



STATEMENT OF ENVIRONMENTAL EFFECTS

To accompany Construction of First Floor Addition to Existing Food and Beverage Kiosk and Awning

At 78 Gibson Avenue, Padstow

Prepared for Khodr Sleiman

Prepared by Dinastia Group

On July 2022

Lot: 43 SP: 22907 known as

78 Gibson Avenue, Padstow NSW 2211



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1.0 Introduction

This Statement of Environmental Effects (SEE) Report has been prepared by Dinastia Group to accompany a Development Application (DA) submitted to Cumberland City Council on behalf of Mr Khodr Sleiman in accordance with Section 78A of the Environmental Planning & Assessment Act (EP&A Act) 1979. The development proposes an addition of first floor to existing food and beverage kiosk and awning on the site of 78 Gibson Avenue, Padstow, with two (2) storage areas, two (2) bathrooms and two (2) balconies to the proposed first floor. A full description of the proposal is provided under Section 3.0 Proposed Development of this report.

The purpose of this document is to provide context of the subject site and its surrounding local environment, provide a detailed description of the proposed development, assess the compliance of the proposal in relation to the relevant planning policies and controls and examine the environmental, social and economic effects of the proposal against Section 79C Evaluation Criteria of the EP&A Act 1979.

This lot is legally defined as Lot 43 in Strata Plan (SP) 22907. Pursuant to the City of Canterbury Bankstown Council, the subject site falls under planning controls established in the Bankstown Local Environmental Plan (BLEP) 2015, which will be referred to as the local environmental planning instrument throughout the report. Pursuant to the BLEP 2015, the subject site is currently zoned as IN1 General Industrial. The subject site has not been identified as a Bushfire risk area, Flood Planning zone or Landslide Risk Land area. The site is not listed as a heritage items, nor is it within a heritage conservation area. The subject site is considered to not be subject to any other major development constraint, risk, hazard or Council policy regarding hazards or protection which may restrict or impact the proposed and unauthorised works. It is considered that the proposed first floor addition seeking consent to the property are appropriate for the site's context and this DA has been prepared with respect to the existing and surrounding development and the desired future character of the area.

This SEE report has been prepared by Dinastia Group, the applicants for this DA. City of Canterbury Bankstown Council shall be referred to as the Local Government Authority throughout this report, and the referenced planning controls will be those which presently apply to the LGA. This report should be read in conjunction with the relevant accompanying architectural plans and associated reports prepared by other parties.

2.0 Site and Context

The site is legally described as Lot 43 in SP 22907, alternately known as 78 Gibson Avenue, Padstow. The subject site is within the Canterbury Bankstown Local Government Area (LGA). The site is located within an IN1 General Industrial zone. The subject site has not been identified as a bushfire risk area, flood planning zone or being on landslide risk land. The buildings and site are not a heritage item, nor are they in a heritage conservation area. The subject site is not subject to any other major development constraint, risk, hazard or Council policy regarding hazards and protection with may restrict the proposed and unauthorised works on site.

The site is located on an industrial street and area that comprises of factories and warehouses. There are no local provisions in close distance to the site. The subject site is in the vicinity of a classified road that is the South Western Motorway. The proposed development is deemed to not have the potential to incur any adverse impact on the site surroundings.

The site is irregular in shape measuring 11.33m at Gibson Avenue and depth over 200m. The subject lot of this application is on the south eastern corner of the property and is the first building within the complex facing Gibson Avenue. The site is a single storey rendered brick kiosk with flat roof and a metal awning directly adjacent to the rendered kiosk. The total area of Lot 43 measures 64sqm. Within the front setback of the kiosk lies industrial valves station servicing the complex. As part of this proposal, these valves will remain existing and unchanged.



78 Gibson Avenue, Padstow (SixMaps, 2022)



The property is affected by a slight fall away from the street to the existing kiosk. The fall measures 320mm. The ground floor kiosk will remain existing and unchanged except for the door opening on the western elevation and the space used for the stairs leading to the levels above.

Pedestrian and vehicular access is from Gibson Avenue only. The strata plan states the car space beneath the awning is limited in height to 4m above the upper surface of the bitumen paving thereof. Refer to strata plan 22907 as attached for further information related to by-laws and conditions imposed upon the owners corporation.

The common property of the strata plan is burdened by several easements of which have no affect or further burden upon the proposal as they are we away from the subject area.



