance. Furthermore, the current application has adopted the Hours of Operation previously proposed as a Condition of Consent by Council's Assessment Officer as follows;

Indoor Seating Area:

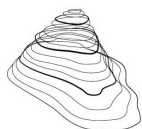
- Monday to Friday – 12:00pm to 12:00am
- Saturday – 12:00pm to 12:00am
- Sunday and Public Holidays – 12:00pm to 10:00pm

Outdoor Seating Area:

- Monday to Thursday – 12:00pm to 8:00pm
- Friday and Saturday – 12:00pm to 10:00pm
- Sunday and Public Holidays – 12:00pm to 8:00pm

This review request has addressed the issue of inadequate construction information and specification for the proposed awning by-

- Providing Architectural plans specifying the proposed fixed shut awning and change in material to provide a significantly improved Acoustic Performance.



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- An Acoustic Memorandum prepared by Pulse White Noise Acoustic Consultants confirming that *“this system will meet the recommendations set out in the DA Acoustic Assessment prepared by Pulse White Noise Acoustics (ref 210020 - 20 Alert Street, Freshwater - DA Acoustic Assessment - Rev 9, dated 12 July 2022).”*
- Provision of Danpal Acoustic product Specifications and Tests to further confirm the Acoustic Performance of the fixed shut awning.

This information will enable Council to revisit its assessment of Development Application DA2022/1320 with adequate information to reach an informed decision.

The proposed development is subject to assessment under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The following SEE will consider the potential environmental impacts of the development, having regard to the matters for consideration under Section 4.15(1) of the *EP&A Act 1979*.

During the preparation of this SEE, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its future relationship with the developing streetscape and the immediately surrounding sites.

I am satisfied that the proposal as submitted will not only offer a high standard of accommodation for future patrons but will do so in a manner that respects its juxtaposition with adjacent and nearby development and will provide a high standard of design and sustainability when completed.

1.2 Site Description



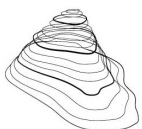
Figure 1.2.1 – Subject Site

Features of the subject site are as follows:

- The subject site is an irregularly shaped lot.
- The area of the subject site is 260m².
- The common western, northern and eastern boundaries adjoin 22-26 Albert Street.
- The subject site contains an existing 2 storey building containing a restaurant premise and a 2 car parking area.
- The locality is mostly characterised by low and medium density developments providing for a range of uses. These include shop-top housing, retail premises and commercial premises.

The history of the subject site includes the following approvals granted by Council and Private Certifiers:

- Complying Development Certificate (CDC) No. 200341 was granted by Grant Harrington of Private Certifiers Australia Pty Ltd on 14 April, 2021 for “Change of use from a



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business premises to a take-away food premise with maximum seating capacity of 8 patrons, including internal alterations”.

- CDC 2010/0009 was granted by the Officers of Warringah Council (which now forms part of Northern Beaches Council) on 5 February, 2010 for “*Internal alterations to a business premises*”.
- DA2021/1541 was approved by Northern Beaches Council on 17 November, 2021 for the use of the premises as a restaurant and associated fit-out and operation.
- DA 2022/1320 for Alterations and additions to an existing restaurant and a change of hours was refused on 7 December, 2022.

I note that based on the advice of NSW Police and the operators of the restaurant, no complaints have been received in relation to the operation of the existing restaurant.

1.3 The Proposed Development

The proposed development relates to alterations and additions to an existing restaurant to provide an outdoor seating area. Furthermore a change in the hours of operation is sought as follows;

Indoor Seating Area:

- Monday to Friday – 12:00pm to 12:00am
- Saturday – 12:00pm to 12:00am
- Sunday and Public Holidays – 12:00pm to 10:00pm

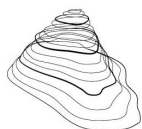
Outdoor Seating Area:

- Monday to Thursday – 12:00pm to 8:00pm
- Friday and Saturday – 12:00pm to 10:00pm
- Sunday and Public Holidays – 12:00pm to 8:00pm

I note that the proposed outdoor seating area incorporates a fixed shut awning that will be constructed of a Polycarbonate roofing system, specifically Danpal Seamless Roof System with Danpalon Multicell Panels, which has a documented acoustic rating of Rw (C,Ctr) 26(0,-3).

Features of the proposed development include the following: -

- Removal of the existing 2 onsite parking spaces to provide an additional 35m² covered outdoor dining courtyard. There will be no future vehicle access or on site parking once the development is complete.
- New masonry wall along Northern boundary.
- New masonry wall along eastern edge of proposed outdoor seating.
- New fixed shut acoustic awning over outdoor seating area. The fixed shut awning that will be constructed of a Polycarbonate roofing system, specifically Danpal Seamless



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Roof System with Danpalon Multicell Panels, which has a documented acoustic rating of Rw (C,Ctr) 26(0,-3).

- New enclosed bin area located adjoining proposed masonry wall and eastern boundary.
- Associated fit out of outdoor seating area.

No increase in the approved patron numbers are proposed. The restaurant will maintain the existing approved patron capacity of 71 people, with 51 seated inside and 20 in the proposed outdoor area. As there is no increase in seating, there is no increase in traffic generation or parking demand of the existing restaurant.

The proposed operation details of the Restaurant and Outdoor Seating Area are contained within the Plan of Management accompanying this DA. I note that the proposed operation of the Restaurant and Outdoor Seating Area has implemented design advice from the Applicant's Traffic and Acoustic Engineer in order to ensure that there are no unreasonable amenity impacts to adjoining properties.

Architectural Plans have been prepared by FiveFootOne Design and accompany this DA. These plans detail the full scope of work and should be referred to in their entirety.

In relation to the removal of the existing vehicle cross over and 2 on-site parking spaces, I note the following comments contained within the Traffic and Parking Assessment accompanying the DA;

There will be no off street parking available on completion of the development as the development proposes to remove the driveway and two onsite car parking spaces to accommodate the courtyard and façade alterations.

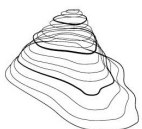
There is no requirement for restaurants to provide onsite loading facilities in either the DCP or the RTA guide.

It is noted that there are three existing timed car parking spaces directly in front of the existing restaurant. The timed parking is as follows:

- 1/2 P 8:30AM to 6PM Monday to Friday, and
- 1/2 P 8:30AM to 12:30PM Saturday.

With the removal of the driveway, the kerb length increases to allow an additional parking space at all times which provides an important public benefit.

As the parking is unrestricted prior to 8:30AM, it is recommended that these parking spaces be sign posted as a loading zone from 6AM to 8:30AM to allow for deliveries to be made for businesses in the Freshwater Village.



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Furthermore, Council's Traffic Engineer in their Referral Response of DA2022/1320 dated 31 August, 2022 advised as follows;

"The removal of two offstreet parking spaces will be offset by the resultant increase in on-street parking supply by one space. The proposed changes will therefore result in a net parking loss of one space. It is noted that parking surveys have demonstrated that approximately half of the restaurant's customers are travelling to the restaurant by means other than private motor vehicle with more than half of those who are travelling by private car doing so as a passenger. The change is considered to have a minimal impact and is not opposed on traffic grounds subject to conditions

The proposal is therefore supported."

