

ApproveAll

Town Planning

Statement of Environmental Effects

2 Marsh Street, Condell Park, NSW 2200

Change of Residential use to Home Business (Nail Salon)

OVERVIEW

This Statement of Environmental Effects forms part of a Development Application submitted to The Canterbury-Bankstown Council for the Approval for Development Application at 2 Marsh Street Condell Park 2200. This application is made pursuant to s4.15 of the *Environment Planning & Assessment Act (1979)* under the *Canterbury-Bankstown Local Environmental Plan (2023)*, *Bankstown Development Control Plan (2015)* and *Canterbury Development Control Plan (2012)*. More specifically, this report has been prepared in accordance with section 2(4) of schedule 1 of the *Environmental Planning & Assessment Regulations (2021)* which a SEE must include the following:

- a) the environmental impacts of the development
- b) how the environmental impacts of the development have been identified
- c) the steps to be taken to protect the environment or to lessen the expected harm to the environment
- d) any matters required to be indicated by any guideline issued by the Secretary for the purposes of this clause.

The environmental impacts of the proposed development, including measures taken to protect or lessen the expected harm to the environment, are addressed throughout this report.

PROPOSED DEVELOPMENT	
PROPOSAL	Retrospective Approval for Garage Conversion
PROPERTY	2 Marsh Street, Condell Park 2200
	Lot/SP: 121/DP1084339
LOCAL GOVERNMENT AREA	Canterbury-Bankstown Council
DATE	May 2024
Project Number	AA149

SITE ANALYSIS

The property at 2 Marsh Street, Condell Park 2200, is situated in a predominantly residential area, providing an essential context for its use and development. The site offers accessibility to major transportation routes, including the Hume Highway and local bus services, facilitating easy travel and connectivity to the broader Sydney area. Nearby amenities such as shopping centres, schools, and parks contribute to the locality's appeal, enhancing the quality of life for residents in the area. This property also benefits from the established infrastructure, including reliable utility services and high-speed internet access. Its location within a well-maintained suburban neighbourhood makes it an attractive site, well-suited to cater to the needs of its community.

The existing site layout is seen below:



Figure 1: Six Map Image of Subject Site indicating broader location and property boundaries.

SITE IMAGES

Figure 2: NSW Spatial Viewer of Subject Site indicating the zoning of site and neighbouring properties.

LOCALITY ANALYSIS

In conducting a locality analysis for Condell Park, NSW (New South Wales), Australia, we consider the various factors such as geography, demographics, amenities, transport, housing, and lifestyle.

Geographical Overview:

Condell Park is located in the Canterbury-Bankstown area, approximately 22 kilometres southwest of the Sydney Central Business District (CBD). This suburb is characterized by a mix of residential and light industrial zones, providing a unique blend of living and business opportunities within the vicinity.

Demographic Profile:

Condell Park has a diverse community with a mix of young families, professionals, and retirees. The area is known for its multicultural population, reflecting a broad range of cultural backgrounds which enriches the local community with various cultural shops, eateries, and community events.

Local Economy and Employment:

The local economy in Condell Park is supported by a combination of retail, manufacturing, and service industries. There are several small and medium-sized enterprises located within and around the suburb. While some residents work locally, others commute to larger business districts in Sydney, such as the CBD and Parramatta.

Transportation and Accessibility:

Transportation in Condell Park is facilitated by several major roads, including the Hume Highway, which offers easy access to Sydney CBD and other parts of Greater Sydney. The suburb is also served by numerous bus routes that enhance connectivity to nearby train stations and shopping centres.

Education and Healthcare:

Condell Park hosts a range of educational institutions, from public and private schools to early learning centres, catering to the educational needs of local families. Healthcare facilities are accessible, with several clinics and pharmacies in the area, and major hospitals are located just a short drive away.

Real Estate and Housing:

Real estate in Condell Park primarily comprises single-family homes, with a growing number of townhouses and duplexes reflecting the area's development over recent years. The housing market is relatively affordable compared to suburbs closer to Sydney CBD, attracting first-time homebuyers and investors alike.

Leisure and Lifestyle:

Residents of Condell Park enjoy access to several local parks, sports facilities, and community centres that offer a variety of recreational activities. The suburb also benefits from its proximity to larger shopping and entertainment venues in neighbouring suburbs.

Environmental Considerations:

The area is relatively flat, with several green spaces that contribute to the suburban environment. Local council initiatives often focus on sustainability and enhancing green coverage, improving overall liveability and environmental quality.

Conclusion:

This locality analysis for 2 Marsh Street, Condell Park, outlines a suburb that combines residential comfort with essential amenities and services, making it a practical and appealing area for a diverse range of residents.

