

MAXIMUS DEVELOPMENTS AUSTRALIA

TOWN PLANNING / URBAN DESIGN / PROJECT MANAGEMENT

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STATEMENT OF ENVIRONMENTAL EFFECTS

216-218 THE BOULEVARD PUNCHBOWL NSW 2460

SECTION 4.55(1)(A) MODIFICATION FOR TO DA-904/2021 FOR ADDITIONAL ON SITE CAR PARKING SPACE TO APPROVED FOR CHANGE OF USE FROM FRUIT SHOP TO A FOOD AND DRINK PREMISES



PROJECT DETAILS

Legal Description	Lot 1 in DP 517342	Property Address	216-218 The Boulevard Punchbowl NSW 2460
Project Reference	2023-803		
Date	8 February 2023	Revision	B
Client	Mr H Hariri	Land Owner	Mr R Daoud

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PROPOSAL

The Section 4.55(1)(A) modification seeks to modify development consent DA-094/2021 granted for change of use from a fruit shop to a food and drink premises on land known as 216-218, The Boulevard Punchbowl NSW 2460. Development Consent was granted on 9 June 2022.

In summary, the proposed modification seeks the provision of one (1) on site additional car parking space on site (accessed via Heggie Lane) resulting in the deletion of Condition No. 3 Conditions to be satisfied prior to the issue of a construction certificate resulting in a contribution of \$29,301.80 for the shortfall of one (1) car space. It is also noted that there is potential scope to provide a further additional space in a stacked configuration behind the proposed car parking space.

This Statement of Environmental Effects has been prepared in accordance with the Statutory considerations of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (as amended).

Report Summary

1. Strategic Context

Strategic Direction	Authority	Proposal meets objectives and spirit of plan
A Plan for Growing Sydney	NSW Department of Planning	Yes
Canterbury-Bankstown Community Strategic Plan 2028	City of Canterbury-Bankstown	Yes
Canterbury Local Environmental Plan 2012	City of Canterbury-Bankstown	Yes

2. Evaluation Planning considerations

Planning Considerations	Compliance
State Environmental Planning Policies	Yes
Canterbury Local Environmental Plan 2012	Yes
Canterbury Development Control Plan 2012	Yes

3. Key impacts and considerations

Consideration	Comment	Compliance
Character, bulk and scale	The modification does not seek any changes to the existing built form. No signage is proposed.	Yes
Car parking	Compliant car parking provided is to be provided site in accordance with Council requirements as part of this modification application.	Yes
Trees and landscaping	No significant trees located on site.	Yes
Overshadowing / Solar access	The modification does not seek any changes to the existing built form, therefore no additional overshadowing impacts are generated.	Yes
Stormwater	No change to existing stormwater disposal given that the building footprint is unchanged.	Yes
Privacy	The modification is not considered to result in unacceptable privacy issues given the nature of the proposal which forms a commercial use on the ground floor of a shop top development.	Yes

Research Background

The proposal has taken in consideration with the Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy Hazards and Resilience, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 (as amended).

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PART A: SITE DESCRIPTION AND PROPOSAL

Description of subject site

The subject site is legally described as Lot 1 in DP 517342 and is known 216-218 The Boulevard Punchbowl NSW 2460. The allotment contains two x two storey shop top housing buildings and comprises of a site area of 697.3sqm. An additional car parking space is proposed to be utilised on site via Heggie Lane.

