STATEMENT OF ENVIRONMENTAL EFFECTS

FITOUT & ALTERATIONS AND ADDITIONS TO COMMERCIAL PREMISE-SECTION 8.2 REVIEW

320 KING GEORGE ROAD, BEVERLY HILLS NSW

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LEGISLATION CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	APPLICABLE?
SEPP NO 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT	✗
SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2003	✗
SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008	✗
SEPP (BIODIVERSITY AND CONSERVATION) 2021	✓
SEPP HOUSING 2021	✗
SEPP (INDUSTRY AND EMPLOYMENT) 2021	✓
SEPP (PLANNING SYSTEMS) 2021	✗
SEPP (PRECINCTS - CENTRAL RIVER CITY) 2021	✗
SEPP (PRECINCTS - EASTERN HARBOUR CITY) 2021	✗
SEPP (PRECINCTS - REGIONAL) 2021	✗
SEPP (PRECINCTS - WESTERN PARKLAND CITY) 2021	✗
SEPP (PRIMARY PRODUCTION) 2021	✗
SEPP (RESILIENCE AND HAZARDS) 2021	✓
SEPP (RESOURCES AND ENERGY) 2021	✗
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	✓

1 INTRODUCTION

This Statement of Environmental Effects has been prepared by PLANZONE to accompany the application City of Canterbury-Bankstown Council Division 8.2 of the Environmental Planning and Assessment Act, 1979 for a review of the Refusal Determination of DA-1085/2023 that sought consent for the partial internal demolition and change of use including alterations and additions with reconfigurations of the internal fitout to support delivery/take-away donut and pizza shop at 320 King George Road, Beverly Hills NSW.

This Statement of Environmental Effects has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* (the Act) and Part 3 of the *Environmental Planning and Assessment Regulation, 2021* (the Regulation), and provides the following:

- Identifies any environmental impacts of the development;
- Indicates how any environmental impacts of the development have been identified;
- Outlines the steps to be taken to protect the environment or to lessen the expected harm to the environment; and
- Considers any matters required to be indicated by any guidelines issued by the Planning Secretary.

The proposed development responds to the characteristics of the site and is set amongst a business centre within highly dense residential land uses surrounding. The orientation and structure of the building is to remain substantially the same. The design elements of the proposed internal fitout, particularly the proposed first floor & 2nd floor, ensure that adequate operational amalgamation and cooking facilities supports the overall layout of the site. The proposed development does not propose any seating arrangements for dine in, only used for delivery/taking away services and production. Also, the front and rear of the proposed bakery prep area on the second-floor plan is enclosed from the rooftop pizza cooking area.

Due to site constraints of narrow allotment and business precinct low block arrangement, the site is limited in landscaping. Notwithstanding, the application seeks only internal modifications, and the existing landscaping layout will be retained.

The subject site is provided with ample amenity through the provision of natural light, cross flow ventilation and a practical private open space area in relation to the premise. The development also respects and aims to maintain acceptable levels of amenity for adjoining properties having regard to the narrow width of the site and general site constraints. The proposed development is considered to have appropriately balanced the competing priorities and a built form that is both compatible and respective with the existing business stock in the street and locality.

Upon completion, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will integrate with the character of existing developments in the streetscape. The proposed alterations and additions will significantly enhance the existing streetscape and provide a catalyst for future similar developments of a high standard in the locality.

The DA is made pursuant to Part 4 of the Act and is not Integrated or Designated Development under the provisions of the Act. The development has a Capital Investment Value of less than $30 million and the application is not one that requires determination by the Local Planning Panel by Ministerial Direction issued under Section 9.1 of the Act as detailed below:

	DEVELOPMENT	TRIGGER	✓/✗
1.	Conflict of Interest	N/A	✗

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

2.	Contentious Development	The consideration of submissions cannot be made at the time of preparing this Statement.	×
3.	Departure from Development Standards	The DA does not seek consent for a departure from a development standard under Clause 4.6 of the LEP.	×
4.	Sensitive Development	(a) The DA is not designated development. (b) The DA does not seek consent for a residential flat building. (c) The DA does not seek consent for demolition of a heritage item. (d) The DA is not for a licensed premises. (e) The DA is not for a sex-services or restricted premises. (f) The DA does not propose to enter into a planning agreement.	×

TABLE 1: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

Accordingly, the Council is the consent authority for the purpose of determining the DA.

This Statement of Environmental Effects undertakes an assessment of the proposal against the requirements and the matters for consideration under Sections 1.7, 4.15 and 4.46. 8.2 and 8.3 of the Act. The Statement should be read in conjunction with the plans and documents accompanying the application, including:

- Architectural Plans prepared by Desco Design Studio;
- Survey Plan prepared by Precision Surveying;
- Internal Survey prepared by Precision Surveying;
- Acoustic report prepared by Acoustic Logics;
- Traffic Impact Statement prepared by Fernway Engineering Pty Ltd;
- BCA report prepared by Building Innovations Pty Ltd;
- Access report prepared by Building Innovations Pty Ltd; and
- Waste Management Plan prepared by PLANZONE;

2 THE SITE AND SURROUNDS

ADDRESS:	320 King George Road, Beverly Hills NSW	
LEGAL DESCRIPTION:	Lot 1 in Deposited Plan 136154	
SITE AREA:	169 m^2 (by survey)	
DIMENSIONS:	**BOUNDARY**	**DIMENSION**
	Front (Northern):	6.095 metres
	Rear (Southern):	27.735 metres
	Side (Eastern):	27.735 metres
	Side (Western):	6.095 metres
ORIENTATION:	The site is situated on the eastern side of Kings George Road, Beverly Hills as shown in Figure 1.	

LEGEND:
✓ COMPLIES
× DOES NOT COMPLY
S SATISFACTORY

LOCATION MAP:

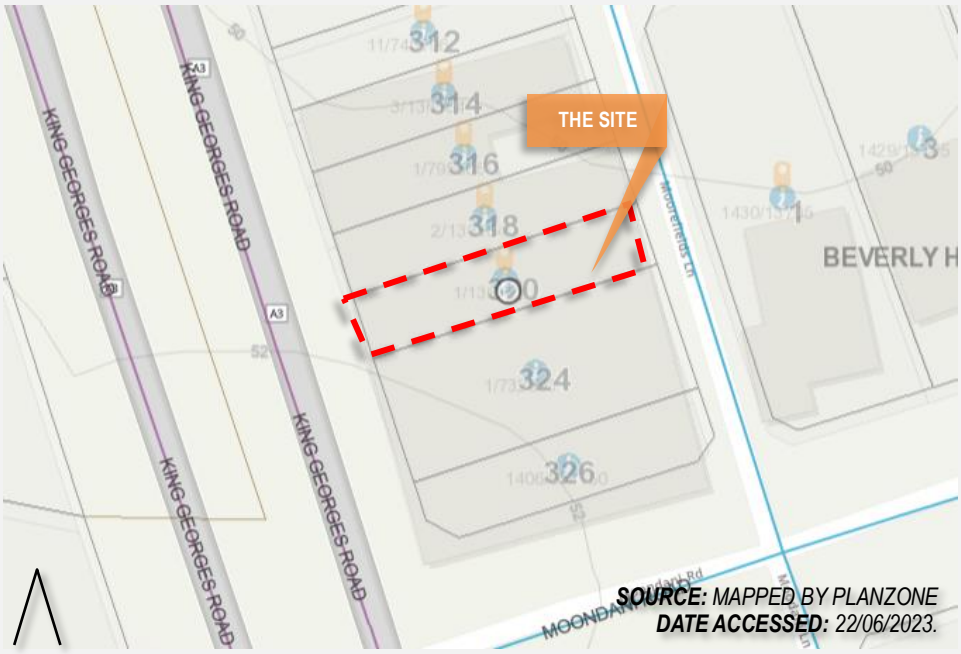

FIGURE 1: LOCATION MAP

AERIAL MAP:

FIGURE 2: AERIAL PHOTO

EXISTING IMPROVEMENTS:	The subject site contains an existing two storey commercial premise. Figures 3-5 illustrate the existing improvements on the site.