Subject building and area of site for proposed change of use | 78 Gibson Avenue Padstow, NSW, 2211



3.0 Proposed Development

The proposal as part of this application is for the proposed construction of first floor addition to existing food and beverage kiosk and awning. The proposed first floor addition will be constructed to accommodate storage space for existing retail site permissible with council consent.

The application is accompanied by plans, which illustrates the existing site characteristics such topography, vegetation and location of site feature. The plans illustrate existing ground floor conditions and features of lot 43, being a brick constructed kiosk and metal structure awning directly adjacent to it. The proposed development is an acceptable form of industrial usage when good planning and urban design controls are established to guide the building industry. Canterbury-Bankstown Council has comprehensive planning and urban design standards to ensure that this form of development complements existing and proposed residential areas.

The proposed addition promotes best planning practice, resulting in a high-quality development that will enhance the amenity of the locality and improve services and diversity of services that are on offer within the precinct and surrounding area.

The development application seeks consent for the following works:

- Existing awning space currently used for a car parking is proposed to be altered to accommodate an outdoor seating area for the purposes of serving the customers of the kiosk
- Addition of first floor with two (2) storage areas, two (2) bathrooms and two (2) balconies at first floor

In addition, the development application seeks consent for the following **internal proposed** works:

- Construction of staircase to access first floor
- Opening of passage door on the western elevation of the existing kiosk whereby staircase will lead occupants to first floor

The extent of the proposed and unauthorised works are detailed on plans prepared by Dinastia Group. All car spaces on site are identified as Common Property.



The proposed hours of operation and details are as follows:

Day	Hours of operation	Staff on Premises
Monday – Saturday	8:00 am – 5:00 pm	Three in the cafe Maximum five on premises at any one time

The permissibility of use has been identified from Canterbury Bankstown LEP under the Land Use Table.

4.0 Planning Controls and Assessment

4.1 Environmental Planning Instruments

4.1.1 State Environmental Planning Policies (SEPPs)

SEPP	Applicable		Comments
	Yes	N/A	
SEPP (Affordable Rental Housing) 2009		√	
SEPP (Housing for Seniors or People with a Disability) 2004		√	
SEPP (Infrastructure) 2007	√		Please refer to discussion below.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007		√	
SEPP No. 33 – Hazardous and Offensive Development		√	Proposed development does not meet SEPP definitions of 'potentially hazardous industry' or 'potentially offensive industry'
SEPP no. 50 – Canal Estate Development		√	
SEPP No. 64 – Advertising and Signage		√	There is no new unauthorised signage seeking consent associated with this development application.
SEPP (Primary Production and Rural Development) 2019		√	
SEPP No. 55 – Remediation of Land		√	The provisions of SEPP No. 55 have been considered in the assessment of the DA. The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, the proposed development contained in

			this DA is deemed satisfactory having regard to the relevant matters for consideration under SEPP No. 55.
SEPP – Building Sustainability Index: Basix 2004		√	A BASIX Certificate is not required for the proposed development as it is in an existing building and this building is not a dwelling house.
Any Draft SEPP		√	

4.1.1.1 State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) 2007 provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and services facilities along with improves regulatory certainty and efficiency.

Clause	Applicable		Comments
	Yes	N/A	
45. Determination of development applications – other development		√	Subject site and proposed works do not occur within the vicinity of electricity infrastructure that triggers a written referral to an energy authority
87. Impact of rail noise or vibration on non-rail development		√	Subjects site is not adjacent to a rail corridor
101. Development with frontage to classified road		√	Subject site does not have frontage to a state classified road
102. Impact of road noise or vibration on non-road development		√	Subject site is not on land or adjacent to the road corridor for a freeway, tollway or transitway or any other toad with an annual average daily traffic volume of more than 20, 000 vehicles (Based on the traffic volume data published on the RMS website)



Council can be satisfied that the SEPP (Infrastructure) 2007 is not applicable to the subject site and proposed development.

4.1.2 Bankstown Local Environmental Plan (BLEP) 2015

The BLEP 2015 is the primary planning instrument applicable to the subject site. The proposal will go towards achieving a number of objectives outlined in the BLEP 2015 including:

BLEP 2015 Objectives	Response
<i>To provide a wide range of industrial and warehouse land uses</i>	The proposal seeks consent for a first floor addition to an existing and operating food and beverage kiosk. The development is permissible under IN1 General Industrial area.
<i>To encourage employment opportunities</i>	As outlined above, the proposal seeks consent for development that will enable operations that will encourage employment and economic and social wellbeing for workers within Padstow.
<i>To minimise any adverse effect of industry on other land uses</i>	The proposal will have no adverse impacts on the strata owners corporation and is a proposal worthy of support that will bring in the precinct a variety of different business benefitting the locals economically.
<i>To support and protect industrial land for industrial uses</i>	The proposal seeks consent is located within an IN1 General Industrial area. The proposed development is permissible as they allow operation and enhances the provision of services within the industrial area of Padstow.