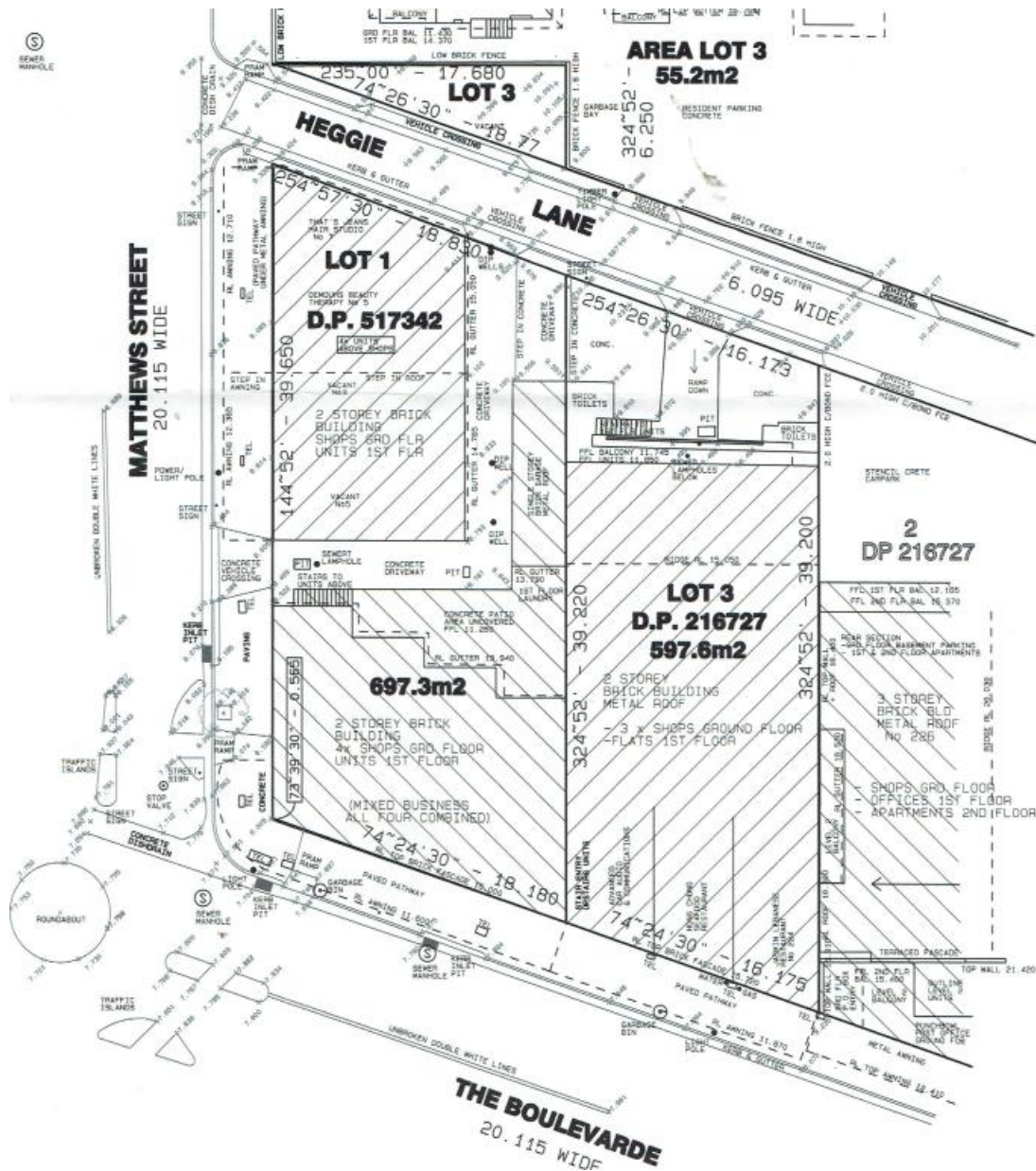


Fig 1 Survey Extract of subject site (Source: Precision Site Surveys, 2022)

The location of the works relating to this application are located within the building fronting The Boulevard. The premise is currently vacant and comprises of a front of shop area, and storage areas to the rear. A toilet is accessed externally from the front of shop area. The shop comprises of an internal area of approximately 177.5sqm. Council's records indicate that the last use has been for a fruit shop. There is a car space and loading area at the rear of the site.



Fig 2. Photograph of front of subject site 216-218 The Boulevard, Punchbowl (Source: Google Maps, 2021).