LEGEND:
✓ COMPLIES
× DOES NOT COMPLY
S SATISFACTORY

FIGURE 3: VIEW OF THE SITE FROM KING GEROGES ROAD

FIGURE 4: VIEW OF REAR CAR PARK

FIGURE 5: REAR VIEW OF MOOREFIELDS LN LOOKING EAST

EXISTING VEGETATION:	The subject site does not contain any existing tree. No vegetation of significance or native vegetation is proposed to be removed.
SURROUNDS:	The local surrounding area is characterised by mix of residential flat buildings and commercial uses to the north, east, south and west. The land uses adjoining and situated opposite the site are illustrated in Figures 6 to 9:

FIGURE 6: VIEW OF 318 KINGS GEORGE ROAD ADJOINING TO THE EAST

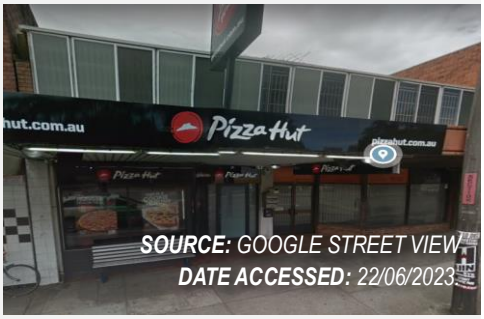

FIGURE 7: VIEW OF 335G + V9 BEVERLY HILLS ADJOINING TO THE WEST

LEGEND:
✓ COMPLIES
× DOES NOT COMPLY
S SATISFACTORY

	 FIGURE 8: VIEW OF 297-299 A3, ROSELANDS NSW 2196 ADJACENT TO THE NORTH	 FIGURE 9: VIEW OF 1 MOONDANI RD, BEVERLLY HILSL ADJACENT TO THE SOUTH
PAST USES AND DEVELOPMENT HISTORY:	A review of 1943 aerial imagery indicates that the subject was vacant and has no surrounding land uses. Further assessment suggests in 1950's-1960's the subject site became a business dense centre. A review of City of Canterbury-Bankstown Council's online DA tracking system has revealed prior development consent DA-144/2011 for 'Use of existing premise as an engraving business' approved on 26/05/2011. Most recent DA-1085/2023 proposed '*Alterations, new external signage and roof top additions to the existing building and its use as a dine-in doughnut shop'* which was refused on 19/10/23. Whilst this application is substantially the same as DA-1085/2023, this application proposes only delivery/take away shop, with minor alterations and additions to better suited for site restraints.	

3 THE PROPOSAL

The subject Development Application seeks consent under Division 8.2 of the Environmental Planning and Assessment Act, 1979 for a review of the Refusal Determination of DA-1085/2023 that sought consent for the partial internal demolition and change of use including alterations and additions with reconfigurations of the internal fitout to support delivery/take-away donut and pizza shop at 320 King George Road, Beverly Hills NSW.

DESCRIPTION:	This DA seeks consent for partial internal demolition and change of use including alterations and additions with reconfigurations of the internal fitout to support delivery/take-away donut and pizza shop.
DEFINED LAND USE:	The proposed development remains defined as a "*Food and drink premise"* including take away food and drink premises, pursuant to the definitions contained in *Canterbury Bankstown Local Environmental Plan 2023*: ***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.

LEGEND:
✓ COMPLIES
× DOES NOT COMPLY
S SATISFACTORY

	take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises. **Note—** Take away food and drink premises are a type of ***food and drink premises***—see the definition of that term in this Dictionary.
OPERATING HOURS:	

DAY	OPEN	CLOSE
MONDAY	8:00am	10:00pm
TUESDAY	8:00am	10:00pm
WEDNESDAY	8:00am	10:00pm
THURSDAY	8:00am	10:00pm
FRIDAY	8:00am	12:00am
SATURDAY	8:00am	12:00am
SUNDAY	8:00am	8:00pm
PUBLIC HOLIDAYS	8:00am	8:00pm

STAFFING:	Maximum of 3 including manager/owner
PEDESTRIAN ACCESS	No changes are proposed to the existing pedestrian access to the site. Refer to Access report accompanying this DA in separate cover.
VEHICULAR ACCESS:	No changes are proposed to the existing vehicular access to the site. Refer to Traffic Impact Statement accompanying this DA in separate cover.
CAR PARKING:	1 car spaces/ garage at the rear is proposed. Refer to Traffic Impact Statement and Access report accompanying this DA in separate cover.
DEMOLITION:	The subject application seek consent for demolition of timber stud wall, stairs/stairs and toilet on first floor and second floor and existing attic space. Refer to architectural plans detailing demolition works.
EARTHWORKS:	The subject application does seek consent for minor ancillary earthworks associated with lift and garage.
STORMWATER WORKS:	The subject application does not seek consent for stormwater works. Existing stormwater systems will be retained.
WASTE MANAGEMENT:	No changes are proposed to the existing waste management arrangements on the site. A Waste Management Plan accompanies this DA in separate cover.
LOADING/UNLOADING:	No changes are proposed to the existing approved loading and unloading arrangements for the site.

TABLE 2: DEVELOPMENT AND BUILT FORM SNAPSHOT

4 PLANNING FRAMEWORK

The *Environmental Planning and Assessment Act, 1979* (the Act) prescribes the following matters that have been taken into consideration in the assessment of the subject application, as detailed under the respective headings below:

- Section 1.7 - Application of Part 7 of *Biodiversity Conservation Act 2016* and Part 7A of *Fisheries Management Act 1994*;
- Section 4.15 - Evaluation:
  - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
  - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
  - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;

- Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
- Section 4.15(1)(a)(iv) - The provisions of the Regulations;
- Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
- Section 4.15(1)(c) - The suitability of the site for the development;
- Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
- Section 4.15(1)(e) - The public interest.

- Section 4.46 - Integrated Development.
- Section 8.2 - Determinations and decisions subject to review

5 SECTION 1.7 EVALUATION EP&A ACT, 1979

Section 1.7 of the Act prescribes matters for consideration in determining whether a development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant provisions from the Act are discussed below.

5.1 BIODIVERSITY CONSERVATION ACT, 2016

The development is not *likely to significantly affect threatened species* as required to be considered under Part 7 of the *Biodiversity Conservation Act, 2016*.

5.2 FISHERIES MANAGEMENT ACT, 1994

The development is not *likely to significantly affect threatened species, population or ecological community* as required to be considered under Part 7A of the *Fisheries Management Act, 1994*.

6 SECTION 4.15 EVALUATION EP&A ACT, 1979

6.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979

(i) SECTION 4.15(1)(A)(I)

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable as detailed below:

- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Canterbury Bankstown Local Environmental Plan 2023.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYEMENT)) 2021

CHAPTERS	APPLICABLE?
CURRENT VERSION FOR 16 DECEMBER 2022	
CHAPTER 2: WESTERN SYDNEY EMPLOYMENT AREA	N/A
CHAPTER 3: ADVERTISING AND SIGNAGE	✓

TABLE 3: INDUSTRY AND EMPLOYMENT SEPP - APPLICABLE CHAPTERS

State Environmental Planning Policy (Industry and Employment) 2021 (the Industry &

Employment SEPP) specifies aims and objectives and assessment criteria for signage. Chapter 3 of SEPP specifies assessment criteria for signage relating to signage and advertisements.

The application proposes business identification signage which is considered satisfactory having regard to the objectives of this Policy and the assessment criteria contained in Chapter 3 of the SEPP as detailed below.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 CHAPTER 3 ADVERTISING AND SIGNAGE			
CL	**REQUIREMENT**	**PROPOSED**	**✓/✗**
PART 3.1 PRELIMINARY			
3.1	**This Policy aims:** (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and *(ii)* is of high-quality design and finish.	The signage is compatible with the desired amenity and visual character of the area, as such above awning signs are present on other parts of the building for separate tenancies. Such signs are also common for other buildings within *the B1: Neighbourhood centre* zone surrounding the site as seen across the whole strip e.g. Pizza hut. The sign is simple and provides excellent communication in the form of the company logo and ongoing traffic direction that creates safety navigation. The sign is of a high-quality LED illuminated signage. The trimcap will be painted whilst the back will be painted silver.	✓
3.3	Area of application of this Chapter	The controls apply to this application.	✓
3.4	Signage to which this Chapter applies	The controls apply to the signage proposed in this application.	✓
3.5	Relationship with other environmental planning instruments	Noted	✓
PART 3.2 SIGNAGE GENERALLY			
3.6	Granting of consent to signage	The proposed signage is consistent with the objectives of this Chapter as discussed in section 3.1(1)(a) above, and the signage satisfies the assessment criteria specified in Schedule 5 as discussed later in this Table. Accordingly, Council can grant development consent to the subject application.	✓
PART 3.3 ADVERTISMENTS			
DIVISON 1 GENERAL			
3.7	Advertisements to which this Part applies	Part 3.3 does not apply to business identification signs.	N/A
3.8	Prohibited advertisements	The proposed signage is not prohibited under this clause.	N/A
SCHEDULE 5 ASSESSMENT CRITERIA			
1	**Character of the Area**		
	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage looks similar to Advertising Structures within the zone and is of a similar scale and size to signage in the surrounding area. The proposed signage poses contemporary modern LED signage that is energy efficient and easy maintenance. The proposed signage is above	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 CHAPTER 3 ADVERTISING AND SIGNAGE			
CL	**REQUIREMENT**	**PROPOSED**	**✓/×**
		awning signage compatible with the existing signage character across the neighbourhood strip e.g., such as Pizza Hut neighbouring the site.	
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the locality.	✓
2	**Special Areas**		
	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Conservation Area: × Amenity or visual impact on environmentally sensitive area: × Archaeological Site: × Aboriginal Heritage: × Waterways × Residential × The proposed signage is within a majority business zone with no amenity or visual impact.	✓
3	**Views and Vistas**		
	Does the proposal obscure or compromise important views?	There are no important views as seen from the site.	N/A
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal relates to signage of an existing building awing. The appropriate size and scale ensure it is compatible with surrounding skyline and building stock.	✓
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage is fixed above awning sign to the building which maintains existing viewing rights.	✓
4	**Streetscape, Setting or Landscape**		
	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportions of the proposed signage as detailed in architectural plans earlier are appropriate in the context of the location, building and context. The proposed signage demonstrates acceptable scale and size and activates the streetscape.	✓
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal creates visual interest by contributing to the streetscape and setting. The proposal does this by attributing a Business Identifier to the otherwise blank façade which will aids in ensuring legibility and wayfinding. As the building is within narrow allotment arrangement, the identification of signs will help customers find the relevant tenancies which they plan on attending.	✓
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	N/A
	Does the proposal screen unsightliness?	The proposal does not contain unsightly items.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	N/A	N/A