Therefore, whilst the proposal will result in the loss of 2 on-site carparking spaces, the alterations and additions will allow for an additional on-street carparking space accessible to the public.

Finally, I note that additional operational measures have been included in the Plan of Management following advice received from NSW Police.

2. PLANNING INSTRUMENTS

2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

2.1 Aim of Chapter

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

Comment:

The subject site is not identified as being within the Land Application Map of State Environmental Planning Policy (Coastal Management) 2018, which relates to commitments within a proposed development to ensure that a proposed development protects the environmental assets of the coast.

4.1 Object of this Chapter

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) by requiring that a remediation work meet certain standards and notification requirements.*

Comment:

Due to the previous lengthy history of the commercial occupation of the subject site, the recent DA approved in November 2021, the prevailing evidence does not indicate the existence of contamination on the subject site.

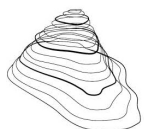
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I have not been made aware of any evidence of previous contamination of the subject site. Accordingly, I consider that no further assessment is required under State Environmental Planning Policy (Resilience and Hazards) 2021.

2.2 Warringah Local Environmental Plan 2011 (LEP 2011)

1.2: Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as Warringah) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) *to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,*
 - (b) *to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,*
 - (c) *to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
 - (d) *in relation to residential development, to—*
 - (i) *protect and enhance the residential use and amenity of existing residential environments, and*
 - (ii) *promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and*
 - (iii) *increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,*
 - (e) *in relation to non-residential development, to—*
 - (i) *ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and*
 - (ii) *maintain a diversity of employment, services, cultural and recreational facilities,*
 - (f) *in relation to environmental quality, to—*
 - (i) *achieve development outcomes of quality urban design, and*
 - (ii) *encourage development that demonstrates efficient and sustainable use of energy and resources, and*
 - (iii) *achieve land use relationships that promote the efficient use of infrastructure, and*
 - (iv) *ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and*
 - (v) *protect, conserve and manage biodiversity and the natural environment, and*
 - (vi) *manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*



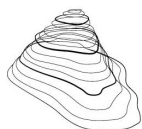
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- (g) *in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,*
- (h) *in relation to community well-being, to—*
- (i) *ensure good management of public assets and promote opportunities for social, cultural and community activities, and*
- (ii) *ensure that the social and economic effects of development are appropriate.*

Comment:

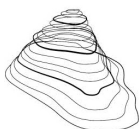
I consider that the current DA satisfies the relevant Aims of LEP 2012 for the following reasons:

- (aa) The proposed alterations and additions will not inhibit the achievement of this aim on any appropriate sites located within the vicinity of the subject site. I note that no live music or performance arts are proposed.
- (a) The proposed development represents a permissible form of development within Freshwater Village which follows the land use framework for controlling development in Warringah for the reasons outlined in this SEE.
- (b) Not applicable.
- (c) The proposed development enhances the amenity and quality of life of the local community by providing an improved development that caters for the employment, entertainment and cultural needs of nearby residents and visitors to Freshwater Village. I note that the proposed outdoor seating area will provide for an improved presentation of the subject site to the streetscape and will provide an improved active frontage.
- (d) Not applicable.
- (e) In relation to non-residential development, I note the following: -
 - i. The proposed development will have a range of positive outcomes on the public domain, such as reducing the visual impact as a result of the proposed outdoor seating area replacing the existing carparking space. Furthermore the conversion of the parking area into outdoor seating will provide an active frontage to Albert Street.
 - ii. The proposed development maintains the diversity of employment and services within the Freshwater Village locality.
- (f) In relation to the proposed development, I note the following: -
 - i. The proposed development is of a quality urban design for the reasons outlined in this SEE. I note that the recommendations contained within the Traffic and Parking Assessment and the Acoustic Report have been implemented into the design to ensure no unreasonable amenity impacts to adjoining properties. On this point, I note that the proposed fixed shut awning and change in material of the awning to the Danpal Seamless Roof System, will result in a significantly improved acoustic performance compared to that previously supported by Council's Assessment Officer and Environmental Health Officer in relation to DA2022/1320.



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- ii. In relation to the efficient and sustainable use of energy and resources, I note that as a commercial form of development, no BASIX Certificate is required.
 - iii. The proposed development will not result in any unreasonable adverse impacts on the use of infrastructure for the reasons outlined in this SEE. I note that the proposed development results in one additional on-street carpark that would be available to the public at all times.
 - iv. The proposed development does not have any unreasonable adverse impacts on the public domain for the reasons outlined in this SEE. I note that additional investigations and recommendations contained within the Acoustic Report and Traffic and Parking Impact Assessment have been implemented into the current design. I consider that the proposed development will result in a range of positive impacts on the public domain, such as providing an active frontage to Albert Street, removing a vehicle cross over in a busy pedestrian area and the provision of an outdoor seating area.
 - v. The proposed development does not result in any unreasonable adverse impacts on biodiversity and the natural environment. I note that no trees or vegetation are present on the site.
 - vi. The proposed development manages environmental constraints for the reasons outlined in this SEE.
- (g) The proposed development will not result in any adverse impacts on the cultural, environmental, natural, aesthetic, social and built heritage of Warringah.
- (h) The proposed development will not have any unreasonable adverse social, cultural and economic impacts on the Freshwater Village locality.



Clause 2.1 Land Use Zone and Clause 2.2 Zoning of Land:

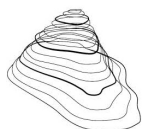
**Zone B2 Local
Centre**



Zone B2 Local centre

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.*



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- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

Comment:

The proposed development involves alterations and additions to an existing restaurant which is permitted with consent in the B2 Local Centre zone under Warringah LEP 2011.

I consider that the proposed development satisfies the objectives for the following reasons: -

- The proposed alterations and additions will add to the diversity of uses within the B2 Local Centre zone within Freshwater, serving the needs of people who live in, work in and visit the locality.
- The proposed alterations and additions improve upon the existing restaurant which encourages employment opportunities in an accessible location.
- The subject site is within 100m of the closest bus stop at Moore Road, and will be accessible to pedestrians. The subject site is also located in the centre of Freshwater Village. I note that the current DA does not seek any increase in seating or patron numbers.
- The proposed alterations and additions will contribute to an environment that is safe, comfortable and interesting. I particularly note the southern façade and the proposed outdoor seating area will allow for passive surveillance of the adjoining pedestrian environment and provide an active frontage to Albert Street.
- The proposed development results in an improved urban form. I particularly note the removal of a vehicle cross over in a busy pedestrian area and the activation of the site frontage to Albert Street.
- The proposed alterations and additions incorporate the recommendations contained within the Acoustic Report to ensure the proposed development will not result in any unreasonable adverse impacts on any adjoining or nearby residents. On this point, I note that the proposed fixed shut awning and change in material of the awning to the Danpal Seamless Roof System, will result in a significantly improved acoustic performance compared to that previously supported by Council's Assessment Officer and Environmental Health Officer in relation to DA2022/1320.

Clause 2.7 Demolition

Comment:

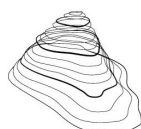
The proposed development involves the demolition of the existing 2 car parking area. This proposed development seeks consent for these demolition works.

