

Bankstown Local Government Area

Statement of Environmental Effects to support a Development Application (DA) for a change of use at 3-5 Davies Road, Padstow

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Senad Sisic, the applicant, to accompany a Development Application (DA) for the change of use to an industrial building at 3-5 Davies Road, Padstow.

The following documents have been reviewed and referenced in the preparation of this SEE. Copies of these documents are submitted with the development application.

- Architectural drawings prepared by Nikita Designs dated 18.01.2023,
- Traffic report prepared by Transport and Urban Planning dated 27/03/2023,
- Site waste management plan prepared by Senad Sisic dated 11/04/2023,
- Stormwater system report prepared by Canterbury Bankstown Council dated 22/02/2023.

2 Site and locality

Located at 3-5 Davies Road, Padstow, the site has the legal description of Lot 2 in DP 534654 and Lot C in DP27595 and an approximate area of 1378m². Both sites have a regular shape with pedestrian and vehicular access from Davies Road.

The site falls 1.7m north-east to south-west. Site boundaries are measured as follows:

- 30.7m to the south-west, adjoining Davies Road,
- 45.3m to the north-west, shared with No. 1-19 Davies Road,
- 30.2m to the north-east, shared with 7 Davies Road,
- 45.4m south-east, shared with 7 Davies Road.

The site is surrounded by a mix of commercial, industrial and retail buildings on the eastern side of Davies Road and residential buildings ranging from one to two storeys to the west.

The subject site is zoned **IN2 Light Industrial** under the BLEP 2015. The site is not identified as a heritage item under Schedule 5 of the LEP nor located within a heritage conservation area.

The location and context of the site is indicated on the aerial photographs below.



Figure 1: Subject site, 3-5 Davies Road, Padstow (shown with blue outline) in its immediate context. Image courtesy of Nearmap.



Figure 2: Pedestrian and vehicular entry to 3-5 Davies Road, Padstow. Image courtesy of Google Maps.



3 Proposal

The proposal is for the change of use from a smash repairs to indoor recreational facility (gym).

4 DA history of site

On 29/09/1993, Council approved the use of a tow truck from the subject premises (Council ref P.67/272/3/2) following an application lodged on 25/08/1993.

Building Permit 1116/85 of 28/06/1985 to rebuild the workshop was granted in response to an application of 23/05/1985.

DA 181/80 consent, dated 03/09/1980, gave approval for the rebuilding of the workshop and new layout of the parking area. The application form of 19/05/1980 noted that the use commenced in 1956.

A Building Application was lodged on 09/05/1979 for a new roof over the workshop. No approval found.

DA 384/77 application – Replace then existing workshop with new workshop used for motor body repairs. No consent found. This seems a repeat of earlier applications which may not have been carried out.

On 07/02/1967, Council approved the rebuilding of the workshop covering both allotments. The application had been lodged on 11/11/1966.

It is not clear when the existing workshop was rebuilt but its use as a motor body workshop can be traced back to possibly 1956. However, it is important to note that no conditions of consent regarding operations on the site restricted the hours of operation. The conditions mostly controlled on site parking and the stacking of vehicles for repair.

5 Assessment under s4.15 of the EP&A Act

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 requires that a variety of matters be taken into consideration in the assessment of a development application. The following statutory instruments and design guidelines apply to the subject development:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Bankstown Local Environmental Plan 2015
- Bankstown Development Control Plan 2015



5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

This policy applies to the subject site due to its location within the Bankstown LGA and its land use zoning as **IN2 Light Industrial**.

Part 2.3 of the SEPP applies to vegetation that is identified by council's DCP. If clearing of such vegetation is proposed as part of a development, Council's approval is required prior to the commencement of works.

No vegetation is proposed for removal. Further assessment against this chapter is not required.

5.2 Bankstown Local Environmental Plan (BLEP) 2015

5.2.1 Part 2 - Permitted or prohibited development

The subject site is zoned **IN2 Light Industrial** under the BLEP. Recreational facilities (indoor) are permitted with consent in this zone. The relevant objectives and permitted uses of Zone IN1 are:

Objectives

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Garden centres; Hardware and building supplies; Hospitals; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; **Any other development not specified in item 2 or 4**

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Rural industries; Schools; Sewage treatment plants; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies



Recreation facility (indoor) is defined in the LEP as follows:

means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Recreational facilities (indoor) are permitted with consent under *Any other development not specified in item 2 or 4.*

Not only is the proposal permitted, but the proposal can satisfy the above objectives by:

- Maintaining the permitted light industrial related land uses such as indoor recreational facilities.
- The site continues to provide employment opportunities with a total of 3 staff at busy times.
- The proposed change of use reduces risk of adverse effects on other uses as the proposed use is less hazardous than the previous auto repairs shop.
- The proposed use continues to support and protect industrial land uses.

5.2.2 BLEP 2015 compliance table

An assessment of the proposal against the relevant provisions of BLEP 2015 is provided in the table below.

