
STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR SECTION 4.55(2) MODIFICATION
APPLICATION TO DETERMINATION NO. DA-2055-1998 FOR EXTENDED
HOURS OF OPERATION

43-45 CLAREMONT AVENUE GREENACRE NSW 2190





ABN: 30 605 941 482
PHONE: (02) 8706 9797
EMAIL: enquiry@planzone.com.au
WEB: planzone.com.au
POST: PO Box 3, Liverpool NSW 1871

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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) 2004	✗
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 Development Application (DA) to the City of Canterbury Bankstown Council seeking consent for the modification under Section 4.55(2) of the EP&A Act to extend the hours of operation approved in Determination No. DA-2055-1998 at 43-45 Claremont Avenue Greenacre NSW 2190.

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.

Accordingly, the proposed development achieves a high level of compliance with the requirements prescribed in *Bankstown Local Environmental Plan 2023* (the LEP) and *Bankstown Development Control Plan 2023* (the DCP).

The Statement of Environmental Effects has been prepared having regard to the following plans, reports and documents that accompany the development application:

- Statement of Environmental Effects prepared by PLANZONE;
- Waste Management Plan prepared by PLANZONE.

The DA is made pursuant to Part 4 of the Act as local development. The DA is not Integrated Development 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 an application 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
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 by more than 10% 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 that is 4 or more stories in height. (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, 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

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS
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43-45 CLAREMONT AVENUE GREENACRE NSW 2190



requirements and the matters for consideration under Sections 1.7, 4.15 and 4.46 of the Act and should be read in conjunction with the plans and documents accompanying the application.

2 THE SITE AND SURROUNDS

ADDRESS:	43-45 Claremont Avenue Greenacre NSW 2190
LEGAL DESCRIPTION:	Lot 2 in Deposited Plan 816980
SITE AREA:	979.35m ²
TOPOGRAPHY:	Flat with no undulation.
ORIENTATION:	The subject site is situated on the western side of Claremont Avenue, Greenacre as illustrated in Figure 1.



AERIAL MAP:

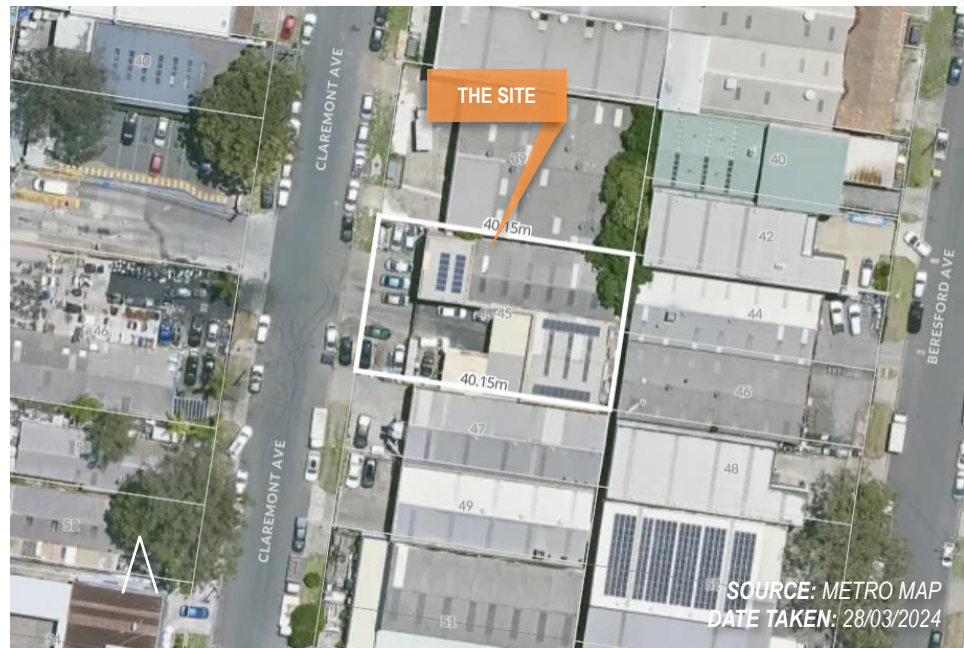


FIGURE 2: AERIAL PHOTO



**EXISTING
IMPROVEMENTS:**

Existing improvements on the site includes a vehicle repair station.



FIGURE 3: STREET VIEW FROM STREET

**EXISTING
VEGETATION:**




The site does not contain any existing vegetation of significance or native vegetation and is not identified as environmentally significant land or riparian land on Council's online mapping system.