Clause 4.1: Minimum Subdivision Lot Size



Objectives

- (1) The objectives of this clause are as follows:
- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,
 - (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,
 - (c) to protect the integrity of land holding patterns in rural localities against fragmentation,
 - (d) to achieve low intensity of land use in localities of environmental significance,
 - (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,
 - (f) to protect and enhance existing remnant bushland,



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- (g) *to retain and protect existing significant natural landscape features,*
- (h) *to manage biodiversity,*
- (i) *to provide for appropriate stormwater management and sewer infrastructure.*

Comment:

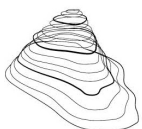
The subject site is not identified on the Lot Size Map. I note that the proposed development does not include subdivision. As such, Clause 4.1 does not apply to the proposed development.

Clause 4.3: Height of Buildings



Objectives

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
 - (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
 - (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*



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- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Comment:

The subject site is within Area L which requires a Height of Buildings Standard of 11m. As reflected in the Architectural Plans, the proposed development is significantly below the Height of Buildings Standard and will not result in unreasonable visual impact, disruption of views, loss of privacy or loss of solar access.

Clause 4.4: Floor Space Ratio (FSR)

Objectives

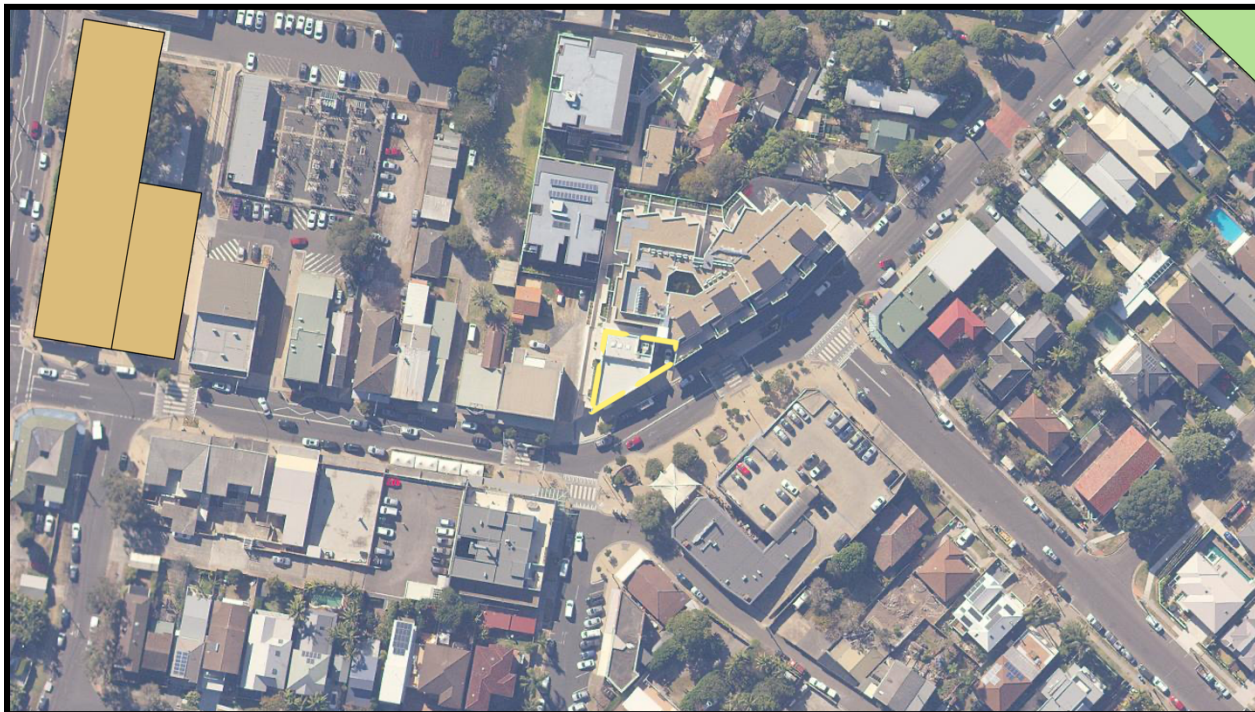
(1) *The objectives of this clause are as follows—*

- (a) *to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,*
- (b) *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
- (c) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
- (d) *to manage the visual impact of development when viewed from public spaces,*
- (e) *to maximise solar access and amenity for public areas.*

Comment:

The subject site is not identified on the Floor Space Ratio Map. I refer to my assessment of the proposed development against the Built Form Controls of Warringah DCP 2011 in this SEE.

**Clause 5.10: Heritage
Conservation**



Objectives

The objectives of this clause are as follows:

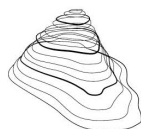
- (a) to conserve the environmental heritage of Warringah,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

I stress that I am not a Heritage Consultant and I defer to the advice of Council's Heritage Officer.

I, however, do note the following factual circumstances:

- The subject site does not contain a Heritage Item.
- The subject site is not within a Heritage Conservation Area. The nearest Heritage Conservation Area is over 500m to the south-east of the subject site.
- The closest Heritage Item is Item I72 – 29 Lawrence Street, for "*Building known as "Early Childhood Health Centre"*". This Heritage Item is located more than 100m to the



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west of the subject site, and is not within the visual catchment of the proposed development.

Clause 6.1: Acid Sulfate Soils

Objectives

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

Comment:

The subject site is not identified on the Acid Sulfate Soils Map. Accordingly, Clause 6.1 Acid Sulfate Soils does not apply to the proposed development.

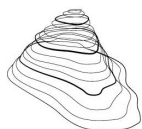
Clause 6.2: Earthworks

- (1) *The objectives of this clause are as follows—*

- (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) *to allow earthworks of a minor nature without requiring separate development consent.*

Comment:

The proposed development does not require any earthworks except for minor structural elements in the proposed outdoor seating area.



6.4 Development on sloping land



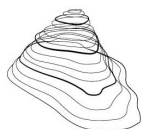
Objectives

(1) The objectives of this clause are as follows—

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

Comment:

The subject site is identified as being within Area A of the Landslip Risk Map.



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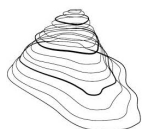
Whilst I am not a Geotechnical Expert, I note that no excavation works are involved except for minor structural requirements in the proposed outdoor seating courtyard. I also that Council's "Development Application & Lodgement Requirements 20/21" document does not specify that a Geotechnical Report is required for development on land within Area A.