LEGEND:
✓ COMPLIES
× DOES NOT COMPLY
S SATISFACTORY

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 CHAPTER 3 ADVERTISING AND SIGNAGE			
CL	**REQUIREMENT**	**PROPOSED**	**✓/✗**
	Does the proposal require ongoing vegetation management?	The site is landscaped by trees along the nature strip. The existing trees are not impacted by the proposed signage, and thus no vegetation management is required.	N/A
5	**Site and Building**		
	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	There are advertising structures and signage on adjoining business units and other signs which relate to the subject tenancy. However, the proposed signage is appropriate in scale. proportion, bulk and scale which is compatible with surrounding signage.	✓
	Does the proposal respect important features of the site or building, or both?	The proposed sign does not degrade the existing façade nor require any structural support.	✓
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage design characteristics and elements represent the relationship between both and building and site be efficiently integrating grid technique to maximise wall space for consumer benefit.	✓
6	**Associated devices and logos with advertisements and advertising structures**		
	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The sign will be illuminated with business logo above awning sign. Refer to architectural plans accompanying this DA.	N/A
7	**Illumination**		
	▪ Would illumination result in unacceptable glare? ▪ Would illumination affect safety for pedestrians, vehicles or aircraft? ▪ Would illumination detract from the amenity of any residence or other form of accommodation? ▪ Can the intensity of the illumination be adjusted, if necessary? ▪ Is the illumination subject to a curfew?	The proposed signage will have acceptable levels of glare as assessed in CBLEP 2023. ▪ The signage will not impact the safety of pedestrians, vehicles or aircraft as its appropriately scaled and proportioned. ▪ No nearby residential shall be impacted from the signage. ▪ The intensity of the illumination can be manually adjusted. ▪ Council may impose suitable conditions on any consent granted for the proposal to ensure compliance with the provision.	N/A
8	**Safety**		
	Would the proposal reduce the safety for any public road?	The sign is situated perpendicular to the sight lines for drivers on King Georges Road.	N/A
	Would the proposal reduce the safety for pedestrians or bicyclists?	No. The sign is situated perpendicular to the sight lines for drivers on King Georges Road.	N/A
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The sign will not pose as a distraction for any pedestrian or traffic.	N/A

TABLE 4: INDUSTRY AND EMPLOYEMENT SEPP - ADVERTISING SIGNAGE COMPLIANCE TABLE

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

CHAPTERS	APPLICABLE?

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CURRENT VERSION FOR 21 NOVEMBER 2022	
CHAPTER 2: VEGETATION IN NON-RURAL AREAS	✓
CHAPTER 3: KOALA HABITAT PROTECTION 2020	×
CHAPTER 4: KOALA HABITAT PROTECTION 2021	×
CHAPTER 5: RIVER MURRAY LANDS	×
CHAPTER 6: WATER CATCHMENTS	×
CHAPTER 7-12: REPEALED	N/A
CHAPTER 13 STRATEGIC CONSERVATION PLANNING	×

TABLE 5: SEPP BIODIVERSITY & CONSERVATION APPLICABLE CHAPTERS

CHAPTER 2: VEGETATION IN NON-RURAL AREAS

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas.

The subject site is located in an *B1: Neighbourhood Centre zone*. The development proposes not propose removal of any vegetation of significance, native vegetation or canopy trees that impacts the amenity of non-rural surroundings.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

CHAPTERS	APPLICABLE?
CHAPTER 2: COASTAL MANAGEMENT	×
CHAPTER 3: HAZARDOUS AND OFFENSIVE DEVELOPMENT	×
CHAPTER 4: REMEDIATION OF LAND	✓

TABLE 6: RESILIENCE & HAZARDS SEPP APPLICABLE CHAPTERS

CHAPTER 4: REMEDIATION OF LAND

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience & Hazards SEPP) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination of the site. A review of 1943 aerial imagery indicates that the subject was vacant and has no surrounding land uses. Further assessment suggests in 1950's-1960's the subject site became a business dense centre. A review of City of Canterbury-Bankstown Council's online DA tracking system has revealed prior development consent DA-144/2011 for 'Use of existing premise as an engraving business' approved on 26/05/2011. Most recent DA-1085/2023 proposed '*Alterations, new external signage and roof top additions to the existing building and its use as a dine-in doughnut shop'* which was refused on 19/10/23. Whilst this application is substantially the same as DA-1085/2023, this application proposes only delivery/take away shop, with minor alterations and additions to better suited for site restraints. Therefore, there is no reason to suspect that the site may be contaminated, and Council can be satisfied of its obligations under Section 4.6 of the Resilience & Hazards SEPP as the application appropriately

considers the potential for contamination under the Resilience & Hazards SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTERS	APPLICABLE?
CHAPTER 2: INFRASTRUCTURE	✓
CHAPTER 3: EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES	×
CHAPTER 4: MAJOR INFRASTRUCTURE CORRIDORS	×
CHAPTER 5: THREE PORTS - PORT BOTANY, PORT KEMBLA & NEWCASTLE	×

TABLE 7: TRANSPORT & INFRASTRUCTURE SEPP APPLICABLE CHAPTERS

CHAPTER 2: INFRASTRUCTURE
PART 2.3 - DIVISION 5 - ELECTRICITY TRANSMISSION OR DISTRIBUTION
SECTION 2.48: DETERMINATION OF DEVELOPMENT APPLICATIONS - OTHER DEVELOPMENT

Section 2.48 in Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Transport & Infrastructure SEPP) identifies triggers which require the local electricity supply authority to be given written notice of a DA (or modification) as identified below:

SECT.	TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS	✓/×
(1)(a)	*The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.*	×
(1)(b)	*Development carried out-* *(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or* *(ii) immediately adjacent to an electricity substation, or* *(iii) within 5m of an exposed overhead electricity power line.*	✓
1(c)	*installation of a swimming pool any part of which is-* *(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or* *(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.*	×
(1)(d)	*Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*	×

TABLE 8: TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS

Given the above, the local electricity supply authority is required to be given written notice of the subject application as the signage is within 5 m of an exposed overhead electricity power line.

PART 2.3 - DIVISION 15 - RAILWAYS
SECTION 2.97: DEVELOPMENT ADJACENT TO RAIL CORRIDORS
SECTION 2.98: EXCAVATION IN, ABOVE, BELOW OR ADJACENT TO RAIL CORRIDORS
SECTION 2.99: IMPACT OF RAIL NOISE OR VIBRATION ON NON-RAIL DEVELOPMENT

The development is not on land that is in or immediately adjacent to a rail corridor and the site is not land within or above a rail corridor, within 25 metres of a rail corridor or within 25 metres of the ground directly above an underground rail corridor and therefore Sections 2.97, 2.98 and 2.99

of the Transport & Infrastructure SEPP do not apply to the subject DA.

PART 2.3 - DIVISION 17 - ROADS AND TRAFFIC
SECTION 2.119: DEVELOPMENT WITH FRONTAGE TO CLASSIFIED ROAD

The subject site has a frontage to Kings George Road, Beverly Hills which is identified by Transport for NSW (TfNSW) as a Classified Road. Due to the nature of works proposed being only an internal fitout and change of use, the proposal does not pose any adverse impacts on traffic congestion or ongoing operation and function of the classified road. Off-street parking rates are proposed to comply with relevant standards. Refer to Traffic Impact Statement addressing this standard.