The following tables addresses applicable clauses from the BLEP 2015.

BLEP 2015 Relevant Controls	Compliance	Comments
4.3 Height of Buildings: 9m <i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map</i>	Yes	N/A
4.4 Floor space ratio: 1:1 <i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map</i>	No; please refer to comments	The existing mezzanine floor is Council approved. Unauthorised and proposed works referenced in this SEE and seeking consent in this DA do not have any additional impact on the FSR of the property.
5.10 Heritage conservation <i>(2) Requirement for consent: Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item</i>	N/A	Neither the subject site nor the complex in which it is contained contain heritage items nor are they located within a heritage conservation area. The heritage conservation clause 5.10 does not apply to the proposed development.

<p>(ii) an Aboriginal object</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p>		
<p>6.1 Acid sulphate soils</p> <p><i>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulphate Soils Map as being of the type specified for those works</i></p>	Yes	Site is identified to be affected by acid sulfate soils – class 5. Proposed development will not have any impact on the geotechnical aspects of the site.

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to food and drink premises as contained within BLEP 2015.

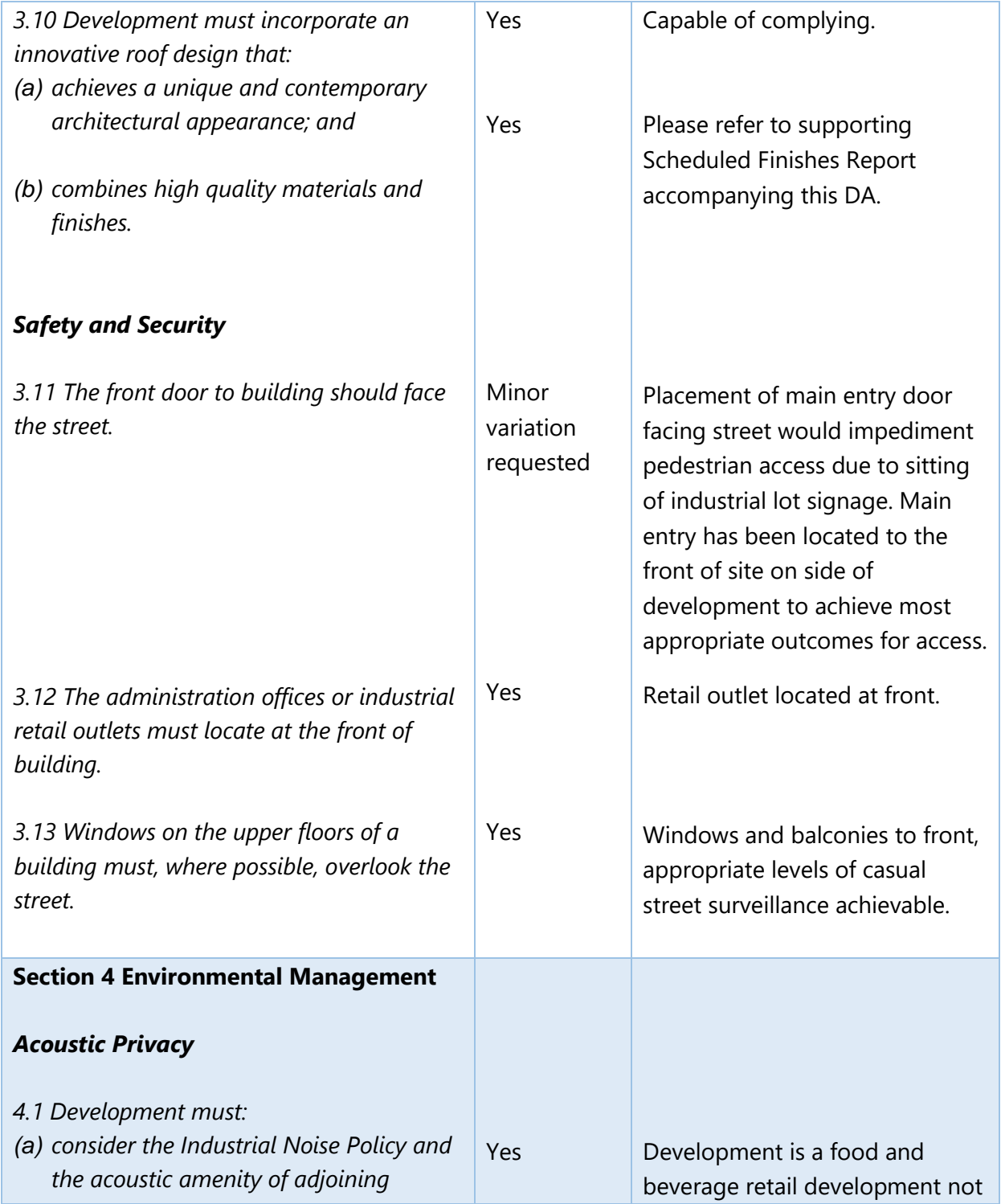
4.2 Bankstown Development Control Plan (BDCP) 2015