SUMMARY

Table 2.1 provides a summary of the relevant provisions of the LEP and outlines their relationship with the proposed development;

Table 2.1 – LEP Compliance Summary

Clause	Control	Comment
4.1: Minimum Subdivision Lot Size	N/A	N/A
4.3 Height of Buildings	11 metres maximum	Complies
4.4 Floor Space Ratio	N/A	N/A
5.10 Heritage	Consider Objectives	Complies
5.21 Flood planning	Consider Objectives	N/A
6.1 Acid Sulfate Soils	Consider Objectives	Complies
6.2 Earthworks	Consider Objectives	Complies
6.4 Development on Sloping Land	Consider Objectives	Complies
6.5 Coastline Hazards	Consider Objectives	N/A



2.3 Warringah Development Control Plan 2011 (DCP 2011)

Part A: Introduction

A.5 Objectives

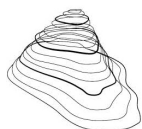
Objectives:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comment:

In relation to the proposed development, I note the following: -

- The proposed development responds to the characteristics of the site and the qualities of the surrounding locality for the reasons outlined in this SEE. I particularly note the fact that the proposed alterations and additions will improve upon an existing restaurant with an active frontage adding to the diverse range of services within Freshwater Village.
- The proposed development results in no unreasonable adverse impacts on the amenity of adjoining owners and the public domain. The proposed development contributes to the street, reinforces the importance of pedestrian areas and also creates an attractive design outcome through the removal of the existing vehicle crossing and replacement with proposed outdoor seating providing an active frontage.
- The proposed development demonstrates a high level of design quality.
- The proposed development provides a high level of access to and within the development with no unreasonable adverse impacts on adjoining owners. I note that more restrictive operational details than the recommendations contained within the Acoustic Report have been implemented into the design, materials and Plan of Management to ensure no unreasonable acoustic impact to adjoining owners.
- The proposed development will not result in any unreasonable adverse impacts on environmentally sensitive areas.
- The proposed development will be environmentally, economically and socially sustainable for the reasons outlined in this SEE.



Part C: Siting Factors

C1 Subdivision

Objectives

- *To regulate the density of development.*
- *To limit the impact of new development and to protect the natural landscape and topography.*
- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*
- *To maximise and protect solar access for each dwelling*
- *To maximise the use of existing infrastructure.*
- *To protect the amenity of adjoining properties.*
- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

Comment:

The proposed development does not involve subdivision. As such, Part C1 of Warringah DCP 2011 does not apply to the proposed development.

C2 Traffic, Access and Safety

Objectives

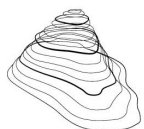
To minimise:

- traffic hazards;*
- vehicles queuing on public roads*
- the number of vehicle crossings in a street;*
- traffic, pedestrian and cyclist conflict;*
- interference with public transport facilities; and*
- the loss of “on street” kerbside parking.*

Comment:

In relation to the proposed development, I note the following: -

- The proposed development involves the removal of the 2 existing on-site carparking spaces. I note that this is offset by the provision of an additional on-street carparking space accessible to the public. I do not consider this to be unreasonable for the reasons outlined in this SEE and the accompanying Traffic and Parking Report.
- As there is no increase in seating, there is no increase in traffic generation or parking demand of the existing restaurant.
- I note that the proposed alterations and additions do not result in the loss of any on street kerbside parking. In fact, as a result of the proposed alterations and additions and the removal of the existing driveway and vehicle cross over, the kerb length increases to allow an additional parking space at all times which provides an important public benefit.



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- There is no requirement for restaurants to provide onsite loading facilities in either the DCP or the RTA guide.
- As the parking is unrestricted prior to 8:30AM, it is recommended that these parking spaces be sign posted as a loading zone from 6AM to 8:30AM to allow for deliveries to be made for businesses in the Freshwater Village.

C3 Parking Facilities

Objectives

- *To provide adequate off street carparking.*
- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

In relation to the proposed development, I note the following: -

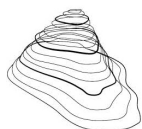
- The proposed development involves the removal of the 2 existing carparking spaces. I consider that this is not unreasonable for the reasons outlined in this SEE.
- The proposed removal of the 2 existing car spaces will reduce the existing visual impact of this area, remove a vehicle crossover in a busy pedestrian area and will incorporate an outdoor seating area, a design that provides an active street frontage.

Furthermore, I note the following findings contained within the Traffic and Parking Impact Assessment accompanying this DA in relation to the proposed development;

- *“As there is no increase in seating, there is no increase in traffic generation or parking demand of the existing restaurant.*
- *The parking survey shows that there is sufficient alternative parking available in the surrounding streets and Council car park.*
- *The customer travel survey indicates that there is a 50:50 mode split between private car use and other travel modes and of the 50% that travelled by private vehicle 25% were drivers and 25% were passengers which indicates that the car occupancy was 2 customers per vehicle.*
- *The removal of the driveway allows for an additional parking space at all times which provides an important public benefit.”*

Furthermore, Council’s Traffic Engineer in their Referral Response of DA2022/1320 dated 31 August, 2022 advised as follows;

“The removal of two offstreet parking spaces will be offset by the resultant increase in on-street parking supply by one space. The proposed changes will therefore result in a net parking loss of one space. It is noted that parking surveys have demonstrated that approximately half of the restaurant's customers are travelling to the restaurant by



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*means other than private motor vehicle with more than half of those who are travelling by private car doing so as a passenger. The change is considered to have a minimal impact and is not opposed on traffic grounds subject to conditions
The proposal is therefore supported.”*

C3(A) Bicycle Parking and End of Trip Facilities

Objectives

- *To help meet the transport needs of the Warringah community*
- *To encourage healthy active lifestyles and help reduce reliance on private motor vehicles*
- *To provide convenience and safety for bicycle users*

Comment:

In relation to the proposed development, I note the following: -

- There is no additional floor area as part of this proposed development, and therefore bicycle parking facilities are not required.
- There is no additional floor area as part of this proposed development, and therefore end of trip facilities are not required.

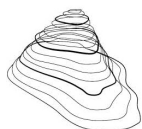
C4 Stormwater

Objectives

- *Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;*
- *To minimise the risk to public health and safety;*
- *To reduce the risk to life and property from any flooding and groundwater damage;*
- *Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*
- *Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*
- *Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*
- *To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

Comment:

I note that I am not a Stormwater Expert, however I note that the proposed works are occurring over an existing concrete slab and there will be no increase in hard surface area and the fixed shut awning will utilise the existing stormwater system on the subject site.



C6 Building Over or Adjacent to Constructed Council Drainage Easements

Objectives

- *To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property*

Comment:

As previously noted, the proposed work is occurring over an existing concrete slab and no changes are proposed to Council's drainage infrastructure.

C7 Excavation and Landfill

Objectives

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Comment:

As previously noted, no excavation or landfill is required in relation to the proposed works except for minor structural works for the outdoor seating area.

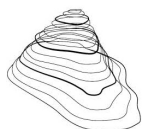
C8 Demolition and Construction

Objectives

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- *To discourage illegal dumping.*

Comment:

The proposed development does not require any demolition except for minor structural elements in the proposed outdoor seating courtyard.



C9 Waste Management

Objectives

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

Comment:

In relation to compliance with the Waste Management Guidelines, I refer to the Waste Management Plan accompanying this DA.

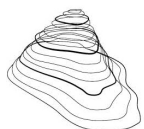
Part D: Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:



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The subject site is not identified in the Landscaped Open Space and Bushland Setting Map under Warringah DCP 2011. As such, Part D1 of Warringah DCP 2011 does not apply to the proposed development.

D3 Noise

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure 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.*

Comment:

I note that I am not an Acoustic Consultant and defer to the advice of Council Officers and the advice contained in the Acoustic Report and Memorandum accompanying this DA prepared by Pulse White Noise Acoustics. In relation to the proposed development, I note the following factual circumstances: -

- The proposed alterations and additions have been designed and incorporate materials as required by the Acoustic Report accompanying this DA.
- The proposed development, being located within Freshwater Village, is surrounded by other commercial noise generating activities.
- A condition can be imposed by Council requiring waste collection and delivery vehicles to not operate between 10pm and 6am.