**PAST USES AND
DEVELOPMENT
HISTORY:**

A review of 1943 aerial imagery indicates the subject site was vacant at the time and in 2000 an industrial complex appears. A review of Council's online DA Tracking system has revealed prior development history for the subject site as listed below:

-  DA-2055/1998 Development Application- approved for the operation of Motor Dealers License in conjunction with existing Auto Dismantling, storage and sale of new parts, and Tow Truck Uses.
-  DA-118/1998 Old Development Applications
-  DA-860/1995 Old Development Applications

LEGEND:

-  COMPLIES
-  NON COMPLIANT
-  SATISFACTORY



3 THE PROPOSAL

DESCRIPTION:	The subject Development Application seeks consent for the modification under Section 4.55(2) of the EP&A Act to extend the hours of operation approved in Determination No. DA-2055-1998 at 43-45 Claremont Avenue Greenacre NSW 2190.
DEMOLITION AND EARTHWORKS:	No demolition or earthworks are proposed as part of the application
GROSS FLOOR AREA:	As per original DA consent.
FLOOR SPACE RATIO:	969.35m ² GFA / 979.35m ² Site = 0.98:1
BUILDING HEIGHT:	Not subject to change as previously approved
FRONT SETBACK:	Not subject to change as previously approved
REAR SETBACK:	Not subject to change as previously approved
SIDE SETBACKS:	Not subject to change as previously approved
CAR PARKING:	Not subject to change as previously approved
OPERATING HOURS:	Not subject to change as previously approved
STAFFING:	Not subject to change as previously approved
LAYOUT:	➤ No changes are proposed as previously approved; the only addition being the spray booth at the rear of the site.
PEDESTRIAN AND VEHICULAR ACCESS AND PARKING:	Pedestrian access to the proposed is via Claremont Avenue as approved previously. Vehicular access to proposed is via Claremont Avenue as previously approved.
WASTE MANAGEMENT:	Having regard to the proposed. It will only generate minimal general waste. A Waste Management Plan accompanies the DA.

TABLE 2: DEVELOPMENT AND BUILT FORM SNAPSHOT

4 PROPOSED MODIFICATION

The subject application proposes modification under Section 4.55(2) of the EP&A Act to extend the hours of operation approved in Determination No. DA-2055-1998, so that the tenancy can continue to function as a holding yard/ tow truck services and operate for longer hours to better serve the locality and industrial precinct.

The current approved hours of operation for the premises are 6:00am to 6:00pm Mondays to Saturdays excluding Public Holidays, as per Condition 8 in Determination No. D2055/1998 as reproduced below:

8. *The hours of operation shall be limited to between 0600am- 6.00pm on weekdays and Saturdays, and no work shall be carried out on Sundays or public holidays without council approval.*

The application proposed to modify condition 8 of the development consent in the following manner, with proposed deleted text shown in ~~strikethrough-red~~ and proposed changed text shown in **green text**:



8. The hours of operation shall be ~~limited to between 0600am–6.00pm on weekdays and Saturdays 12.00am to 12.00 am (24 hours) Mondays to Sundays including public holidays, and no work shall be carried out on Sundays or public holidays without council approval.~~

5 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 within Sections 5, 6 and 7 of this Statement:

- Section 1.7 - Significant effect on threatened species, populations or ecological communities, or their habitats;
- 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)(iia) - 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.

6 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.

6.1 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*.

6.2 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*.

7 SECTION 4.15 EVALUATION EP&A ACT, 1979

7.1 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 to this DA as discussed below:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Bankstown Local Environmental Plan 2023.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

CHAPTERS	APPLICABLE?
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: BUSHLAND IN URBAN AREAS	✗
CHAPTER 7: CANAL ESTATE DEVELOPMENT	✗
CHAPTER 8: SYDNEY DRINKING WATER CATCHMENT	✗
CHAPTER 9: HAWKESBURY-NEPEAN RIVER	✗
CHAPTER 10: SYDNEY HARBOUR CATCHMENT	✗
CHAPTER 11: GEORGES RIVER CATCHMENT	✓
CHAPTER 12: WILLANDRA LAKES REGION WORLD HERITAGE PROPERTY	✗

TABLE 3: 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 and 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 vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The subject site is located in a General Industrial zone. The site does not contain any existing vegetation of significance or native vegetation.

CHAPTER 11: GEORGES RIVER CATCHMENT

Chapter 11 of the Biodiversity and Conservation SEPP aims to protect the water quality of the Georges River and its tributaries and the environmental quality of the whole catchment.

CLAUSE 11.1: WHERE PLAN APPLIES

Pursuant to Clause 11.1, the subject site is located within the former Bankstown Local Government Area to which the provisions of the Biodiversity and Conservation SEPP apply.

CLAUSE 11.5: WHEN PLANNING PRINCIPLES ARE TO BE APPLIED

Pursuant to Clause 11.5(a), an assessment is provided below against the planning principles of Chapter 11 to enable Council to determine the subject application.

CLAUSE 11.6: GENERAL PRINCIPLES

Pursuant to Clause 11.6, an assessment is provided below against the general principles of Chapter 11 to enable Council to determine the subject application:

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



CHAPTER 11- GEORGES RIVER CATCHMENT - GENERAL PRINCIPLES	
GENERAL PRINCIPLE	COMMENT
(a) <i>The aims, objectives and planning principles of this plan.</i>	The proposal is consistent with the aims, objectives and planning principles of Chapter 11. The proposal does not have the potential to impact on the water quality and river flows. Accordingly, the proposal will <i>protect and enhance the environmental quality of the catchment.</i>
(b) <i>The likely effect of the proposed plan, development or activity on adjacent or downstream local government areas.</i>	The proposal will not impact on any adjacent or downstream Local Government Areas.
(c) <i>The cumulative impact of the proposed development or activity on the Georges River or its tributaries.</i>	Having regard to the scope of works proposed, the proposal is not anticipated to contribute to any cumulative impact on the Georges River or its tributaries.
(d) <i>Any relevant plans of management...</i>	The site is covered by the provisions of the Bankstown DCP in regard to stormwater management.
(e) <i>The Georges River Catchment Regional Planning Strategy...</i>	The proposal is consistent with the Georges River Catchment Regional Planning Strategy.
(f) <i>All relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice.</i>	The proposed works are not located within 40m of the Georges River Catchment and therefore do not require referral to the Office of Water. The proposal has been assessed under the relevant EPI's and Council controls with regards to flora and fauna.
(g) <i>Whether there are any feasible alternatives to the development...</i>	As detailed above, the proposal is not anticipated to have any impact on the Georges River Catchment and so consideration of alternatives is not warranted.

