

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed Operation Hours to the approved  
restaurant/café

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**At**

**41 Haldon Street,  
Lakemba NSW 2195**

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Prepared by



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## **1 INTRODUCTION**

### **1.1 OVERVIEW**

This statement has been prepared by ADA design associates on behalf of the owner for a Development Application (DA) for a formerly approved restaurant/café on Lot 6 in DP 9090 also known as 41 Haldon Street, Lakemba NSW, to address the impact of the development on both the natural and built environment.

### **1.2 EXECUTIVE SUMMARY**

The Application seeks to obtain council's consent for extended hours of operation for formerly approved CDC-3/2015, specifically addressing Part 2, Division 1, Subdivision 23B, 2.46(C) of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approved premises within a B2-Local Centre may trade/operate between 6am-10pm.

The application seeks to extend trading hours for the restaurant known as Mataam Al Arabi (the Restaurant) at Lot 6, 41 Haldon Street, Lakemba (the Subject Site). No work is proposed as part of the Application.

The Restaurant seeks to operate under the following hours:

Monday to Sunday (7 days a week): 10 am to 01 am

Number of Staff: 03 Persons

Liquor will not be sold or supplied to patrons at all times, consistent with the LEP and DCP requirements. The Application will be substantially the same as the formerly approved CDC, and no change of use has been proposed.

### **1.3 SUMMARY OF THE SUBJECT SITE**

The Subject Site is legally described as Lot 6 in DP 9090. The Subject Site is situated on the eastern side of Haldon Street, within a large business and commercial vicinity with street frontage on Haldon Street. The neighbouring properties towards west, east and south have the same zoning as B2 Local Centre under Canterbury Local Environmental Plan (LEP) 2012. The north rear of the property has R4 High Density Residential zoning. Refer to Figure 01. The Restaurant is located on the ground floor facing Haldon Street with close proximity to Lakemba Train Station. There are more than six other food and drinks premises within the same zone along the Haldon Street frontage.