CONTROL Sheet_005	PROPOSED	COMPLIES?
Part 2 Permitted or prohibited development	Recreational facilities (indoor) permitted with consent.	Yes
Clause 4.3 Height of buildings	No changes proposed to the existing height of building.	N/A
Clause 4.4 Floor space ratio	No changes proposed to the existing floor space ratio.	N/A
Clause 5.10 Heritage conservation	The subject site is not identified as a heritage item nor is it located within a heritage conservation area.	Yes
Clause 6.1 Acid sulfate soils	The site is not affected by acid sulfate soils.	N/A
Clause 6.2 Earthworks	No earthworks are proposed as part of this application.	Yes
Clause 6.3 – Flood planning	The site has not been identified in a flood planning area in the Bankstown LEP. A stormwater system report has been obtained and identified the site does not require a flood/overland flow study. However, it is flood affected.	Can comply

Extracts of the LEP control maps are provided below.





- IN2** Light Industrial
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- RE1** Public Recreation

Figure 3: Land use zoning control map. Site outlined in black. Bankstown LEP 2015 accessed April 2023.



Heritage

-  Item - General
-  Item - Archaeological

Cadastre


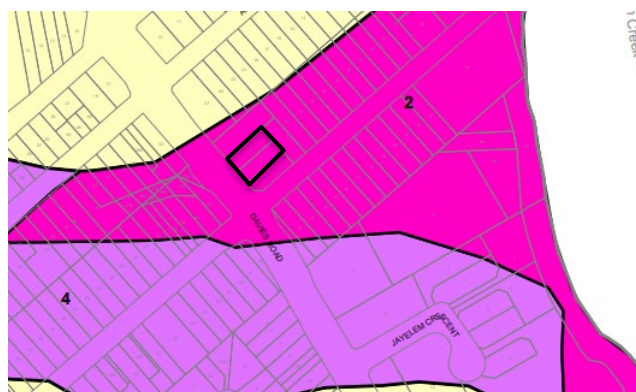
-  Cadastre 06/06/2011 © Bankstown City Council

Figure 4: Heritage map. Site outlined in black. Bankstown LEP 2015 accessed April 2023.



Acid Sulfate Soils

- 1** Class 1
- 2** Class 2
- 3** Class 3
- 4** Class 4
- 5** Class 5

Figure 3: Acid sulfate map. Site outlined in black. Bankstown LEP 2015 accessed April 2023.

5.3 Bankstown Development Control Plan 2015

An assessment of the proposal against the relevant planning controls of the Bankstown DCP 2015 is summarised in tables below.



Part 3 Industrial Precincts		
Planning Controls	Proposed	Complies?
Section 2 - Building Envelopes	No changes proposed to the existing building envelope.	
Section 3 - Building Design	No changes proposed to the existing building design.	
Section 4 - Environmental Management	No changes proposed to the existing environmental management of the sites.	
Section 5 - Ancillary Development	No ancillary development proposed.	

Part B5 Parking		
Planning Controls	Proposed	Complies?
Section 2 - Off-Street Parking		
2.1 Development must calculate the amount of parking required using the schedule of off-street parking requirements.	2.1. Refer to accompanying traffic report.	Complies
2.3 Car parking and driveway access in flood liable land in the City of Bankstown must be in accordance with Part B12–Flood Risk Management of this DCP.	2.3. Section B12 of the DCP has been addressed below.	Complies
Section 3 - Off-Street Parking Design and Layouts	No changes proposed to existing car parking spaces. Further assessment against this section is not required.	
Section 4 - Off-Street Parking Access and Circulation	As above.	
Section 5 - Other Considerations	As above.	
Section 6 - Landscaping	No landscaping currently exists on site nor is additional landscaping proposed as part of this change of use application.	

Part B12 Flood Risk Management		
Planning Controls	Proposed	Complies?
Section 3 - Controls		
3.1 Objectives		
(a) To require developments with high sensitivity to flood risk to be designed so that they are subject to minimal risk.	(a) No changes proposed to the existing design of the site.	Complies
(b) To allow development with a lower sensitivity to the flood hazard to be located within the floodplain, provided the risk of harm and damage to property is minimised.	(b) The proposed change of use to a gym is considered a lower sensitivity to the flood hazard than the previous autobody repair shop. The gym does not use hazardous materials that could cause run off. The gym use ensures the risk of harm to the environment is minimised and damage to property is contained. Weights and exercise machines do not pose an environmental hazard, even if flooded.	Complies
(d) To ensure design and siting controls required to address the flood hazard do not result in unreasonable social, economic or environmental impacts upon the amenity or ecology of an area.	(d) No changes proposed to the existing design and siting of the buildings on site. No additional flood hazards will arise as a result of the proposed use. Additionally, the replacement of the autobody repairs shop removes potentially hazardous	Complies