TABLE 4: GEORGES RIVER CATCHMENT CHAPTER 11 GENERAL PRINCIPLES

CLAUSE 11.7: SPECIFIC PLANNING PRINCIPLES

Pursuant to Clause 11.7, an assessment is provided below against the specific planning principles of Chapter 11 to enable Council to determine the subject application:

CHAPTER 11 - PLANNING PRINCIPLES	
PLANNING PRINCIPLE	COMMENT
Acid Sulfate Soils	Refer to LEP Assessment.
Bank Disturbance	The site is not located along the river embankment.
Flooding	The subject site is not affected by flooding.
Industrial Discharge	The proposed development is for an industrial use.
Land Degradation	The proposal will not result in any land degradation.
On-Site Sewage Management	The site is connected to the sewer network.
River Related Uses	The site is not located on the foreshore and its tributaries.

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



CHAPTER 11 - PLANNING PRINCIPLES	
PLANNING PRINCIPLE	COMMENT
Sewer Overflows	The proposal will not involve significant sewage discharge.
Urban/Stormwater Runoff	Appropriate stormwater detention and management is achieved that will minimise stormwater runoff from the site.
Urban Development Areas	The site is not located within an urban release area.
Vegetated Buffer Areas	The site does not require a vegetated buffer area.
Water Quality and River Flows	Appropriate stormwater management is proposed that will achieve appropriate water quality.
Wetlands	The site is not located within proximity to any wetlands.

TABLE 5: GEORGES RIVER CATCHMENT PLANNING PRINCIPLES

CLAUSE 11.8: PLANNING CONTROL TABLE

CHAPTER 11 - PLANNING CONTROL TABLE			
DEFINED USE	✓/✗	DEFINED USE	✓/✗
Artificial Lake	✗	Maintenance Dredging	✗
Aquaculture	✗	Manufactured Home Estates	✗
Caravan Parks	✗	Marinas and Slipways	✗
Chemical or Fuel Storage	✗	Public Utility Undertakings	✗
Extractive Industry	✗	Recreational, Facilities	✗
Flood Control Works	✗	Single Moorings	✗
Hazardous, Offensive, Potentially Hazardous/Offensive Industry	✗	Sewerage Management Systems or Works	✗
Housing Development (in Urban Development Program)	✗	Stormwater Management Systems or Works	✗
Industry including changes of use	✓	Development in Vegetated Buffer Areas	✗
Intensive Horticultural Activities	✗	Waste Management Facilities or Works	✗
Intensive Livestock Keeping	✗	Works to Wetlands or Freshwater Rivers	✗
Land Fill	✗		

TABLE 6: GEORGES RIVER CATCHMENT PLANNING CONTROL TABLE

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 7: RESILIENCE & HAZARDS SEPP APPLICABLE CHAPTERS

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



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 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 aerial imagery and previous development history for the site indicates that the site has been used for the current purpose for a lengthy period of time.

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, Chapter 4 of the Resilience & Hazards SEPP that the land is suitable for the proposed use.

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 8: 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 Development Application (or modification) as identified below:

SECT.	TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS	REFER?
(1)(a)	<i>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.</i>	✗
(1)(b)	<i>Development carried out-</i> <i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>(ii) immediately adjacent to an electricity substation, or</i> <i>(iii) within 5m of an exposed overhead electricity power line.</i>	✗
1(c)	<i>installation of a swimming pool any part of which is-</i> <i>(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</i> <i>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.</i>	✗
(1)(d)	<i>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.</i>	✗

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



TABLE 9: TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS

Given the above, the local electricity supply authority is not required to be given written notice of the subject application.

PART 2.3 - DIVISION 15 - RAILWAYS

SECTION 2.98: DEVELOPMENT ADJACENT TO RAIL CORRIDORS

SECTION 2.99: EXCAVATION IN, ABOVE, BELOW OR ADJACENT TO RAIL CORRIDORS

SECTION 2.100: IMPACT OF RAIL NOISE OR VIBRATION ON NON-RAIL DEVELOPMENT

The site is not adjacent to a rail corridor and the DA does not propose excavation in, above, below or adjacent to rail corridors and will not be impacted by rail noise or vibration. Therefore Sections 2.98, 2.99 and 2.100 of the Transport & Infrastructure SEPP are not relevant 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 primary frontage to Claremont Avenue, Greenacre which are not identified by Transport for NSW (TfNSW) as a Classified Roads. Therefore, the provisions of Section 2.119 of the Transport & Infrastructure SEPP are relevant to the DA. Notwithstanding this, the DA does not propose any changes to existing vehicular access arrangements to the site.

