

STATEMENT OF ENVIRONMENTAL EFFECTS

Wahlburgers

4 Vuko Place,
Warriewood

Suite 1, 9 Narabang Way Belrose NSW 2085

Phone: (02) 9986 2535 | Web: www.bbfplanners.com.au

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2085.

Statement of Environmental Effects

Alterations and additions to the ground floor of the existing commercial building and its fit-out and use as a restaurant with take away food and drink offering

Greg Boston

B Urb & Reg Plan (UNE) MPIA
Boston Blyth Fleming Pty Ltd
(ACN 121 577 768)

Suite 1/9 Narabang Way
Belrose NSW 2085

Tel: (02) 9986 2535

June 2022

TABLE OF CONTENTS

1	Introduction.....	4
2	Site Analysis	6
2.1	Site Description and location	6
2.1.1	The Site	6
2.1.2	The Locality	8
3	Description of Proposed Development.....	9
3.1	Details of the proposed development.....	9
4	Statutory Planning Framework	10
4.1	Pittwater Local Environmental Plan 2014.....	10
4.1.1	Zoning	10
4.1.2	Height of Buildings.....	11
4.1.3	Flood Planning	12
4.2	Pittwater 21 Development Control Plan	12
4.2.1	Warriewood Valley Locality	12
4.2.2	DCP Compliance Table	14
4.3	State Environmental Planning Policy (Biodiversity and Conservation) 2021	20
4.3.1	Vegetation in non-rural areas	20
4.4	State Environmental Planning Policy (Resilience and Hazards) 2021.....	20
4.4.1	Coastal Hazard	20
4.4.2	Remediation of Land	20
4.5	State Environmental Planning Policy (Transport and Infrastructure) 2021	21
4.5.1	Roads and Traffic	21
4.6	State Environmental Planning Policy (Industry and Employment) 2021	22
4.6.1	Advertising and Signage	22
4.7	Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended	25
5	Conclusion.....	30

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Planet Warriewood Pty Ltd in support of a development application proposing alterations and additions to the ground floor of the existing commercial building and its fit-out and use as a restaurant with take away food and drink offering. Specifically, the application relates to the fit-out and use of the north-western ground floor tenancies and adjacent outdoor area as a Walburgers restaurant, inclusive of a drive-through service. The proposal also includes landscape works, business signage and alterations to the exiting carpark to accommodate the drive-thru facilities and a MRV loading bay.

The proposed use of the ground floor tenancy as a Walburgers restaurant will complement the adjoining cinema complex, providing an eat-in dining option for people before or after their cinema experience. The restaurant will also serve the wider residential population of the Warriewood and Warriewood Valley localities, noting that these areas currently have very few dine-in restaurant options.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans
- Signage Detail Plans
- Survey
- Plan of Management
- Landscape Plan
- Traffic and Parking Assessment Report
- Flood Assessment Report
- BCA Compliance Report
- Waste Management Plan

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- State Environmental Planning Policy (Industry and Employment) 2021,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and

- Pittwater 21 Development Control Plan 2012 (**P21 DCP**).

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The site has a legal description of Lot 2 in DP 737137 and is commonly referred to as 4 Vuko Place, Warriewood. The site is irregular in shape, with frontages to Pittwater Road to the south-east and Vuko Place to the North-west.

An aerial location photograph is at Figure 1 below.



Figure 1: Aerial photograph of the subject site

The site currently contains a two and three storey building with 187 at-grade parking spaces. The ground floor of the building is bisected by an undercover driveway that runs centrally through the site. The north-western portion of the ground floor comprises two separate tenancies; one approved for use as an office premises with a GFA of 246m² and one approved for use as a kids gym with a GFA of 260m². The south-eastern portion of the ground floor comprises a restaurant and bar, café/lounge, children's play gym, and an electronic games centre. The upper floors of the building comprise a 7-screen cinema complex.

