

Statement of Environmental Effects

Application to get consent to extend trading hours

Address: Shop 3, 168-170 Haldon Street, LAKEMBA NSW 2195

Prepared for Deccan Flavours

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1. Executive Summary

Development Consent (DA-184/2016) was granted by Matthew Stewart, Interim General Manager, Canterbury City Council on 21st July 2016 for fitout and use of existing shop as a take away and dine in restaurant. An Occupation Certificate was issued on 9th May 2017 by Bacchus Partners, Accredited Certifiers.

1.1 The Proposal

The subject site ('the site') is Lot 11, DP 7187 known as shop 3, 99 Haldon St, Lakemba, NSW 2195. This application seeks approval for extend to trading hours and do not seek any other change to the operation of the restaurant.

1.2 The Report

This Statement of Environmental Effects has been prepared by **Planning and Architecture Research for Sustainable Housing Integrity (PARSHI)** on behalf of The Deccan Flavours Restaurant in support of the subject development proposal.

The Report describes the site and locality, its existing condition, outlines the proposed development and assesses the suitability of the proposal having regard to the relevant environmental legislation and guidelines.

1.3 Relevant Statutory Instruments

The proposal has been assessed having regard to the relevant matters for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979* and the relevant State and Local Government planning controls summarised below (See later Sections for full details).

1.3.1 State Planning Controls

The relevant State Planning Controls that apply to the site include:

- N/A

1.3.2 Local Government Planning Controls

The relevant Local Government Planning Controls that apply to the Site are:

- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012

The Applicant has engaged the services of a number of specific consultants to assess the impact of the proposal. Consultant investigations include, drafting plans and Town planner.

A summary of each assessment is contained in this report and a full copy is included as part of the Development Application that has been submitted to Council.

The proposal complies with the aims and objectives of SEPP, LEP and DCP. Details are provided in the later Sections of this Report.

2. Site and Locality

2.1 Site Description & Location

This site current uses DA approved Fitout and Use of Existing Shop as a Take away and Dine In Restaurant (DA-184/2016 dated 21 July 2016). The subject site ('the site') is Lot 11, DP 7187 known as shop 3, 168-170 Haldon St, Lakemba, NSW 2195.

The site is under zone B2 (Local Centre). The adjoining shops on the either side are also belongs to the same zone.

