

Statement of Environmental Effects: Home Business Use, Business Identification Sign and Minor Alterations



**Subject Site: 250 William Street, Yagoona
NSW 2199**

PREPARED ON BEHALF OF:

Lawfirm Pty Ltd

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Proposed Development

The proposal before Council seeks consent for the use of the garage as a home business, a business identification sign and minor alterations at 250 William Street, Yagoona NSW 2199.

A detailed summary of the proposal is provided below.

Proposal

1. Development Application

- Signage located on the front façade (facing William Street):
 - One (1) non-illuminating sign measured at 5.25m x 1m proposed on the front parapet as shown in the image below.
- Use of Home Business located within previous garage area:
 - Services carried out at 250 William Street home business:
 - i. Hair braiding by appointment only.
 - Services carried out off-site:
 - i. Hair braiding and beauty packages.

2. Application for a Building Information Certificate

- New glass sliding doors (garage roller door removed);
- New internal glass sliding door (between previous garage and storage/laundry area); and
- Internal partition wall (non-structural) with highlight window.



Figure 1: Streetscape Elevation – 250 William Street Yagoona 2199

Locality

The land is known as 250 William Street, Yagoona and is formally identified as Lot 1 DP 1180753. The land comprises of a duplex located on William Street which lies on the southern side of the Hume Highway, with Fenwick Street to the west and Dutton Street to the east. The land has been subdivided into two lots, being (Lot 1 DP 1180753 and Lot 2 DP 1180753). The subject premises (Lot 1 DP 1180753) has a frontage of approx. 12.3m on William Street, approx. 22m deep and total land area of approx. 260m².

There are no significant trees and or shrubs that seek approval for removal, trimming and or lopping. The immediate locality is predominantly surrounded by residential development with a single storey dwelling and two storey developments being located adjacent to the side eastern and western boundaries. In addition, the allotment is located near the Zone B2 Local Centre and across the road is the Zone R4 High Density Residential.



Environmental Planning and Assessment Act 1979 (EP&A Act)

Part 1 Preliminary

Section 1.7 - Application of other Acts & Clause 5.5 - Duty to consider environmental impact

Act	Part	Application
<i>Biodiversity Conservation Act 2016</i>	Part 7	Not applicable. The proposal does not impact on any critical habitat, species, flora or fauna with biodiversity significance.
<i>Fisheries Management Act 1994</i>	Part 7A	Not applicable. The proposal does not impact on any critical habitat, species, flora or fauna with aquatic biological significance.
<i>Wilderness Act 1987</i>	Whole Act	Not applicable. The proposed does not involve any activity within a Wilderness Area as defined under the Act.

Part 4 Development assessment and consent

Division 4.3 Development that needs consent (except complying development)

Section 4.15 - Evaluation

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	The current planning controls for the subject site, as contained within the current LEP, are not proposed to change under any Draft LEP.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the <i>Development Control Plan</i> section in this report and are satisfactory.

	(ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2000	See discussion on “Public Notification” in this report.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

Environmental Planning and Assessment Regulation 2021

The proposal is considered to have met the statutory requirements under Schedule 1 of the Regulation. This Statement has been prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 24 of the Environmental Planning and Assessment Regulation, 2021.

State Environmental Planning Policy

Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policy (Resilience and Hazards)

Chapter 4 – Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

A review of historic aerial photography indicates that the site has historically been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state.

There is no proposed change of use or new development as such - the previously approved residential dwelling will remain as is in its built form.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal does not impact on bushland (Non-rural and Urban areas). The subject site is neither within the vicinity of the River Murray Lands, Nepean River or Sydney Water Drinking Water Catchments. The proposed is not a Canal Estate development or impact on Koala Habitat. Therefore, the provisions of these chapters of the SEPP are not considered applicable in the circumstances of the case.

Chapter 6 - Water catchments

This Chapter applies as the site is located within the Georges River Catchment Map. The below table provides a brief summary of the development's performance against the key development standards contained in Chapter 6.

