

STATEMENT OF ENVIRONMENTAL EFFECTS

DA FOR EXTENSION OF HOURS AND OUTDOOR DINING
857-875 CANTERBURY ROAD, LAKEMBA



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LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





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- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the Development Application (DA) to the City of Canterbury-Bankstown Council seeking consent to extend the hours of operation for the premises and propose outdoor tables and chairs for the food truck at the subject property at 857-875 Canterbury Road, Lakemba.

This Statement of Environmental Effects has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* (the Act) and Clause 50 and Schedule 1 of the *Environmental Planning and Assessment Regulation, 2000* (the Regulation), and provides the following:

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

The proposed extension to the hours of operation is proposed to broaden the hours of operation for the site. The proposed development achieves a high level of compliance with the requirements prescribed in *Canterbury-Bankstown Local Environmental Plan 2023* (the LEP) and *Canterbury-Bankstown Development Control Plan 2023* (the DCP).

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

DEVELOPMENT		TRIGGER	✓/✗
1.	Conflict of Interest	N/A	N/A
2.	Contentious Development	The consideration of submissions cannot be made at the time of preparing this Statement.	N/A
3.	Departure from Development Standards	The application does not seek consent for a departure from a development standard under Clause 4.6 of the LEP.	N/A
4.	Sensitive Development	(a) The application is not designated development. (b) The application does not seek consent for a residential flat building. (c) The application does not propose to demolish a heritage item. (d) The application is not for a licensed premises. (e) The application is not for a sex-services or restricted premises. (f) The application does not propose a planning agreement.	N/A

TABLE 1: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

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

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

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 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