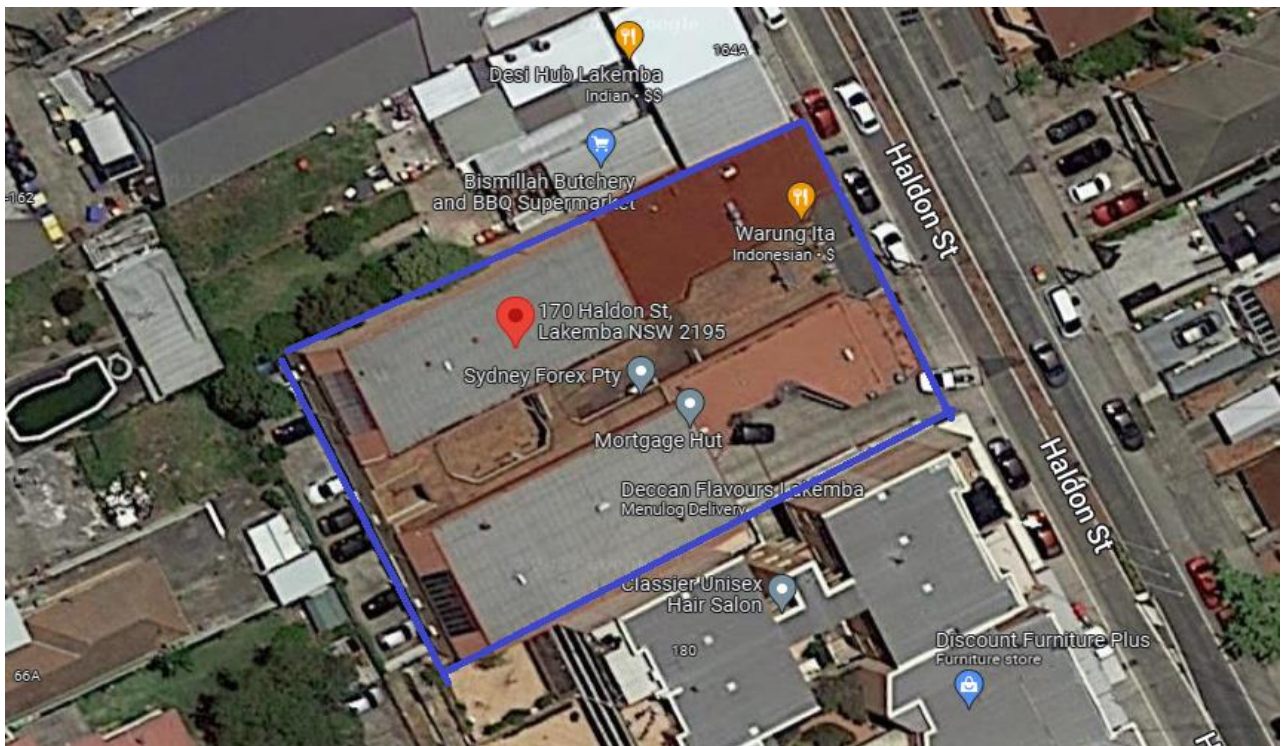


Fig 2.1a: Site Location-168-170 Haldon St, Lakemba, NSW 2195, ref.

www.google.com.au/maps/@-34.0067577,150.8591272,18z

2.2 Site Area & Dimensions

The shop area is approximately 765 square metres. The site has a frontage of approximately 28.80 m.

2.3 Existing Access and Movement

Vehicle and pedestrian access to the site is from Haldon St to car park. The site is in close proximity to the intersection of Haldon St and Canterbury Road. As this site has own car parking facilities does not generate any traffic congestion, pedestrian amenity, parking problems.

3. The Proposal

The intension of the owner to this application seeks approval for extend to trading hours and do not seek any other change to the operation of the restaurant. Trading hours were granted a 12 month trial by Council at its meeting on 16 July, 2016, the approved (Clause 6.3 DA-184/2016 dated 21 July 2016) trading hours for the restaurant is:

Monday to Friday: 8.00am to midnight

Saturday to Sunday: 9.00am to midnight

That 12 month trial period expired and the subject development application will be lodged seeking a permanent extension for the same hours of trading as per the 12 month trial.

4. Environmental Planning and Assessment Act 1979 (as amended)

4.1 Objectives of the Act

The objectives of the *Environmental Planning and Assessment Act 1979* (as amended) are to:

- Encourage:
 - the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - the promotion and co-ordination of the orderly and economic use and development of land;
 - the protection, provision and co-ordination of communication and utility services;
 - the provision of land for public purposes;
 - the provision and co-ordination of community services and facilities; and
 - the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats; and
 - ecologically sustainable development; and
 - the provision and maintenance of affordable housing; and

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- Promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and
- Provide increased opportunity for public involvement and participation in environmental planning and assessment.

This Statement of Environmental Effects supports a development application that is in accordance with the objectives of the *Environmental Planning and Assessment Act 1979* (as amended).

Comments:

Proposed development will not affect any natural areas, water quality or the overall ecological environment. The development will help to enhance the quality of the local environment, promote the orderly and economic use of land. The site has good connections with other parts of Sydney by Rail and Bus transport.

4.2 Consideration of Section 79 and Section 4.15(1)

The following sections of this report address the Matters of Consideration as outlined in Section 79C (see below) and Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979* (as amended). The following matters, where relevant, are to be taken into consideration by Council when assessing a development application:

Matter for consideration of Section 79

(a) the provisions of:

- (i) any environmental planning instrument

Comment

The development involves only a change to the hours of operation and does not result in any breach of a development standard or any other provisions or objectives of the CLEP 2012.