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

The site is bound by Claremont Avenue, Greenacre. Based on the most current Annual Average Daily Traffic (AADT) data published by TfNSW, Stacey Street has a recorded AADT data exceeding 20,000 vehicles.

Accordingly, the provisions in Section 2.120 of the Transport & Infrastructure SEPP are relevant to the subject DA. Notwithstanding this, the DA does not propose any residential accommodation, place of public worship, hospital, educational establishment or centre-based childcare facility.

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 in Schedule 3 of the Transport & Infrastructure SEPP.

BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

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

BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
PART 1 - PRELIMINARY			
1.2	Aims of Plan	(1) <i>This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</i>	✓

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		<p>(2) <i>The particular aims of this Plan are as follows—</i></p> <p>(aa) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p> <p>(a) <i>to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,</i></p> <p>(b) <i>to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,</i></p> <p>(c) <i>to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,</i></p> <p>(d) <i>to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,</i></p> <p>(e) <i>to restrict development on land that is sensitive to urban and natural hazards,</i></p> <p>(f) <i>to provide a range of residential accommodation to meet the changing needs of the population,</i></p> <p>(g) <i>to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,</i></p> <p>(h) <i>to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,</i></p> <p>(i) <i>to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,</i></p> <p>(j) <i>to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,</i></p> <p>(k) <i>to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,</i></p> <p>(l) <i>to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,</i></p> <p>(m) <i>to support healthy living and enhance the quality of life and the social well-being and amenity of the community,</i></p> <p>(n) <i>to ensure development is accompanied by appropriate infrastructure,</i></p> <p>(o) <i>to promote ecologically sustainable development.</i></p>	
PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT			
2.2	Zoning of Land	The land is zoned E4 General Industrial	✓

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
2.3	Zone objectives and land use table	<p>ZONE OBJECTIVES:</p> <p>The development is consistent with the objectives of the zone as it proposes a development that will provide a range of industrial and warehouse land uses which in turn will encourage employment opportunities and to support and protect industrial land for industrial uses.</p> <p>LAND USE TABLE:</p> <p>The development remains permissible as approved.</p>	✓
2.5	Additional permitted uses for particular land	The site is not afforded with additional permitted uses in Schedule 1 of the LEP.	✓
2.6	Subdivision - consent requirements	The application does not seek consent for the purpose of subdivision works.	✓
2.7	Demolition requires development consent	No demolitions works are being proposed.	✓
PART 4 - PRINCIPAL DEVELOPMENT STANDARDS			
4.1	Minimum subdivision lot size	The application does not seek consent for subdivision work.	✓
4.3	Height of Buildings	<p>STANDARD: Not prescribed</p> <p>PROPOSED: N/A</p>	N/A
4.4	Floor Space Ratio	<p>STANDARD: 1:1</p> <p>PROPOSED: 0.98:1</p>	✓
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	No variations to a development standard are sought pursuant to Clause 4.6 of the LEP.	N/A
PART 5 - MISCELLANEOUS PROVISIONS			
5.1	Relevant acquisition authority	The site is not mapped as reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> .	N/A
5.1A	Development on land intended to be acquired for public purposes	The site is not mapped as reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> for future road development.	N/A
5.3	Development near zone boundaries	The development is permissible, and the application does not rely on the provisions of this Clause.	N/A
5.4	Controls relating to miscellaneous permissible uses	Not Applicable.	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	<p>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.</p> <p>The site is not identified as an archaeological site.</p>	✓
	Heritage Item: ✗		
	Conservation Area: ✗		
	In vicinity of item or area: ✗		
	Archaeological Site: ✗		
	Aboriginal Heritage: ✗		

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		There are no known Aboriginal sites in or near the subject site and no Aboriginal places known to have been declared in or near the site.	
5.11	Bush fire hazard reduction	The application does not propose any bushfire hazard reduction work.	N/A
5.21	Flood Planning	The subject site is not mapped as flood prone land or as land within a flood planning area.	✓
PART 6 - ADDITIONAL LOCAL PROVISIONS			
6.1	Acid Sulphate Soils	The site is not mapped as being potentially affected by Acid Sulfate Soils on the <i>Acid Sulfate Soils Map</i> . However, no works are proposed that would trigger the application of this clause.	N/A
6.2	Earthworks	No earthworks are being proposed as part of the application.	N/A
6.4	Biodiversity	The proposed use will not affect any terrestrial and aquatic biodiversity within the local government area.	N/A
6.5	Riparian land and watercourses	The site is not mapped as <i>Riparian Land</i> or <i>Watercourse</i> on the <i>Riparian Lands and Watercourses Map</i> .	N/A
6.6	Limited development on foreshore area	The subject site is not located within the foreshore area.	N/A
6.7	Development in areas subject to aircraft noise	The land is not located in the vicinity of the Bankstown Airport.	N/A

TABLE 10: BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE

(ii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Bankstown Development Control Plan 2023 (the DCP) contains objectives and development controls for development on the land. An assessment of the proposal against the applicable and relevant provisions of the DCP is provided in the tables below.

BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
CHAPTER 9 - INDUSTRIAL PRECINCTS			
SECTION 2 - BUILDING ENVELOPES AND LANDSCAPE			
2.1	Site coverage <i>The sum of the site coverage on an allotment must not exceed:</i> <i>(a) 70% of the site area if a single business is to occupy the allotment; or</i> <i>(b) 60% of the site area if two or more businesses are to occupy the</i>	The existing structures on the site do not exceed 60% of the site area.	✓

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
	<i>allotment.</i>		
2.2 - 2.4	Setbacks to the primary and secondary road frontages of allotments <i>Various controls relating to the primary and secondary frontages of the allotment</i>	No changes are proposed to existing DA consent under DA 2055/1998.	✓
2.5- 2.6	Setbacks to the side and rear boundaries of allotments <i>Various controls relating to the primary and secondary frontages of the allotment</i>	No changes are proposed to the premise that would alter the existing side and rear setbacks of the existing buildings as approved in 2055/1998.	✓
2.7	Development adjacent to residential zone <i>Various controls relating to development adjacent to residential zones.</i> <i>In determining a development application that relates to land adjoining land in Zone R2, R3 or R4, Council must take into consideration the following matters:</i> <i>(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;</i> <i>(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</i> <i>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid-winter solstice;</i> <i>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</i> <i>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and</i> <i>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.</i>	The site is NOT located adjacent to residential zones.	
2.8	Setbacks to riparian corridors <i>Various controls relating to setbacks to riparian corridors</i>	The site is not identified as being located within the riparian corridors map and therefore this provision is not applicable.	N/A
2.9	Development adjacent to channelled watercourses	The site is not identified as being located within any watercourses and therefore this provision is not applicable.	N/A

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
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2.10-
2.13

Open Space

Development must provide a landscaped area along the primary and secondary street frontages of a site in accordance with the following minimum widths:

The application does not propose any changes to the existing open space of the subject site but seeks future approval for unauthorised structures.

Site area	Sites adjoining a state or regional road Minimum width for landscaped area	Sites not adjoining a state or regional road Minimum width for landscaped area to the primary street frontage	Sites not adjoining a state or regional road Minimum width for landscaped area to secondary street frontage
Less than 600m ²	2.5m	2.5m	2.5m
600m ² -999m ²	3.5m	3.5m	3m
1,000m ² -1,999m ²	4.5m	4.5m	3m
2,000m ² -3,999m ²	6m	6m	3m
Greater than 4,000m ²	10m	10m	3m

The proposed development is not adjoining to a classified road. The site area of the development is between 600 sqm and 999 sqm is size. The proposed does have a minimum width for landscaped area of at least 3.5m.

Development must:

- (a) *retain and protect any existing trees identified by Council on the site and adjoining sites; and*
- (b) *must not change the ground level (existing) within 3m of the base of the trunk or within the dripline, whichever is the greatest.*

No existing trees are proposed to be removed.



Development must plant at least one street tree at 5m intervals along the length of the primary and secondary street frontages. Council may vary this requirement in response to proposed tree species, site constraints limit their inclusion or a street tree already exists in good condition.

Development must plant trees in the landscaped area at a minimum rate of one canopy tree per 30m² of the landscaped area. The canopy tree must be capable of achieving a mature height greater than 5m.

2.15-
2.16

Employee amenities

Development must provide an outdoor employee amenity area with a minimum area of 25m². This area should include a combination of grass, plantings, pavement, shade, and seating to allow employees to engage in a pleasant working environment.

Development must locate the employee amenity area away from sources of intrusive noise (such as loading and servicing, and heavy machinery), dust, vibration, heat, fumes, odour or other nuisances.

Existing staff room and amenities located at the front of site with an area greater than 25 sqm that is not outdoor however is located away from sources of intrusive noise, dust, vibration, and odours.



SECTION 3 - BUILDING DESIGN

3.1-
3.6

Façade design

Various controls relating to the façade design of industrial buildings.

No changes are proposed to the existing façades.

N/A

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
3.7	Roof design <i>Various controls relating to roof design</i>	No changes are proposed to the existing roof.	N/A
3.8-3.14	Safety and security <i>Various controls relating to the safety and security of the building pertaining to windows and doors</i>	The application does not propose any new windows or openings which would engage with the application of this provision.	✓
3.15	General Various controls for Council's consideration	The application adequately satisfies the general provisions listed out in this clause. The unauthorised works will not generate large amounts of traffic as the application proposes to continue the predominate use as approved.	✓
3.16	Vehicle body repair workshops <i>Council must not grant consent to development for the purpose of vehicle body repair workshops if the land adjoins land within a residential zone, unless appropriate arrangements are made to store all vehicles awaiting or undergoing repair, awaiting collection, or otherwise involved with the development on the site of the proposed development, and they will be stored either: (a) within a building, or (b) within a suitably screened area.</i>	The existing approved development is for the purpose of a vehicle body repair workshop and therefore this provision is not applicable to the site.	N/A
3.17	Service stations and vehicle sales or hire premises.	The proposed development is not for the purpose of a service station or vehicle sales and therefore this provision is not applicable to the site.	N/A
SECTION 4 - ENVIRONMENTAL MANAGEMENT			
4.1	Acoustic privacy <i>Various controls relating to acoustic amenity to neighbouring tenants</i>	The addition will not generate any further noise to what is already existing.	✓
4.2	Pollution control	Not applicable to this proposal or DA.	N/A
5.1-5.2	Storage Areas <i>The storage and use of hazardous materials must comply with the requirements of WorkCover NSW and other relevant public authorities.</i> <i>The storage and use of dangerous goods must comply with the Dangerous Goods (Road and Rail Transport) Act 2008 and its regulations, and any other requirements of WorkCover NSW.</i>	The storage and use of hazardous materials complies with the requirements of Workcover NSW.	✓
5.3-5.6	Building design (utilities and building services) <i>The location and design of utilities and building services (such as plant rooms,</i>	The location of utilities and building services are all shown on the plans and have been concealed from the public view.	

