
STATEMENT OF ENVIRONMENTAL EFFECTS

292 CHAPEL ROAD
BANKSTOWN



Project Details

Project: Extension to existing outdoor dining area and use in conjunction with an approved restaurant
Property: Lots 23 & 24 DP 11312, No. 292 Chapel Road, Bankstown, NSW 2200
LGA: Bankstown
Client: Phuong Luong

Document Control

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Signed:



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Date: 16 August 2023

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1.0 INTRODUCTION

1.1 Background

This Statement of Environmental Effects has been prepared to accompany a Development Application submitted to Canterbury-Bankstown Council for the proposed extension to an existing rear outdoor dining area and use in conjunction with an approved restaurant.

Approval for the restaurant was granted by Council in 2018 (DA-602/2017) with works being completed in late 2021. The proposed development occupies a disused part of the rear of the premises located directly adjacent to the new restaurant. While the restaurant is located on Lot 23, the new area is located on Lot 24. In this regard, it may be necessary to consolidate the lots into one title and undertake a further subdivision into individual strata lots for the ground floor and first floor level uses, in a similar manner as a number of commercial buildings in Chapel Road.

The site is zoned B4 Mixed Use under the Canterbury-Bankstown LEP 2023. The proposed development is characterised as alterations and additions to an existing commercial premises and use as a 'restaurant or café', which is permitted within the B4 zone with consent. It is considered that the proposed development would also meet the objectives of the B4 zone.

The proposed development is documented in the architectural plans prepared by HVT Design Pty Ltd, Project No. CHA – 23, Drawing No's.1 – 7 (inclusive), Issue A dated 27 July 2023.

1.2 Report Objectives

In accordance with Clause 50(1)(a) of the Environmental Planning and Assessment Regulation 2000, this Statement of Environmental Effects includes:

- An analysis of the site and the surrounding locality;
- A comprehensive description of the proposed works and the proposed use of the premises; and
- An assessment against the relevant requirements outlined within the Canterbury-Bankstown Local Environmental Plan 2023 and the Canterbury-Bankstown Development Control Plan 2023.

In accordance with the requirements outlined in Schedule 1 of the Environmental Planning and Assessment Regulation 2000, the purpose of this report is to:

- Identify all potential environmental impacts associated with the proposed development; and
- Provide advice to Council as to how all potential environmental impacts can be appropriately and adequately resolved.

2.0 SITE ANALYSIS

2.1 Subject Site and Surrounds

The subject premises is legally described as Lots 23 & 24 DP 11312, and is known as No. 292 Chapel Road, Bankstown.

The two-storey brick building spans both lots, and there are a number of tenancies within, both at ground floor level and first floor level. At ground floor level, the new restaurant is the only use currently in operation. At first floor level, there are two commercial suites.

The commercial premises is located along the western side of Chapel Road, within the Bankstown Town Centre. The site has a frontage to Chapel Road at the front of the premises and is also provided with vehicular access from Dale Parade at the rear. Chapel Road comprises a number of single-storey, two-storey and multi-level commercial buildings. The subject land is zoned B4 Mixed under the Canterbury-Bankstown Local Environmental Plan 2023.

Street views of the building are provided at Figures 1 & 2 below. An aerial photograph and locality plan of the subject site and surrounds are provided further below at Figures 3 & 4.



Figure 1: Street View of existing premises (Source – Google Maps: 2021)



Figure 2: Current street view of new restaurant (Source – Facebook: 2022)