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DEVELOPMENT PROPOSAL

This development proposal outlines the conversion of an existing residential garage into a nail salon at the specified address. The project aims to repurpose approximately 30 square meters of garage space into a fully functional and aesthetically pleasing nail salon, designed to cater to the local community's beauty needs. Key features of the conversion will include the installation of professional nail stations, comfortable seating for clients, efficient ventilation systems, and appropriate plumbing for salon sinks. The design will prioritize natural lighting and modern, clean interior aesthetics to create a welcoming environment for clients. Compliance with all relevant local zoning and health regulations will be ensured, including obtaining the necessary permits for commercial use within a residential area. This value to the community by providing a local service, potentially generating new employment opportunities.

Refer to Architectural Drawings attached as part of Application for details.

PLANNING ASSESSMENT

The application is to be assessed against the relevant Environmental Planning Instrument's below:

RELEVANT PLANNING INSTRUMENTS

1. *Environmental Planning & Assessment Act (1979)*
2. *Environmental Planning & Assessment Regulations (2021)*
3. *Canterbury-Bankstown Local Environmental Plan (2023)*

And the following Local Provisions:

RELEVANT LOCAL PLANNING INSTRUMENTS

4. *Bankstown Development Control Plan (2015).*
5. *Canterbury Development Control Plan (2012).*

Environmental Planning and Assessment Regulation 2021

Section 25 - Concurrences and/or Approvals

In accordance with Section 25 of the Regulation there are no concurrences or approvals required for the proposed development.

Canterbury-Bankstown Local Environmental Plan (2023)

Part 2: Permitted or Prohibited Development

SUITABILITY OF THE SITE

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014	
R2 - Low Density Residential	
1 Objectives of Zone	<ul style="list-style-type: none"> To provide for the housing needs of the community within a low-density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area. To ensure suitable landscaping in the low-density residential environment. To minimise and manage traffic and parking impacts. To minimise conflict between land uses within this zone and land uses within adjoining zones. To promote a high standard of urban design and local amenity.
2 Permitted Without Consent	Home occupations
3 Permitted with consent	Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses ; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture
4 Prohibited	Any development not specified in item 2 or 3

Response:

According to the *Canterbury-Bankstown Local Environmental Plan (2023)*, the site is zoned R2 – Low Density Residential and is considered suitable to accommodate the proposal of a home business nail salon.

This is evident as the *Canterbury-Bankstown Local Environmental Plan (2023)*, defines home business as:

a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Thus, the proposed home business (nail salon) complies.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.4 Floor Space Ratio

	Floor Space Ratio
4.4	<p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> • to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located, • to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone, • to encourage lot consolidations in commercial centres to facilitate higher quality-built form and urban design outcomes, • to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic, • to provide a suitable balance between landscaping and built form in residential areas. <p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>

Response:

The floor space ratio will remain the same as the garage space will be converted into the nail salon.

5.10 Heritage Conservation

	Heritage Conservation
5.10	<p>Note— Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.</p> <p>(1) Objectives The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of Woollahra, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. <p>(2) Requirement for consent Development consent is required for any of the following—</p>

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
- (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
 - (b) the development is in a cemetery or burial ground and the proposed development—
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
 - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
 - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a

heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Response:

Subject site is not registered as a Heritage Item and does not lie within a Heritage Conservation zone.

BANKSTOWN DEVELOPMENT CONTROL PLAN (2015)

Compliance Summary Table

The below table lists the parts and controls of the *Bankstown Development Control Plan (2015)* that relate to the proposed development. The below table is for reference only and is a summary of the analysis and justification in the body of the report and in the plans submitted as a part of this application.

Final compliance is required to be assessed and authorised by council, but this report seeks to identify elements of the design that comply, do not comply, or those that should comply based on merit through use of justification. Note that controls that are not affected by the proposed development, as well as controls that do not apply to or are not required of the development may not be indicated in the body of the report to follow and may not be summarised in the table. Controls that do apply to the proposed development are

15	Home Businesses	
	Objectives	<ul style="list-style-type: none"> To allow residents to carry out home businesses within a limited area of dwellings and outbuildings. To ensure home businesses have a minimal impact on the amenity of adjoining properties.
	Controls	<p>Floor area</p> <p>15.2 - Home businesses may occupy up to 30m² of gross floor area in an outbuilding provided the home business does not reduce the required off-street parking spaces for the dwelling.</p> <p>15.3 Home businesses may occupy up to 30m² of gross floor area in a dwelling provided the home business is restricted to a single room.</p>

Response:

The approval for the conversion of the residential garage into the home business nail salon does not exceed the 30sqm limitation and is restricted to a single room, thus complies.