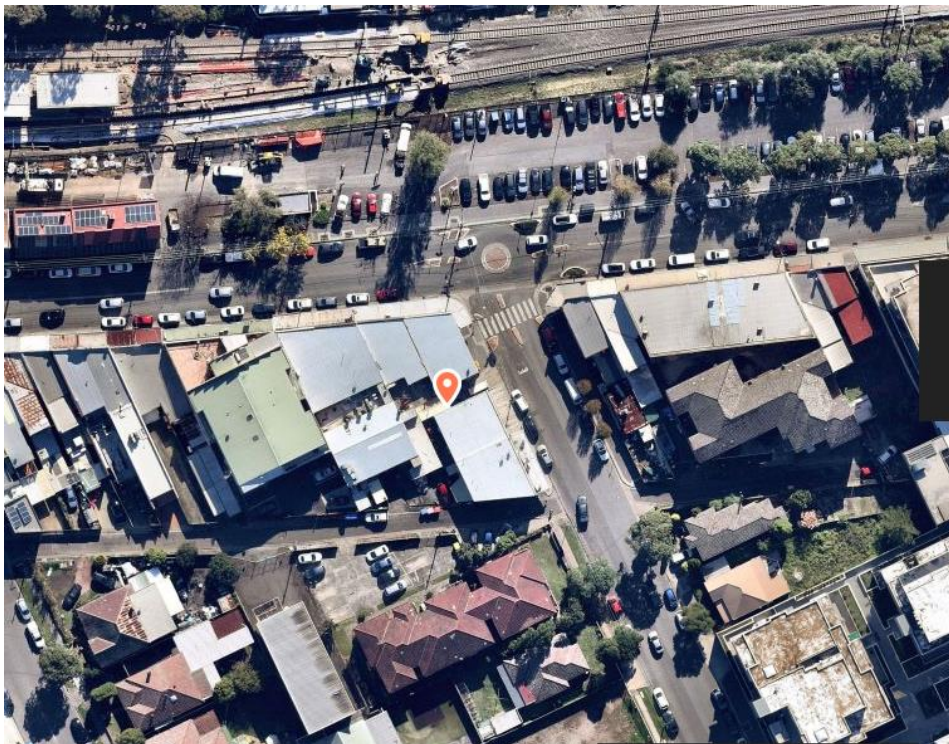


Fig 3. Aerial extract: Subject site and surrounding area (Nearmap, 2022).

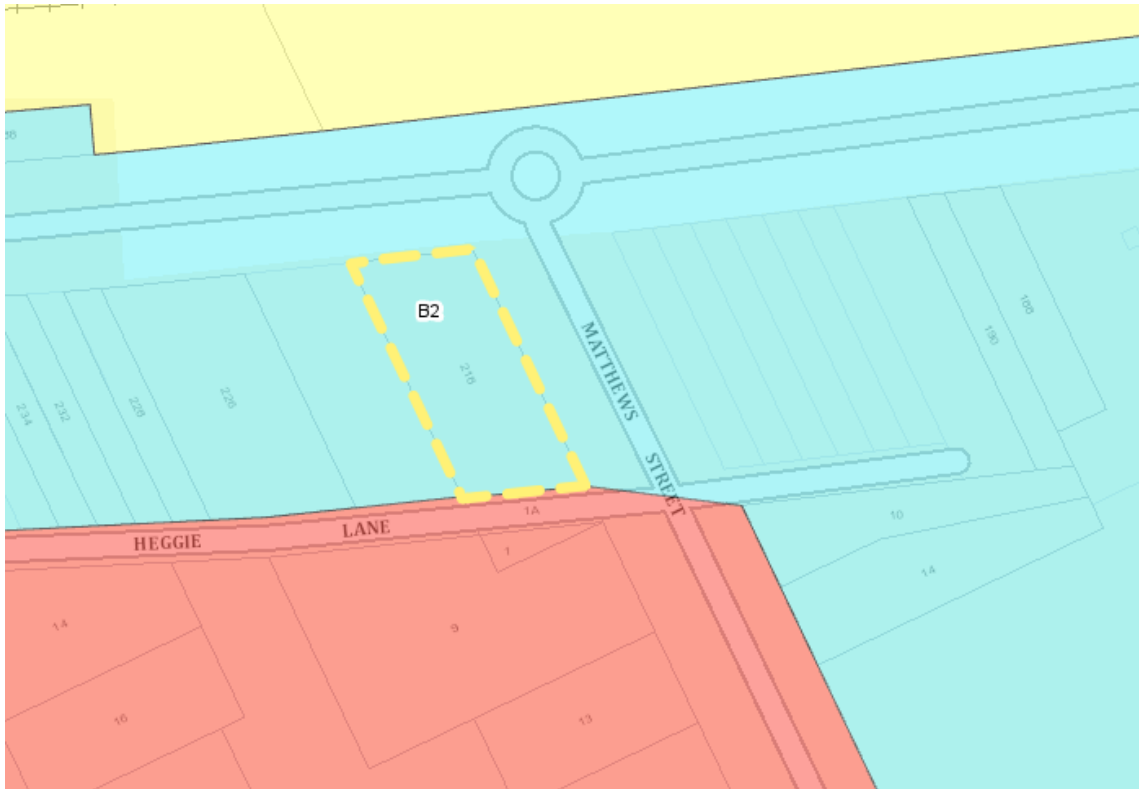


Fig 4. Zoning Extract of Subject site (B2 Local Centre) and rear lot (R4 High Density Residential) (Source Department of Planning, NSW Planning Portal 2022).

Surrounding Context

The immediate surrounding context comprises of a mixture of commercial uses which range from food and drink premises, shops and business premises. There are several forms of shop top housing. A car park is located north of the site, in addition to Punchbowl Railway Station. R4 High Density residential is located towards the south of the site.



Fig 5. Extract of subject site and immediate surrounding area which comprises of shop top housing (Source: Google Maps, 2021).



Fig 6. Extract of immediate car park opposite site accessed from The Boulevard (Source: Google Maps, 2021).

Site History

Council's records indicate that the site has been used historically for commercial purposes.