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
	<p>hydrants, equipment, and the like) must be shown on the plans.</p> <p>Utilities and building services are to be integrated into the building design and concealed from public view.</p> <p>External lighting to industrial development must give consideration to the impact of glare on the amenity of adjoining residents.</p> <p>Council may require development to include public domain improvements to an adjacent footpath in accordance with a design approved by Council's Landscape Architect.</p>		
5.7-5.9	<p>Substations</p> <p>The location and design of substations must be shown on the plans.</p> <p>Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.</p> <p>Substations must not locate forward of the front building line.</p>	No substation proposed.	
5.10	<p>Food Premises</p> <p>The design, construction, and operation of a food premises must comply with:</p> <p>(a) Food Act 2003;</p> <p>(b) Food Regulation 2010;</p> <p>(c) FSANZ Food Standards Code; and</p> <p>(d) Australian Standard AS 4674-2004, Design, construction and fit out of food premises.</p>	Not proposed.	
5.11-5.13	<p>Front Fences</p> <p>The maximum fence height for front fences is 1.8m.</p> <p>The external appearance of front fences along the primary and secondary street frontages must ensure: (a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1m above ground level (existing); and (b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.</p>	No front fencing is proposed as part of the application.	

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
	Council does not allow the following types of front fences: (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls.		

PART 3.2 - PARKING

SECTION 2 - OFF-STREET PARKING

1 car space per 100m2 of gross floor area	No changes are proposed to existing DA consent under DA 2055/1998.	✓
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SECTION 3 - OFF-STREET PARKING DESIGN AND LAYOUTS

3.1	The following minimum dimensions are generally required for each parking space: 5.4 metres long x 2.5 metres wide	No changes are proposed to existing DA consent under DA 2055/1998.	N/A
3.23	Car wash bay The minimum dimensions for a car wash bay is 3.5m by 5.4m.	No changes are proposed to existing DA consent under DA 2055/1998.	
3.25-3.29	Bicycle Parking For non-residential development that requires over ten staff bicycle parking spaces, provide one shower and change room per ten staff bicycle parking spaces. Provide a mix of bicycle storage facilities to cater for short and long stay parking. Bicycle racks or stands placed in open public areas that provide only means to lock one wheel of a bicycle to a fixture is not an acceptable secure arrangement. Devices requiring a wheel to be removed are also not acceptable. Development must incorporate the following elements into the design and location of bicycle parking: (a) all facilities are clearly visible and as close as possible to the main entrances/exits to the street and within the building; (b) short-stay and visitor parking is at-grade and floor and wall-mounted rails are acceptable; (c) long-stay and resident parking is on the uppermost level of a basement car park; (d) a safe path of travel between bicycle parking and the main entrances/exits is clearly marked; (e) bicycle facilities are not to hinder vehicle and pedestrian movements, or contribute to the likelihood of injury to passing pedestrians; (f) access paths to bicycle parking are a minimum of 1.5m wide for one way access path to allow the passage of a pedestrian pushing a bicycle; and (g)	The proposed development does not require more than ten staff on site.	N/A

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
	<p><i>standardised information signs are to be used to give directions to bicycle parking areas.</i></p> <p><i>Bicycle parking facilities are to be well lit to minimise theft, vandalism, reduce pedestrian hazard and to improve safety of the cyclists.</i></p>		

3.30-3.32	<p>Visitor Parking</p> <p><i>Visitor spaces must not be located behind security grills and must be easily accessible.</i></p> <p><i>Clearly mark and signpost visitor parking, and locate on the ground floor where possible, so that it is easy to find and access.</i></p> <p><i>Visitor parking should be located near the main pedestrian entrance to the building and can be located in front of the building alignment, but not encroach upon the front setback areas.</i></p>	No changes are proposed to the existing visitor car parking bays allocated on site as previously approved under 2055/1998.	
3.42-3.47	<p>At-grade parking</p> <p><i>Screen or enclose at-grade parking with landscaping, structures or by wrapping the car park with retail or other active uses.</i></p> <p><i>Avoid car parking areas and access driveways characterised by large expanse of bare concrete.</i></p> <p><i>Use a combination of different surface materials to delineate pedestrian thoroughfares, vehicular access and parking areas.</i></p> <p><i>Use perforated paving materials (for example, paving units with wide bands of gravel aggregates) that allow infiltration of stormwater.</i></p> <p><i>Trees are to be planted at the ratio of one tree per five car park places allocated. Species are to be selected for their ability to thrive where compaction and deoxygenation are characteristic of the soils.</i></p> <p><i>For proposed car parks of capacity 40 cars or more, raised landscape island beds of minimum dimensions 2m by 4m shall be provided to break up row of cars, spaced at every ten car places for placement of a canopy tree.</i></p>	No changes are proposed to the existing car parking on site as previously approved under 2055/1998.	