Vehicular access is gained via Vuko Place. Vuko Place is a no-through road, culminating in a cul-de-sac/roundabout at the frontage of the site. Vehicles enter the site at the northern-most access driveway, with one way traffic movement around the perimeter of the building and through the central undercover driveway. Vehicles exit the site from the southern-most access driveway.

The site is identified as being within the proximity area for coastal wetlands on the Coastal Wetlands and Littoral Rainforests Map.

The site is identified as being prone to flooding on the Flood Risk Precinct Map of P21 DCP.

The physical and topographical characteristics of the site are depicted on the site survey extract at Figure 2 below.

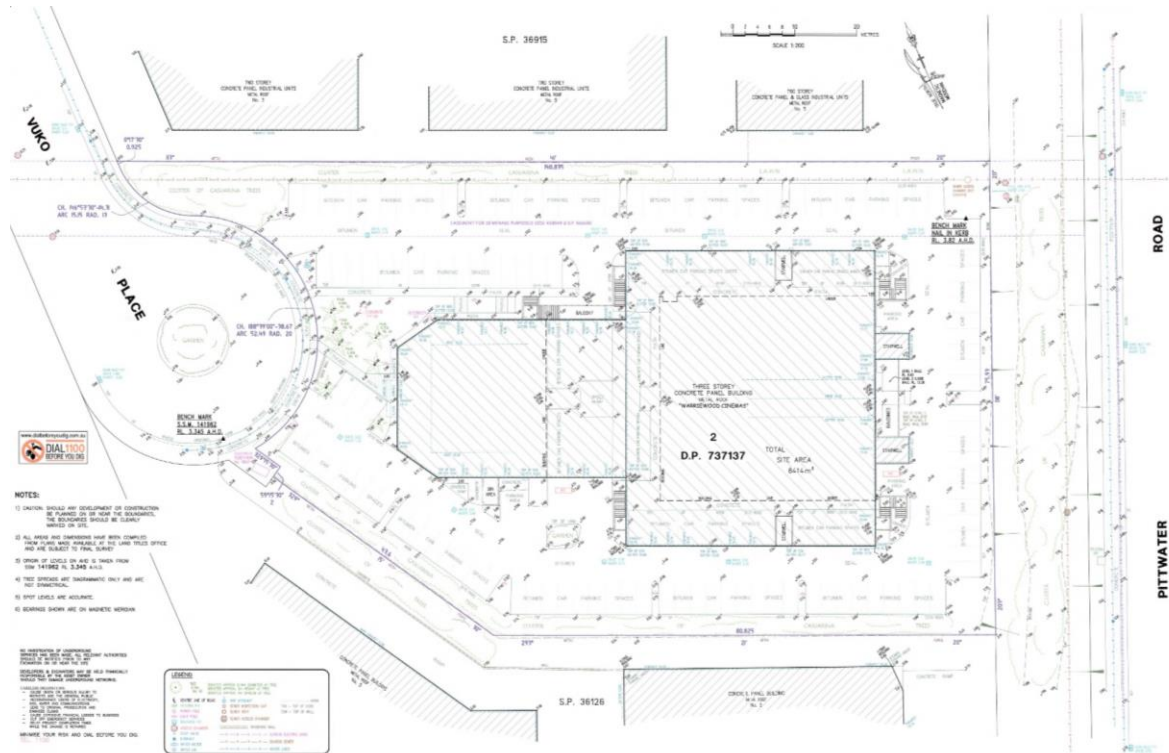


Figure 2: Extract of site survey



Figure 3: Subject property as viewed from Vuko Place

2.1.2 The Locality

The site is located within an area zoned B7 Business Park under the provisions of PLEP 2014. The Business Park zone comprises five separate lots, is bound by Vuko Place, Warriewood Road, Pittwater Road and Narrabeen Creek, and contains buildings of varied land use, including a McDonalds restaurant, a childcare centre, light industries, warehouses and office premises.

Warriewood Sewerage Treatment Facility is located to the north-west of the site, with public reserves beyond the Business Park zoned land to the south and to south-east on the opposite side of Pittwater Road. The closest residential properties are located along Arnott Crescent and Pittwater Road to the east and north-east, and Warriewood Road to the north.