SECTION 2.120: IMPACT OF ROAD NOISE OR VIBRATION ON NON-ROAD DEVELOPMENT

The site is located on Kings George Road, Beverly Hills. Based on the most recent Annual Average Daily Traffic (AADT) data published by TfNSW, the road did not have any recorded AADT data and is therefore not likely to have an AADT exceeding 20,000 vehicles. Accordingly, the provisions in Section 2.119 of the Transport & Infrastructure SEPP are not relevant to the subject application.

CLAUSE 2.122: TRAFFIC GENERATING DEVELOPMENT

The proposed development is not a traffic generating development as it is not development specified in Column 1 of the Table to Schedule 3 of Transport & Infrastructure SEPP.

CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

Canterbury Bankstown Local Environmental Plan 2023 (the LEP) is the principal environmental planning instrument that applies to the land and contains all the applicable development standards for the development of the site. An assessment against the applicable LEP provisions is provided below.

CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	**REQUIREMENT**	**PROPOSED**	**✓/✗**
PART 1 - PRELIMINARY			
1.2	Aims of Plan	The proposed development achieves the aims of the LEP in the following ways: (c) The development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community; and (d) The development protects and promotes the environmental and cultural heritage values of Canterbury.	✓
1.4	Definitions are contained in the dictionary	The proposed development is defined as a *"Food and drink premise shop"*.	✓
PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT			
2.2	Zoning of Land	The site is zoned *B1 Neighbourhood Centre.*	✓
2.3	Zone objectives and Land Use Table	ZONE OBJECTIVES: The proposed development is consistent with the objectives of the zone, as it provides for commercial needs of the community within a business centre	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	**REQUIREMENT**	**PROPOSED**	**✓/✗**
		surrounded by residential environment. The proposed development is compatible with the existing business stock within the locality and will provide for a suitable level of amenity for occupants as well as maintain suitable levels of amenity for adjoining properties in the locality. LAND USE TABLE: Development for the purpose of a *"Food and drink premise"* is permitted with consent in the zone.	
2.5	Additional permitted uses for particular land	The site is not afforded with additional permitted uses in Schedule 1 of the LEP.	N/A
2.6	Subdivision - consent requirements	No subdivision is proposed as part of this application.	N/A
2.7	Demolition requires development consent	The subject application seek consent for demolition of timber stud wall, stairs/stairs and toilet on first floor and second floor and existing attic space. Refer to architectural plans detailing demolition plan.	✓
PART 4 - PRINCIPAL DEVELOPMENT STANDARDS			
4.3	Height of Buildings	STANDARD: 10 metres PROPOSED: No changes to the existing building height.	✓
4.4	Floor Space Ratio	STANDARD: Not prescribed PROPOSED: NA, no changes to the existing floor space.	✓
4.5	Calculation of floor space ratio and site area	The floor space ratio and site area have been calculated pursuant to the provisions of this Clause.	✓
4.6	Exceptions to development standards	The application does not seek consent for any exceptions to development standards.	✓
PART 5 - MISCELLANEOUS PROVISIONS			
5.1	Relevant acquisition authority	The site is not mapped as reserved for acquisition on the *Land Reserved for Acquisition Map*.	N/A
5.3	Development near zone boundaries	The development is permissible with consent and does not rely on the provisions of this Clause.	N/A
5.4	Controls relating to miscellaneous permissible uses	Not applicable as the development is not for any of the uses mentioned under this clause.	N/A
5.6	Architectural roof features	The DA does not seek consent for architectural roof features above the maximum building height.	N/A
5.7	Development Below Mean High Water Mark	The site is not situated below the mean high-water mark.	N/A
5.10	Heritage Conservation Heritage Item: ✗ Conservation Area: ✗ In vicinity of item or area: ✗ Archaeological Site: ✗	The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. The site is not identified as an archaeological site. There are no known Aboriginal sites in or near the subject site and no Aboriginal places declared in or	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	**REQUIREMENT**	**PROPOSED**	**✓/✗**
	Aboriginal Heritage: ✗	near the site.	
5.11	Bush fire hazard reduction	The subject site is not identified as a bushfire prone land.	N/A
5.21	Flood Planning	The subject site is not mapped as being in a *Flood Planning Area* or *Flood Prone Land* on the *Flood Planning Area Map*.	N/A
PART 6 - LOCAL PROVISIONS			
6.1	Acid sulfate soils	The subject site is not mapped as being Acid Sulfate Soils impacted on the *Acid Sulfate Soils Map*.	✓
6.2	Earthworks	The proposed application does seek ancillary earthworks as part of the proposed lift and garage. The earthworks: - (a) Will not disrupt or have any detrimental effect on drainage patterns and soil stability in the locality of the development ; and - (b) Will not affect the future use or redevelopment of the land which can continue to be used for commercial /residential purposes and can be re-filled if necessary; and - (d) Will not pose any significant impacts on the existing and future amenity of adjoining properties; and - (e) Include excavation of soils and the destination of any excavated material will be to the nearest facility to the site capable of taking the excavated material; and - (f) Are unlikely to disturb any relics as none are known to exist on or around the site; and - (g) Are unlikely to have any impact on any nearby waterbody; and - (h) Will implement appropriate measures to avoid, minimise and mitigate any impacts of the development, subject to appropriate conditions being imposed on any consent granted by Council. Appropriate measures will be undertaken during the construction stage to protect the surrounding land uses and the immediate environment in accordance with any conditions imposed on any consent granted by Council.	✓
6.3	Stormwater Management and water sensitive urban design	The proposed development retains the existing stormwater system as shown: (a) are designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	**REQUIREMENT**	**PROPOSED**	**✓/✗**
		infiltration of water, and (b) do not require on-site stormwater retention; and (c) avoid significant adverse impacts of stormwater runoff on adjoining properties. d) the subject site is not mapped as *Flood Prone, Riparian Land* e) Water sensitive urban design principles are integrated within overall design.	
6.9	Essential Services	The augmentation and provision of new and additional water, electricity, sewage and stormwater drainage utilities and infrastructure will not be necessary as a result of the proposed development. However, these services are already existing and available to the subject site.	✓
6.21	Restrictions on development in Zones B1, B2 and B5	The subject site does not propose residential accommodation on the ground level of the building.	✓

TABLE 9: CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE

(iii) SECTION 4.15(1)(A)(II)

THE PROVISIONS OF ANY PUBLICLY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

DRAFT CONSOLIDATED CANTERBURY BANKSTOWN LEP 2020

Council has publicly exhibited *Draft Canterbury Bankstown Local Environmental Plan 2020* which is intended to consolidate the existing *Bankstown Local Environmental Plan 2015* and *Canterbury Local Environmental Plan 2012.* The Draft LEP Amendments are relevant to the subject application and the subject site however, the existing development standards and provisions discussed in Table 7 will remain largely unchanged in the Draft LEP.

Accordingly, the proposal is considered acceptable having regard to the provisions of the Draft EPI's under Section 4.15(1)(a)(ii) of the Act.

(iv) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Canterbury-Bankstown Development Control Plan 2023 (the DCP) contains objectives and development controls for development on land within the boundaries of the former Canterbury Local Government Area. An assessment against the applicable sections of the DCP is provided below.

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
CHAPTER 2 – SITE CONSIDERATIONS			
2.1-2.4	***Various controls***	The subject site integrates and acknowledges the principles of the subject site's constraints; however, deemed unnecessary considering the nature of works for:	✓

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
		• Sites analyse plan • Flood risk management plan • Tree management plan • Pipeline corridors This Statement further assess these considerations and their application to the proposed development.	
CHAPTER 3 – GENERAL REQUIREMENTS			
CHAPTER 3.1 – DEVELOPMENT ENGINEERING STANDARDS			
2	***Civil Engineering Requirements***	Civil engineering specifications and structural will be conditioned as part of Construction Certificate stages. The engineering envelope remains substantially the same. Mechanical Exhaust Ventilation can be conditioned as part of CC.	✓
3	***Stormwater Drainage Systems***	The existing stormwater plans will be retained to facilitate stormwater run-off. The application retains a typical above ground rainwater tank to support water management and absorption trench for effluent flows after it leaves the tank. No OSD system is not needed as the development remain substantially the same and impervious area is not increased. Overall, the proposed development includes an appropriate stormwater system that will not create any adverse impacts to the existing stormwater system in the locality. Any hydraulics works can be conditioned as part of CC relating to pipework, floor wastes, grease arrestor.	✓
4	***On-site Detention Systems***	The applications does not seek on-site detention system.	N/A
CHAPTER 3.2 – PARKING			
SECTION 2 – OFF STREET PARKING RATES			
Development controls	***2.1-2.6***	The proposed development only seeks alternations and additions to internal layout of the site. 1 on-site parking spaces / garage is proposed designated for the subject. In accordance with CBDCP 2023 Off-Street Parking Schedule, restaurants are as follows; **Land use** / **Car spaces** / **Bicycle spaces** Restautants / Locations in the former Canterbury LGA Less than 120m2: 1 space per 40m2 GFA. / Staff: 1 space per 100m2 gross floor area over 100m2 Visitors: 2 spaces The car parking rate required based on Off-Street Parking Schedule is as follows; GFA FOR FIRST FLOOR: 103.96 m^2/ 1 space per 40 m^2. CAR PARKING RATE: 2.6 car parking spaces.	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