I note the Acoustic Report prepared by Pulse White Noise Acoustics outlines a number of Operational Controls in order to ensure compliance and determines as follows;

“Provided that the Danpal Seamless Roof System with Danpalon Multicell Panels is installed as documented, and covers the entire external dining area, as shown in the drawings by FiveFootOne Design, with project number 2036, Revision B, dated 8/12/2022, we can confirm that this system will meet the recommendations set out in the DA Acoustic Assessment prepared by Pulse White Noise Acoustics (ref 210020 - 20 Alert Street, Freshwater - DA Acoustic Assessment - Rev 9, dated 12 July 2022).”

I note that the recommendations contained within the Acoustic Report have been incorporated into the Plan of management and Architectural Plans accompanying this DA. Furthermore, I note that the proposed outdoor seating area now proposes a fixed shut awning. On this point, I note that the proposed fixed shut awning and change in material of the awning to the Danpal Seamless Roof System, will result in a significantly improved acoustic performance compared to that previously supported by Council’s Assessment Officer and Environmental Health Officer in relation to DA2022/1320.

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I consider that the Operational Controls contained within the Acoustic Report prepared by Pulse White Noise Acoustics and the Plan of Management should be imposed as Conditions of Consent in order to ensure the ongoing compliance of the proposed use.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Comment:

The proposed development does not involve mobile phone base station or any associated infrastructure and equipment.

D6 Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

Comment:

The proposed external works are limited to the outside seating area at ground floor. It is not considered that any unreasonable overshadowing will occur.

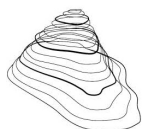
In relation to the proposed development, I note the following: -

- The proposed development will not result in unreasonable overshadowing onto adjoining properties and the public domain. I note that the proposed development does not result in an increase to the height of the existing development, with the only additional structures being located within the existing carparking spaces.
- The proposed development will not result in any unreasonable overshadowing impacts on the private open spaces of adjoining dwellings.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*



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Comment:

In relation to the proposed development, I note the following: -

- The proposed development does not seek to change the height compared to the existing development, with the exception of the conversion of the existing carparking space within the eastern portion of the subject site to proposed outdoor seating area which is located at ground floor.
- I note that this will not impact on existing views of adjoining owners, including those of the adjoining mixed use development at 22 Albert Street.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Comment:

In relation to the proposed development, I note the following: -

- The proposed development does not result in unreasonable privacy impacts on adjoining owners.
- The orientation of the proposed courtyard area is out onto Albert Street.
- I note that the proposed development adjoins the mixed use development at 22 Albert Street, with residents occupying the First Floor and Second Floor levels.
- Acoustic and visual privacy measures are incorporated into the design through the proposed masonry walls and awning.
- As such, I do not consider that the proposed development, comprising works at the Ground Floor level in a village centre, will impact on the privacy of adjoining owners.

D9 Building Bulk

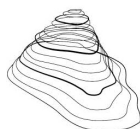
Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

In relation to the proposed development, I note the following: -

- I note my previous comments in this SEE relating to side and rear setbacks.



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- The proposed development does not result in varied building setbacks. Nonetheless, I note the appearance of the existing large blank wall adjoining 22 Albert Street will be improved by the proposed outdoor seating area.
- The proposed development does not result in any changes to the height of the existing building.
- The only additional built form is as a result of the proposed outdoor seating area with awning above within the existing carparking spaces.
- I note that the proposed outdoor seating area will provide for an improved presentation of the subject site to the streetscape and will provide an improved active frontage.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Comment:

The proposed alterations and additions incorporate materials and colours which are in keeping with and sympathetic to the surrounding environment.

D11 Roofs

Objectives

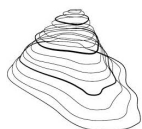
- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Comment:

There are no proposed changes to the existing roof.

The proposed courtyard will include a fixed shut awning which has been assessed by Pulse White Noise Acoustic Consultants as follows;

“A fixed Polycarbonate roofing system is now proposed to sit over the outdoor seating area, as documented in the drawings by FiveFootOne Design, with project number 2036, Revision B, dated 8/12/2022. The system has been specified as Danpal Seamless Roof System with Danpalon Multicell Panels, which has a documented acoustic rating of Rw (C,Ctr) 26(0,-3). The primary change to the proposed roofing system simply relates to the material; that is, the location, extent, and angle of the awning remain consistent with the previous proposal. The acoustic rating of the Danpal system is greater than that of the previously proposed fabric system.”



D12 Glare and Reflection

Objectives

- *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

In relation to the proposed development, I note the following: -

- The proposed development will result in minimal artificial illumination facing Albert Street.
- The proposed development will not result in any glare from the proposed artificial illumination to any public or private land.
- The proposed development will not result in unreasonable sunlight reflectivity. I do not consider that there will be any impacts as a result of sunlight reflectivity on adjoining owners, particularly as there are no proposed changes to the existing roof, aside from the proposed awning over the outdoor seating area.

D13 Front Fences and Walls

Objectives

- *To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid a 'walled in' streetscape.*

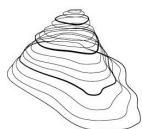
Comment:

In relation to the proposed development, I note that there are no proposed fences, and no changes to the locations of the approved walls fronting Albert Street. I note that the outdoor seating area will be located above a new low height wall facing Albert Street, however will not result in a walled in streetscape.

D14 Site Facilities

Objectives

- *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To make servicing the site as efficient and easy as possible.*
- *To allow for discreet and easily serviceable placement of site facilities in new development.*



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Comment:

No changes proposed to existing site facilities.

D15 Side and Rear Fences

Objectives

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

In relation to the proposed development, I note the new masonry wall along the northern boundary and the new masonry wall setback from the eastern boundary. Neither of these walls will result in unreasonable impacts to the urban environment.

D18 Accessibility and Adaptability

Objectives

- *To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*
- *To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.*
- *To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

Comment:

The proposed outdoor seating area will comply with all access requirements.

D20 Safety and Security

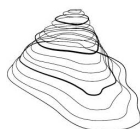
Objectives

- *To ensure that development maintains and enhances the security and safety of the community.*

Comment:

In relation to the proposed development, I note the following: -

- The existing development includes windows along the front boundary which allow for casual surveillance of Albert Street and the surrounding pedestrian area.
- The proposed development results in lighting at the approved entrances and proposed outdoor seating area.



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- The proposed development maintains the existing entrance from Albert Street.
- The proposed development results in improved casual surveillance as a result of the proposed outdoor seating area.

D21 Provision and Location of Utility Services

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

Comment:

The proposed development does not result in any changes to the approved provision and location of utility services.

D22 Conservation of Energy and Water

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure energy and water use is minimised.*

Comment:

I note that as a commercial operation, the provision of a BASIX Certificate is not applicable.

D23 Signs

Objectives

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

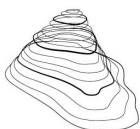
No signage proposed.

Part E The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- *To protect and enhance the urban forest of the Northern Beaches.*



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- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comment:

There are no trees proposed to be removed as part of this proposed development.