An extract of the Zoning Map is provided in Figure 4, below.

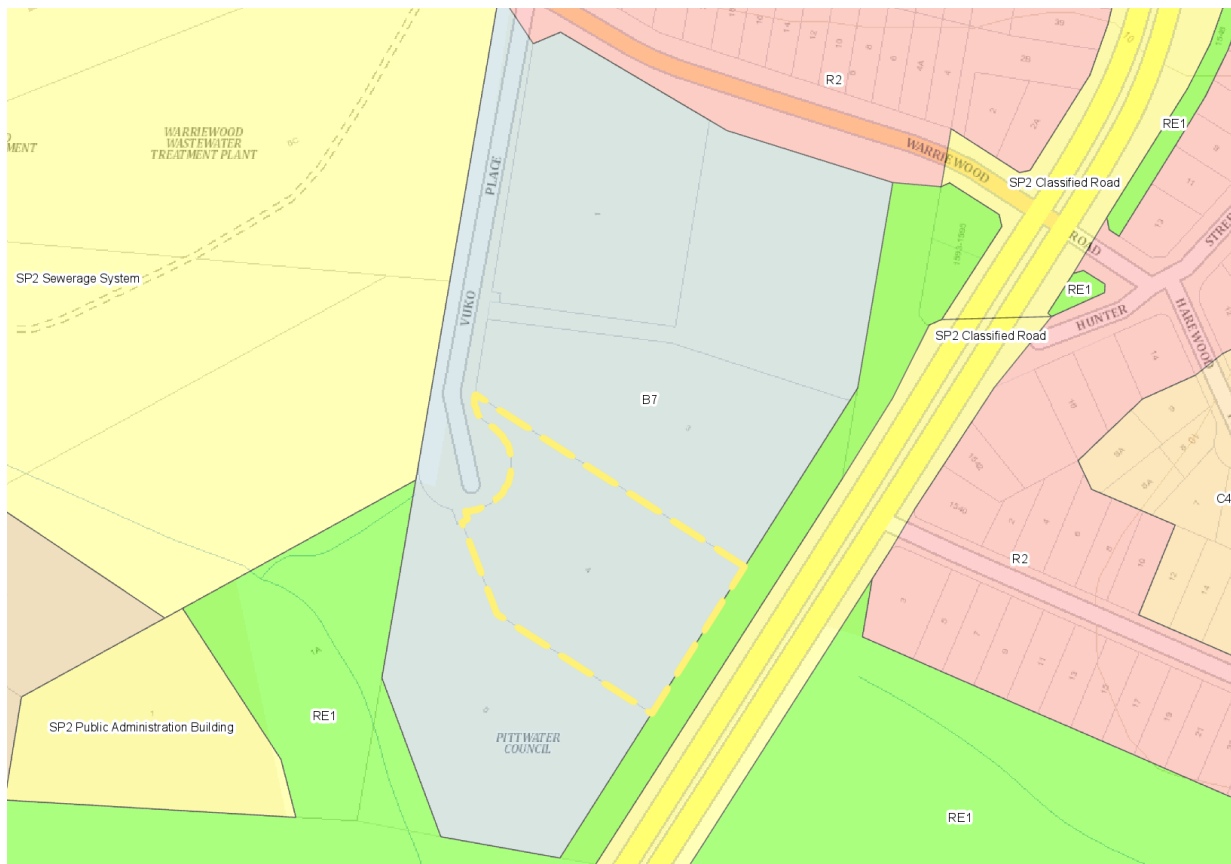


Figure 4: Extract of Zoning Map

3 Description of Proposed Development

3.1 Details of the proposed development

The proposed development is depicted in the architectural drawing set prepared by MM Atelier Architects. This application provides for the following built form and land use outcomes specific to the north-western portion of the ground floor and adjacent parking and outdoor areas:

- Demolition works,
- Alterations, additions and fit-out for the use of a Wahlburgers restaurant, with a seated capacity for 222 patrons (indoor and outdoor), and associated kitchen areas, storage areas, amenities, and staff facilities,
- Drive-through service via the existing undercover central driveway,
- The provisions of a MRV loading bay,
- Mechanical ventilation,
- Business identification signage, and
- Landscaping.