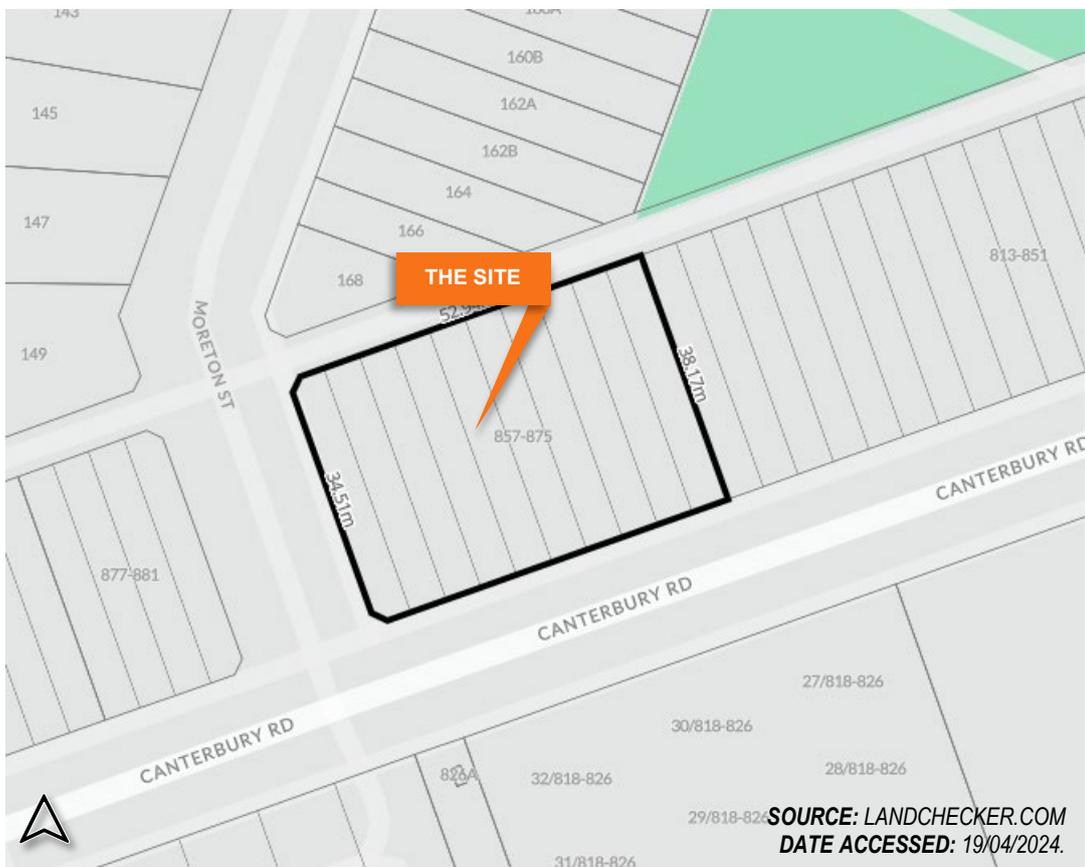
2 THE SITE AND SURROUNDS

2.1 LEGAL DESCRIPTION

The subject site comprises a single land parcel legally described as Lot 46-47 in Deposited Plan 12455 and is more commonly known as 857-875 Canterbury Road, Lakemba.

2.2 LOCATION

The subject site is located on the western side of Chapel Street as illustrated in Figure 1.



2.3 EXISTING STRUCTURES

The site is currently occupied by Yong Hong Tile & Bathroom Center which is a wholesale and retail ceramic tiles and floor coverings premises and Dapto Dogs mobile food truck with surrounding commercial and industrial land uses as shown in Figure 2-3 below:

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S SATISFACTORY



FIGURE 2: AERIAL IMAGE

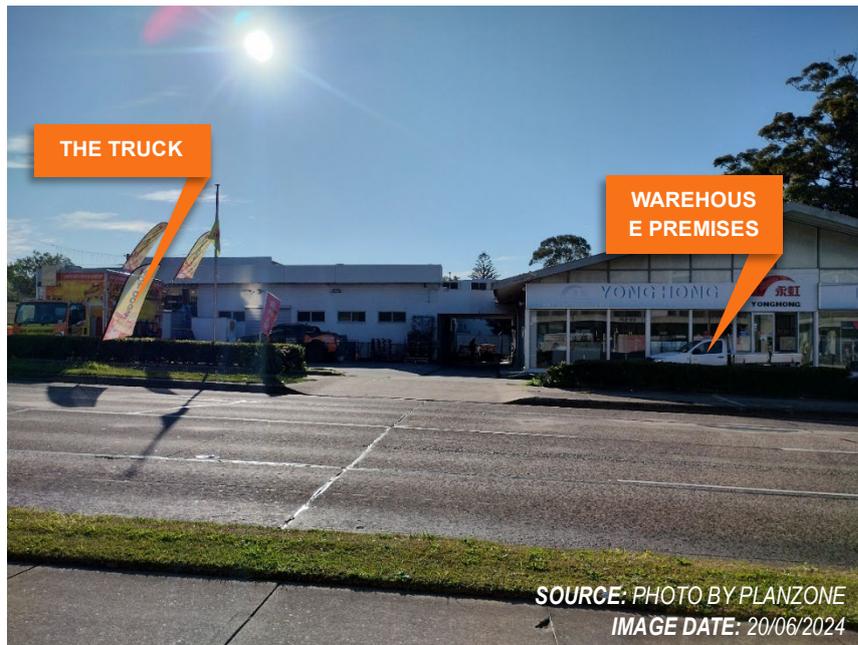


FIGURE 3: VIEW OF THE SITE FROM CANTERBURY ROAD

2.4 PAST USES AND DEVELOPMENT HISTORY

A review of Canterbury-Bankstown City Council’s online DA Tracking system has revealed the following development history for the subject site.