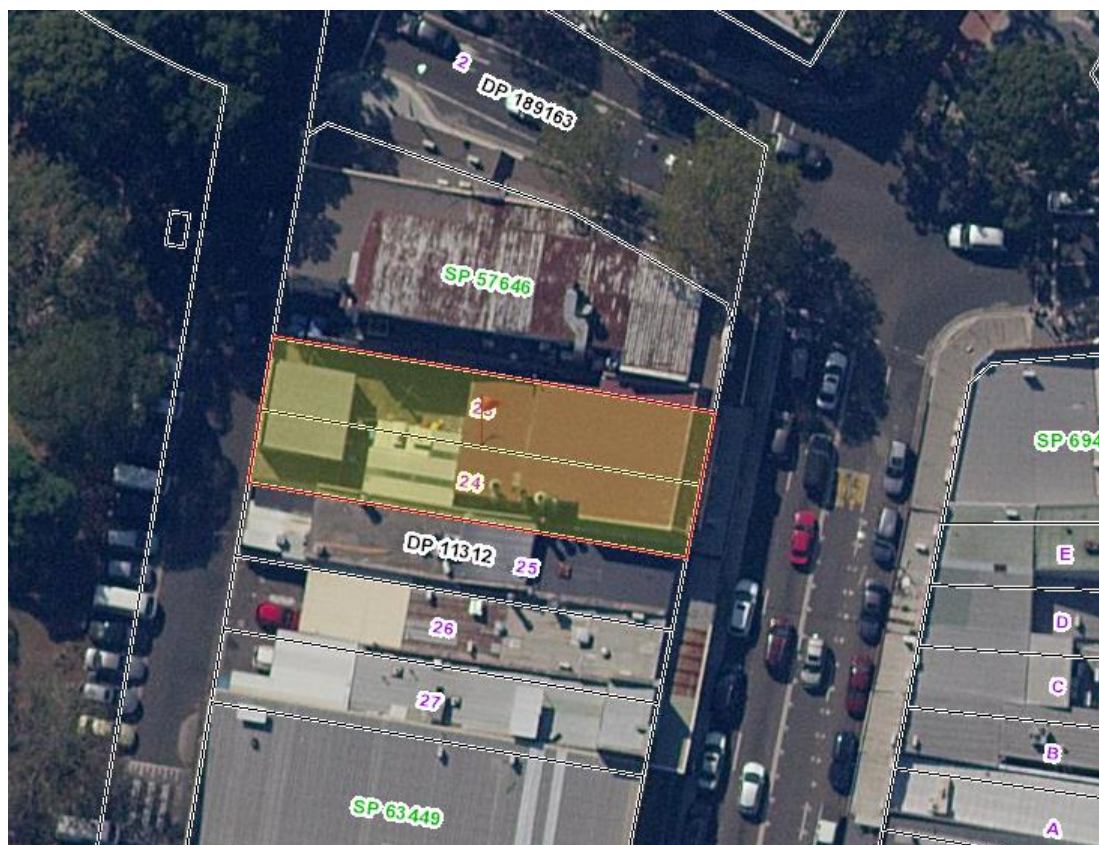


Figure 3: Aerial map (Source – Six Maps: 2023)