- (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)

Comment

There is no draft planning instruments usable to the development.

(iii) any development control plan

Comment

The proposed development is to be remained compliant with the relevant provisions of the CDCP.

(iiia) 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

Comment

There are no planning agreements uses to the subject land

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Comment

There are no regulations prescribe any matters that are relevant to the proposed development

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Comment

Not applicable.

(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.

Comment

This is described in the letter of this report.

(c) the suitability of the site for the development

Comment

The site remains suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

Comment

Not applicable.

(e) the public interest

Comment

The proposed extended hours is within the public interest as it satisfies the objectives of the zone.

Matter for consideration of Section 4.15(1)

(a) the provisions of:

(i) any environmental planning instrument

Comment

The development involves only a change to the hours of operation and does not result in any breach of a development standard or any other provisions or objectives of the CLEP 2012.

(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)

Comment

There is no draft planning instruments use to the development.

(iii) any development control plan

Comment

The proposed development is to be remained compliant with the relevant provisions of the CDCP

(iiia) 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

Comment

There are no planning agreements uses to the subject land

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Comment

Not applicable.

(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

Comment

This is described in the letter of this report.

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(c) the suitability of the site for the development

Comment

The site remains suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

Comment

Not applicable.

(e) the public interest

Comment

The proposed extended hours is within the public interest as it satisfies the objectives of the zone

These matters of consideration are dealt with in the following sections including environmental planning instruments and draft environmental planning instruments, development control plans, regulations, likely impacts of the development, suitability of the site for development, and the public interest.

The proposed development satisfies the requirements of Council's DCPs, LEPs, SEPPs have been carefully considered for this development.

According to both consideration under Section 79C and Section 4.15(1) of the Act, respectively. In summary, the application does not result in any inconsistency with the matters for consideration under either Section.

5. Environmental Planning Instruments [Section 79C(1)(a)(i) & (ii)]

5.1 Local Government Environmental Planning Instruments

5.1.1 Canterbury Local Environmental Plan 2012

Provided below are the relevant provisions of the plans and details of the proposal's compliance with these development standards.

Development Permissibility Under Zone B2, CELP 2012

Under the provisions of the Canterbury Local Environmental Plan CELP 2012, the following uses may be carried out with development consent.

Zone B2 Local Centre

1. Permitted without consent

Home occupations

2. Permitted with consent

Boarding houses; Centre-based child care facilities; [Commercial premises](#); Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 1 or 3

3. Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Comment:

Above the zone requirement comply the proposed Charcoal chicken and it complies fully with the permissible definition with consent and accords with the zone objectives.

Under the CLEP 2012, charcoal chicken in restaurant comes under the food and drink premises definition:

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food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note—

Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

As noted above a food and drink premises is a subset of retail premises which is defined as follows:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,

(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Commercial premises are listed as a permissible use within the B2 zone, and therefore the proposed extension of hours is not considered contrary to the zone objectives for reasons outlined elsewhere in this Statement and it is permissible on site with development consent. In addition, the proposed application is considered fitting within the locale, and satisfies the objectives of the B2 zone by providing a compatible use within the Lakemba Town Centre.

6. Development Control Plan(s) and Council Policies [Section 79C(1)(a)(iii)]

6.1 List of Development Control Plan(s) and Council Policies Canterbury Development Control Plan 2012

According to Part D Development in **D7.3 Lakemba Controls** C1 Development in the Lakemba Local Centre is to be in accordance to the structure plan shown in Figure D7.2.