REF	CONTROL	PROPOSED	✓/✗
		Pursuant to the CBLEP 2023 LEP definition of *gross floor area*, refer to the following assessment below: **Ground floor:** Notwithstanding, Development Control 2.6 outlines The Off-Street Parking Schedule dispenses the ground floor level as the proposal does not increase the gross floor area and is simply a change of use. The only addition to ground floor is garage car parking space, lift & stairs (common vertical circulation), loading/unloading and access thereto which are excluded from GFA, Pursuant of the CB2023 LEP GFA definition. No car parking spaces are triggered as of this control. As previous noted, the application proposes delivery/take away with no dine-in accommodation. The ground floor component main function is to provide interactive services to customer, take order and provide delivery orders. **First Floor:** The first-floor component includes only accountable GFA that requires car parking allocation. The first-floor component includes kitchen rondo, table, blast trolley section for delivery, and office room for administrative works. Cooler room (storage) and lift & stairs (common vertical circulation), which are excluded from GFA, Pursuant of the CB2023 LEP GFA definition. In accordance with Off-Street Parking Schedule presented in the Canterbury-Bankstown DCP 2023–Chapter 3.2 the below car parking rates apply:	

Shop top housing in the former Canterbury LGA	The same rate for residential flat buildings except in the following locations: Belmore, Campsie, Canterbury and Lakemba centres Studio: 0.25 spaces per dwelling; 1 bedroom: 0.8 spaces per dwelling; 2 bedroom: 1 space per dwelling; 3 bedroom or more: 1 space per dwelling; Visitor parking: Not required. Earlwood, Hurlstone Park, Narwee, Punchbowl and Wiley Park centres Studio: 0.5 spaces per dwelling; 1 bedroom: 1 space per dwelling; 2 bedroom: 1 space per dwelling; 3 bedroom or more: 1 space per dwelling; Visitor parking: 0.15 spaces per dwelling. Other locations Studio: 0.67 spaces per dwelling; 1 bedroom: 1 space per dwelling; 2 bedroom: 1.2 space per dwelling (the 0.2 space to remain as common property); 3 bedroom or more: 2 spaces per dwelling; Visitor parking: 0.2 spaces per dwelling.	1 visitor space per 10 dwellings

FIGURE 10: CBDCP 2023 SHOP HOUSING HOUSING CAR PARKING PROVISIONS.

The existing shop top housing accommodates 2 bedrooms, as

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
		such, the expected 1.2 car spaces can be dispensed based on change of use eliminating any residential uses on the site. There is no temporary or permanent residency proposed in the new use that requires the 1.2 car parking spaces. With the required car parking at 2.6 and the change of use eliminating the 1.2 car spaces for the shop top housing requirement, we are left the following calculations: RESTAURANT CAR PARKING REQUIREMENT: 2.6 car parking spaces. SHOP TOP HOUSING REQUIREMENT: 1.2 car parking spaces CHANGE OF USE PARKING REQUIREMENT: 2.6 car spaces – 1.2 car spaces = 1 car spaces (1.4 car spaces requirement has been rounded down to the nearest whole number as recommended under Control C2 within Section B1.2.2 of the DCP) The first-floor component main function is for production, storage and management. This is completely concealed from roof top area and doesn't not generate traffic movement as staff will be stationed in each position down production line. The ground and floor extension and internal works as well suited to facilitate delivery/take away services and maximise the space. As previous noted, the application proposes delivery/take away with no dine-in accommodation. **Roof Floor:** The roof floor component does not trigger car parking requirement as the open style rooftop pergola' acts to produce delivery pizza for consumers. Customers' orders for delivery will be picked up from the ground floor. Thus, there will be no customers access to rooftop and is strictly for production. Firstly, the roof top is an open un-inhabitable space with wall height less than 1.4 m requirement which does not qualify it as GFA as per CBLEP 2023 definition. This space is completely sealed off from first two storeys, and staff within this production line will remain in the assigned position. This is practical application of roof top terrace as bakery oven requires to be on top storey to ensure overheating does not occur on lower levels and to reduce excessive mechanical ventilation requirements as well as limit potential fire safety risks associated with having a pizza oven located within the building. This, as stated, does not require any additional car parking and no customers will be permitted to access this area. A Traffic Impact Statement prepared by Fernway Engineering further details the off-streetcar parking provisions on bases off 2.6 of the DCP and natural site constraints. The subject site is within a highly concentrated mix land uses zone, surrounded by R1-4 residential zoning and SP2: Infrastructure – Classified Road that limits capacity for street parking.	

REF	CONTROL	PROPOSED	✓/✗
		Furthermore, due to subject size narrow allotment arrangement, the site is dependent on alternative modes of transport/parking. The site is physically unable to accommodate more than the proposed single car space due to space constraints. There is conscious effort to design the fitout to compliment the prevailing character within business zone strip, and any external works will hinder the overall streetscape of the area. The adopted traffic approach has been determined as the most appropriate and responsive design that won't impact overall character of the area. The restaurant shop is within close vicinity of nearby residential dwelling that interface local roads accessible for parking. Whilst not ideal, parking on local roads is available. The Vehicular Traffic Generation Assessment shown on traffic report demonstrates that on-site parking fronting King Georges Road would cause adverse impacts on traffic congestion and mobility concerns. The application does not proposes dine in facilities such as seating arrangements to mitigate traffic congestion in the area. Staff are able to rely on alternative modes of transport to commute to and from work. Pursuant to Section 4.15(3A)(b) of the Act and based on this assessment above, Council is required to adopt a flexible approach in applying the provisions and allow the reasonable alternative solutions that achieve the objects of the control in dealing with this aspect of the development.	
2.7	***Accessible off-street parking rates***	The development in accordance with Accessible off-street parking rates requires the following; **Development type** / **Accessible parking rates** Commercial and industrial premises (BCA Classes 5– 8) where development contains 10 or more spaces / 1 accessible parking space per 50 parking spaces for staff; 1 accessible parking space for visitors per 50 parking spaces where a car park has less than 500 spaces; 1 additional accessible parking space per 100 parking spaces above 500 spaces for visitors The development does not contain 10 or more designated parking spaces. Refer to Traffic Impact Statement & Access report outlining how this control is addressed in the car parking design layout.	✓
SECTION 3–DESIGN AND LAYOUT			
PARKING LOCATION			