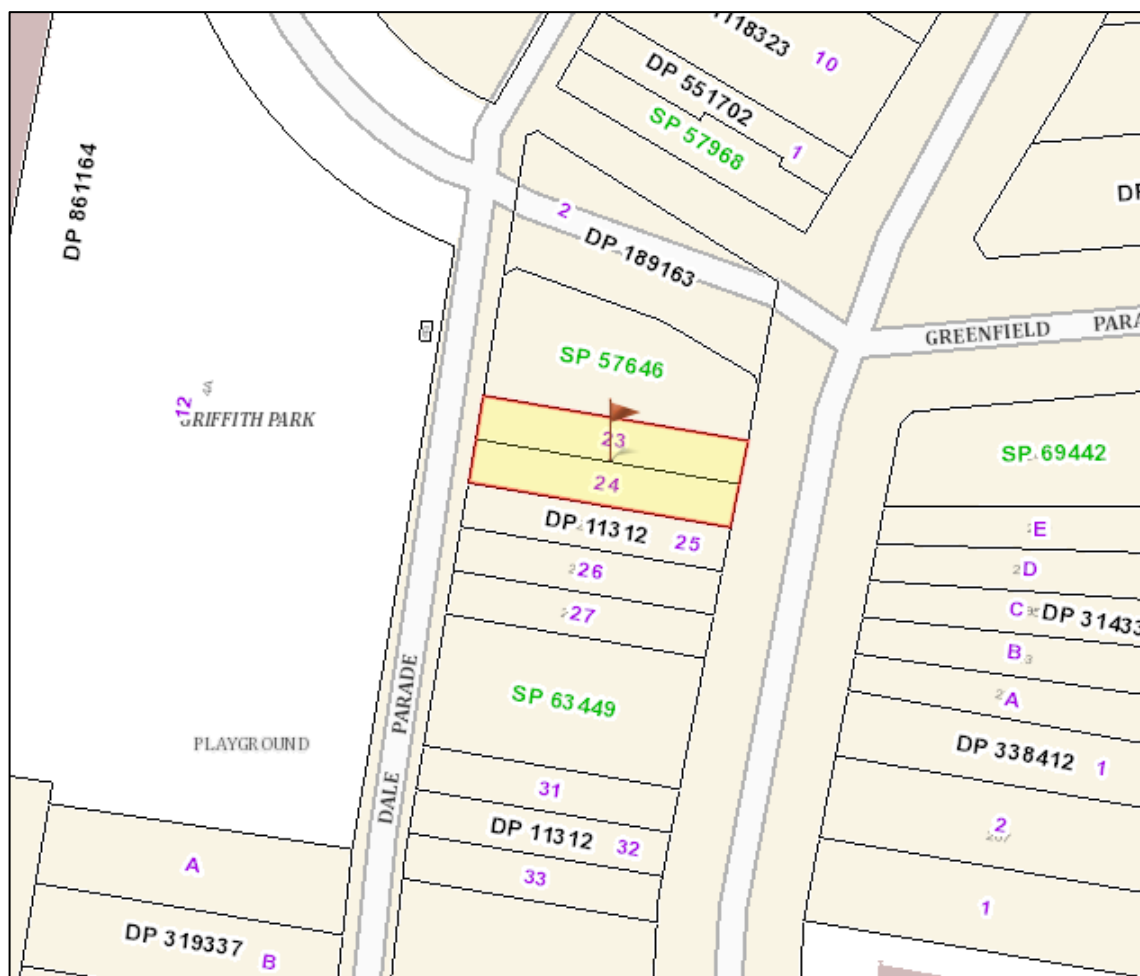


Figure 4: Locality map (Source – Six Maps: 2023)

2.2 Development History

On 8 February 2018, Council issued DA-602/2017 for *alterations and additions to existing building, fitout and change of use to a restaurant with outdoor dining at the rear.*

3.0 PROPOSED DEVELOPMENT

3.1 Description of Proposed Development

The proposed development is for an extension to the existing rear outdoor dining area and use in conjunction with an existing approved restaurant.

The proposed development is illustrated and detailed in the following plans:

- Architectural plans prepared by HVT Design Pty Ltd, Project No. CHA – 23, Drawing No's.1 – 7 (inclusive), Issue A, dated 27 July 2023.

Specific details of the proposal are provided in the following sections.

3.1.1 Proposed Works

- Removal of existing damaged awning located in rear yard area.
- Removal of existing boundary fence separating Lots 23 & 24 directly adjacent to the existing rear outdoor dining area.
- Erection of two (2) x 2.6m high solid fence perimeter walls.
- Erection of 2.4m high swing gate.
- Painting of east facing wall of existing building, which will form the western perimeter of the outdoor dining area.
- Erection of new retractable fabric awning over entire outdoor dining.

Note: As illustrated in the architectural plans, the existing restaurant is located on Lot 23, while the new area is located on Lot 24. In this regard, it may be necessary to consolidate the lots into one title and undertake a further subdivision into individual strata lots for the ground floor and first floor level uses.

3.1.2 Operational Details

- The additional outdoor dining area will provide for an additional seven (7) tables and fourteen (14) seats to the existing restaurant.
- There are no changes proposed to any other aspect of the operation of the existing restaurant.

4.0 ENVIRONMENTAL ASSESSMENT

4.1 Statutory Framework

4.1.1 Environmental Planning and Assessment Act 1979

This Statement has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The proposed development has been considered having regard to the requirements of Part 4 of the Act.

4.1.2 Canterbury-Bankstown Local Environmental Plan 2023

As identified in red in Figure 5 below, the site is zoned B4 Mixed Use pursuant to the Canterbury-Bankstown Local Environmental Plan 2023.