15	Home Businesses	
	Objectives	<ul style="list-style-type: none"> To allow residents to carry out home businesses within a limited area of dwellings and outbuildings. To ensure home businesses have a minimal impact on the amenity of adjoining properties.
	Controls	<p>Amenity</p> <p>15.4 Council must consider the following matters to ensure home businesses have</p> <p>a minimal impact on the amenity of adjoining properties:</p> <p>(a) the likely number of vehicle, delivery, and visitor movements;</p> <p>(b) the size of delivery vehicles associated with the home business;</p> <p>(c) the siting of loading activities behind the front building line;</p> <p>(d) the type of equipment or machinery to be used by the home business;</p> <p>(e) the need for an acoustic report where the home business is likely to generate significant noise levels;</p> <p>(f) the need to control any odours or emissions; and</p> <p>Bankstown City Council</p> <p>Bankstown Development Control Plan 2015–Part B1 69</p> <p>March 2015 (Amended December 2019)</p> <p>(g) whether the hours of operation are within 8.00am to 6.00pm Monday to</p> <p>Saturday and not at any time on a Sunday or public holiday</p>

Response:

Please refer to the plan of management for this section.

Setbacks to the primary and secondary road frontages	
6.4	The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey
6.5	The minimum setback to the secondary road frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.

approval for the replacement of the garage door to glass sliding doors and the reconstruction of the previous storage room to the current storage room and powder room

Setbacks to the side boundary	
6.6	For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre.
6.7	For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.
6.8	The minimum setback for a driveway to the side and rear boundaries of the allotment is 1 metre.

Response:

The proposal for the change of use to a home business nail salon does not alter the current setbacks.

CANTERBURY DEVELOPMENT CONTROL PLAN (2012)

Compliance Summary Table

The below table lists the parts and controls of the *Canterbury Development Control Plan (2012)* that relate to the proposed development. The below table is for reference only and is a summary of the analysis and justification in the body of the report and in the plans submitted as a part of this application.

Final compliance is required to be assessed and authorised by council, but this report seeks to identify elements of the design that comply, do not comply, or those that should comply based on merit through use of justification. Note that controls that are not affected by the proposed development, as well as controls that do not apply to or are not required of the development may not be indicated in the body of the report to follow and may not be summarised in the table. Controls that do apply to the proposed development are

Parking Rates	
Controls	C1 - Parking and other vehicle facilities required for each type of development are detailed in the table below.
B1.3.1	<p>Home Business & Home Industry:</p> <p>The parking requirements for Dwelling Houses, Dual Occupancy, Attached Dwellings, Semi-detached dwellings, Multi dwelling housing, and Residential flat buildings are applicable.</p>

Response:

The *Canterbury Development Control Plan (2012)* highlights that parking rates are not applicable for this site as it is classified as the proposal is a home business.

C1.5.2	Layout and Orientation	
	Objectives	<ul style="list-style-type: none"> To ensure reasonable levels of visual privacy is achieved for residents, inside a building and outside within the property, during the day and at night. To ensure visual privacy is not compromised whilst maximising outlook and views from main living areas and private open space. To promote passive surveillance of public and semi-public areas
	Controls	<p>C1 Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.</p> <p>C2 Minimise direct overlooking of rooms and private open space through the following:</p> <p>(a) Provide adequate building separation, and rear and side setbacks; and</p> <p>(b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.</p> <p>C3 If living room windows or private open spaces would directly overlook a neighbouring dwelling:</p> <p>(a) Provide effective screening with louvres, shutters, blinds or pergolas; Dwelling Houses and Outbuildings C1 Canterbury Development Control Plan 2012 15 and/or</p> <p>(b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.</p> <p>C4 Screening of bedroom windows is optional, and dimensions are not restricted.</p>

Response:

The *Canterbury Development Control Plan (2012)* highlights that visual privacy is another essential consideration for the approval of an application. The proposal for the change of use does not pose an impact to the site's visual privacy.

Thus, it complies.

CONCLUSION

This statement of compliance concludes that the environmental impacts generated by proposed change of residential use to home business (nail salon) whether considered individually or cumulatively in the context of the site and broader area, are not significant and therefore the application warrants the support of Council and the issue of Building Information Certificate. The proposal made in this application is considerate and relative to the site's immediate context of the area. This report finds that:

- The proposal for the change of residential use to home business is supported by the *Canterbury-Bankstown Local Environmental Plan (2023)*
- The proposal for the change of residential use to home business is less than 30sqm, thus complies to the maximum area usage.
- The proposed home business has a minimal impact on the amenity of adjoining properties.

Furthermore, the completed works do not detract from the streetscape or the inherent nature of the area and should be supported.