APPLICATION NUMBER	DESCRIPTION
DA-233/2015	Land and Environment Court Approved - Demolition of existing structures and construction of a mixed use development comprising of 4 commercial tenancies 52 residential apartments and basement car parking. Demolition of existing structures and construction of a mixed

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APPLICATION NUMBER	DESCRIPTION
	use development comprising of 4 commercial tenancies 73 residential apartments and basement car parking (as lodged)
C-CCPC-67/2011	Construction Cert Private Certifier
C-ROPR-135/2010	Road and Path Opening Permit
DA-557/2010	Use of the existing premises for the wholesale and retail of ceramic tiles and floor coverings
C-CCPC-131/2007	Construction Cert Private Certifier
DA-162/2007	Construction of advertising signs
ZCBAB-54/1993	Pre 1998 - Building Application - Air Conditioning

2.5 DESCRIPTION

The subject application seeks consent to extend the hours of operation for the premises and propose outdoor tables and chairs for the food truck. The table below lists the current Hours of Operation under the DA consent, as well as proposed Hours of Operation.

APPROVED HOURS OF OPERATION (DA 233/15)	PROPOSED HOURS OF OPERATION
Mondays to Saturdays 7:00am – 7:00pm	Mondays to Sundays 7:00am – 12:00am
Sundays Closed	Sundays 7:00am – 12:00am

TABLE 2: PROPOSED EXTENDED HOURS

The existing site plan is shown in Figure 4 below.

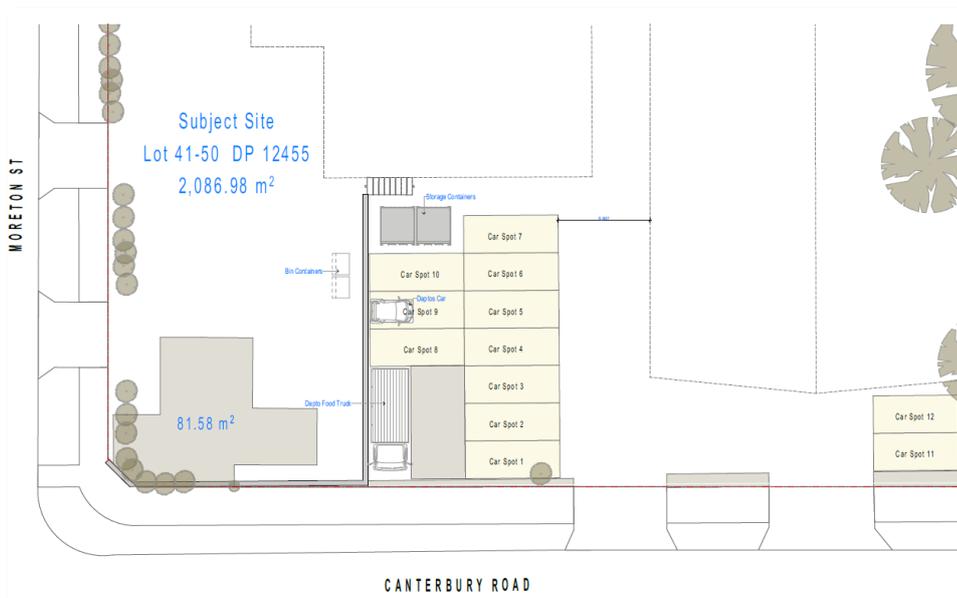


FIGURE 4: EXISTING SITE PLAN

2.6 THE BUILT FORM

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The application does not propose any changes to the existing built form including gross floor area, setbacks and building height.

2.7 CAR PARKING

No car parking spaces are proposed to change during the operation of food truck on site.

The proposed site plan during food truck operation is shown in Figure 5 below.