The BDCP 2015 is used to provide comprehensive planning and design guidelines for development in the Council area. Relevant clauses for the proposal are outlined in the table below.

BDCP 2015 Relevant Controls	Compliance	Comments
Part B3– Industrial Precincts		
Section 1 Introduction <i>(a) To have general industrial precincts in the City of Bankstown that accommodates a wide range of contemporary industries, warehouses and other compatible land uses within a generous landscape setting, and protects the industrial land for industrial uses.</i> <i>(b) To have light industrial precincts in the City of Bankstown that accommodates a range of contemporary light industries and warehouses within a landscaped setting, and will not cause nuisance or adversely affect the surrounding amenity for example by way of noise or emissions.</i>	Yes	The proposal seeks consent for the first floor addition and unauthorised internal works of a food and beverage retail business. The development will support the surrounding industrial zone. The scale of the and nature of the development is minor in context of the streetscape dominated by warehouses. Appropriate design measures have been implemented to ensure the surrounding amenity will not be subject to adverse affects.
Section 2 Building Envelopes Site coverage 2.1 The sum of the site coverage on an allotment must not exceed: (b) 60% of the site area if two or more businesses are to occupy the allotment.	Yes	No changes to site coverage proposed. Existing site coverage <60%.

<p>Setbacks to the primary and secondary road frontages of allotments</p> <p>2.3 Where allotments do not adjoin a state or regional road, the minimum setback for development:</p> <p>(b) To the primary road frontage is 10 metres; and</p>	Yes	No changes to front setback proposed. Existing front setback > 10m.
<p>Setbacks to the side and rear boundaries of allotments</p> <p>2.5 Council require minimum setback to the side and rear boundaries of an allotment:</p> <p>(a) To maintain reasonable solar access or visual privacy to neighbouring dwellings; or</p>	Yes	No changes to front setback proposed. Please see supporting shadow diagrams supporting this DA.
<p>Development adjacent to residential zones</p>	N/A	Development not adjacent to residential zone.
<p>Section 3 Building Design</p> <p>Façade design</p> <p>3.1 Development must articulate the facades to achieve a unique and contemporary architectural appearance that:</p> <p>(a) Unites the façade with the whole building form</p> <p>(b) Composes the facades with an appropriate scale and proportion that</p>	<p>Yes</p> <p>Yes</p>	<p>Building facades are consistent throughout the building form.</p> <p>Development blends into the existing character of precinct.</p>

<i>responds to the use of the building and the desired contextual character;</i>		
<i>(c) combines high quality materials and finishes;</i>	Yes	Please refer to supporting Scheduled Finishes Report accompanying this DA.
<i>(d) considers the architectural elements shown in the illustration to this clause; and</i>	Yes	Development and roof of contemporary architectural appearance with no front fences. Sun shading devices proposed. Signs integrated with the building.
<i>(e) considers any other architectural elements to Council's satisfaction.</i>	Yes	Capable of complying.
<i>3.2 Development may have predominantly glazed facades provided it does not cause significant glare nuisance.</i>	Yes	Capable of complying.
<i>3.3 Industrial retail outlets must incorporate shopfront style windows with clear glazing so that people can see into the premises and vice versa.</i>	Yes	Capable of complying.
Façade design (materials)		
<i>3.6 Development must use:</i>	Yes	
<i>(a) quality materials such as brick, glass, and steel to construct the facades to a development</i>		Please refer to supporting Scheduled Finishes Report accompanying this DA.
Roof Design		