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
3.1	***Car parking and delivery area entries***	The development will not be locate entries to car parking or delivery area at; (a) Close to intersection and signalised junctions at King Georges Road only rear strip lane; (b) N/A (c) Adequate sight lines are preserved; (d) The proposed rear car parking space facilitate entry. (e) N/A (f) No bus stops, taxi ranks, loading zones or pedestrian crossings is located on rear strip lane; (g) There is no presented obstructions that may impact drivers or pedestrians clear view.	✓
3.2	***Access parking***	Noted, accessible parking will be allocated in nearby vicinity of the subject site.	✓
3.3	***Above ground parking***	N/A, above ground parking is not proposed.	✓
ALTERNATE PARKING ARRANGEMENTS			
3.4 – 3.7	***Various controls***	Alternative parking spaces is proposed via public parking on Moondani road to the south of the site. It provides 3 x 1P restricted parking spaces and numerous time unrestricted parking spaces. In addition, there is a private off-street car park serving multiple retail/commercial uses at the south-eastern corner of the King Georges Road / Moondani Road intersection. Cross usage can be expected towards the proposed site from those using this car park to visit the associated businesses. The site is physically unable to accommodate more than the proposed single car space due to space constraints. As such, dispensation is sought as a part of this application. Refer to Traffic Impact Statement detailing the considerations and alternative modes of parking.	✓
ACCESS DRIVEWAY WIDTH AND DESIGN			
3.8-3.12	***Various controls***	The proposed development retains the existing access driveway width and design, as such, these controls aren't applicable to this development.	✓
LOADING AND UNLOADING FACILITIES			
3.13	***Loading/ unloading arrangem ents***	The subject site retains the existing loading/unloading delivery arrangements from the rear strip lane off King Georges Road. Refer to architectural plans outlining loading arrangements proposed. The proposed delivery/services vehicles retains the rear lane access into driveway for small scale delivery vehicles, such as panel van which requires no swept paths diagrams. A dedicated loading/unloading area and driveway is space used for delivery services. No service heavy vehicles will be deployed.	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
3.14	***Rear lane access***	N/A, rear lane is existing and support loading and unloading facilities.	✓
3.15	***Loading dock design***	The loading dock design does not; (a) obstruct parking circulation or exit lanes to ensure pedestrian safety and vehicle movement; (b) Rear ramp elevated to the premise to existing; (c) The existing ramp complies with minimum dimensions.	✓
SAFETY AND SECURITY			
3.18	***Driveway length***	Noted. The existing car parking driveways complies with this control.	✓
SIGHT DISTANCE REQUIREMENT			
3.19	***Sight Lines***	Clear sight lines are retained as per existing from the street boundary to ensure adequate visibility between vehicles entry/exit and pedestrian mobility and pathways. A sight triangle set parameter is not required as there is 900 mm setback from rear kerb with no heavy pedestrian access or dedicated pedestrian footpaths. All other neighbouring properties are built extended to their rear boundary with no connection with nearby facilities or transport hub that would create obstruction to the pedestrian or on-going drivers.	✓
PEDESTRIAN ACCESS			
3.20	***Separate pedestrian access***	Noted. separate pedestrian access away from through-traffic is provided via rear lane strip and existing footpath into the premise. Refer to access report accompanying this DA.	✓
3.21	***Lifts and stair lobbies***	Noted. Lifts and stair lobbies are marked to help users find them with additional handrail in accordance with BCA. Refer to BCA and access report accompanying this DA.	✓
3.22	***Split-level/ multi-level car parks***	N/A	✓
VISITOR PARKING			
3.30	***Visitor parking location behind security grills***	N/A no visitor parking is proposed.	N/A
3.31	***Marking and signpost***	N/A no visitor parking is proposed.	N/A
3.32	***Visitor parking location***	N/A no visitor parking is proposed.	N/A
CHAPTER 3.3 - WASTE MANAGEMENT			
SECTION 4 – COMMERCIAL DEVELOPMENT			
4.1-4.8	***Various controls***	A Waste Management Plan accompanies this application detailing waste storage, separation, and disposal arrangements	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
		during and after construction. • Bin storage areas are well designed and integrated with the existing functionality of the site; • On-site collection point is located at the rear allowing for entry and exit in a forward direction in accordance with Australian Standard AS 2890.2; • Noted, weekly waste collection is proposed;	
CHAPTER 3.4 SUSTAINABLE DEVELOPMENT			
Section 2	***Water conservation***	N/A, the existing water conservation layout is to be retained. The subject site does not propose for a new development with a gross floor area less than 5,000m^2 and proposals for extensions to existing developments below 5,000m^2 seeking to expand by 50% or more of the existing floor area or propose for new development or extensions with a floor area greater than or equal to 5,000m2 of gross floor area.	✓
Section 3	***Energy Minimisation***	Refer to above comments.	✓
CHAPTER 3.6 SIGNS			
SECTION 2 – LOCATION AND DESIGN			
SIGNS IN B1, B2 AND B4			
2.2	***Various controls***	The proposed signage consists of LED high quality signage under an existing awning to provide business identification to business premise solely. The proposed signage design does not: • Sign above of the podium; • Window signs; The proposed signage is 1.700 mm x 1.700 mm equating to 2.89 m^2 below is maximum sign area of 3.04 m^2 which compliments the surrounding above awning signages in the neighbourhood strip.	✓
2.8	*Prohibited signs*	The proposed signage design does not involve; • Flashing signs, flashing lights, signs which incorporate devices which change cofascialour, a sign where movement can be recognised by a passing motorist; • Signs that extend over street boundaries, other than those permitted in conjunction with shops, or the like, where such buildings are erected on the street alignment; • Sign which would adversely affect existing traffic lights; • Sign which are not permanently fixed to the site; • Sign made of canvas, calico or the like. Whilst above awning signage is not identified as permissible, there is a prevailing signage character established by neighbouring tenancies that establishes above awning such as Pizza hut as illustrated below:	✓

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**

FIGURE 11: ABOVE AWNING SIGNAGE ALONG SAME STRIP

FIGURE 12: ABOVE AWNING SIGNAGE ALONG SAME STRIP

To retain a consistent signage character as detailed in clause 3.6 SEPP (industry and employment), an establish signage character projects above awning signage as acceptable signage within the strip. The two neighbouring properties (Pizza hut & Sinccom) have similar above awning signage as demonstrated in figure 11 and 12 above.

DESIGN		
2.9	Corporate colours and logos compliment the prevailing signage character, architecture, materials, finishes and colours.	✓
2.10	The proposed signage identification is does not screen windows	✓

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
		interfacing the public domain.	
	2.11	The proposed signage identification is appropriate in scale, bulk, dimensions, and proportions with existing streetscape.	✓
	2.12	Only one signage is proposed on the subject site.	✓
	2.13	The proposed signage identification is not interfacing or adjacent to residential sites.	✓
	2.14	The proposed signage identification is easy maintained an battery run.	✓
	2.15	The proposed signage identification is appropriate in height, scale, bulk and proportions to ensure the signage isn't creating clutter or visually impairing drivers.	✓
	2.16	The proposed signage identification does not include offensive or objectionable materials.	✓
ILLUMINATION AND REFLECTANCE CRITERIA FOR DIGITAL SIGNS			
	3.2	The proposed signage is proposed illuminated LED sign lit from exterior. The signs proposed will be in accordance maximum allowable daytime luminance of illuminated digital signs. Council may impose a condition to this effect on any consent granted for the proposal.	✓
CHAPTER 3.7 LANDSCAPE			
Section 2	***Landscaping Design***	The development proposes alterations and additions to the internal fitout of an commercial premise which won't alter the existing landscaping layout on the subject site. • No trees, native vegetation or vegetation of significance is proposed to be removed. • No earthworks are proposed as part of this application.	✓
Section 3	***Biodiversity***	The proposed development seeks alternations and additions to an existing site that will have minimal adverse impacts of biodiversity values of the area.	✓
CHAPTER 4 – HERITAGE			
Various controls		The subject site is not; • The site is not identified as a heritage item, • is not located within the vicinity of any heritage items and • is not located within a Heritage Conservation Area. Furthermore, the site is not; • Identified as an archaeological site. • There are no known Aboriginal sites in or near the subject site and no Aboriginal places declared in or near the site.	✓
CHAPTER 7 – COMMERCIAL CENTRES			
SECTION 3 – BUILDING FORM			
11m for all other neighbourhood		The proposed development technically proposes a 3 storey development within a restricted 2 storey limit in the	S

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	**CONTROL**	**PROPOSED**	**✓/✗**
	centres – 2 storeys (plus attic).	neighbourhood centre. This section seeks variation to the control, with justification sought as part of this proposal. The roof top terrace area is an open style-rooftop with a pergola cover with predominate function is to provide pizza cooking facilities for delivery services. As previously noted, the roof top wall height is below 1.4 m and contains lift shaft and stairway. Furthermore, the proposed 3-storey development is below 10 m building height limitation as permitted by clause 4.3 of Canterbury-Bankstown LEP 2023. The streetscape appearance provides visual continuity and connectivity, with no excessive building bulk, architectural features or amenity concerns as part of the addition. The roof top terrace acts as separate entity, completely concealed from ground/first floor component and is to function for the sole purpose of pizza cooking. The proposed development model has neutral impact on amenity and privacy of adjoining properties as roof top with no excessive overlooking, as building height is below 10 m, the roof top shall wall height remains below neighbouring terraces with no overlooking opportunities. The development achieves the objectives of the control in the following way: O1) The proposed development technically has 3 storey components however from street view, is designed to achieve 2 storeys outlook. The roof terrace is well concealed with first floor to present to visual bulk. The open style roof top pergola has an appearance of continuation of first floor and does not appear a separate third storey. O2) The proposed roof top terrace is designed to ensure to have 2 storey outlook when viewed from the street. The roof is purposely not enclosed and accompanied with lightweight structures to compliment the prevailing character of the area as will be discussed in O5). Furthermore, the roof top design adopts characteristics of surrounding sites, ensuring architectural elements exceed past the prescribed height limit. The development, as addressed, does not create any amenity or visual concerns and is limited within the prescribed height limit as outlined in the LEP. O3) The proposed development is presented with visual continuity and connectivity with continuous built edge with neighbouring sites. The subject site is not identified as *active street frontage* on council maps. O4) The proposed development does not pose any additional amenity or visual privacy concerns and have neutral effect regarding sunlight access and ventilation. Due to natural site	

REF	CONTROL	PROPOSED	✓/✗
		constraints, the neighbourhood strip adopts zero lot setback, as such, the roof top terrace is designed to have open terrace that does not intrude in neighbouring properties. O5) The proposed roof top addition has appearance of elevated 2 storey building, constructed with lightweight metal structures similar to properties within same region shown below:	

FIGURE 13: PROPERTY 306-308 KING GEORGES ROAD DEMOSTRATING ELEVATED 2 STOREY APPERANCE.