The application seeks consent to trade between 6:00am and midnight 7 days consistent with the approved trading hours for the adjoining cinema complex.

The proposed restaurant is to be managed in accordance with the Plan of Management annexed to this statement.

The acceptability of the access, car parking and servicing arrangements are detailed within the accompanying Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering & Road Safety Consultants.

The suitability of the proposal with regard to the flood affectation of the site is detailed in the Flood Assessment by Taylor Consulting with BCA compliance addressed in the accompanying report prepared by GRS Building Reports Pty Limited.

Finally, the application is supported by a Waste Management Plan prepared by WB Leasing Pty Ltd detailing how demolition and construction waste is to be managed during the construction phase and how general waste is to be managed throughout the life of the development.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the B7 Business Park zone, and the proposed restaurant is permissible with consent.

'Restaurant' is defined by PLEP 2014, as follows:

***restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.*

We have formed the considered opinion that the drive-through takeaway component of the proposed development is appropriately captured by the restaurant definition, as opposed to a separate dominant use for the purpose of a take away food and drinks premises.

'Take away food and drink premises' are defined by PLEP 2014, as follows:

***take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.*

Nonetheless, should Council consider the drive-through component to be a dominant use, take-away food and drink premises are also permissible with consent on the land.

The proposal is consistent with the stated objectives of the B7 Business Park zone, as follows:

- *To provide a range of office and light industrial uses.*

Comment: N/A – the proposed development is not for the purpose of an office or a light industrial use.

- *To encourage employment opportunities.*

Comment: The proposed development will provide for additional employment opportunities both during construction and over the life of the development, with a need for front and back of house staff to serve the patrons of the restaurant. Further employment opportunities will be generated through the operation of the restaurant, including those associated with food production, delivery and other associated services.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Comment: The proposed restaurant will provide a new food and drink offering to workers within the surrounding business park area, and to the wider residential community, including those attending the cinema.

- *To provide healthy, attractive, functional and safe business areas.*

Comment: The proposed development will revitalise a vacant portion of the existing commercial building, providing a functional and safe environment for visitors to the site and those travelling along Vuko Place.

Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of Buildings

Pursuant to the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 11m.

The objectives of this control are as follows:

- (i) *to ensure that buildings are compatible with the desired future character of the area in terms of building height and roof form and will produce a cohesive streetscape, and*
- (ii) *to provide opportunities for buildings of a greater height than existing development in suitable locations to achieve the Council's residential strategy and provide opportunities for economic growth.*

Building height is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The works the subject of this application are limited to the ground floor of the existing commercial building, with a maximum height of approximately 3.8m with signage extending to a compliant height of approximately 9 metres.

4.1.3 Flood Planning

The site is within a flood planning area and is subject to the provisions of clause 5.21 (Flood Planning) of PLEP 2014.

The objectives of this clause are as follows:

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The application is supported by a Flood Assessment by Taylor Consulting. Council can be satisfied that the development:

- is compatible with the flood function and behaviour on the land, and
- will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- incorporates appropriate measures to manage risk to life in the event of a flood, and
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

4.2 Pittwater 21 Development Control Plan

4.2.1 Warriewood Valley Locality

The site is located within the 'Stage 1 Release' of the Warriewood Valley Locality, which is described as follows:

Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood). It comprises of land known as "Stage 1 Release" and land identified as the Warriewood Valley Release Area.

The Warriewood Valley Release Area, first identified in 1997 as a Release Area, comprises of 110 hectares including 32.68 hectares of industrial/commercial land and associated community facilities and infrastructure. Two recent reviews have been undertaken, firstly the Warriewood Valley Strategic Review 2012 and secondly the Warriewood Valley Strategic Review Addendum Report 2014. The Release Area now includes land within 400m of the Warriewood Sewerage Treatment Plant (known as Buffer Areas 1, 2 and 3) encompassing an area of approximately 190 hectares.