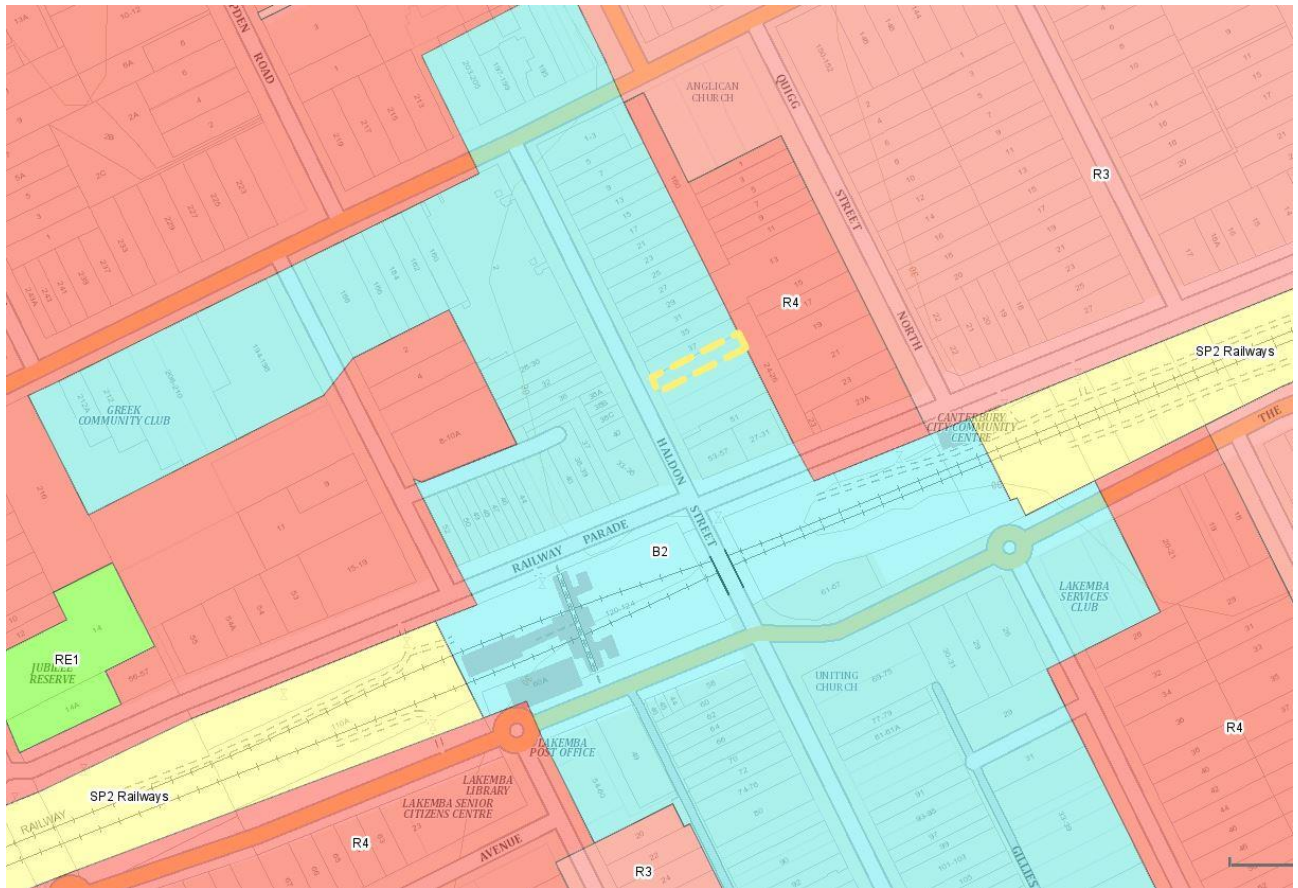


Figure 01: Zoning (Source: NSW eplanning spatial viewer)



Figure 02: Aerial View (Source: Sixmaps)

#### **1.4 DEVELOPMENT PROPOSAL**

The application seeks consent for extended operation hours for the formerly approved to CDC-3/2015 while no development works are being proposed.

##### **Proposed Time of Operation:**

Monday to Sunday (7 days a week): 10 am to 01 am

Number of Staff: 03 Persons

To cater the residents of Lakemba and surrounding suburbs, the restaurant strives to provide services at the best interest of the local community. The site is surrounded mainly by commercial and retail properties. The types of land use along Haldon Street, Lakemba are diverse. This area is undergoing transition to a more medium to high density area due to the area's close proximity to main roads and most important infrastructure and vast access to public transport facilities. . The road network is well established and can cater for any additional traffic volumes generated by the proposed development and future developments. Public transport facilities are also located nearby to serve current and new residents.

##### **Canterbury Local Environmental Plan 2012**

The objectives of the current zone - B2 Local Center are met with existing design and proposed hours of operation:

- 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 facilitate and support investment, economic growth and development for active, diverse and well-designed centres.

##### **Background:**

The present use of the site is for a restaurant on the ground floor level, and accommodation on the first-floor level. The existing use of the premises shall be retained. The lot to the west, east and south are mixed use development containing commercial shops on the ground floor level, and residential units over. To the north of the subject premises is high density residential zoning.



**Existing Design:**

The existing design complies with all relevant DCP's for all their rules and regulation, as well as complying with Canterbury Bankstown Council's LEP. The existing site sits nicely withing the streetscape having a frontage that is on the boundary line, thus provides great exposure.

**Access and Traffic:**

Due to the site not being afforded with parking provisions, all loading and unloading access to the site are via Haldon Street. All pedestrian access from the site is via the front doors being off Haldon Street, including disabled access to the ground floor.

**Privacy, Views and Oversahdowing:**

Due to the scale of the development, all views, privacy and overshadowing shall be maintained as per the existing site conditions.

**Acoustics Impact:**

The neighbouring properties towards west, east and south comprises of restaurant, are various retail shops, that lies under the same zoning as B2 Local Centre under Canterbury Local Environmental Plan (LEP) 2012. Since, the use of Land is same, hence the subject property will unlikely to have acoustic impact towards the B2 zoned properties.

The north rear of the property has R4 High Density Residential zoning. Under Canterbury LEP 2012 Zone R4 have the following permitted with consent land use:

*Attached dwellings; **Bed and breakfast accommodation**; Boarding houses; Building identification signs; Business identification signs; **Business premises**; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care; **Home businesses**; Hostels; Multi dwelling housing; **Neighbourhood shops**; **Office premises**; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; **Restaurants or cafes**; Roads; Semi-detached dwellings; Serviced apartments; **Shop top housing**; **Shops***

The highlighted in bold land use categories (above) are equally prone to produce the same Acoustic impact similar to the subject property. It is also important to consider the existing setback of building from the rear boundary which is approx. 21m (from the restaurant external wall at ground floor level). Refer to Figure 04.