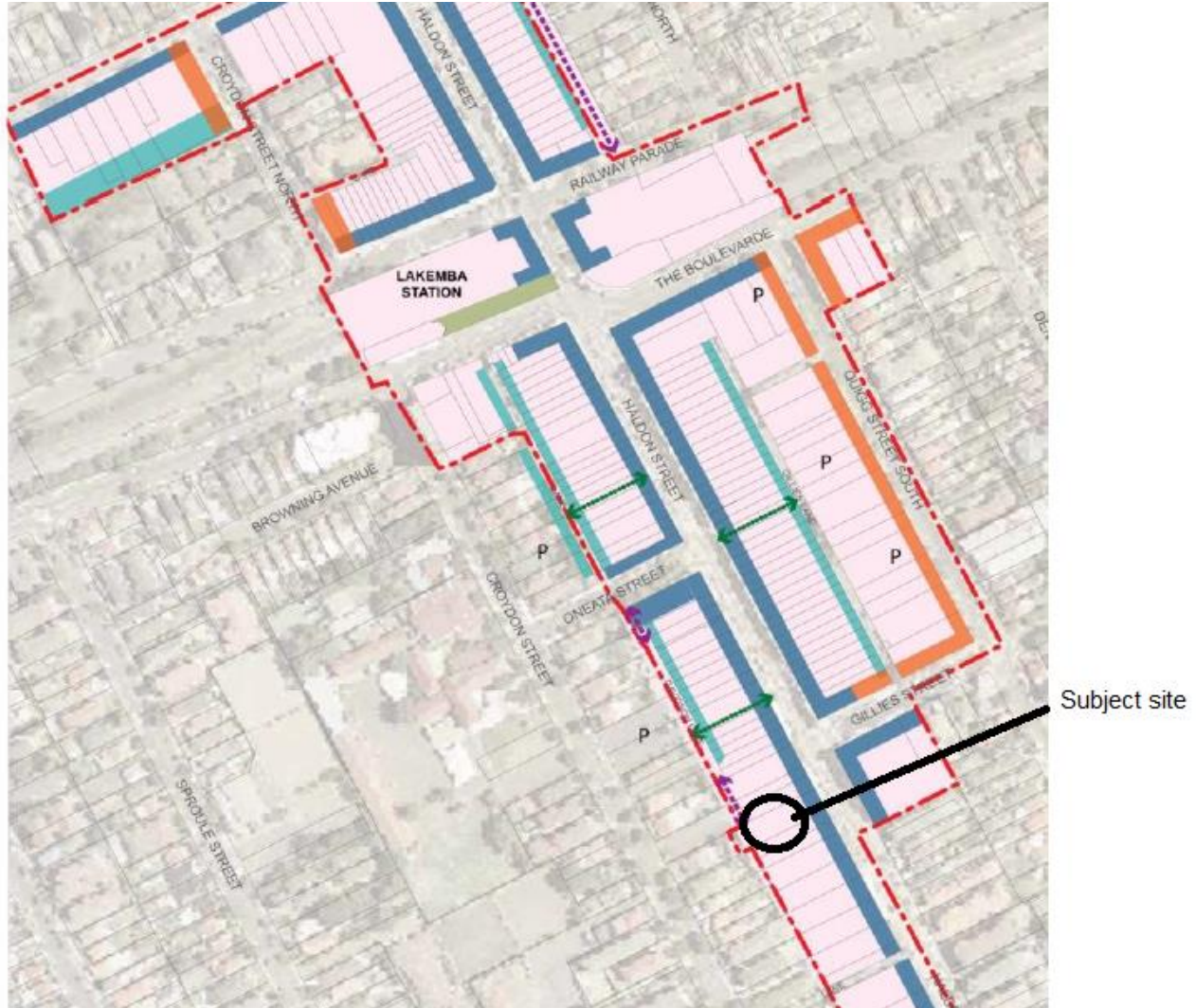


Figure 2: Subject site is located in Lakemba Local Centre Structure Plan.

7 Consideration of Probably Impacts Extend Trading Hours

Non-alcohol is proposed

The service of alcohol is not licensed in this premise, for this reason this will go some way to ensuring patron behaviour is appropriate and it leads to minimise to any alcohol related incidents of anti-social behaviour.

Noise

The site does not require any musical activity for proposed application during 8.00 am to 12.00 am for Monday to Friday and 9 am to 12 am Saturday to Sunday. Also the site does not require any heavy machinery which might produce noise and create impact on the nearby premises. It

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considers prospective noise impacts to surrounding commercial premises such that up to standard acoustic amenity for the area is sustained.