Description of approved works

DA-904/2021 Change of use from a fruit shop to a food and drink premises on land known as 216-218 The Boulevard Punchbowl NSW 2460.

In summary, the approval comprised of the following

- Change of use from a "fruit shop" to "food and drink premises",
- Internal fit out for seating area, kitchen, cool room, rear storage areas, four (4) bathrooms,
- Three (3) on site car parking spaces,
- Hours of operation: 6.00am – 10.00pm, seven days a week

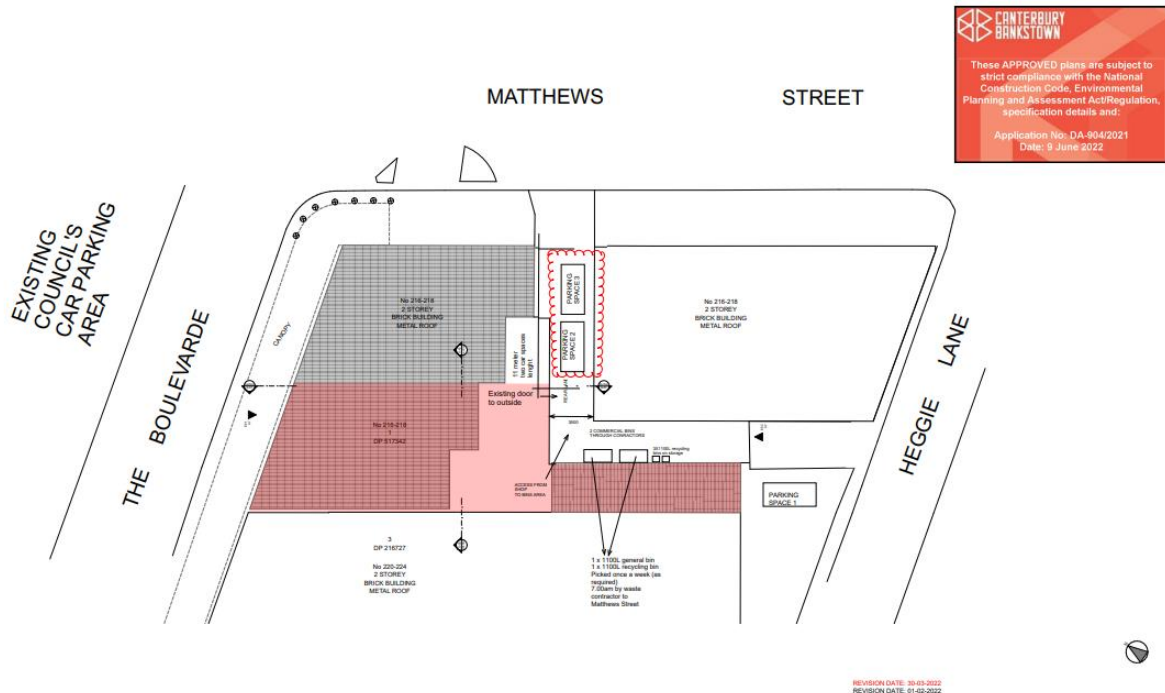


Fig 7. Extract of approved site plan with the location of the premises indicated in red (Source: Premium Design and Engineering, 2022).