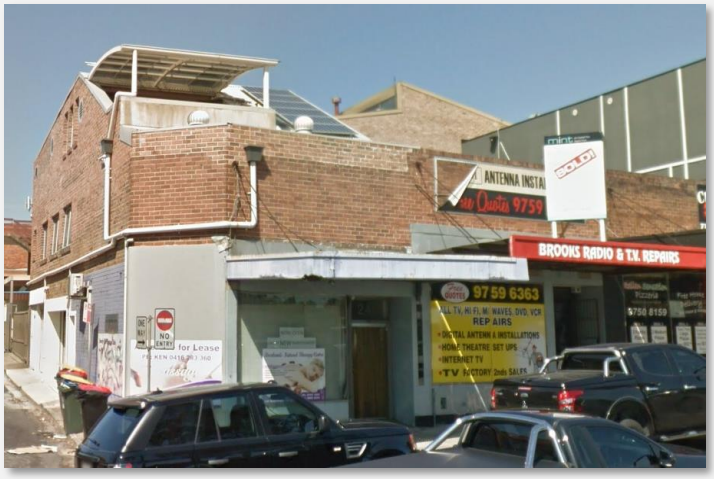

FIGURE 14: PROPERTY MOOREFIELDS RD, BEVERLY HILLS NSW 2209 ON CORNER LOT.

The proposed development is consitent and compatible with the prevlaining surburban character presenting an elevated 2 storey building with lightweight materials that make site architectural language translated through the design proposed. As shown in the images, the 3 component is well concealed, constructed with lightweight materials and is not completely enclosed that would contribute to visual bulk or interrupt the

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
		prevailing aesthetics of the area. . Pursuant to Section 4.15(3A)(b) of the Act and based on this assessment above, Council is required to adopt a flexible approach in applying the provisions and allow the reasonable alternative solutions that achieve the objects of the control in dealing with this aspect of the development.	

TABLE 10: CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 COMPLIANCE TABLE

(iiia) SECTION 4.15(1)(A)(IIIA)

THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER SECTION 7.4.

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposed development.

(v) SECTION 4.15(1)(A)(IV)

THE PROVISIONS OF THE REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2021

Pursuant to Section 4.15(1)(A)(iv) of the Act, the following additional matters are required to be taken into consideration (where relevant) for a DA:

SECT.	MATTER FOR CONSIDERATION	✓/✗
29	*Residential apartment development*	✗
61(1)	*In the case of a DA for the demolition of a building, the provisions of AS 2601*	✓
61(2)	*Any subdivision order made under Schedule 7 to the Act*	✗
61(3)	*The Dark Sky Planning Guideline*	✗
61(4)	*Medium Density Design Guide for DA for manor house or multi dwelling housing (terraces)*	✗
61(6)	*Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre*	✗
61	*Fire safety and other considerations*	✗
63	*Considerations for erection of temporary structures*	✗
64	*Consent authority may require buildings to be upgraded*	✗

TABLE 11: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

SECTION 61(1): DEMOLITION

Section 61(1) of the *Environmental Planning and Assessment Regulation, 2021* (the Regulations) prescribes that the provisions of *Australian Standard AS2601:2001 - The Demolition of Structures* are to be taken into consideration, pursuant to Section 4.15(1)(a)(iv) of the Act, in the case of a development application for the demolition of a building.

Council may impose suitable conditions on any consent granted for the proposal to ensure compliance with the provisions of *Australian Standard AS2601:2001 - The Demolition of*

Structures.

6.2 SECTION 4.15(1)(B) OF THE EP&A ACT, 1979

THE LIKELY IMPACTS OF THE DEVELOPMENT
INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

The subject Development Application seeks consent under Division 8.2 of the Environmental Planning and Assessment Act, 1979 for a review of the Refusal Determination of DA-1085/2023 that sought consent for the partial internal demolition and change of use including alterations and additions with reconfigurations of the internal fitout to support delivery/take-away donut and pizza shop at 320 King George Road, Beverly Hills NSW.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *Canterbury Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided as follows:

6.2.1 SITING, DESIGN AND THE BUILT FORM

The assessment of the proposal against the provisions prescribed in the applicable State Environmental Planning Policies, *Canterbury Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023* provided throughout this Statement details the proposal's compliance with the applicable development standards and controls.

The assessment contained within this Statement indicates that the siting, design and overall built form of the proposed development are an acceptable response to the development standards and controls for the proposed development and the subject site.

The development is appropriately sited having regard to adjoining buildings, observes a high degree of architectural merit and proposes a built form that is compatible with the bulk and scale of adjoining and surrounding developments.

The overall built form is consistent with the building envelope controls for development on the site with no variations sought to the building envelope controls prescribed in the *Canterbury Bankstown Local Environmental Plan 2023* and the *Canterbury-Bankstown Development Control Plan 2023*.

6.2.2 PRIVACY

The development will not create any adverse privacy impacts for surrounding business/residential properties. The assessment provided in Section 6 of this Statement outlines why the proposal is acceptable and would have an acceptable level of impact on adjoining properties.

In general, the siting of the proposed development proposes internal fitout works providing ample of acoustic and visual privacy within the site constraints, while also ensuring the proposed '*food and drink premise*' will be provided with suitable acoustic and visual privacy measures.

6.2.3 SOLAR ACCESS AND OVERSHADOWING

As detailed in this Statement, the proposed development has been designed to ensure suitable levels of solar access are achieved for the proposed development as well as suitable levels of solar access being maintained for adjoining properties.
The levels of additional overshadowing anticipated as a result of the proposed development are not significant or detrimental to adjoining properties which will be able to continue to receive adequate levels of solar access.

6.2.4 LANDSCAPING, TREE REMOVAL, FLORA & FAUNA

The site contains no existing trees and proposes no removal of any existing trees, native vegetation or vegetation of significance. The application does not propose alternation to landscaping layout and shall remain consistent with the prevailing landscaping character of the business strip. No impact on flora and fauna is envisaged as a result of the proposed development.

6.2.5 TRAFFIC & PARKING

No changes are proposed to the existing pedestrian access, vehicular access and on-site- car parking arrangements on the subject site. A Traffic Impact Assessment provides justification sought to dispense car parking rates outlined in Council's DCP.

On-site parking/garage will support 1 onsite parking designated for staff member/manager. The existing driveway and rear access land are to be retained for additional staff/management access.

6.2.6 UTILITIES/INFRASTRUCTURE

The augmentation and provision of new and additional utilities and infrastructure will be necessary as a result of the proposal. Any such requirements will be borne by the person acting on any consent granted.

6.2.7 NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

The design of the development has had regard to achieving compliance with the National Construction Code (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be further addressed in detail at the Construction Certificate stage. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

A BCA report accompanies this DA in separate cover.

6.2.8 HERITAGE IMPACTS

The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. There are no known Aboriginal sites in or near the subject site and no Aboriginal places declared in or near the site. The site is not identified as an archaeological site.

6.2.9 SOCIAL IMPACTS

The proposed development is considered to provide a positive social impact for the local

and wider community. The following discussion provides an assessment of the potential social impacts the proposed development is anticipated to have on the local community:

COMMUNITY STRUCTURE:	The proposed development is considered to provide a positive benefit for the local community by providing unique business service that shall increase the growth and density within the LGA.
INFRASTRUCTURE:	Having regard to the scale of the proposed development, the proposal will not pose any significant impacts or strain on the capacity of existing infrastructure.
BUSINESS AMENITY:	The proposed development will have an acceptable level of acoustic and visual privacy impacts on adjoining properties. Due to the nature and context of the proposal, the development is designed to complement the natural character and restrictions to the site. Refer to acoustic report accompanying this DA.
SAFETY AND SECURITY:	The built form of the premise has been designed having regard to the Crime Prevention Through Environmental Design principles.

6.2.10 ECONOMIC IMPACTS

The proposed development will generate some short-term economic benefits for the local and wider community via the creation of construction related employment opportunities and business activity. The proposed development will not result in long term negative economic impacts on the local and wider community.

6.2.11 STORMWATER MANAGEMENT

The existing stormwater system are to be retained. The works that will be carried out as part of the development will support the existing stormwater layout. The existing stormwater works have been designed to integrate into the proposed designed and will not create any adverse impacts to the existing stormwater system in the locality. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the Council Stormwater requirements.

6.2.12 SOIL MANAGEMENT

The application proposes no earthworks. Accordingly, the development is not anticipated to have any adverse soil erosion or sedimentation impacts.