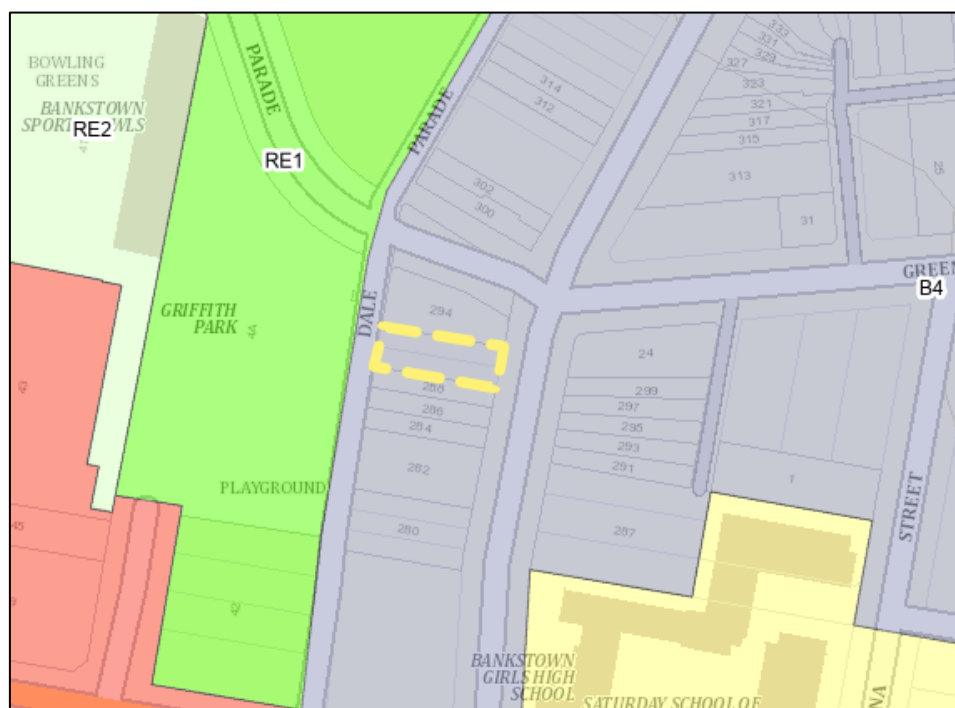


Figure 5: Zoning map (Source – NSW Planning Portal: 2023)

The Land Use Table for the B4 zone is replicated below:

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To maintain the role of the Bankstown CBD as a strategic centre.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home Occupations

3 Permitted with consent

Artisan food and drink industries; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; 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; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Residential accommodation; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Comment:

The site is zoned B4 Mixed Use under the provisions of the Canterbury-Bankstown LEP 2023. The proposed use of the extended outdoor dining area is characterised as a 'restaurant or cafe', which falls under the parent terms of 'food and drink premises', 'retail premises' and 'commercial premises', and is permitted within the zone with consent. A 'restaurant or cafe' is defined as follows:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note—

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

It is considered that the extension to the existing restaurant would meet the objectives of the zone, as it is a suitable and compatible service activity supporting the core commercial area of Bankstown, and which is located close to public transport and public parking infrastructure.

Compliance with the relevant development standards contained within the Canterbury-Bankstown LEP 2023 is demonstrated in Table 1 below.

CANTERBURY-BANKSTOWN LEP 2023			
Clause	Required	Provided	Complies
Part 1 Preliminary			
1.3 Land to which this Plan applies	(1) This Plan applies to the land identified on the Land Application Map.	The site is identified on the Land Application Map.	Yes
Part 2 Permitted or prohibited development			
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map.	The site is zoned B4 Mixed Use.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	(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.	No change proposed.	N/A
4.4 Floor space ratio	(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.	No change proposed. It is noted that the rear outdoor dining area does not constitute floor area for the purpose of calculated FSR, as it will not be fully enclosed on all sides.	N/A
4.6 Exceptions to development standards	(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	N/A	N/A

	<p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>		
Part 5 Miscellaneous provisions			
5.10 Heritage conservation	<p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	There are no heritage items located on, or in the vicinity of the site that would be affected by the proposed development.	N/A
5.21 Flood Planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p>	Council's SSR indicates that the site is affected by medium risk flooding. However, the SSR indicates that a flood study is not required.	Yes