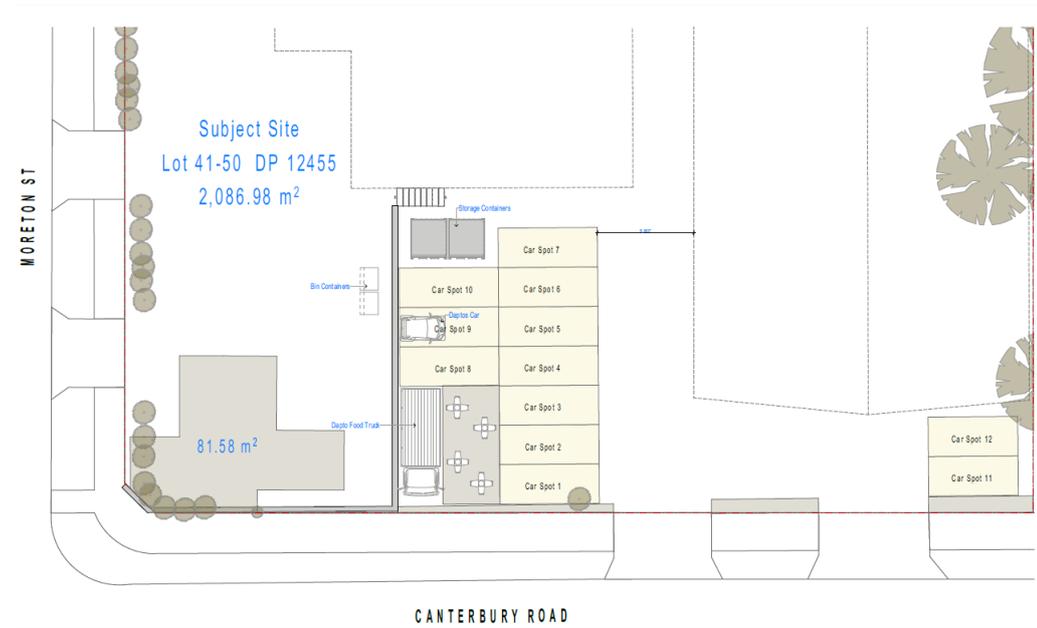


FIGURE 5: PROPOSED SITE PLAN

2.8 DELIVERIES AND LOADING AND UNLOADING

No changes are proposed to the existing loading/unloading arrangements on the site.

3 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 - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994;
- Section 4.15 - Evaluation:
 - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
 - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
 - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
 - Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
 - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
 - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
 - Section 4.15(1)(c) - The suitability of the site for the development;
 - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
 - Section 4.15(1)(e) - The public interest.

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➤ Section 4.46 - Integrated Development; and

4 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.

4.1 BIODIVERSITY CONSERVATION ACT, 2016

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

4.2 FISHERIES MANAGEMENT ACT, 1994

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

5 SECTION 4.15 EVALUATION EP&A ACT, 1979

5.1 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 development:

➤ Canterbury-Bankstown Local Environmental Plan 2023.

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

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

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
PART 1 - PRELIMINARY			
1.2	Aims of Plan	<p>The proposed development achieves the aims of the LEP in the following ways:</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,</p> <p>(b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,</p> <p>(c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-</p>	✓

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- ✗ DOES NOT COMPLY
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CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

CL	REQUIREMENT	PROPOSED	✓/✗
		<p>Bankstown,</p> <p>(d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,</p> <p>(e) to restrict development on land that is sensitive to urban and natural hazards,</p> <p>(f) to provide a range of residential accommodation to meet the changing needs of the population,</p> <p>(g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,</p> <p>(h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,</p> <p>(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,</p> <p>(j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,</p> <p>(k) 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,</p> <p>(l) 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,</p> <p>(m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,</p> <p>(n) to ensure development is accompanied by appropriate infrastructure,</p> <p>(o) to promote ecologically sustainable development.</p>	
1.4	Definitions are contained in the dictionary	The development is defined as a <i>'Food and drink premises,' 'Hardware and building supplies'</i> and <i>'Office premises'</i> under the LEP	✓
PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT			
2.2	Zoning of Land	The land is zoned B5 Business Development	✓
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 an existing food and drink premise that enables mixed land uses and promote high standards of urban design and local amenity.</p> <p>LAND USE TABLE:</p> <p><i>'Food and drink premise'</i> are permissible with consent.</p>	✓
2.5	Additional permitted uses	The site is not afforded with additional permitted uses	N/A