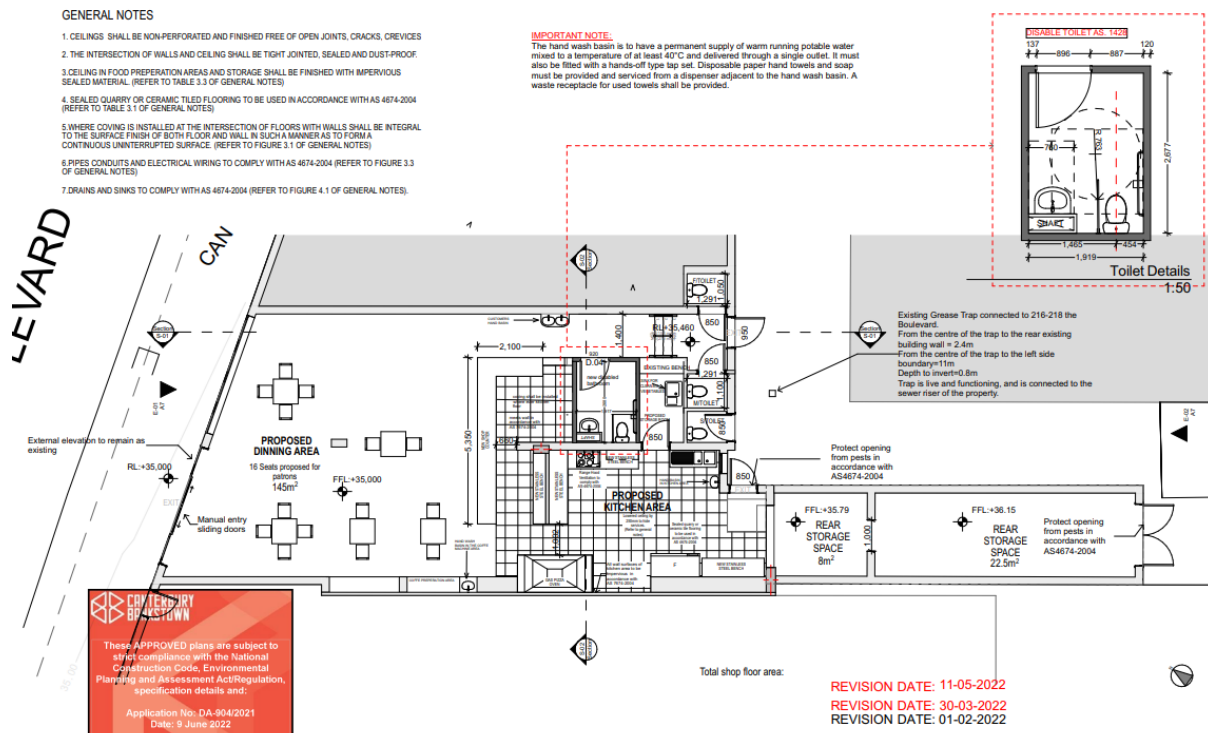


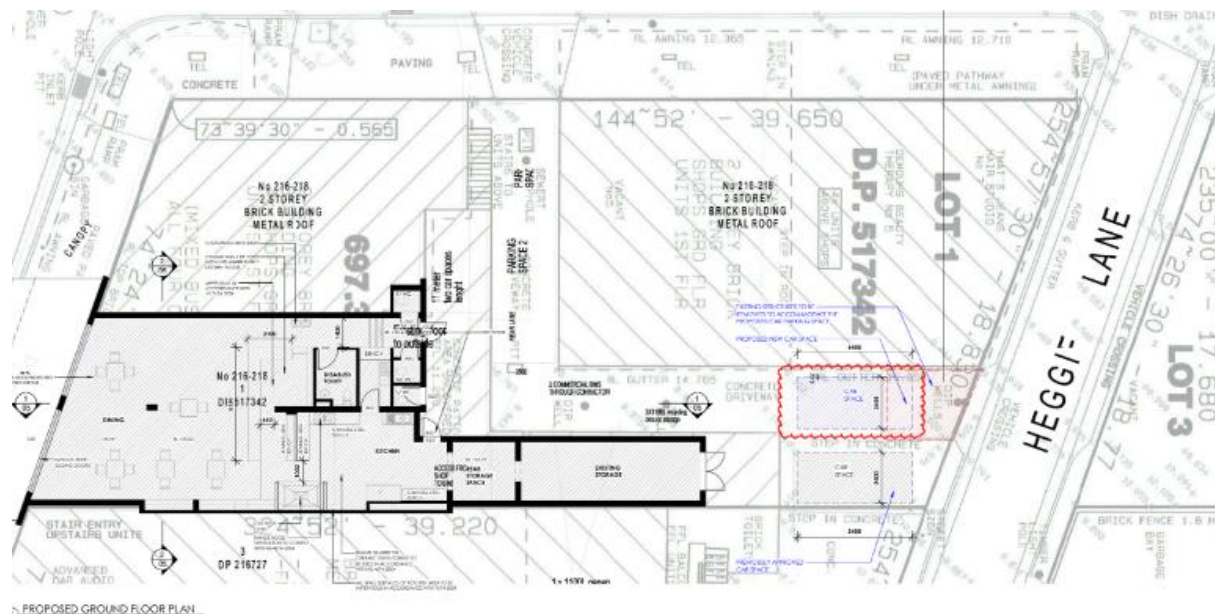
Fig 8. Extract of approved internal layout (Source: Premium Design and Engineering, 2022).



Fig 9. Extract of approved Street facing elevation to The Boulevard and rear facing elevation to Heggie Lane(Source: Premium Design and Engineering, 2021).

Description of proposed modification works

Provision of one (1) additional car parking space which is accessed from Heggie Lane. (note two car parking spaces accessed from Matthews Street and one car space from Heggie Lane are unchanged as part of this modification). It is noted that there is also the possibility of additional stacked parking provision even behind the proposed car parking space.



Extract 10. Extract of proposed modification site plan indicating additional car parking space (clouded) (Source: Aya Constructions, 2022).