E2 Prescribed Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Comment:

The proposed development is not identified under the Threatened and High Conservation Habitat Map, Wildlife Corridors Map, or the Native Vegetation Map under DCP 2011.

E3 Threatened Species, Populations, Ecological Communities listed under State or Commonwealth Legislation, or High Conservation Habitat

Objectives

- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

Comment:

The subject site is not identified as containing Threatened and High Conservation Habitat under Warringah DCP 2011.

E4 Wildlife Corridors

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.*

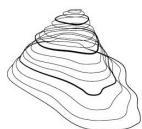
Comment:

The subject site is not identified as being within a Wildlife Corridor under Warringah DCP 2011.

E5 Native Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*



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- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.*
- *To maintain the amount, local occurrence and diversity of native vegetation in the area*

Comment:

The subject site is not identified as containing Native Vegetation under Warringah DCP 2011.

E6 Retaining Unique Environmental Features

Objectives

- *To conserve those parts of land which distinguish it from its surroundings.*

Comment:

In relation to the proposed development, I note that there are no distinctive environmental features on the subject site.

E7 Development on Land Adjoining Public Open Space

Objectives

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

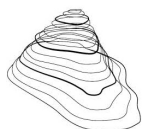
Comment:

The subject site is not identified on the Land Adjoining Public Open Space Map under Warringah DCP 2011.

E8 Waterways and Riparian Lands

Objectives

- *Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.*
- *Encourage development to be located outside waterways and riparian land.*
- *Avoid impacts that will result in an adverse change in watercourse or riparian land condition.*



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- *Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.*
- *Maintain and improve access, amenity and scenic quality of waterways and riparian lands.*
- *Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

Comment:

The subject site is not identified as waterway or riparian land on the Waterways and Riparian Lands Map under Warringah DCP 2011.

E9 Coastline Hazard

Objectives

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*
- *To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*
- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*
- *To retain the area's regional role for public recreation and amenity.*

Comment:

The subject site is not identified on the Coastline Hazard Map under Warringah LEP 2011.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

Comment:

I note that the subject site is identified as being within Area A of the Landslip Risk Map under Warringah LEP 2011.

I note that I am not a Landslip expert, and note the following factual circumstances: -

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- The proposed development will not result in any changes to stormwater discharge compared to the existing development on the subject site. I note that the proposed outdoor seating area is located over an existing concrete slab.
- The proposed development does not require any excavation work except for minor structural elements relating to the proposed outdoor seating area.

E11 Flood Prone Land

Objectives

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

Comment:

I note that the subject site is not identified as land being affected by flooding on the Flood Risk Precinct Maps.

Part G Special Area Controls

G5 Freshwater Village

1. Built Form in Freshwater

Objectives

O1. To reinforce and enhance the role of Freshwater Village as a centre for the local community.

O2. To achieve high quality built form that enhances the streetscapes and coastal character of Freshwater Village

O3. To maintain and enhance Freshwater as an attractive destination among Sydney's coastal centres

O4. To ensure development responds to the low scale, narrow lot pattern of Freshwater

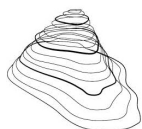
O5. To achieve comfortable, functional and attractive buildings for residents, workers and visitors

Comment:

The subject site is identified as being within the Freshwater DCP Area on DCP Map 1 Freshwater under Warringah DCP 2011.

In relation to the proposed development, I note the following: -

- The proposed development results in an improvement in the appearance of the building when viewed from the street and an increased active frontage.
- The proposed development does not include any utility service pipes or conduits visible from the public domain. There are also no proposed changes to the approved utility services.
- There are no proposed residential uses.



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- The existing approved entrance will be maintained whilst the proposed outdoor seating to the approved restaurant will result in further activation of the street frontage.
- There are no changes to existing floor to ceiling heights.

I note that the proposed development is in keeping with the following Objectives of Freshwater Village;

1. The proposed outdoor seating area will assist in reinforcing and enhancing the role of freshwater Village as the centre for the local community.
2. The proposed replacement of the existing car parking spaces and vehicle cross over will enhance the streetscape whilst providing for an active frontage. Furthermore, I note that the proposed removal of the vehicle cross over will allow for one addition on street kerb side parking space.
3. The proposed outdoor seating area will assist in maintaining and enhancing Freshwater as an attractive destination among Sydney's coastal centres.
4. The proposed development maintains the existing built form except for the conversion of the carparking area to outdoor seating which I consider to be an appropriate response to the low scale, narrow lot pattern of Freshwater.
5. The proposed outdoor seating area will result in a comfortable, functional and attractive development for residents, workers and visitors.

2. Number of Storeys

Objectives

O1. To ensure a reasonable level of amenity and solar access is provided and maintained to adjoining and nearby properties

O2. To complement the height of buildings control in the LEP with a number of storeys control.

O3. To provide sufficient scope for innovative roof pitch and variation in roof design

Comment:

The subject site is identified under the Number of Storeys Map under Warringah DCP 2011 as having a maximum of 3 storeys.

The proposed development does not seek to add any storeys to the existing development.

3. Street Activation

Objectives

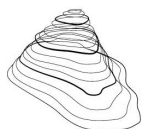
O1. To reinforce and enhance the main street character of Lawrence Street.

O2. To ensure that all new development provides activation to the public domain including streets, lanes and public open space

O3. To achieve attractive, interesting and welcoming street frontages

Comment:

In relation to the proposed development, I note the following: -



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- The proposed development provides a further improvement to an existing approved development providing an active use to Albert Street. This is achieved by the removal of the carparking spaces and vehicle cross over to be replaced with an outdoor seating area.
- The proposed development achieves overlooking of the public domain by way of the proposed outdoor seating.
- The proposed development includes the removal of the existing carparking space and its replacement with proposed outdoor seating, therefore resulting in a reduction in the extent and visual impact of vehicle entrances.

4. Street Facades and Shopfront Design

Objectives

O1. To respond to the narrow lot pattern and smaller retail frontages with vertical proportions that carry through into the façade above

O2. To reduce apparent bulk and scale

O3. To ensure that the articulation and fenestration of the proposed development reflects the character of Freshwater and its local beachside culture

O4. To provide visual connection between the public domain and private development

Comment:

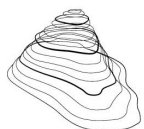
In relation to the proposed development, I note the following: -

- The proposed development does not increase gross floor area or seek to change the existing proportions of the façade of the approved development.
- The proposed development maintains the existing length of shopfront to Albert Street.
- The existing building façade will remain unchanged. The proposed outdoor seating area will provide for an improved presentation to Albert Street and an increase in the active frontage.
- The proposed development does not result in any proposed blank walls. I also note that the proposed development will result in the improvement of the existing blank walls adjoining the existing carparking space by way of such proposed elements as the proposed outdoor seating.
- There are no changes to the approved utility services and air conditioning plant and equipment.
- The proposed development maintains the existing levels of glazed areas at the shopfront.