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 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
	for particular land	in Schedule 1 of the LEP.	
2.6	Subdivision - consent requirements	The subject application does not propose subdivision of the land.	N/A
2.7	Demolition requires development consent	No demolition works are proposed.	N/A
PART 4 - PRINCIPAL DEVELOPMENT STANDARDS			
4.1A	Minimum lot sizes and special provisions for dual occupancies	N/A, no changes proposed.	N/A
4.3	Height of Buildings	N/A, no changes proposed.	✓
4.3 (2C)	Maximum wall height for dwelling or dual occupancy in Zone R2 in Area 1 is 7m	N/A, no changes proposed.	N/A
4.4	Floor Space Ratio	N/A, no changes proposed.	✓
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	N/A, no changes proposed.	✓
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 proposed development is permissible, and the application does not rely on the provisions of this Clause.	N/A
5.4	Controls relating to miscellaneous uses	The proposed development is not for any of those listed in this Clause.	N/A
5.7	Development below mean high water mark	The site is not situated below the mean high-water mark.	N/A
5.10	Heritage Conservation Heritage Item: ✗ Conservation Area: ✗ In vicinity of item or area: ✗ Archaeological Site: ✗ Aboriginal Heritage: ✗	The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. The site is not identified as an archaeological site. There are no known Aboriginal sites in or near the subject site and no Aboriginal places declared in or near the site.	N/A
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 identified as "Flood Planning Area" on the <i>Flood Planning Map</i> .	N/A
PART 6 - LOCAL PROVISIONS			
6.1	Acid Sulfate Soils	The subject site is not identified as "Acid Sulfate	N/A

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 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		<i>Soils</i> “ on the <i>Acid Sulfate Soils Map</i> .	
6.2	Earthworks	N/A, no changes proposed.	N/A
6.3	Stormwater management and waster urban design	N/A, no changes proposed.	N/A
6.4	Biodiversity	The subject site is not identified as “ <i>Biodiversity</i> “ on the <i>Terrestrial Biodiversity Map</i> .	N/A
6.5	Riparian land and watercourses	The subject site is not identified as “ <i>Riparian land</i> “ on the <i>Riparian Lands and Watercourses Map</i> .	N/A
6.5	Limited development on foreshore area	The subject site is not located within a foreshore area.	N/A
6.7	Development in areas subject to aircraft noise	The subject site is not located within an area with an ANEF contour of 20 or above.	N/A

TABLE 3: CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE

(ii) SECTION 4.15(1)(A)(II)

THE PROVISIONS OF ANY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

DRAFT CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 - VARIOUS

Council has publicly exhibited various Draft Amendments to *Canterbury-Bankstown Local Environmental Plan 2023*. None of the Draft LEP Amendments are of relevance to the subject application or the subject site.

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

(iii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Canterbury-Bankstown Development Control Plan 2023 (the DCP) contains objectives and development controls for development of land located within the boundaries for the former Canterbury Local Government Area. There are minimal provisions in the DCP that are of relevance to this development, however a merit-based assessment has been carried out in conjunction with DCP controls as detailed below:

CONTROL	PROPOSED	✓/✗
Canterbury Road Enterprise Corridor		
Food truck specifications		
Building Form & Other	The food truck is located within B5 Business development zone adjacent to R3 Medium Density Residential zones separated by the Hunt Lane at an approximate distance of 34m from nearest residential dwelling. The application does not seek to change the built form, envelope, specifications or use, only extension of hours and seating arrangements that facing onto Canterbury Road. The food truck is situated adjacent to Canterbury Road which is	✓

