

Statement of Environmental Effects

Section 4.55 (2) Modification
to development consent (no. DA981-2020 dated 21 December
2021) for proposed alterations and additions to an existing
commercial building, including the use of part of the existing
building as a café and a bar at
250 Henry Lawson Drive,
Georges Hall, NSW 2198

26 June 2022

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Momcilo Romic
Town Planning Consultant

Postal Address: PO Box W85, Fairfield West NSW 2165
Mob: 0404 841 933
Email: momcilo@romicplanning.com
Web: www.romicplanning.com

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1. Introduction

Council issued a development consent (no. DA981-2020) on 21 December 2021 for alterations and additions to an existing commercial building, including the use of part of the existing building as a café and a bar at 250 Henry Lawson Drive, Georges Hall, NSW 2198.

Following on from this approval, the business owners have decided to fine tune the architectural elements to the interior and exterior of the café/bar.

This Modification Application seeks consent for the following external and internal architectural design changes:

- Access design incorporated into the drawings (front and rear of premises).
- New counter and service area.
- Interior décor updated including seating layout.
- New cool room.
- New bin room storage.
- Amended sanitary facilities.
- New outdoor seating area to the rear (40 seats) and new roof covering.
- Revised parking layout. Car spaces 4, 5 and 6 are to be occupied by full time staff.
- Revised loading dock.
- New store for service station.
- New landscaped garden to rear.
- New food truck parking area.
- Façade changes (glazing elements and façade detail).
- New signage.

There are changes to the carrying capacity of the venue with an increase of 40 seats (external).

There are not changes to the approved operating elements regarding hours of operation or security requirements.

The main body of this report reviews key planning considerations for Council as a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

2. Site Conditions

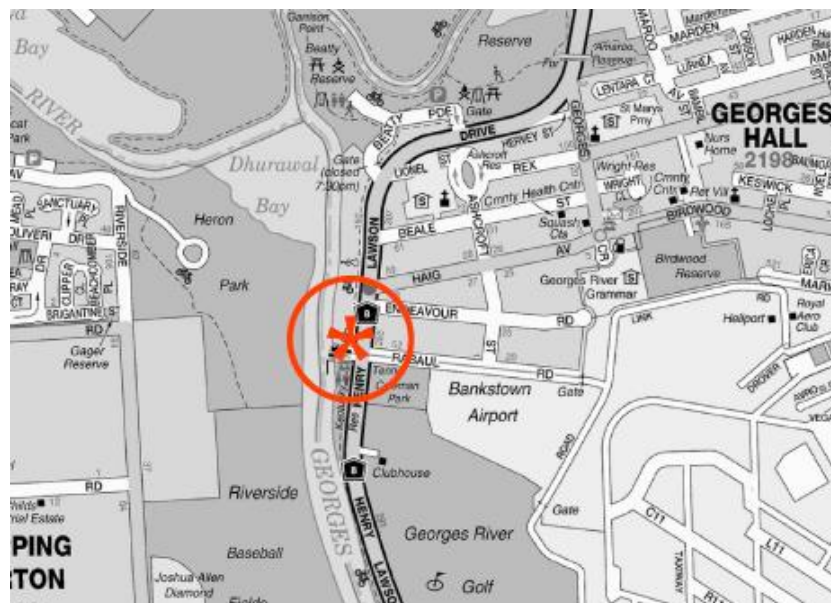
2.1. Description

The site is a consolidation of Lot 100 in DP 1146446, which occupies a rectangular-shaped surface area of 1205sq.m and a 36.6m frontage to the Henry Lawson Drive and a 29.3m frontage to Rabaul Road.

The site is adjoined to the north by a single detached residential dwelling and to the west by commercial uses (i.e., restaurants). A mix of residential and commercial uses are located on the opposite side of Henry Lawson Drive.

There are 2 Council's at-grade car parking facilities in the vicinity of the site with 60 car spaces.

Site improvements consist of a service station with a convenience store and a carwash facility with an ancillary café.



Location Plan

3. Modification proposal

The Section 4.55 (2) Modification Application seeks consent for the following external and internal architectural design changes:

- Access design incorporated into the drawings (front and rear of premises).
- New counter and service area.
- Interior décor updated including seating layout.
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- Façade changes (glazing elements and façade detail).
- New signage.

There are changes to the carrying capacity of the venue with an increase of 40 seats (external).

There are not changes to the approved operating elements regarding hours of operation or security requirements.