PART 3.3 - WASTE MANAGEMENT			
SECTION 5 – INDUSTRIAL DEVELOPMENT			
5.1-5.8	Waste Management Plan	The subject DA is accompanied by a Waste Management Plan.	✓

TABLE 11: BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 COMPLIANCE TABLE

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS
 DEVELOPMENT APPLICATION FOR SECTION 4.55(2) MODIFICATION APPLICATION TO DETERMINATION NO. DA-2055-1998 FOR EXTENDED HOURS OF OPERATION
 43-45 CLAREMONT AVENUE GREENACRE NSW 2190



(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.

(iii) **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:

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

TABLE 12: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

SECTION 64: NCC/BCA BUILDING UPGRADE

Under Section 84 of the Regulations, Council is required to consider whether it would be appropriate to require the existing building to be brought into total or partial conformity with the National Construction Codes/Building Code of Australia (NCC/BCA).

In this regard, the application proposes to continue the use of existing unauthorised structures and a future Building Information Certificate will be required for the unauthorised structures which will address compliance with the NCC/BCA. A condition to this effect can be imposed by Council on any consent granted for this application.

7.2 SECTION 4.15(1)(B) OF THE EP&AACT, 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 DA seeks consent for the modification under Section 4.55(2) of the EP&A Act to extend the hours of operation approved in Determination No. DA-2055-1998 at 43-45 Claremont Avenue Greenacre NSW 2190.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *Bankstown Local Environmental Plan 2023* and *Bankstown Development Control Plan 2023* has been provided throughout this Statement

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS
DEVELOPMENT APPLICATION FOR SECTION 4.55(2) MODIFICATION APPLICATION TO DETERMINATION NO. DA-2055-1998 FOR EXTENDED HOURS OF OPERATION
43-45 CLAREMONT AVENUE GREENACRE NSW 2190



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:

7.2.1 SITING, DESIGN AND THE BUILT FORM

The development has been appropriately sited having regard to the site features such as outlook, solar access, natural ventilation and visual and acoustic privacy. The development has been designed to integrate and be consistent with the character of development envisaged in the local area with the proposed development to be finished in light colours to compliment the setting and context of the area.

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 *Bankstown Local Environmental Plan 2023* and the *Bankstown Development Control Plan 2023*.

7.2.2 PRIVACY

The development will not create any adverse privacy impacts as primarily proposes to continue an existing approved carwash and café use on the site with no operational changes. The assessment provided in Section 6 of this Statement demonstrates that the development is acceptable and would have acceptable visual and acoustic privacy impacts on adjoining properties.

7.2.3 SOLAR ACCESS AND OVERSHADOWING

The application does not seek consent to alter the existing built forms that will generate any new shadows that will unreasonably overshadow adjoining properties or internally overshadow the proposed development itself.

7.2.4 LANDSCAPING, TREE REMOVAL, FLORA & FAUNA

No trees are proposed to be removed as part of the application. No adverse impact on flora/fauna will eventuate as a result of the proposed development. No changes are proposed to the existing landscaped areas on the site.

7.2.5 ACCESS, TRAFFIC & PARKING

No changes are proposed to the existing pedestrian and vehicular access to the site.

7.2.6 UTILITIES/INFRASTRUCTURE

The augmentation and provision of new and additional utilities and infrastructure will not be necessary as a result of the proposal however if required, will be borne by the person acting on any consent granted.

7.2.7 NATIONAL CONSTRUCTION CODES/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 addressed in detail at the Construction Certificate or Building Information Certificate stage. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



7.2.8 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. 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 known to have been declared in or near the site.

7.2.9 SOCIAL IMPACTS

The proposed development will result in a positive social impact for the local and wider community as discussed below:

COMMUNITY STRUCTURE: The development will provide a positive benefit for the local community through job opportunities within the industrial area and by protecting industrial land in the LGA.

INFRASTRUCTURE: Having regard to the scale of the development and proposed infrastructure works, the development will not pose any significant impacts or strain on the capacity of existing infrastructure.

RESIDENTIAL AMENITY: The development will have an acceptable level of acoustic and visual privacy impacts on adjoining properties as it primarily proposes to continue an existing approved use on the site with no operational changes.

SAFETY AND SECURITY: The built form of the development has been designed having regard to the Crime Prevention Through Environmental Design principles as discussed below.

7.2.10 ECONOMIC IMPACTS

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

7.2.11 STORMWATER MANAGEMENT

No changes to the existing stormwater works are proposed as part of the development.

7.2.12 SOIL MANAGEMENT

No earthworks are proposed as part of the application that would require soil management practices to be implemented.

7.2.13 CONTAMINATION

The history of land uses for the site has been considered as an indicator for potential contamination of the site. The site is known to have been used for the current use for a significant time. Accordingly, there is no reason to suspect that the site may be contaminated, and further investigation of the site's potential contamination is not required. The application can therefore be processed in the usual manner.

7.2.14 WASTE MINIMISATION/MANAGEMENT

The Waste Management Plan accompanying the DA details the waste minimisation and avoidance measures that will be implemented during the construction of the proposed

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



development. The waste, recycling and green waste bins for the proposed dwellings will be stored behind the building lines and will not be visible from the street.