Warriewood Valley Release Area is primarily a residential area expected to provide a total of 2,451 new dwellings (this figure includes the dwellings approved under the former Part 3A legislation but does not include development in Stage 1 Release considered to be completed in 1997.). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).

Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.

Stage 1 Release has a residential component and a business/industrial component. The residential area is characterised by two storey residential attached dwellings with the area fully developed. The industrial/business area is defined by up to three storey large complexes that generally contain smaller units. The majority of the business/industrial zoned land has been developed with some smaller parcels still to be developed in the northern industrial area.

The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.

Warriewood Valley is affected by various hazards and contains heavily vegetated areas, threatened species, or areas of natural environmental significance, which are identified on various maps within the Pittwater LEP 2014.

A number of identified heritage items are located in Warriewood Valley.

4.2.2 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
Part B General Controls			
B6.3 Off-Street Vehicle and Parking Requirements	Spaces are to be provided in accordance with the Roads and Maritime Services Guide to Traffic Generating development.	The provision of parking spaces on site, combined with spaces available on the surrounding road network (outside the core business park hours of operation) provide an adequate number of parking and service spaces that meet the demand generated by the development. The suitability of the proposed parking provision is addressed in the accompanying Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering & Road Safety Consultants.	Acceptable on merit.
B8.3 Construction and Demolition – Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Construction, Demolition Waste Management Plans prepared by WB Leasing Pty Ltd detailing how demolition and construction waste is to be managed during the construction phase.	Yes
C2 Design Criteria for Business Development			

Control	Requirement	Proposed	Compliance
C2.1 Landscaping	A built form softened and complemented by landscaping. Landscaping that reflects the scale and form of development.	Landscaping works are proposed to the front setback to Vuko Place, as detailed on the landscape plans accompanying the application. The landscaping will appropriately screen and soften the proposed development and the existing commercial building.	Yes
C2.2 Safety and Security	The development is to be designed in accordance with the four CPTED principles.	The proposed development has been specifically designed to minimise the opportunity for crime by adopting appropriate measures with respect to surveillance, access control, territorial reinforcement and space management. The development also forms part of a larger development that also has appropriate regard to CPTED principles. The proposed restaurant is to be managed in accordance with the Plan of Management annexed to this statement.	Yes
C2.6 Adaptable Housing and Accessibility	Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access. The siting and design of a building to which the	All works will be undertaken in accordance with the relevant provisions of the BCA and AS1428-2009:1.	Yes

Control	Requirement	Proposed	Compliance
	general public has access shall comply with Australian Standard AS 1428-2009.1: Design for access and mobility – General requirements for access – New building work.		
C2.9 Waste and Recycling Facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	The application is supported by an On-Going Waste Management Plans prepared by WB Leasing Pty Ltd detailing how general waste is to be managed throughout the life of the development.	Yes
C2.10 Pollution Control	All developments must be designed, constructed, maintained, and operated in a proper and efficient manner to prevent air, water, noise or land pollution.	The proposed development has been designed to minimise impacts upon the surrounding environment.	Yes
C2.11 Signage	Signage is to meet specific criteria, dependant on the type of signage proposed.	The application proposes new illuminated business identification signage associated with the tenancies utilising the complex. The size and nature of the signage is commensurate with the scale of the development and given its location will not give rise to any adverse streetscape or residential amenity consequences.	Yes

Control	Requirement	Proposed	Compliance
C2.21 Food Premises Design Standards	Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment). Compliance with Australia Standard AS 4674-2004: Construction and fit-out of food premises. Mechanical Ventilation systems are to be designed, manufactured, installed, operated and maintained in accordance with relevant Australian Standards. Mechanical Ventilators or other air conditioning equipment shall be screened from view from public and private domain to avoid clutter on the side, front and rear walls of development in the Elanora Heights Village Centre. Food businesses must ensure that the premises are provided with the necessary services of water waste disposal, light ventilation, cleaning and personal hygiene facilities, storage space and access to toilets.	The proposed development has been designed in accordance with standards. There is no objection to the imposition of conditions of consent in this regard.	Yes
C2.24 Take Away Food Premises	A food and drink premise, that includes a drive-in or drive-through	The site has an area of 8414m ² .	Yes