Standard	Comment
Water quality and quantity	The proposed development is not considered to impact on water quality or river flows. The proposal does not result in any stormwater run-off, sediment or debris to traverse into the waterway in the event of tidal rise. The consent authority can be satisfied that the proposal will have a neutral effect on the waterway, not result in adverse impact on water flow or contain cumulative environmental impact of the development of the water catchment.
Aquatic ecology	The proposal does not result in any clearing of riparian vegetation to require a controlled activity approval or permit. The proposal is neither considered to erode the land abutting the foreshore nor result in sedimentation of a natural waterbody.
Flooding	The proposal does not impact on periodic flooding.
Recreation and public access	The proposal does not impact on recreation or public access to the water way.
On-site domestic sewerage systems	N/A
Stormwater management	N/A

Local Environmental Plan

The site is subject to the Canterbury-Bankstown Local Environmental Plan (CBLEP 2023).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The proposed development is best described within the CBLEP 2023 as “home businesses” and “business identification sign” which are permitted with consent in the R2 Low Density Residential Zone, subject to Clauses 5.4 of the Canterbury-Bankstown Local Environment Plan 2023.

Objectives of the zone

The objectives of the R2 Low Density Residential zone are:

- 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

It is considered that the proposal is consistent with these zone objectives as it seeks to meet the housing needs of the community within a low density residential environment and promote a high standard of urban design and local amenity. The home business is compatible with the residential use and does not adversely affect the living environment or amenity of the area, nor does it impact on traffic or parking.



Figure 4: Zoning map – 250 William Street Yagoona 2199 (Source DPHI Spatial viewer)

Part 2 – Permitted or prohibited development

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Not applicable.	N/A

Part 4 – Principal Development Standards

Part 5 – Miscellaneous Provisions

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
5.4 Controls relating to miscellaneous permissible uses	(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	Complies. An area of less than 30 square metres of floor area is sought within the nominated ground floor plan.	Yes
5.6 Architectural roof features	Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by Part 4, clause 4.3 may be carried out, but only with development consent.	Not applicable.	N/A
5.10 Heritage Conservation	Heritage management document required to assesses the extent to which the carrying out of the proposed development would affect the heritage significance of any heritage item or heritage conservation area concerned.	Not applicable.	N/A

Part 6 – Additional Local Provisions

Applicable CBLEP 2023 Clause	CBLEP 2023 Provisions	Development Provisions	Comment
6.1 Acid Sulfate Soils	Acid sulfate soils management plan for works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Site is not affected by Acid Sulfate soils.	N/A

6.2 Earthworks	Development consent is required for earthworks unless— (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to— (i) development that is permitted without development consent under this plan, or (ii) development for which development consent has been granted.	Not applicable.	N/A
6.3 Stormwater management and water sensitive urban design	Minimise and mitigate the impact of stormwater runoff and incorporate water sensitive urban design principles.	None proposed.	N/A

Section 4.15(1)(a)(iii) – Any Development Control Plan

The proposed development is subject to the provisions of the Canterbury - Bankstown Development Control Plan 2023 (DCP). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

SECTION 1 – HOME BUSINESSES AND HOME INDUSTRIES		
Applicable DCP Controls	Development Provisions	Complies
<p>The Canterbury-Bankstown Local Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023 combine to regulate effective and orderly development, consistent with Connective City 2036. The Canterbury-Bankstown Local Environmental Plan 2023 is Council's principal planning document. It provides objectives, zones and development standards such as lot sizes, floor space ratios and building heights. The Canterbury-Bankstown Development Control Plan 2023 supports the LEP by providing additional objectives and development controls however, it is noted that the DCP can be applied flexibly at Council's discretion.</p>		
<p><u>Objectives</u></p> <ul style="list-style-type: none"> • O1 To allow residents to carry out home businesses and home industries within a limited area of dwellings and outbuildings. • O2 To ensure home businesses and home industries do not adversely impact on the amenity of neighbouring dwellings and other sensitive land uses. 		
<p><u>Building design</u></p> <p>1.1 A home business and/or home industry may occupy up to 30m² of gross floor area in an outbuilding provided the home business and/or home industry does not reduce the</p>	<p>Complies with LEP. The carparking associated with the site will be located within the approved hardstand area within the</p>	<p>Yes</p>

required off-street parking spaces for the dwelling.	front setback of the allotment.	
1.2 A home business and/or home industry may occupy up to 30m ² of gross floor area in a dwelling provided the home business and/or home industry is restricted to a single room.	An area of less than 30 square metres is used for the home business and is restricted to a single room.	Yes
Amenity		
1.3 Council must consider the following matters to ensure home businesses and home industries have minimal impact on the amenity of neighbouring dwellings and other sensitive land uses:		
(a) the likely number of vehicle, delivery, and visitor movements;	Eden Stylz does not supply hair materials. Eden Stylz is an appointment only business and therefore, the number of patrons and visitor movements is measured by a strict booking system.	Yes
(b) the size of delivery vehicles associated with the home business or home industry;	No delivery vehicles associated with the home business. Hair braiding and style by hand only.	N/A
(c) the siting of loading activities behind the front building line;	N/A	N/A
(d) the type of equipment or machinery to be used by the home business or home industry;	Hair braiding and style by hand only.	Yes
(e) the need for an acoustic report where the home business or home industry is likely to generate significant noise levels;	Hair braiding and style by hand only and therefore, the home business does not and is not likely to generate any significant noise levels.	Yes
(f) the need to control any odours or emissions; and	Hair braiding and styling by hand only – no odours or emissions.	Yes