5. Access and Loading

Objectives

O1. To improve amenity and safety for pedestrians



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O2. To minimise the impact of service vehicles and loading

O3. To relocate loading and servicing away from Lawrence and Albert Streets

Comment:

In relation to the proposed development, I note the following: -

- There is no requirement for restaurants to provide onsite loading facilities in either the DCP or the RTA guide.
- The proposed development benefits from a nearby loading zone at Lawrence Street. Furthermore, as per the Plan of Management accompanying this DA, the delivery of any goods will occur outside of normal business hours.
- With the removal of the driveway, the kerb length increases to allow an additional parking space at all times which provides an important public benefit. As the parking is unrestricted prior to 8:30AM, it is recommended that these parking spaces be sign posted as a loading zone from 6AM to 8:30AM to allow for deliveries to be made for businesses in the Freshwater Village.
- I note that the proposed use of the existing carparking space as outdoor seating will reduce the potential for vehicle/pedestrian conflict.

6. Lighting

Objectives

O1. To limit adverse impact on residents

O2. To provide lit access

O3. To supplement existing street lighting and 'spill' lighting from shop fronts

Comment:

In relation to the proposed development, I note the following: -

- The proposed lighting does not result in unreasonable glare or light spill to adjacent residential uses.
- There is no proposed exposed fluorescent batten lighting.
- There is no proposed special effects lighting.

7. Safety and Security

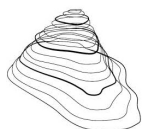
Objectives

O1. To reduce opportunities for crime

O2. To discourage antisocial behaviour

Comment:

The proposed development improves the passive surveillance of Albert Street and the public domain within the immediate vicinity of the subject site. The proposed use of the existing



Statement of Environmental Effects – 20 Albert Street, Freshwater

carparking space as outdoor seating will result in an improvement in the passive surveillance of the public domain.

I note that additional measures have been included in the Plan of Management following advice from NSW Police.

8. Signage

Objectives

O1. To ensure signage is compatible with the low scale, coastal village character of Freshwater

O2. To ensure that signage is compatible with the scale, proportion and other characteristics of the development

O3. To provide identification or information on the business being carried out

O4. To minimise advertising and signage clutter

Comment:

I note that all signage has previously been approved under CDC No. 200341.

9. Awnings

Objectives

O1. To provide weather protection for buildings and people

O2. To provide a safe and comfortable environment for pedestrians

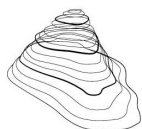
O3. To ensure awnings are compatible with the development and its context

O4. To ensure that there is no conflict with vehicles or urban design features

Comment:

In relation to the proposed development, I note the following: -

- The proposed development does not include a proposed awning along Albert Street. The only proposed awning is over the proposed outdoor seating area, which replaces the existing carparking space.
- The proposed awning will result in sun protection, although I note that it is not located along the street. The purpose of the proposed awning is to provide additional measures to reduce the potential for acoustic impact.
- The proposed awning is not located above a public area, being within the subject site.
- The proposed awning is integrated with the design of the building, with the proposed awning to be flat and contained behind a bulkhead.
- The proposed awning, being on the eastern side façade, does not step down the street.
- The existing building is not located on a street corner. I also note that the existing development does not include an awning over the street.
- The proposed awning is separated from the kerb by the footpath, given that the proposed awning is entirely within the subject site.



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- The proposed awning does not interfere with any existing or proposed street trees or other urban design features in the public domain.

10. Front Setback

Objectives

- O1. To improve pedestrian and customer amenity*
- O2. To expand publicly accessible areas at ground level*
- O3. To help enliven street frontages*
- O4. To maintain uninterrupted pedestrian circulation and flow*
- O5. To create a sense of openness*
- O6. To protect and enhance the visual quality of streetscapes and public spaces*

Comment:

In relation to the proposed development, I note the following: -

- The proposed development maintains the existing building's front setback.
- The proposed development does not seek any changes to the existing ground level front setback.

11. Side and Rear Setbacks

Objectives

- O1. To provide a transition to any adjacent residential zones*
- O2. To provide landscaped screening of the built form*
- O3. To help protect the character, amenity and outlook of residential areas surrounding Freshwater Village*
- O4. To help reduce any adverse impact from the business nature of the development on residential amenity*

Comment:

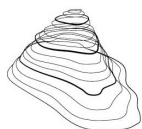
In relation to the proposed development, I note the following: -

- The proposed development does not adjoin land zoned for residential purposes.
- The proposed outdoor seating area is located over the existing car parking spaces and limited to the Ground Floor.

12. Other Side and Rear Setbacks

Objectives

- O1. To ensure that the scale and bulk of buildings is minimised*
- O2. To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained*
- O3. To provide reasonable sharing of views to and from public and private properties*



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O4. To provide ample opportunities for deep soil landscape areas

Comment:

In relation to the proposed development, I note the following: -

- The proposed development results in a reduction in the side setback to the east, with there being nil side setback between the proposed development and the adjoining 22-26 Albert Street. However, I do not consider this to be unreasonable, given the following reasons: -
 - i. The proposed alterations and additions are limited to ground Floor.
 - ii. The surrounding streetscape comprises a range of setbacks, including nil side setbacks. Nil side setbacks are not uncharacteristic of the immediate locality.
 - iii. The proposed outdoor seating area replaces an existing carparking space within the side setback. I consider that this proposed outdoor seating area represents an improvement in presentation to the streetscape for the reasons outlined in this SEE.
 - iv. The adjoining mixed use development at 22-26 Albert Street has no side setback to the subject site's common boundary to the east.
- The proposed development introduces an outdoor seating area within the eastern portion of the subject site over an existing concrete slab. I do not consider this to be unreasonable, given the following reasons: -
 - i. There are a range of rear setbacks within the immediate locality, including nil rear setbacks.
 - ii. The existing development includes a nil rear setback along the majority of the common boundary to the north with 22-26 Albert Street.
 - iii. The proposed nil rear boundary does not result in any impacts on the adjoining 22-26 Albert Street. I note that the wall facing the proposed outdoor seating area does not contain any windows or balconies, and as such, the occupants of the adjoining 22-26 Albert Street will not be subject to any visual impacts.
 - iv. The adjoining 22-26 Albert Street also has a nil setback at the Ground Floor to the common boundary where the proposed outdoor seating area is located.
 - v. The proposed change in setback is a result of the proposed outdoor seating area, which represents an improvement in presentation to the streetscape compared to the existing carparking space for the reasons outlined in this SEE.

13. Roofs and Building Form

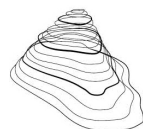
Objectives

O1. To retain and enhance the low scale built form of Freshwater

O2. To respond to the topography and the coastal context of Freshwater

O3. To maintain and enhance the aesthetic visual qualities of Freshwater

O4. To better reflect heat



Comment:

In relation to the proposed development, I note the following: -

- The proposed development does not include any changes to the existing roof (aside from the proposed awning).
- The proposed development does not include any changes to services and plant equipment.

14. Building Massing

Objectives

O1. To respond to the original smaller lot subdivision, low scale coastal village character of Freshwater

Comment:

In relation to the proposed development, I note the following: -

- I do not consider that the subject site's lot width is characteristic of Freshwater Village's narrow lot widths.
- The proposed development does not exceed the maximum building length of 20m without the provision of separate cores and entry points.