Architectural plans to be superseded updated plans prepared by Aya Constructions Sheets 1-5 dated 2/6/23.

Deletion of Condition No 3 which states

"Conditions to be satisfied prior to the issue of a Construction Certificate. 3.1. Development Contributions of \$29,301.80 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury Development Contributions Plan 2013 and Section 7.11 of the Environmental Planning and Assessment Act 1979 and for parking contribution as per the Canterbury Development Contributions Plan 2013. The contributions will be used to provide, extend or augment public amenities or public services. Indexing of the contribution amount to be paid: The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the "Consent to operate from date" which appears on the front page of this Determination Notice. No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any Construction Certificate. Construction of the development may NOT commence until the development contributions are paid. A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie. NOTE: Development contribution amounts are non-refundable"

No other changes are sought as part of this modification.

PART B: STATUTORY CONSIDERATIONS

PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

The proposal has been considered against Section 1.3 Objects of the Act as per below;

Object Reference	Object	Comment	Satisfies objective
(a)	To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	To the modification is considered not to result in any adverse impacts in relation to natural and other resources.	Yes
(b)	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The modification is not considered to be contrary to any economic, environmental and social considerations.	Yes
(c)	To promote the orderly and economic use and development of land	The modification results in results in orderly economic use which is for a commercial	Yes

		purpose within the Punchbowl Town Centre.	
(d)	To promote the delivery and maintenance of affordable housing.	N/A	-
(e)	To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Not affected by the Threatened Species Act 1995.) Replacement trees proposed to replenish the tree canopy.	Yes
(f)	To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Not affected by European or Aboriginal cultural heritage	Yes
(g)	To promote good design and amenity of the built environment	The modification does not seek any significant external changes to the existing commercial premise.	Yes
(h)	To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Noted.	Yes
(i)	To provide increased opportunity for community participation in environmental planning and assessment.	To be notified in accordance with the provisions of the Bankstown Development Control Plan 2015 and Community Engagement Strategy.	Yes

As per the table above, the proposal is considered to reasonably satisfy the underlying intent of the Objects of the Act.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000 (AS AMENDED)

The application has been prepared in accordance with the Statutory requirements within Schedule 1 and is considered to be acceptable and sufficient for the purposes of assessment.

SECTION 4.55(1)(A) MODIFICATION

The modification works have been considered in accordance with the provisions of Section 4.55((1)A) as per below;

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment: The extent of the modification does not result in any adverse material environmental impacts given that additional on site car parking is proposed to be provide on site.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The extent of the modification is considered to be substantially the same as the approved development as the use of the food and drink premises is to remain.

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The modification is to be notified in accordance with Council's controls.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Submissions to be taken under consideration under

Subsections (1), (2) and (5) do not apply to such a modification.

Comment: Noted.

STATE ENVIRONMENTAL PLANNING POLICY HAZARDS AND RESILIENCE

The subject site is currently occupied by a two storey shop top building. The extent of the proposed modification works involves use of the site as a car parking area for one (1) space and relates to the ground floor only. In this regard it is considered that the subject site is unlikely to be affected by any contamination in relation to the SEPP. The immediate surrounding area comprises of commercial and residential uses and are also unlikely result in contamination spreading onto the subject site. In this regard, due consideration has been applied in relation to the provisions of the SEPP. The subject site is therefore considered to be suitable to accommodate car parking for the approved food and drink premises.

DRAFT CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2020

The Canterbury-Bankstown Local Environmental Plan 2020 is not considered to be certain or imminent.

DRAFT CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2020

The draft Canterbury Bankstown Development Control Plan 2020 has not effect until the gazettal of the Canterbury Bankstown Local Environmental Plan 2020

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 (AS AMENDED)

The modification has been considered against the following provisions.

The proposal adequately satisfies the underlying B2 Local Centre Zone objectives as follows;

- **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.**

Comment: The proposal seeks to retain the use as a food and drink premises which is considered to serve the immediate needs of the community. This is commensurate of that to the immediate surrounding area.

- **To encourage employment opportunities in accessible locations.**

Comment: The proposal seeks to retain the commercial use of which seeks a food and drink premises which is considered to be highly accessible and is located opposite Punchbowl Railway Station.

- **To maximise public transport patronage and encourage walking and cycling.**

Comment: The site is in close proximity to railway and bus routes with the Punchbowl Local Centre. The proposal can accommodate three (3) bicycle spaces on site.

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

Comment: The proposal seeks to provide a use which is considered to positively contribute to an active Punchbowl Local Centre. The use is considered be appropriate for the site and is considered to activate the street frontage.