(g) whether the hours of operation are within 8.00am to 6.00pm Monday to Saturday and not at any time on a Sunday or public holiday.	<p>Given the nature of the business (hair braiding by hand only and with a strict booking system), the proposed hours of operation are:</p> <p>Monday to Saturday: 8am to 6pm</p> <p>Sunday: 9am to 6pm</p>	Yes
<p>Food premises</p> <p>1.4 Home businesses and home industries that involve the manufacture of food products 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 fitout of food premises.</p>	None proposed.	N/A

CHAPTER 3, SECTION 2

Applicable DCP Controls	Development Provisions	Complies
<p>The Canterbury-Bankstown Local Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023 combine to regulate effective and orderly development, consistent with Connective City 2036. The Canterbury-Bankstown Local Environmental Plan 2023 is Council's principal planning document. It provides objectives, zones and development standards such as lot sizes, floor space ratios and building heights. The Canterbury-Bankstown Development Control Plan 2023 supports the LEP by providing additional objectives and development controls however, it is noted that the DCP can be applied flexibly at Council's discretion.</p>		
<p><u>Objectives – Chapter 3, Section 2</u></p> <ul style="list-style-type: none"> • O1 To ensure signs provide effective communication in suitable locations. • O2 To ensure signs are of high quality design and finish. 		
<p><i>Signs in Zones R2, R3 and R4</i></p> <p>2.1 Business identification signs must comply with the following controls:</p> <p>(a) Council permits only one sign per site.</p> <p>(b) the total sign area must not exceed 1.2m x 0.6m.</p>	<p>One (1) sign is proposed.</p> <p>The proposed sign measures 5.2m x 1m and whilst it exceeds the control, the property is in very close</p>	<p>Yes</p> <p>No however, the DCP can be</p>

	proximity to the Zone B2 Local Centre, which permits 0.5sqm for every metre of the primary street frontage. The proposed sign integrates well from the R2 zone to the surrounding B2 Local Centre signage. The proposed sign meets the DCP objectives by assisting in way finding given the site's close proximity to the Hume Highway intersection.	applied flexibly at Council's discretion.
(c) the sign is to be located on or behind the building line.	The proposed sign will be located on or behind the building line.	Yes.
(d) the sign is to be located at or below the awning level. Where there is no awning to the building, the sign is solely permitted below the window sill of the second storey windows.	There is no awning. The proposed sign will be positioned below all window sills of the second storey windows.	Yes.
(e) if the sign is painted or attached to a building, the sign must not screen windows and other significant architectural features of the building.	The sign does not screen windows or any other significant architectural features of the building.	Yes.
(f) the sign is not to be illuminated.	The sign is not proposed to be illuminated.	Yes.

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.

There is no planning agreement being entered into as part of this application.

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

Environmental Planning and Assessment Regulation 2021

The Regulation provides standard Conditions which the Consent Authority must impose when issuing Development Consent. These Conditions will be implemented upon the issue of Development Consent. There are no other additional matters contained within the Regulations which are applicable to the subject development.

(a) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Natural Environment	The proposed development does not result in unreasonable acoustic or air pollution and is designed to mitigate any potential impacts on the natural environment.
Built Environment	As demonstrated in this statement, it is unlikely that the development will consist of an adverse impact on the built environment.
Social Impacts	There are no adverse social impacts identified with the development. The development provides for housing needs of the community.
Economic Impacts	No adverse negative economic impacts are likely to result from the development.

(b) The suitability of the site for the development

The subject site is appropriately zoned for the proposed use, and the development is not considered to result in adverse material, environmental, social or economic impacts. Therefore, it is considered that the development is suitable for the site.

(c) Any submissions made in accordance with this Act or the regulations

Any submissions received as a result of notification of the Development Application will be considered.

(d) The public interest

This statement demonstrates that, the proposal is not considered to raise any issues that would be contrary to the public interest.

CONCLUSION AND RECOMMENDATION

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. It is recommended that pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council as the consent authority grant consent for the subject application.

Statement prepared by B&M Town Planning Services.