Control	Requirement	Proposed	Compliance
	component shall not be erected or used unless the following conditions are complied with: (a) the site area is not less than 1,000m². (b) where the site has a frontage to a main or arterial road, the frontage is not less than 27 metres; and (c) where the site has a frontage to any other road, the frontage is not less than 21 metres; and (d) the vehicle crossing is not: - less than 6 metres wide; - closer than 9 metres to another vehicular crossing on the site; or - closer than 7.6 metres to a road intersection.	The site has a 75.93m wide frontage to Pittwater Road (main road). The vehicle crossing is not less than 6m wide. The vehicle crossing is not within 9m from another vehicle crossing or clause than 7.6m to a road intersection.	
Part D16 Warriewood Valley Locality			
D16.1 Character as viewed from a public place	The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front	No works are proposed to the eastern façade fronting Pittwater Road. The dominant façade presenting to Vuko Place remains largely unchanged, with the exception of a light-weight single storey roof that wraps around the northern corner of the building. The proposed roof form will assist to break down the overall built	Yes

Control	Requirement	Proposed	Compliance
	public places are not supported. Clear visual connection must be achieved between the public place and the front setback/front façade of the building. The bulk and scale of buildings must be minimised. Conceal services.	form of the existing building, to make it more 'human scale', consistent with the objectives of this control. The development proposes planters along the perimeter of the outdoor eating area to soften the visual impact of the development and maintain suitable territorial reinforcement between the restaurant and the adjacent carpark.	
D16.6 Front Building Line	30m to Pittwater Road 3m to Vuko Place	No works to Pittwater Road frontage. Proposed fixed umbrellas: 5m minimum setback to Vuko Place. Proposed new roof: 9m to Vuko Place.	Yes
D16.7 Side and Rear Building Lines	3m to all side and rear boundaries.	North-eastern side boundary: >3m (approximately 20m) South-western side boundary: >3m (approximately 14m)	Yes
D16.12 Fences	In all cases, vegetation is preferable over fencing to delineate the property boundary.	The application proposes fixed 1m high planter boxes around the perimeter of the outdoor eating area to soften the visual impact of the development and maintain suitable territorial reinforcement between the restaurant and the adjacent carpark.	Acceptable on merit

Control	Requirement	Proposed	Compliance
D16.13 Building Colours and Materials	Limited use of corporate colours may be permitted for non-residential development, and within Business Park and Light Industrial zoned land.	The external colours and finishes will match those established by the existing building.	Yes

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.3.1 Vegetation in non-rural areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not seek consent for the removal of any existing trees or vegetation and is consistent with the requirements and objectives of Chapter 2 of SEPP (Biodiversity and Conservation).

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.4.1 Coastal Hazard

The site is identified as land in the proximity area for coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map and the provisions of chapter 2 of SEPP (Resilience and Hazards) are applicable in relation to the site and this proposal.

The consent authority can be satisfied that the proposed development will not significantly impact upon the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland, consistent with the provisions of section 2.8 of this policy.

Further, the proposed development is not likely to cause increased risk of coastal hazards on the land or other land, and the consent authority can be satisfied with respect to section 2.12 of this policy.