Control	Requirement	Proposal	Complies
Land Use Table	B2 Local Centre "food and drink premises" is not a prohibited use within the zone	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. The proposal meets this definition. This modification does not seek to change the use.	Yes
4.3 Height of buildings	18m	No increase in height of building for two storey shop top housing given that the extent of works	Yes

		relate to an internal fit out on the ground floor. The modification does not seek an increase in height.	
4.4 Floor Space Ratio	N/A	No increase in floor space proposed. The modification does not seek an increase in floor space ratio.	Yes
4.5 Calculation of Floor Space Ratio and Site Area	Calculation as per defined	Calculated as per definition clause.	Yes
4.6 Exception to Development Standard	Objectives and requirements under Clause must be satisfied	The proposal complies with the applicable Development Standards.	Yes
5.10 Heritage conservation	Heritage preservation	The site is not listed as heritage item under and State or Local Heritage Register.	Yes
6.1 Acid sulphate soils	Objectives to be satisfied	Not affected by Acid Sulphate Soils.	Yes
6.2 Earthworks	Objectives to be satisfied	No earthworks proposed given the nature of use.	N/A
6.4 Stormwater	Objectives relating to stormwater to be satisfied	No increase in impervious area.	N/A
6.6 Essential Services	Objectives relating to essential services to be satisfied	Essential services such as water, electricity, disposal of sewerage, drainage and suitable vehicular access provided.	Yes

PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT/ DEVELOPMENT CONTROL PLAN

The modification is not inconsistent with any draft Environmental Planning Instrument.

CANTERBURY DEVELOPMENT CONTROL PLAN 2012

The proposal has been considered in accordance with the following key provisions as per below;

PART B GENERAL CONTROLS

B1 TRANSPORT AND PARKING

Council's control prescribe a car parking rate under Clause B1.3.1 General Parking Rates.

Clause	Control	Proposal	Complies
B1.3.1 General Parking Rates	Takeaway and food and drink premises 1 space per 3 seats (both internal and external). If required, an exclusive area for queuing of cars for a drive through facility must be provided. Queue length must facilitate 5 to 12 cars measured from pick up point, and provide a minimum 4 car waiting bays for cars queued from ordering point.	The approval contained three (3) car parking spaces with a shortfall of one (1) space. A contribution was imposed for the Shortfall. The proposal seeks to provide an additional car parking space resulting in four (4) car parking spaces which complies with Council's controls. It is noted that a further additional car parking space can be accommodated on site located behind the proposed car space in a stacked configuration.	Yes, comply.
	Servicing and delivery requirements = silent	Deliveries to take place at the rear space of the site. This is unchanged.	Yes
	Bicycle car parking = Staff: minimum 1 space per 100sqm GFA, Visitors: minimum 2 spaces	177.5sqm floor area. These (3) bicycle spaces can be provided on-site within the rear storage area. This is unchanged.	Yes

B2 LANDSCAPING

The proposal does not result in the reduction of to any existing landscaping given the nature of the proposal.

B3 TREE PRESERVATION

No impact to any significant trees on site or on adjoining properties.

B5 STORMWATER AND FLOOD MANAGEMENT

The modification does not result in an increase in impervious area and is therefore not considered to result in any greater impact in relation to stormwater. In this regard the requirements of this subsection have been reasonably satisfied.

B6 ENERGY AND WATER CONSERVATION

The modification is considered to adequately satisfy insulation, thermal mass, ventilation and water and energy efficiency by virtue of the design. The proposal is not considered to be inconsistent with this subsection.

B7 CRIME PREVENTION AND STRATEGY

The original approval was granted the hours of operation between 6.00am to 10.00pm, seven days a week. The provision of additional car parking space on site is not considered to be inconsistent the objectives this subsection.

B8 HERITAGE

The site is not listed as a heritage item in any Local or State Heritage Register. There are also not heritage items within the immediate vicinity. No interim heritage order applies to the site. In this regard the requirements of this subsection have been reasonably satisfied.

B9 WASTE

A waste management plan accompanied the original development application which specified the reuse, recycling and disposal of materials in relation to the demolition, construction and ongoing use of the site. In this regard the requirements of this subsection have been reasonably satisfied as this is unchanged as part of the modification.

C5 SHOP TOP HOUSING

The extent of works relate to the change of use of a commercial shop located on the ground floor. This is not considered to result in any adverse amenity impacts in relation to noise, privacy or built form to the above residential units on the first floor.

D7 LOCAL CENTRES

Controls

- C1 Development in the Punchbowl Local Centre is to be in accordance to the structure plan shown in Figure D7.6.