<i>residential zoned land; and</i>		expected to create industrial noise.
<i>(b) may require adequate soundproofing to any machinery or activity that is considered to create a noise nuisance.</i>	Yes	No machinery or activity that is considered to create a noise nuisance.
Pollution control		
<i>4.2 Development must adequately control any fumes, odour emissions, and potential water pollutants in accordance with the requirements of the relevant public authority.</i>	Yes	Capable of complying.
Section 5 Ancillary Development		
Front fences	N/A	No fencing proposed as part of this application.
Business and building identification signs	Yes	Existing signage to be retained.
Food premises		
<i>5.8 The design, construction and operation of a food premises must comply with:</i>		
<i>(a) Food Act 2003;</i>	Yes	Capable of complying.
<i>(b) Food Regulation 2010;</i>	Yes	Capable of complying.
<i>(c) FSANZ Food Standards Code; and</i>	Yes	Capable of complying.
<i>(d) AS 4674:2004 Design, Construction, and Fitout of Food Premises.</i>	Yes	Capable of complying.



Storage Areas	N/A	No hazardous material to be stored in storage areas.
Infrastructure		
<i>5.11 The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must: (a) Integrate with the architectural features of the building to which it is attached; or</i>	Yes	Capable of complying.

Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to food and drink premises as contained within BDCP 2015.

4.3 Environmental Effects

Under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in determining a development application, a consent authority is to take into consideration such matters as are of relevance to the development subject of the development application.

EP&A Act 1979 – Section 4.15	
<i>The provisions of</i>	<i>Response</i>
(i) Any environmental planning instrument	<p>The key relevant planning instruments relevant to the proposed change of use and unauthorised works are State Environmental Planning Policies (SEPPs) the Bankstown Local Environmental Plan (BLEP) 2015. The proposal supports the aims of the relevant SEPPs and BLEP 2015, as is in accordance with all relevant provisions, as discussed in section 4.1 of this SEE.</p> <p>The proposal has been assessed against all the relevant environmental planning instruments and complies.</p>
(ii) Any draft environmental planning instrument that is or has been places on public exhibition and details of which have been notified to the consent authority, and	N/A

<p>(iii) Any development controls plan (a) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</p>	<p>The proposal has been assessed against the Bankstown Development Control Plan 2015 and complies, as outlined in section 4.2 of this SEE.</p> <p>There are no planning agreements which apply to the proposed development.</p>
<p>(iv) Any matters prescribed by the regulations that applies to the land to which the development related</p>	<p>There are no relevant matters prescribed by the regulations.</p>
<p>(v) Any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)</p>	<p>There are no coastal zone management plans relevant to the application.</p>



5.0 Matters for Consideration

5.1 Likely Impacts of Development

The following matters are considered relevant when considering onsite impacts.

Sitting and Design

The proposed two storey retail development will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The proposal seeks to introduce a compatible industrial land use to this business development complex where the proposal type is permitted. The design of the development has taken into consideration strict measures of safety for operation as well as social and cultural interaction. In this way, the proposal provides a clear definition of the entry and signage to provide the community with the retail service of food and beverages.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged occur during construction.

5.2 Suitability

The subject site is within an established general industrial area, within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provided easy access to all locations.



The two storey retail development, the subject of the application, can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding residential setting.

5.3 Any Submissions

Council will consider any submissions received during the relevant notification period for this development application.

5.4 Public Interest

As this proposal can reasonably satisfy the objectives of all relevant planning instruments and development control plans, approval of the subject development is considered to be in the public interest.



6.0 Conclusion

The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, Bankstown Local Environmental Plan 2015, Bankstown Development Control Plan 2015 and other necessary environmental impacts. The proposed change of use and unauthorised internal works are consistent with the overall aims and objectives of the plans and policies as discussed in Section 4 and 5 of this SEE. The proposal seeks consent for unauthorised and proposed internal works which will have minimal to no adverse impact on the environmental context of the site, that is within the public interest. The following reasons additionally warrant the proposal worthy of approval:

- Approval will afford this business the opportunity to expand to service the IN1 General Industrial area in Padstow.
- The proposal seeks to introduce a compatible industrial land use to this business development complex where the proposal type is permitted
- The activities within the building promote cultural and social development within the community, through servicing area with food and beverages
- The proposed internal works will ensure the retail premises operates in a safe manner
- The outdoor seating area will accommodate a social space for customers