The changes are outlined on the revised architectural drawings.

4. Threshold Test

The development as proposed to be modified is considered to be substantially the same as that originally approved as they relate to architectural design elements to allow the fine tuning of the construction certificate.

The increase to seating capacity does not intensify the use of the premises to be deemed unsuitable or to impact on amenity concerns.

5. Matters of Consideration

5.1. Section 4.15(1)(A)(I) – any environmental planning instruments

Bankstown Local Environmental Plan 2015

The site is located within the B1 Neighbourhood Centre zone under Bankstown Local Environmental Plan 2015.

The following development standards contained in the Bankstown Local Environmental Plan 2015 apply to the proposal:

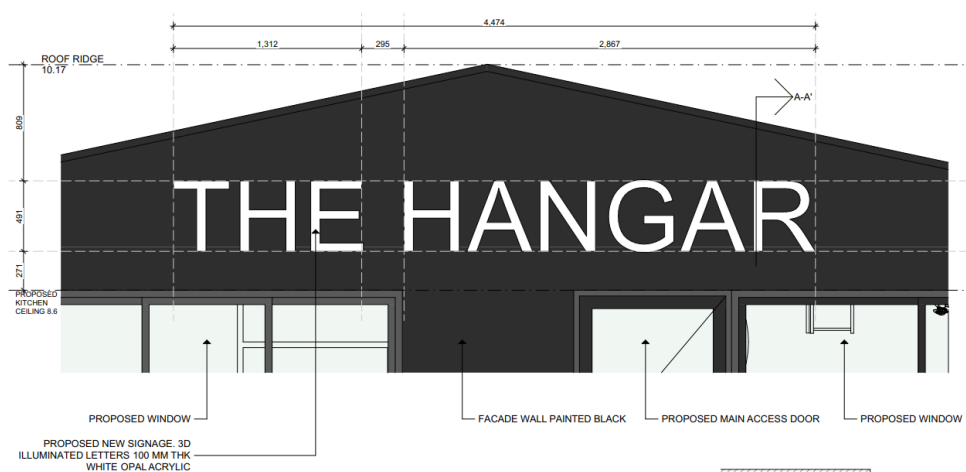
LEP Clause	Original DA	Proposed MA	Compliance (Yes/No/NA)
4.3 – Height of Buildings 11 metres	No change.	New roofline matches existing and is below the maximum i.e., 4.9m No change.	Yes
4.4 – Floor Space Ratio 0.5: 1	Allowable: 602.45sq.m Approved area of 267sq.m.	Increase of 52 sq.m. Proposed area of 318.96sq.m. Minor increase.	Yes
4.6 – Exceptions to development standards	N/A	N/A	N/A
5.1A Development on land intended to be acquired for public purposes	No change.	No change.	Yes
5.7 Development below mean high water mark	Internal floor level approved to be raised.	Approved floor level is to be maintained. No change.	Yes
5.10 – Heritage Conservation	N/A	N/A	N/A
5.21 Flood	Internal floor	Approved floor level	Yes

planning	level approved to be raised.	is to be maintained.	
6.1 – Acid Sulfate Soils	No change.	No change.	Yes
6.2 – Earthworks	Minor earthworks proposed and is not considered excessive cut/fill. The proposal overall will not have any detrimental effect on the site itself.	No change.	Yes

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and signage

The application proposes new signage/updated graphic from the original approval and is illustrated below:



Updated graphic

Clause 3.11 of Chapter 3 Advertising and signage of the SEPP states:

(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—

(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and

(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and

(c) satisfies any other relevant requirements of this Chapter.

Assessment Criteria

The following table outlines the manner in which the proposed signage (business identification signage) addresses the assessment criteria of Clause 3.1(1)(a) and Schedule 5.

Clause 3.1(1)(a)

Consideration of Sub Clauses (i) to (iii)	Consistent
(i) is compatible with the desired amenity and visual character of an area, and	Yes
(ii) provides effective communication in suitable locations, and	Yes
(iii) is of high quality design and finish, and	Yes

Schedule 5

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The site is located within a mixed urban precinct and some form of signage is expected to the café/restaurant to better identify the business.</p> <p>The amount of signage proposed is viewed to be compatible given this setting.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas,	There are no environmentally sensitive areas in proximity of the site that would be affected.

heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	
3 Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage will not obscure any important views, dominate the skyline, or compromise other advertiser’s viewed rights.
Does the proposal dominate the skyline and reduce the quality of vistas?	
Does the proposal respect the viewing rights of other advertisers?	
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The number and scale are considered to be appropriate for the use of the site.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	
Does the proposal screen unsightliness?	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	
Does the proposal require ongoing vegetation management?	
5 Site and building	
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?	<p>The subject building is not a heritage item.</p> <p>The site is not located within a conservation area.</p> <p>The upgraded signage is of a modern appearance including the use of current and in trend materials.</p> <p>The proposed signage does not</p>

	alter the characteristics of the site and building and is consistent with signage found in the townscape.
Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A.
7 Illumination	
Would illumination result in unacceptable glare?	<p>Illumination would be within acceptable levels and not raise any safety or amenity concerns.</p> <p>Deemed to comply as conditions of consent.</p>
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8 Safety	
Would the proposal reduce the safety for any public road?	<p>The proposed signage will not reduce the safety for pedestrians or cyclists.</p> <p>The signage will not obscure sightlines from public areas.</p>
Would the proposal reduce the safety for pedestrians or bicyclists?	

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.

5.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the proposal.

5.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The following table reviews the revised development against the requirements outlined within Bankstown Development Control Plan 2015 on merit.

Development Control	Original DA	MA Proposal
Part B2- Commercial Centres	-	-
SECTION 2– NEIGHBOURHOOD CENTRES	-	-
Lot widths	Existing commercial building and land holding. No residential use component proposed.	No change.
Storey limit (not including basements)	Single storey construction.	No change.
Setback to the primary and secondary frontages of allotments	Existing setbacks to buildings.	Slight change, as new store room and bin area in line with existing external walls. Considered acceptable.
Setback to the side and rear boundaries of allotments	6.045 metres to cleaner's bathroom and existing.	10.5 metres to new bathrooms.
Setbacks within an allotment	N/A	N/A
Building form and design	N/A	N/A

Building design (substations)	N/A	N/A
Building design (utilities and building services)	Existing.	No change.
Part B5 Parking	Existing- 2 car spaces. It was accepted that there is a minimum vacancy of 140 and 132 on-street spaces during the Thursday's and Saturday's evening peak periods.	Dining area (24 sq.m) at 0.15 car space per sq.m, requires an additional 4 space. Onsite there are 7 car spaces proposed which is an increase of 5 spaces. Car spaces 4, 5 and 6 are to be occupied by full time staff. Satisfactory.
Waste Management	Deemed to comply as conditions of consent.	No change.

Given the nature of proposed works compliance with non-statutory controls that are applicable is achieved.

There are no non-compliances with the development control plan.

There are no outstanding orders or investigations affecting the premises.

5.4. Section 4.15(1)(A)(iia) – any planning agreement or draft planning agreement

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the modification sought.

5.5. Section 4.15(1)(B) - the likely impacts of the development

The proposal is compatible with other land use activities and sensitive land users.

The site is deemed a suitable location to accommodate the food and drink premises as there are no adverse impacts for residential and commercial receiver locations.

Deliveries of supplies to the premises are conducted in accordance with the surrounding commercial/retail properties, with recommended hours of 7am to 6pm weekdays and 8am to 6pm weekends.

Waste collection be conducted in accordance with the surrounding residential properties with recommended hours of 7am to 6pm weekdays and 8am to 6pm weekends.

Other acoustic treatment measures to the construction elements i.e., glazing and wall and ceilings are deemed to comply with the original Noise Assessment Report findings and recommendations.

Overall, the acoustic treatment shall be generally consistent with the DCP and industry guidelines.

5.6. Section 4.15(1)(C) - the suitability of the site

The proposal will not increase the demand for public services or facilities.

The proposed façade improvements and works allow an improved façade, building presentation and appearance to the public domain.

The building will contribute to the character of the locality and is the desired future character for urban renewal to take course.

5.7. Section 4.15(1)(D) - any submission made

Council will review any submissions made during the exhibition process and we welcome the opportunity to review and respond to any submissions.

5.8. Section 4.15(1)(e) - the public interest

The proposal is not contrary to the public interest and supports the continued nightlife and visitation of the locality afterhours by the community.

6. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development as proposed to be modified is substantially the same as that originally approved.

Having regard to all of the above matters, it is considered that the modification generally, satisfies the relevant strategy, objectives and provisions of the LEP and DCP, is acceptable.

Momcilo (Momo) Romic
Town Planning Consultant
BTP (UNSW), MEM (UNSW)
NSW Builder Licence No. 252856C