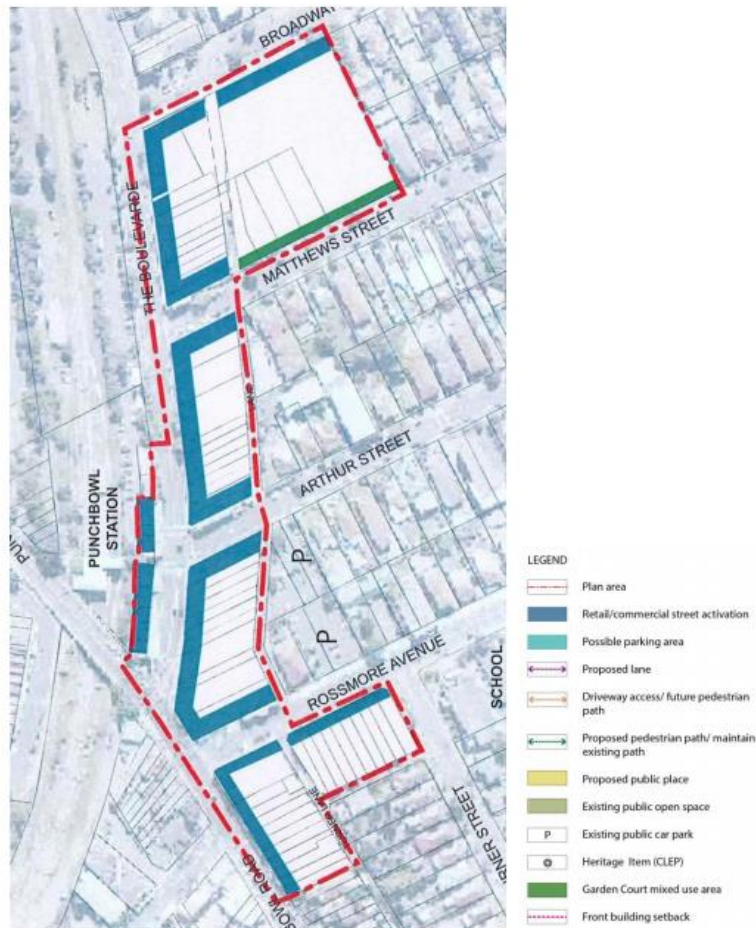


Figure D7.6: Punchbowl Local Centre Structure Plan

Fig 11. Extract of Punchbowl Local Centre Structure Plan, Canterbury Development Control Plan 2012.

The site is located within the Punchbowl Local Centre. The site is indicated as “retail/commercial street activation”. The proposal has been considered in accordance with the relevant controls applicable in relation to the extent of works relating to the change of use. As previously stated, no external works are sought. The original approval sought the change of use and does not affect site front, generate site isolation, alter the building envelope, increase floor space, height or setbacks. There are no changes to the height of building or façade (as no signage is proposed). The modification seeks to provide an additional car parking space on site.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(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

Natural Environment Impacts

As previously discussed, the proposal seeks a change of use and internal works within a ground floor commercial shop. In this regard, no unacceptable unreasonable natural environmental impacts are generated by this proposal.

Built Environment Impacts

The modification is considered to satisfy and meet the key objectives and intent and requirements of the planning controls. In this regard, the proposal is not considered to result in any unacceptable unreasonable adverse built environment impacts by virtue of the design of which does not seek any significant external changes.

Economic Impacts

The modification to the approved use is not considered to result in any unacceptable economic impacts given the proposed commercial purpose which forms a permissible use within the zone.

Social Impacts

The proposal seeks to development consent for a food and drink premises. The proposal is not considered to result in any unacceptable social impacts by virtue of the design of the proposal and is compatible with the immediate surrounding context and aligns with the commercial character of the area.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Suitability of the site

The proposal is considered to be suitable for the subject site, given that internal works are sought and that a food and drink premises forms a permissible use. The proposal is considered to be appropriate as the proposal adequately satisfies and does not offend the underlying objectives of the applicable planning controls as stated within this report.

PART 4 DIVISION 4.3 SECTION 4.15 (1)(E) THE PUBLIC INTEREST

Public Interest

The modification is considered to be in the public interest for the reasons contained within this report. As previously stated the proposal adequately satisfies the underlying planning objectives of the controls given the virtue of the design.

PART C: CONCLUSION

The proposal is considered to be appropriate as the considerations against the Statutory provisions have been met. The proposal satisfies the Environmental Planning and Assessment Act 1979 (as amended) Section 4.55(1)(A), Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy – Hazards and Resilience, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. In this regard, it is considered that the proposed additional car parking on site car parking space for an approved change of use from a fruit shop to a food and drink premises on land known as 216-218 The Boulevard Punchbowl NSW 2460 is reasonable and worthy of support.

Kind regards,

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