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 ✗ DOES NOT COMPLY
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CONTROL	PROPOSED	✓/✗
	Classified Road and has secondary frontage to Moreton Street.	
Front setbacks B5 Zone along Canterbury Road and any secondary frontage	Standard: 3m from street boundary Existing: 5.19m from Canterbury Street 21.16m from Moreton Street	✓
Hours of Operation		
	The application seeks to extend the hours of operation till 12 am, 7 days a week. The subject site has frontage to Canterbury Road which is Classified Road which generates commute and generates vehicle noise. The application proposes dining chairs and extensions of hours that do not negatively impact the surrounding land uses or further contribute to excessive noise pollutions created by Canterbury Road. The food truck is completely self-sustainable with no equipment that contributes to excessive noise or pollutions.	✓
Pedestrian amenity		
Safety and mobility	The subject sites does not proposes any pedestrian corridor or pathways, and sustains the existing through-site links and connectivity corridors for pedestrian mobility. The existing pedestrian pathways are proposed to be retained. The proposal will not adversely impact pedestrian access, street frontage, street intersections/ lanes and does not propose an external structure impacting the public domain.	✓
Traffic and Access		
Car parking allocation 1 space per 27m ² GFA (> 1,000m ²)	The application does not propose an increase in gross floor area, the existing car parking spaces are to be retained.	

TABLE 4: MERIT BASES ASSESSMENT COMPLIANCE TABLE

(iia) SECTION 4.15(1)(A)(IIIA)

THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER S7.4

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 of the Act.

(iv) 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	Residential apartment development	N/A
61(1)	In the case of a DA for the demolition of a building, the provisions of AS 2601	N/A

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

TABLE 5: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

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

THE LIKELY IMPACTS OF THE DEVELOPMENT

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

The subject application seeks consent to extend the hours of operation for the premises and propose outdoor tables and chairs for the food truck at 857-875 Canterbury Road, Lakemba.

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

The assessment details 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 below.

5.2.1 SITING, DESIGN AND THE BUILT FORM

The subject application does not seek consent for any building work that would result in any changes to the existing approved siting, design and built form of the existing commercial space used for 'Food and drink premises' purposes.

5.2.2 PRIVACY

Privacy impacts will remain unchanged as a result of the extended Hours of Operation sought under this DA.

5.2.3 SOLAR ACCESS AND OVERSHADOWING

The subject site will be subject to the same levels of solar access and overshadowing impacts as existing under the extended Hours of Operation sought under this DA.

5.2.4 TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

No tree removal or landscaping is proposed. No impact on flora and fauna is envisaged as a result of the development.

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 ✓ COMPLIES
 ✘ DOES NOT COMPLY
 S SATISFACTORY



5.2.5 TRAFFIC & PARKING

The application does not propose any changes to the existing approved car parking arrangements on site. There will also be an abundance of on-street carparking spaces during evening/night time hours.

5.2.6 UTILITIES/INFRASTRUCTURE

The augmentation of existing utilities and infrastructure will not be required as part of the scope of works proposed.

5.2.7 NATIONAL CONSTRUCTION CODES/BUILDING CODE OF AUSTRALIA

The application will not result in any changes to the level of existing compliance achieved with the National Construction Codes (NCC)/Building Code of Australia (BCA).

5.2.8 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 declared in or near the site.

5.2.9 SOCIAL IMPACTS

Given the nature and scale of the proposed development, the proposal will not create any adverse social impacts on the community.

5.2.10 ECONOMIC IMPACTS

The subject application is not anticipated to create any adverse economic impacts for the local and wider community. The extension of Hours of Operation will create small-scale employment opportunities for local residents.

5.2.11 NOISE

The proposed extended Hours of Operation are expected to lead to reasonable level of acoustic considering the residential properties on the eastern side of the road. It is noted that a number of food outlets operate within the local area, including until the late hours of midnight and on the weekends with no impacts understood to have been caused by those uses.

Given that the premises will operate as a takeaway business with small dining area for quick meals, there is limited to no opportunity for any acoustic impacts to arise. Notwithstanding this, an Acoustic Report can be provided at Council's request if considered necessary for this proposal.