7.2.15 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 has been undertaken as detailed in Part 6 of this Statement and summarised below:

SURVEILLANCE:	The existing premise includes openings on the street facing façade that will overlook the street and public domain and activate the street frontage by providing opportunity for surveillance and increased security.
ACCESS CONTROL:	The proposed development includes clearly defined boundaries and fencing 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 and boundary fencing will provide clear boundary delineation between the public and private domains creating territorial reinforcement.
SPACE MANAGEMENT AND MAINTENANCE:	The existing façade of the premise is constructed from durable materials that will require low levels of maintenance and ensure the development continues to appear cared for.

7.2.16 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 development consent granted for the proposed development.

7.2.17 ESD & THE CUMULATIVE IMPACT

The proposed development will not have any cumulative impacts and will not inhibit the ability of future generations to use or further use or develop the subject site.

7.3 SECTION 4.15(1)(C) OF THE EP&AACT, 1979

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

The subject DA seeks consent for modification under Section 4.55(2) of the EP&A Act to extend the hours of operation approved in Determination No. DA-2055-1998 on the subject property.

The land is zoned E4 General Industrial pursuant to *Bankstown Local Environmental Plan 2023* and the proposal achieves the objectives of the zone as it proposes a development that will continue to provide a wide range of land uses that will encourage employment opportunities.

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 under *Bankstown Local Environmental Plan 2023* and *Bankstown Development Control Plan 2023*.



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 site is suitable for the proposed development.

7.4 SECTION 4.15(1)(D) OF THE EP&AACT, 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.

7.5 SECTION 4.15(1)(E) OF THE EP&AACT, 1979

THE PUBLIC INTEREST.

The land is zoned E4 General Industrial pursuant to *Bankstown Local Environmental Plan 2023* and the proposal achieves the objectives of the zone as it proposes a development that will continue to provide a wide range of land uses that will encourage employment opportunities.

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 landowners development capacity and is acceptable having regard to the applicable State and Council planning controls by not posing any unacceptable impacts on the locality and existing adjoining properties.

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 and the subject site is considered to be suitable for the proposed development.

When completed, the proposed development will have minimal impact on the locality and amenity of surrounding 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.

8 SECTION 4.46 EVALUATION EP&AACT, 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 as to whether any of the triggers for integrated development are met is provided below:

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

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS
DEVELOPMENT APPLICATION FOR SECTION 4.55(2) MODIFICATION APPLICATION TO DETERMINATION NO. DA-2055-1998 FOR EXTENDED HOURS OF OPERATION
43-45 CLAREMONT AVENUE GREENACRE NSW 2190



TABLE 13: INTEGRATED DEVELOPMENT TRIGGERS

Based on the above, the application is not identified as Integrated Development under the Act.

9 SECTION 4.55 EVALUATION EP&AACT, 1979

When considering an application under Section 4.55(2) of the *Environmental Planning and Assessment Act, 1979*, Council must be satisfied as to the following matters:

- “
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
 - (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*
- Subsections (1) and (1A) do not apply to such a modification.*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
 - (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*
- ”

The proposed modifications will result in the development remaining substantially the same as development which was granted consent under DA-2055-1998, as the development remains the same use.

Concurrence is not required as part of the development. The relevant approval body has been consulted with for the purposes of this application.

Should public notification of the application be required, such notification will be undertaken by Council as part of the assessment of the application in accordance with the regulations and Council's policy. Any submission received against the proposal in response to any required notification will be considered as part of the assessment by Council.

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



On a qualitative basis, the modification does not pose any adverse amenity impacts for adjoining and surrounding properties as the modifications sought in this application will result in substantially the same development as development for which consent under DA-2055-1998 was originally granted.

This Statement of Environmental Effects undertakes an assessment of the proposal against the requirements and the relevant matters for consideration, as are of relevance to the development the subject of the application, under Section 4.15(1) of the Act.

Given the above, the application is considered to satisfy the test under Section 4.55(2) of the Act.

10 CONCLUSION

The subject DA seeks consent for modification under Section 4.55(2) of the EP&A Act to extend the hours of operation approved in Determination No. DA-2055-1998 at 43-45 Claremont Avenue Greenacre NSW 2190.

The proposed development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15, 4.46 and 4.69 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 so the application can be dealt with in the usual manner.

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

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

The land is zoned E4 General Industrial pursuant to *Bankstown Local Environmental Plan 2023* and the proposal achieves the objectives of the zone as it proposes a development that will continue to provide a wide range of land uses that will encourage employment opportunities.

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, *Bankstown Local Environmental Plan 2023* and *Bankstown Development Control Plan 2023*.

The proposed development will positively contribute to the preservation of industrial lands that will in turn encourage employment opportunities. The subject site is situated in an industrial 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 residents and will integrate within the character of existing developments in the local streetscape.

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY



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 worthy of Council's approval.



APPENDIX 1

NOTICE OF DETERMINATION NO. D2055/1998 FOR DA-2055-1998

CANTERBURY BANKSTOWN COUNCIL

22 DECEMBER 1998

LEGEND:

- ✓ COMPLIES
- ✗ NON COMPLIANT
- S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS
DEVELOPMENT APPLICATION FOR SECTION 4.55(2) MODIFICATION APPLICATION TO DETERMINATION NO. DA-2055-1998 FOR EXTENDED HOURS OF OPERATION
43-45 CLAREMONT AVENUE GREENACRE NSW 2190