4.4.2 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for commercial purposes for an extended period of time, and Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.5.1 Roads and Traffic

Pittwater Road is a classified road. Section 2.118 of SEPP (Transport and Infrastructure) prescribes that the consent authority must not grant consent to a development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - i. *the design of the vehicular access to the land, or*
 - ii. *the emission of smoke or dust from the development, or*
 - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The consent authority can be satisfied of these matters, as follows:

- (a) Vehicular access is gained via Vuko Place,
- (b) The safety, efficiency and ongoing operation of Pittwater Road will not be adversely impacted, as access to the site and all servicing of the site is to be gained/undertaken from Vuko Place, and
- (c) The development has been designed to mitigate traffic noise for future occupants of the development, noting that the proposed restaurant is located on the opposite side of the site from the main road.
- (d)

4.6 State Environmental Planning Policy (Industry and Employment) 2021

4.6.1 Advertising and Signage

The application seeks consent for signage and the provisions of Chapter 3 of SEPP (Industry and Employment) are applicable to the proposed development. The consent authority can be satisfied that the proposed signage is consistent with the objectives of Chapter 3 of this policy, and the assessment criteria specified in Schedule 5 of this policy, as follows:

Criteria	Comment	Compliance
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is commensurate with the form and scale of development anticipated in the zone and the multiple land uses proposed on the site. The signage will not be readily discernible as viewed from Pittwater Road and will not be perceived as inappropriate or jarring as viewed from Vuko Place.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A	N/A
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Having inspected the site and its immediate surrounds I am satisfied that the proposal will not detract from the amenity or visual quality of the area.	Yes
Does the proposal obscure or compromise important views?	The proposed signage will not obscure or compromise any views or outlook.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is flush mounted to the building façade and to that extent will not dominate the skyline and reduce the quality of vistas.	Yes

Criteria	Comment	Compliance
Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not impact any existing signage on surrounding properties.	Yes
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is commensurate with the height scale and form of the building to which it is fixed and will not be perceived as inappropriate or jarring in the streetscape which is characterised by other industrial/commercial and restaurant/take away food offerings.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is concentrated onto one portion of the building façade which provides for a single consolidated signage outcome for the site.	Yes
Does the proposal screen unsightliness?	The proposed signage is attached to a reasonably bland and visually uninteresting building façade which is enhanced as a consequence of the signage proposed.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building to which it is attached.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require the removal of any trees or vegetation.	Yes

Criteria	Comment	Compliance
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale, proportion and form of the proposed signage is commensurate with the height scale and form of the building to which it is fixed and will not be perceived as inappropriate or jarring in the streetscape which is characterised by other industrial/commercial and restaurant/take away food offerings.	Yes
Does the proposal respect important features of the site or building, or both?	The building to which the signage is attached does not contain any important features.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is appropriate for the building and businesses which they identify.	Yes
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A	N/A
Would illumination result in unacceptable glare?	Given the location of the proposed signage relative to the nearest residential receivers the illuminated signage will not give rise to any adverse residential amenity consequences.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Given the location of the proposed signage illumination will not give rise to any adverse pedestrian or traffic related safety consequences.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	Given the location of the proposed signage relative to the nearest residential receivers the illuminated signage will not give rise to any	Yes

Criteria	Comment	Compliance
	adverse residential amenity consequences.	
Can the intensity of the illumination be adjusted, if necessary?	Yes	Yes
Is the illumination subject to a curfew?	The illuminated signage will be lit during business hours.	Yes
Would the proposal reduce the safety for any public road?	Given the location of the proposed signage illumination will not give rise to any adverse pedestrian or traffic related safety consequences.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	As above.	Yes

4.7 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposed restaurant is permissible and consistent with the intent of the PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

(iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

- (iii) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

- (iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

These issues have been discussed in detail in the report. The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

Public Domain

The proposed development will have no adverse impact on the public domain. Rather, the proposal will result in a significant enhancement of the existing vacant premises and the wider public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna.

Waste Collection

The proposed development provides appropriate waste storage areas and will be serviced by private contractors.

Natural hazards

N/A

Economic Impact in the locality

The proposed development will generate temporary employment during construction. On-going employment will be provided by the proposed restaurant.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed restaurant responds positively to the desired future character of the Warriewood Valley Locality and is appropriately located within a Business Park zone. The use will reinforce the long term viability of the zone, without any adverse impacts upon the amenity of adjoining workplaces or nearby residences.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', written over a horizontal line.

Greg Boston

Director