6.2.13 CONTAMINATION

The history of land uses for the site has been considered as an indicator for potential contamination of the site. There is no reason to suspect that the site may be contaminated. Council can therefore be satisfied of its obligations under Section 4.6, Chapter 4 of the Resilience & Hazards SEPP that the application appropriately considers the potential for the site to be contaminated and conclude that the site is suitable for the proposed use without the need for any remediation.

6.2.14 WASTE MINIMISATION/MANAGEMENT

A Waste Management Plan accompanying the application details the waste

minimisation and avoidance measures for the development.

6.2.15 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The proposed development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. An assessment of the proposed development having regard to the CPTED principles is provided below:

SURVEILLANCE:	The proposal includes openings on the street facing façade that will overlook the street and public domain which will activate the street frontage and provide opportunity for surveillance and increased security.
ACCESS CONTROL:	The development includes clearly defined boundaries with narrow lot arrangement that will ensure unintended access is avoided and controlled access to the property is achieved.
TERRITORIAL REINFORCEMENT:	The natural topography of the site-built form zero lot boundary side setback will provide clear boundary delineation between the public and private domains and unified block creating territorial reinforcement.
SPACE MANAGEMENT AND MAINTENANCE:	The built form will be constructed from durable materials that will require low levels of maintenance and ensure the development continues to appear cared for. Furthermore, zero lot boundary side setback creates compact building stocks and the provision of external lighting will avoid any potential for graffiti and vandalism.

6.2.16 CONSTRUCTION IMPACTS

Whilst there is expected to be some impacts during construction of the proposed development, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any consent granted for the proposal.

6.2.17 ESD & THE CUMULATIVE IMPACT

The proposal is not expected to have any cumulative impacts and is not considered to inhibit the ability of future generations to further use or develop the subject site.

6.3 SECTION 4.15(1)(C) OF THE EP&A ACT, 1979

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

The subject Development Application seeks consent under Division 8.2 of the Environmental Planning and Assessment Act, 1979 for a review of the Refusal Determination of DA-1085/2023 that sought consent for the partial internal demolition and change of use including alterations and additions with reconfigurations of the internal fitout to support delivery/take-away donut and pizza shop at 320 King George Road, Beverly Hills NSW.

The proposed development is ancillary to a *"Food and drink premise"* which is permitted within the *B1: Neighbourhood Centre Zone* of the *Canterbury Bankstown Local Environmental Plan 2023* with the proposed development appropriately achieving the objectives of the zone.

The subject site is situated in an area surrounded by residential/business development and the site is not impacted by any easements or other site constraints that would restrict the proposed

development or otherwise render the site unsuitable for the proposed development.

The site is ideally positioned for the proposed development which will have minimal impact on the locality and amenity of surrounding business/residents and generally integrate with the character of existing developments on the site and on adjoining sites.

The assessment of the proposal contained within this Statement outlines how the proposal achieves a satisfactory level of compliance with Council's LEP and DCP requirements for the siting, location and design of the proposed development. During construction and upon completion, the proposed development will have minimal impact on the locality and amenity of surrounding properties and will provide an appropriate catalyst for similar developments that will shape the future character of the area.

It is evident from the above and the assessment provided within this Statement that the subject site is suitable for the development.

6.4 SECTION 4.15(1)(D) OF THE EP&A ACT, 1979

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS.

The consideration of submissions cannot be made at the time of preparing this Statement.

6.5 SECTION 4.15(1)(E) OF THE EP&A ACT, 1979

THE PUBLIC INTEREST.

The proposed development is ancillary to a *"Food and drink premise"* which is permitted within the *B1: Neighbourhood Centre Zone* of the *Canterbury Bankstown Local Environmental Plan 2023* with the proposed development appropriately achieving the objectives of the zone.

The subject site is situated in an area surrounded by business/residential development and the site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development.

The development will allow for the orderly and economic use and development of land and is acceptable having regard to the applicable State and Council planning controls. The proposed development satisfies the client's requirements, is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality.

When completed, the proposed development will have minimal impact on the locality and amenity of surrounding business/residents and will complement the character of existing developments in the streetscape and will provide a need for the local and wider community.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.

7 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as *"integrated development"*. An assessment of the proposal has indicated that the DA has not triggered any requirements to be categorised as integrated development.

EPI OR ACT	✓/✗	EPI OR ACT	✓/✗
Fisheries Management Act 1994	✗	*Protection of the Environment Operations Act 1997*	✗
Heritage Act 1977	✗	*Roads Act 1993*	✗
Mines Subsidence Compensation Act 1961	✗	*Rural Fires Act 1997*	✗
Mining Act 1992	✗	*Water Management Act 1912*	✗
National Parks & Wildlife Act 1974	✗	*Water Management Act 2000*	✗
Petroleum (Onshore Act) 1991	✗		

TABLE 12: INTEGRATED DEVELOPMENT TRIGGERS

8 DIVISION 8.2 EP&A ACT, 1979

When considering an application under Division 8.2 of the Act, the consent authority must be satisfied as to the following matters as tabled below:

PROVISION	COMMENT
8.2 DETERMINATIONS AND DECISIONS SUBJECT TO REVIEW	
(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division: *(a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),*	The application seeks a review of a determination of application DA-1085/2023 for development consent sought from Camden Council.
(b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),	N/A
(c) the decision of a council to reject and not determine an application for development consent.	N/A
(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division: *(a) a complying development certificate,* *(b) designated development,* *(c) Crown development (referred to in Division 4.6).*	The application is not a Complying Development, Designated Development or a Crown Development.
(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	This application is the first review request of the Notice of Determination of DA-1085/2023 by Canterbury-Bankstown Council.
8.3 APPLICATION FOR AND CONDUCT OF REVIEW	
(1) An applicant for development consent may request a consent authority to review a	The subject application requests that Council review its determination.

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY

PROVISION	COMMENT
determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	
(2) A determination or decision cannot be reviewed under this Division: *(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or* *(b) after the Court has disposed of an appeal against the determination or decision.*	The refused application is subject to a review period until 19 March 2024.
(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	The subject Review Application includes an amended proposal taking into consideration the reasons for the refusal of the original application. The amendments do not substantially alter the development in any quantitative or qualitative way (*Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298)* and the amended application does not radically transform the originally development as proposed *(Tipalea Watson Pty Ltd v Ku-ring-gai Council (2003) 129 LGERA 351).* The development, as amended, remains characterised as a *"food and drink premise"* development, remains orientated the same as proposed in the refused DA and contains all the defining aspects and features of the originally proposed development.
(4) The review of a determination or decision made by a delegate of a council is to be conducted: *(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or* *(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*	It is noted that the review of the subject application will be required to be undertaken by another delegate of the Council who is not subordinate to the delegate who made the determination or decision on the original application.
(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.	N/A
(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.	N/A
(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.	N/A
(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.	N/A
(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the	N/A

PROVISION	COMMENT
delegate who made the determination or decision.	

TABLE 13: DIVISION 8.2 MATTERS FOR CONSIDERATION

9 CONCLUSION

The subject Development Application seeks consent under Division 8.2 of the Environmental Planning and Assessment Act, 1979 for a review of the Refusal Determination of DA-1085/2023 that sought consent for the partial internal demolition and change of use including alterations and additions with reconfigurations of the internal fitout to support delivery/take-away donut and pizza shop at 320 King George Road, Beverly Hills NSW.

The development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15 and 4.46, 8.2 and 8.3 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021*. The proposed development is not Designated Development or Integrated Development and can be processed in the usual manner.

This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2023;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Canterbury Local Environmental Plan 2023;
- Draft Canterbury Bankstown Local Environmental Plan 2012; and
- Canterbury-Bankstown Development Control Plan 2023.

The proposed development is ancillary to a *"Food and drink premise"* which is permitted within *the B1: Neighbourhood Centre zone* of the *Canterbury Bankstown Local Environmental Plan 2023* with the proposed development appropriately achieving the objectives of the zone.

The assessment of the proposal contained within this Statement outlines how the proposal complies with Council's requirements for the siting, location and design of the proposed development. The built form of the proposed development achieves a high level of compliance with the requirements prescribed in the applicable State Environmental Planning Policies, *Canterbury Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023*.

The proposed development will positively contribute to the future business development that will meet the economic targets and desired future character of the area. The subject site is situated in a business/residential area surrounded by similar scale buildings and uses, making the location ideal for the development. Overall, when completed, the proposed development will have minimal impact on the locality and amenity of surrounding business/residents and will integrate within the character of existing developments in the streetscape.

This Statement demonstrates that the development will allow for the orderly and economic use and development of the land, that the subject site is suitable for the proposed development and that the proposed development will be in the local and wider public interest.

In view of the above and having regard to the assessment provided throughout this Statement, the

development is considered worthy of Council's approval.