5.2.12 STORMWATER MANAGEMENT

No changes are proposed to the existing stormwater arrangements on the site.



5.2.13 SOIL MANAGEMENT

The application does not propose any site work that would disturb or expose any soils.

5.2.14 CONTAMINATION

There is no reason to suspect that the site is contaminated or will be contaminated as a result of the proposed extension in Hours of Operation.

5.2.15 WASTE MINIMISATION/MANAGEMENT

The approved waste management arrangements for the premises will remain unchanged as part of the proposed development.

5.2.16 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

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

SURVEILLANCE:	The proposal includes extended hours of operation that will activate the street and public domain and provide increased opportunity for surveillance and increased security.
ACCESS CONTROL:	The existing site 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 boundary fences are constructed from durable materials that will require low levels of maintenance and ensure the development continues to appear cared for.

5.2.17 CONSTRUCTION IMPACTS

No construction is proposed for there to be any construction related impacts on the locality.

5.2.18 ESD & THE CUMULATIVE IMPACT

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

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

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

The subject application seeks consent for to extend the hours of operation for the premises and propose outdoor tables and chairs for the food truck at 857-875 Canterbury Road, Lakemba.

The proposal will continue to achieve the objectives of the B5 Business Development zone under the *Canterbury-Bankstown Local Environmental Plan 2023*.

The site is not impacted by any easements or other site constraints that would restrict the

LEGEND:
 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



proposed development or otherwise render the site unsuitable for the proposed development. The assessment of the proposal contained within this Statement outlines how the proposal achieves a satisfactory level of compliance with Council’s LEP and DCP requirements for the siting, location and design of the proposed development.

Having regard to the site capacity, previous uses and the approved use, the proposed extension in Hours of Operation will support broader hours of operation for the approved uses on the site. The subject site is situated in an area predominately characterised by industrial and commercial uses to the north, south and west and residential uses to the east. The assessment of the proposal contained within this Statement details how the proposal complies with Council’s requirements and will have minimal impacts on the locality.

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

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

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

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

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

THE PUBLIC INTEREST.

The use of the premises will remain permissible on the land pursuant to the B5 Business Development zoning provisions applying to the land under *Canterbury-Bankstown Local Environmental Plan 2023* and the proposal will allow the site to better achieve the objectives of the B5 Business Development zone. The proposed Hours of Operation 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 development satisfies the client’s requirements, is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality.

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.

6 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as “*integrated development.*” An assessment 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>	N/A	<i>Protection of the Environment Operations Act 1997</i>	N/A
<i>Heritage Act 1977</i>	N/A	<i>Roads Act 1993</i>	N/A
<i>Mines Subsidence Compensation Act 1961</i>	N/A	<i>Rural Fires Act 1997</i>	N/A
<i>Mining Act 1992</i>	N/A	<i>Water Management Act 1912</i>	N/A
<i>National Parks & Wildlife Act 1974</i>	N/A	<i>Water Management Act 2000</i>	N/A
<i>Petroleum (Onshore Act) 1991</i>	N/A		

TABLE 6: INTEGRATED DEVELOPMENT TRIGGERS

LEGEND:
 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



7 CONCLUSION

The subject application seeks consent to extend the hours of operation for the premises and propose outdoor tables and chairs for the food truck at 857-875 Canterbury Road, Lakemba.

The proposed development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15 and 4.46 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*. 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:

- Canterbury-Bankstown Local Environmental Plan 2023; and
- Canterbury-Bankstown Development Control Plan 2023.

Upon completion, the development will support the client's business, activate the streetscape during night-time hours, provide a source of employment and enjoyment for residents of Canterbury-Bankstown during the evening, as well as not affecting access to the current premises nor creating any notable impacts to the primary existing use. The development will not intensify utility consumption and also be respectful to nearby residential properties regarding noise generation.

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

In view of the above and having regard to the assessment provided throughout this Statement, the development is considered worthy of Council's approval.