15. Building Sustainability

Objectives

O1. To maximise opportunities to achieve resource efficiency, reuse, recycling and reduced consumption

O2. To achieve improved sustainability in the built environment, eg lower greenhouse gas emissions, reduced energy and water consumption, less waste, healthier working environments for workers, residents and visitors

O3. To facilitate rainwater collection and reuse

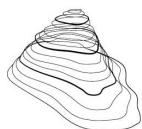
O4. To optimise the use of passive technologies in building design, construction, materials and operation

O5. To reduce energy bills and the whole-of-life cost of energy services

Comment:

In relation to the proposed development, I note the following: -

- The subject site is less than 2000m² in area. As such, the proposed development is not required to achieve a minimum 4 star rating under the Green Star rating system.
- As a commercial form of development, no BASIX Certificate is required.



16. Materials and Colours

Objectives

- O1. To encourage materials and colours that are evocative of Freshwater and its coastal setting*
- O2. To create visual interest and variation*
- O3. To help express architectural elements and detail*

Comment:

In relation to the proposed development, I note the following: -

- In relation to textures, tones and different natural materials, I note that the proposed development comprises an attractive palette of colours and materials.
- The proposed materials and colours relate to the context of the proposed development.
- The proposed development uses mid-tone or darker painted surfaces.
- The proposed development uses the required colours as per the relevant requirement of Warringah DCP 2011.

17. Active Travel Links

Objectives

- O1. To improve pedestrian accessibility, safety and amenity through the maintenance or creation of functional, accessible, attractive links*
- O2. The proposed development improves connectivity and contributes to an active and vibrant Freshwater Village*
- O3. To provide for permeability between buildings, community facilities and public transport*

Comment:

In relation to the proposed development, I note the subject site does not adjoin a lane or parking area.

18. Development in the Vicinity of Heritage Items

Objectives

- O1. To ensure that any proposed development within the vicinity of a heritage listed item does not have an adverse impact on and complements the heritage significance of the item(s)*

Comment:

The subject site is not identified on the relevant map under Warringah DCP 2011 as being within the vicinity of heritage items. As such, “18. Development in the Vicinity of Heritage Items” under Warringah DCP 2011 does not apply to the proposed development.

3. SECTION 4.15 ASSESSMENT

Assessment of the current DA requires consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Previous sections of this SEE have addressed relevant matters to be considered under Section 4.15, in particular the relevant environmental Planning Instruments and Development Control Plan.

The following additional comments are provided for assessment: -

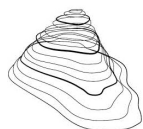
Table 3.1: Section 4.15 Summary

Impact on the Natural Environment	
Matter	Potential Impact?
Acid Sulfate Soils	The proposed development does not incorporate any excavation that will impact acid sulfate soils.
Flooding	The site is not subject to flooding.
Bushfire	The site is not mapped as bushfire prone land.
Drainage	This matter has been addressed within the SEE.
Flora & Fauna	This matter has been addressed throughout the SEE.
Impact on the Built Environment	
Matter	Potential Impact?
Aboriginal Cultural Heritage	A search of the AHIMS concludes that there are no known records of Aboriginal sites or places within the immediate vicinity of the subject site. Based on the disturbed nature of the site, and having regard to the considerations in the Code, it is considered that the presence of artefacts and or sites of Aboriginal heritage value would be highly unlikely.
Environmental Heritage	The site does not contain any known items of environmental heritage.
Traffic	No increase in patron number is sought, therefore Traffic generation will not be increased and will be easily accommodated within the existing road network.
Scenic qualities	The proposed development is consistent with the current and future character of the locality as expressed within the provisions of LEP 2011 and the DCP. For the reasons outlined in this SEE, I consider that the proposed development will not have an adverse impact on the scenic qualities of



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Impact on the Natural Environment	
Matter	Potential Impact?
	the area.
Compatibility with adjacent land uses	The proposed alterations and additions are compatible with adjoining residential dwellings.
Height, Bulk and Scale	The proposed height, bulk and scale are eminently reasonable for the reasons outlined in this SEE.
Overshadowing	Please refer to previous comments in relation to Overshadowing Impact.
Overlooking	Please refer to previous comments in relation to Overlooking Impact.
Acoustic	Please refer to previous comments in relation to Acoustic Impact.
Views and vistas	For the reasons outlined in this SEE, the proposed development will not have an adverse impact on views and vistas from private properties or the public domain.
Site design	The site design has been configured to ensure that no unreasonable impacts will result.
Public domain	As previously noted, there will be no adverse impact on the public domain.



4. SUITABILITY OF THE SITE & THE PUBLIC INTEREST

The proposed development will enhance the use of the existing dwelling without unreasonable amenity impacts on adjoining lands or without representing an overdevelopment of the site.

The proposal will not result in any negative social or economic impacts.

The site is suitable to accommodate the proposed development.

Approval of the development does not raise any issues contrary to the public interest.

5. CONCLUSION

The review documentation, the subject of this Statement of Environmental Effects has addressed the issue of Acoustic Impact by directing the consent authorities attention to the previous assessment carried out by Council's Assessment Officer, Environmental Health Officer and amendment to the design to provide a fixed shut awning with significantly improved Acoustic Performance. Furthermore, the current application has adopted the Hours of Operation previously proposed as a Condition of Consent by Council's Assessment Officer as follows;

Indoor Seating Area:

- Monday to Friday – 12:00pm to 12:00am
- Saturday – 12:00pm to 12:00am
- Sunday and Public Holidays – 12:00pm to 10:00pm

Outdoor Seating Area:

- Monday to Thursday – 12:00pm to 8:00pm
- Friday and Saturday – 12:00pm to 10:00pm
- Sunday and Public Holidays – 12:00pm to 8:00pm

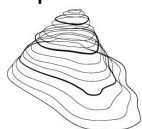
This review request has addressed the issue of inadequate construction information and specification for the proposed awning by-

- Providing Architectural plans specifying the proposed fixed shut awning and change in material to provide a significantly improved Acoustic Performance.
- An Acoustic Memorandum prepared by Pulse White Noise Acoustic Consultants confirming that *"this system will meet the recommendations set out in the DA Acoustic Assessment prepared by Pulse White Noise Acoustics (ref 210020 - 20 Alert Street, Freshwater - DA Acoustic Assessment - Rev 9, dated 12 July 2022)."*
- Provision of Danpal Acoustic product Specifications and Tests to further confirm the Acoustic Performance of the fixed shut awning.

This information will enable Council to revisit its assessment of Development Application DA2022/1320 with adequate information to reach an informed decision.

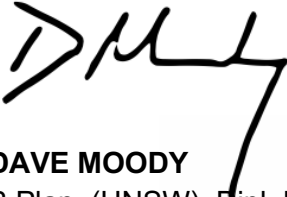
The proposal is consistent with the relevant objectives of the B2 Zone and is compliant with the relevant provisions of the *Local Environmental Plan*. Furthermore, the proposal complies with the relevant Objectives and is consistent with appropriate controls contained within the *Development Control Plan*.

The proposed development will not result in unacceptable ecological impacts or amenity impacts to adjoining properties.



Statement of Environmental Effects – 20 Albert Street, Freshwater

As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed demonstrating the proposed development is compatible with the surrounding environment.



DAVE MOODY

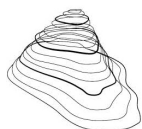
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Northern
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