Traffic and Parking

Note that base building car parking, loading bays, access driveway and ramp are all existing facilities and will not be altered under this Development Application. The shop is inside car parking facility and is considered that adequate car parking opportunities are available in the vicinity of the car park area.

Existing Transportation Services

The subject site has good access to existing public transport services in the form of trains and buses. The site is located approximately 250 metres of Lakemba Hill Railway Station

No crime incidents have been recorded

The client is instructed that there have been no incidents at this premise that have involved the Police and there have been no incidents recorded by the Local Area Command. It is assumed that Council will make its own enquiries with the Local Area Command to confirm what, if any, incidents have occurred at the premises.

CCTV System operate

The premise has installed a closed-circuit television (CCTV) system on the premises..

Late Night Trading Hours Operation in Haldon Street

The development proposes the following hours of operation: 8.00 am to 12.00 am for Monday to Friday and 9 am to 12 am Saturday to Sunday. The subject site is located within the Lakemba Town Centre and it is conceived Commercial Area form the concentration of the retail and commercial development. It is a desire and potential within these areas to accommodate a diverse range of late night trading uses to provide a greater diversity of cultural and entertainment opportunities in Lakemba community.

8. Matters for Consideration-Late Night Trading Premises.

There are late-night trading businesses within Haldon St Lakemba that trade beyond these hours, namely:

ISRA Medical Service, 102 Haldon St Lakemba NSW	
Monday to Friday	6pm- 6am
Saturday:	12pm-6am
Sunday:	10am-6am
Lakemba Hotel, 146 Haldon St Lakemba NSW	
Monday to Thursday	10am to 4am
Friday	10am-6am

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Saturday	9am-6am
Sunday	9am- 12am
Shahi Dastarkhwan, 64 Haldon St Lakemba NSW	
Monday to Sunday	1pm-1am
Ali Supermarket Lakemba, 160 Haldon St, Lakemba NSW	
Monday to Sunday	9am-12am
Extra Crispy – Lakemba, 153 Haldon St, Lakemba NSW	
Monday to Thursday	11am-12.05am
Friday to Saturday	11am-2am
Sunday	11am-12.05am

When a remarkable number of businesses have hours of trading until 6.00am there are late-night trading premises within the Lakemba Town Centre that trade beyond these hours and which have been referred to in above table format. In addition, the proposed hours of operation are consistent with the existing businesses activity in the Lakemba Town Centre with the extended hours beyond 6.00am contributing to the diversity of service offering during the late night period.

The proposed hour of operation are considered appropriate and reasonable given the context of the site and its location within the Haldon St, Lakemba, and is consistent with trading hours of other premises within close proximity to the site. The subject premise (dining, takeaway and online services) will ensure that a diverse service offering is available throughout the day and night time periods.

Benefits of the extend trading hours

There are significant benefits arising from the proposed extension of operating hours. The subject site, along with other restaurants and premises (above table) in the area that are approved to trade under the same hours to those sought by this application, will add to the vitality of the town centre.

Late night only take online order and delivery

The site has connected to public transport (walking distance to Rail Station), road and utility infrastructure and community services that allows meet local food desire by late night online order and delivery. As such the development application is in the public interest as it will provide for an increase in food choice to meet the desire lunch and dinner in this locality. The proposal supports a wide range of uses in an accessible location, which supports employment growth in Lakemba Town Centre.

Plan of Management

A Plan of Management has been submitted with the application detailing the operational practices and security measures to be implemented and employed during the course of trading.

9. Conclusion

This Development Application is sought to the consent for extension of trading hours –

Monday to Friday: 8.00am to midnight

Saturday to Sunday: 9.00am to midnight

In this regard, consistent with the nature of the existing and emerging character of the Lakemba, the late-night trading hours will cater primarily to residents and workers within the locality and surrounding areas. Accordingly, this Development Application is submitted in the belief that it deserves of council's favourable consideration.