Part B12 Flood Risk Management		
Planning Controls	Proposed	Complies?
<p>(e) To minimise the risk to life by ensuring the provision of reliable access from areas affected by flooding.</p> <p>(f) To minimise the damage to property (including motor vehicles) arising from flooding.</p> <p>(g) To ensure the proposed development does not expose existing development to increased risks associated with flooding.</p>	<p>chemicals from the site and improves the ecology of the area.</p> <p>(e) The existing accessways from the building and site are maintained.</p> <p>(f) The proposed use does not change the existing risk of damage to property arising from flooding.</p> <p>(g) As above. No additional impact will result due to the proposed use.</p>	<p>Complies</p> <p>Can comply</p> <p>Complies</p>
<p>3.2.1 Performance criteria</p> <p>(a) The proposed development should not result in any significant increase in risk to human life, or in a significant increase in economic or social costs as a result of flooding.</p> <p>(b) The proposal should only be permitted where effective warning time and reliable access is available to an area free of risk from flooding, consistent with any relevant Flood Plan or flood evacuation strategy.</p> <p>(c) Development should not significantly increase the potential for damage or risk other properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.</p> <p>(d) Motor vehicles are able to be relocated, undamaged, to an area with substantially less risk from flooding, within effective warning time.</p> <p>(e) Procedures would be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying the appropriate evacuation route.</p> <p>(f) To minimise the damage to property, including motor vehicles arising from flooding.</p> <p>(g) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (e.g. by unsympathetic</p>	<p>(a) The application is for a change of use. No development works are proposed therefore the risk to human life or social or economic costs remains unchanged from the existing condition.</p> <p>(b) A flooding Plan of Management including an evacuation strategy can be conditioned for the OC stage.</p> <p>(c) The proposal does not increase the potential for damage or risk other properties. The application does not involve site works that would affect the floodplain.</p> <p>(d) If necessary, vehicles could be relocated to the north-eastern portion of the site which is 1.7m higher than the entry to the south-west.</p> <p>(e) As above.</p> <p>(f) Given the unchanged topography of the site, the same potential level of impact on motor vehicles from flooding is maintained.</p> <p>(g) The proposal does not result in impacts upon the amenity such as overshadowing, privacy or being incompatible with the streetscape or</p>	<p>Complies</p> <p>Can comply</p> <p>Complies</p> <p>Can comply</p> <p>Can comply</p> <p>N/A</p>



Part B12 Flood Risk Management		
Planning Controls	Proposed	Complies?
house-raising) or by being incompatible with the streetscape or character of the locality.	character of the locality. The proposal is for a change of use, not site alterations.	
Section 5 – Fencing	No change proposed to existing site fencing. Further assessment is not required.	

Part B13 Waste Management and Minimisation		
Planning Controls	Proposed	Complies?
Section 6 Industrial Development		
4.1 Development must provide bin storage and separation facilities.	4.1 Bin storage is already provided on site.	Complies
4.2 Development must provide an appropriate and efficient waste storage system that considers: (a) the volume of waste generated on-site; (b) the number of bins required for the development and their size; and (c) waste and recycling collection frequencies.	4.2 No changes proposed to the existing bin storage on site.	Complies
4.3 Where development involves multiple tenancies, individual bin storage for each tenancy is to be provided.	4.3 The proposed change of use involves one tenancy.	N/A
4.4 Development is to consider potential future uses, particularly where separate waste containers may be required for industrial process type waste and bunding of bin storage areas.	4.4 The proposed use is less hazardous than the previous use and does not require separate waste containers.	Complies
4.5 Where development involves multiple tenancies...	4.5 As above.	N/A
4.6 Bin storage areas are to be integrated with the overall design and functionality of the development and are to locate within the building envelope to enable these areas to be screened from view from the public domain.	4.6 No changes proposed to the existing bin storage on site.	N/A
4.7 The design of the bin storage area must comply with the requirements of the Waste Management Guide for New Developments.	4.7 No changes proposed to the existing bin storage on site.	N/A
4.8 An on-site collection point is to be nominated for development...	4.8 No changes proposed to on-site collection points.	N/A
4.9 Waste collection frequency is to be a minimum of once per week...	4.9 No changes proposed to weekly waste collection.	N/A



6 Conclusions

- 6.1 The proposed development is permissible with consent in zone **IN2 Light Industrial** of the Bankstown LEP 2015. The proposal satisfies the relevant objectives of the zone by maintaining the existing industrial zone use, employment opportunities and compliance with the applicable development standards.
- 6.2 The proposal satisfies the relevant objectives and provisions established by the applicable State Environmental Planning Policies (SEPPs) and does not result in any adverse environmental impacts on the natural and built assets that are protected by the subject SEPPs.
- 6.3 The proposal is fully compliant with the BDCP 2015 controls, especially those applicable to the flooding potential. Flood hazard is reduced by the change of use which can facilitate a quick and orderly evacuation of the site and any parked vehicles.
- 6.4 Based on our assessment of the proposal against the applicable controls, it is concluded that the application is suitable for approval.

<https://nurban.sharepoint.com/sites/CPWActiveProjects/Shared Documents/22222 - Elecon Electrical, Padstow/CPW reports and files/SEE - V2.docx>