	<p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>		
Part 6 Additional local provisions			
6.1 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils.	N/A
6.3 Stormwater management and water sensitive urban design	<p>(2) This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies</p>	The site is affected by medium risk flooding. It is noted that the floor level of the extended outdoor dining area is the same as the approved outdoor dining area, which has	Considered satisfactory

	<p>unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	<p>been approved by Council as satisfactory.</p>	
6.4 Biodiversity	<p>(2) This clause applies to land identified as 'Biodiversity' on the Terrestrial Biodiversity Map.</p>	N/A	N/A
6.5 Riparian land and watercourses	<p>(2) This clause applies to all of the following:</p> <ul style="list-style-type: none"> (a) land identified as "Riparian land" on the Riparian Lands and Watercourses Map, (b) land identified as "Watercourse" on that map. 	N/A	N/A
6.6 Limited development on foreshore area	<p>(4) In this clause: foreshore area means the land between the foreshore building line and the mean high water mark</p>	N/A	N/A

	of the nearest natural waterbody shown on the Foreshore Building Line Map.		
6.7 Development in areas subject to aircraft noise	(2) Development consent must not be granted to development involving the erection of a dwelling, other than a dwelling house, on land near Bankstown Airport in an ANEF contour between 20 and 25 unless the consent authority is satisfied the dwelling meets the standards specified in AS 2021:2015.	N/A	N/A

4.1.3 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan 2023 supports the Canterbury-Bankstown Local Environmental Plan 2023 by setting additional development controls for development located in the Canterbury-Bankstown LGA. The only sections of the DCP that would apply to the proposed extensions to the existing restaurant are detailed as follows:

Part 3.2 Parking

As noted above, the outdoor dining area does not constitute gross floor area for the purpose of calculating FSR or car parking as it is not fully enclosed on all sides and is an outdoor area. Additionally, there is no ability to provide any car parking on-site, and the commercial premises is adequately serviced by public car parking areas as well as public transport services.

Part 6.2 Bankstown City Centre

Whilst this Part of the DCP applies to the Bankstown CBD, it relates solely to the design of new buildings.

5.0 ENVIRONMENTAL PLANNING AND ASSESSMENT (EP&A) ACT 1979

5.1 Section 4.15 Evaluation (cf previous s 79C)

The following provides an assessment of the proposal against the relevant provisions of Section 4.15 Evaluation (previous section 79C) of the EP&A Act 1979.

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

Canterbury-Bankstown Local Environmental Plan 2023

The proposed development is permitted with consent in the B4 zone. The proposal meets the objectives of the zone and complies with the relevant provisions of the Canterbury-Bankstown LEP 2023.

(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Not applicable

(iii) any development control plan, and

Canterbury-Bankstown Development Control Plan 2023

It is considered that the proposed development is consistent with the aims, objectives and controls contained within Council's DCP. The proposal is worthy of approval based on both performance and merit.

(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, and

There is no planning agreement proposed by the Applicant.

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

There are no matters prescribed by Clause 92 of the Regulation which are applicable to this Development Application.

(v) (Repealed)

that apply to the land to which the development application relates,

(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,

It is considered unlikely that any adverse social or economic impacts would occur as a result of the proposed development.

(c) the suitability of the site for the development,

The site is considered suitable for the proposed development. The proposal is permitted within the B4 zone and meets the objectives of the zone.

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

Should the proposal require notification, any submissions will be considered by Council in the assessment and determination of the Development Application.

(e) the public interest.

The proposed development is considered to be in the public interest as it allows for the orderly and economic use of land and complies with Council's controls without impact to adjoining or surrounding properties.

6.0 CONCLUSION

6.1 Conclusion and Recommendation

This Statement of Environmental Effects has been prepared to accompany a Development Application submitted to Canterbury-Bankstown Council for the proposed extension to an existing rear outdoor dining area and use in conjunction with an approved restaurant.

The site is zoned B4 Mixed Use the Canterbury-Bankstown LEP 2023. The proposed development would be characterised as an extension to an 'existing restaurant or café', which is permitted within the B4 zone with consent. It is considered that the proposed addition would also meet the objectives of the B4 zone.

Having regard to the above, the proposed development is considered to be in the public interest and is worthy of approval based on merit. Accordingly, it is recommended that the application be approved as submitted.

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