This provides ample acoustics barrier between the subject and rear side residential property. Hence no adverse impact will result on all neighbouring properties.



Figure 03: Aerial View (Source: Sixmaps)

#### **Noise from Additional Traffic Generation:**

The existing restaurant does not feature a carpark; however, parking can easily be found on Haldon Street, western of the site. The traffic generation from the restaurant has been estimated to be 6 vehicle per peak hour. The existing restaurant has no dedicated carpark; hence all vehicle noise emissions will be generated by cars parking on Haldon Road only.

#### **Mechanical Plant Noise Emission:**

There are no proposed changes to the existing mechanical plant and equipment on site. The existing plant is located within the site premises, away from the nearest residential and commercial receivers near the Haldon Street.

General Noise observations on site during extended hours of operation found that the operation of the existing mechanical plant and equipment was not audible at the boundaries of site.

**Noise Control Management:**

The predicted noise levels from people talking with background music playing in the indoor dining area comply with the relative Noise criteria.

No patrons are permitted to congregate outside the restaurant. No live bands or amplified music are permitted on site at any time.

**Music /Tv Sound Levels Control:**

No live Music or amplified music is permitted to be played at the restaurant. Only background music/Tv to be allowed and this to be inaudible outdoors of the restaurant. This can be easily achieved and can be confirmed by standing at the boundary listening and adjusting until the background music/Tv played is inaudible.

**Noise Management Plan:**

A Noise Management Plan should be implemented and should include the following:

- Install a contact number at the front of the restaurant so that complaints regarding the operation of the restaurant can be made.
  
- Implement a complaint handling procedure. If a noise complaint is received, the complaint should be recorded on a Complaint Form, containing the following details: - Name and address of the complainant
  - Time and date the complaint was received
  - The nature of the complaint and the time/date the noise was heard
  - The name of the employee that received the complaint
  - Actions taken to investigate the complaint and a summary of the results of the investigation
  - Indication of what was occurring at the time the noise was happening (if applicable)
  - Required remedial action (if applicable)
  - Validation of the remedial action
  - Summary of feedback to the complainant

Also, a permanent register of complaints should be held on the premises which shall be reviewed monthly by staff to ensure all complaints are being responded to. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation.



**Canterbury Bankstown Council – Night Time Economy Action Plan 2021-26:**

The proposed extended hours of operation will help the local business grow which matches the objectives of night time economy plan.

**Summary:**

The proposal related well to the surrounding streetscape, zoning and as well as being of compatible scale and character to the existing structures of Haldon Steet, Lakemba, as well as being compliant with the relevant DCP's, LEP, BCA and Australian Standards.

The surrounding commercial premises have extended hours of operation i.e., 01am throughout the week, and are operating on these hours more than couple of years (located at close proximity at 100m along the Haldon Street). Given these circumstances, it is requested to grant the proposed restaurant extended hours of operation.

**1.5 ASSESSMENT OF KEY PLANNING MATTERS**

The application seeks Council's consent for proposed extended Time of Operation on Lot 6 in DP 9090 also known as 41 Haldon Street, Lakemba. The proposal:

- does not result in any changes to the front and rear setbacks,
- does not result in any changes to the approved actual ridge levels of the building
- does not result in impacting privacy of the adjoining building,
- does not impact the solar access compliance as approved,
- does not result in changes to the FSR permitted under Canterbury DCP 2012.

The proposal

- does not require the application to be referred to any additional referral agencies; and
- does not change the type of development approval sought; and
- does not require impact assessment for any part of the changed application

**2 CONCLUSION**

It is concluded that the proposed development on Lot 6 in DP 9090 also known as 41 Haldon Street, Lakemba as detailed in the documentation accompanying this application, will have minimal impact on the overall design of the formerly approved development and will not increase any bulk nor change the overall proposal.

In conclusion, we believe the proposed development satisfies and is generally in accordance with the general guidelines and recommendations contained in the Canterbury LEP, DCP and general planning policies.