
STATEMENT OF ENVIRONMENTAL EFFECTS

DA FOR RETENTION AND USE OF COVERED OUTDOOR STORAGE AREA,
COOL ROOM AND COVERED OUTDOOR DECK

130-132A EDGAR STREET, CONDELL PARK NSW 2200





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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 retention and use of covered outdoor storage area, cool room and covered outdoor deck at 130-132A Edgar Street, Condell Park NSW 2200.

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.

This DA application seeks ONLY to address the built structures on site. 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;
- Architectural Plans prepared by PLANZONE Design;
- Survey plan prepared by East West Surveyors Pty Ltd.

Accordingly, the built structures 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).

PLEASE NOTE: This Building Information Certificate proposes the retention of the existing built structures in relation to the kitchen workspace, covered outdoor storage area and covered outdoor deck.

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 in a future Development Application.

The application is made pursuant to Part 4 of the Act as local development. The application 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.

LEGEND:
✓ COMPLIES
✗ NON-COMPLIANT
S SATISFACTORY



DEVELOPMENT	TRIGGER
	(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 application.

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 and should be read in conjunction with the plans and documents accompanying the application.

2 THE SITE AND SURROUNDS

ADDRESS: 130-132A Edgar Street, Condell Park NSW 2200

LEGAL DESCRIPTION: Lot 2 in Deposited Plan 170671

SITE AREA: 499.5m²

ORIENTATION: The subject site is situated on the eastern side of Edgar Street and the northern side of Marion Street, Condell Park as illustrated in Figure 1.

LOCATION MAP:

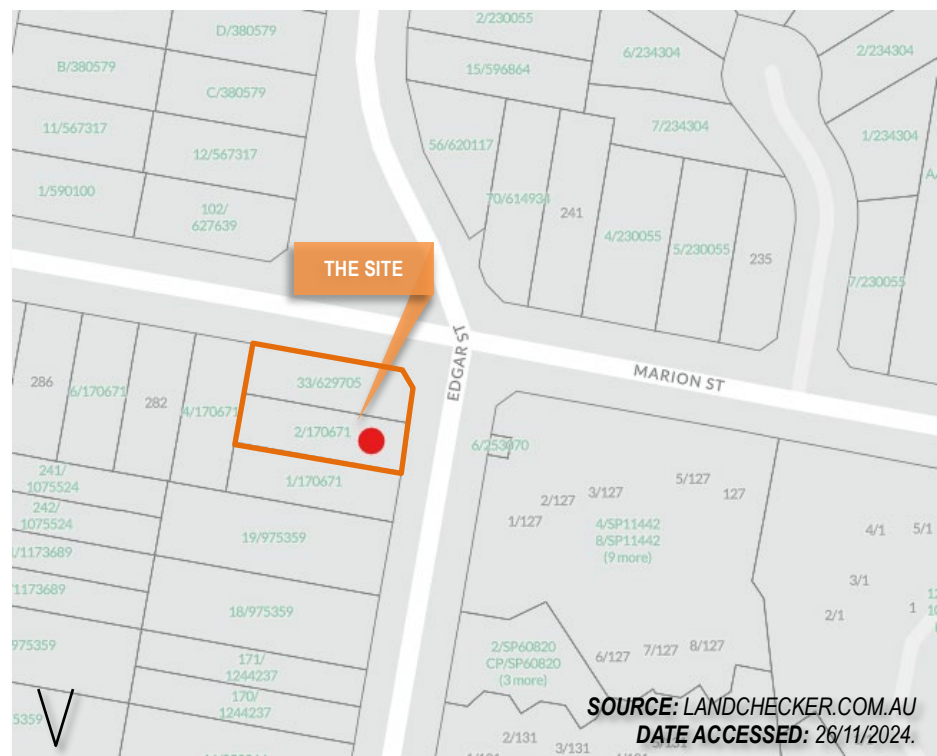


FIGURE 1: LOCATION MAP

LEGEND:
✓ COMPLIES
✗ NON-COMPLIANT
S SATISFACTORY



AERIAL MAP:



FIGURE 2: AERIAL PHOTO

EXISTING IMPROVEMENTS:

Existing improvements on the site includes a service station, shops and café.

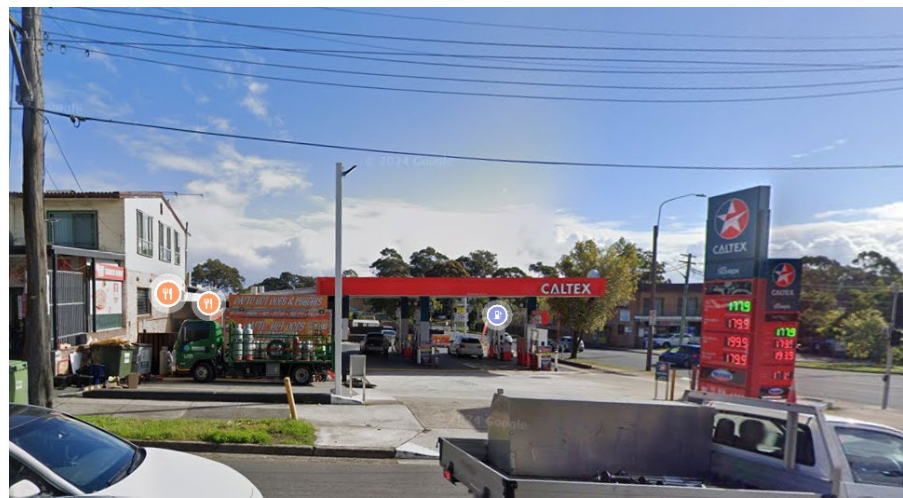


FIGURE 3: VIEW OF THE SUBJECT SITE FROM EDGAR STREET

LEGEND:

- ✓ COMPLIES
- ✗ NON-COMPLIANT
- S SATISFACTORY



FIGURE 4: VIEW OF SUBJECT SITE FROM MARION 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 1955 aerial imagery indicates the subject site had a low scale residential development and in 1958 the current service station and shop complex appears. A review of Council's online DA Tracking system has revealed prior development history for the subject site. Below is the application history relevant to this application:

- CD-1501/2024 – Fitout and use of part of premises as a food and drink premises - restaurant or café
- DA-1163/2022/A – Replacement of existing fuel pumps and addition of two new pumps, extension to canopy and internal fit out and change of use from existing mechanic shop to a beverages and tobacco shop.
- PROPOSED MODIFICATION: Replacement of approved signage and branding [Section 4.55(1A)]
- DA-1163/2022 – Replacement of existing fuel pumps and addition of two new pumps, extension to canopy and internal fit out and change of use from existing mechanic shop to a beverages and tobacco shop
- Old Development Applications – Erection of Service Station, Shops and Residence (Lots 1,2 &3 in res. Lots 20/23, 410L)
- Erection of a 40-ft radio mast for transmission and receiving purposes

3 THE PROPOSAL

DESCRIPTION:

The subject Development Application seeks consent for the retention and use of covered outdoor storage area, cool room and covered outdoor deck at 130-132A Edgar Street, Condell Park NSW 2200.

DEFINITION:

Pursuant to the definitions contained in the LEP dictionary, the development remains defined as '*Service station*' as approved:

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor

LEGEND:

- ✓ COMPLIES
- ✗ NON-COMPLIANT
- S SATISFACTORY



		vehicles, (b) the cleaning of motor vehicles, (c) installation of accessories, (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration), (e) the ancillary retail selling or hiring of general merchandise or services or both.
DEMOLITION EARTHWORKS:	AND	No demolition or earthworks are proposed as part of the application. This application only seeks to retain the existing built structures.

TABLE 2: DEVELOPMENT AND BUILT FORM SNAPSHOT

4 PLANNING FRAMEWORK

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

5 SECTION 1.7 EVALUATION EP&A ACT, 1979

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

5.1 BIODIVERSITY CONSERVATION ACT, 2016

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

5.2 FISHERIES MANAGEMENT ACT, 1994

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

6 SECTION 4.15 EVALUATION EP&A ACT, 1979

LEGEND:

- ✓ COMPLIES
- ✗ NON-COMPLIANT
- S SATISFACTORY



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

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

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable to this DA as discussed below:

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

CHAPTERS	APPLICABLE?
CURRENT VERSION FOR 26 NOVEMBER 2024	
CHAPTER 2: VEGETATION IN NON-RURAL AREAS	✓
CHAPTER 3: KOALA HABITAT PROTECTION 2020	N/A
CHAPTER 4: KOALA HABITAT PROTECTION 2021	N/A
CHAPTER 5: RIVER MURRAY LANDS	N/A
CHAPTER 6: WATER CATCHMENTS	N/A
CHAPTER 7-12: REPEALED	N/A
CHAPTER 13 STRATEGIC CONSERVATION PLANNING	N/A

TABLE 3: BIODIVERSITY & CONSERVATION SEPP 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 B1: Neighbourhood Centre zone. The site does not contain any existing vegetation of significance or native vegetation.

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 4: RESILIENCE & HAZARDS SEPP APPLICABLE CHAPTERS

CHAPTER 4: REMEDIATION OF LAND

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience & Hazards SEPP) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a 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 5: 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>	✗

TABLE 6: 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



SECT.	TRANSPORT & INFRASTRUCTURE SEPP - RAILWAYS PROVISIONS		✓/✗
2.98	<i>Development Adjacent to Rail Corridors</i>	Is the land in or adjacent to a rail corridor?	N/A
2.99	<i>Excavation in, above, Below or adjacent to Rail Corridors</i>	Does the development involve at least 2 metres excavation below ground level within, below or above a rail corridor, or within 25 metres of a rail corridor?	N/A
2.100	<i>Impact of Rail Noise or Vibration on Non-Rail Development</i>	Is the development for any of the following purposes that is on land in or adjacent to a rail corridor: (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility.	N/A

TABLE 7: TRANSPORT & INFRASTRUCTURE SEPP - RAILWAYS PROVISIONS

PART 2.3 - DIVISION 17 - ROADS AND TRAFFIC

SECT.	TRANSPORT & INFRASTRUCTURE SEPP - ROADS & TRAFFIC PROVISIONS		✓/✗
2.119	<i>Development with frontage to classified road</i>	Does the site have a frontage to a Classified or Regional Road?	N/A
	(a) where practicable and safe, is vehicular access to the land is provided by a road other than the classified road?		N/A
	(b) Will the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land?		N/A
	(c) Is the development is of a type that is sensitive to traffic noise or vehicle emissions?		N/A
2.120	<i>Impact of road noise or vibration on non-road development</i>	Does the street have an AADT exceeding 20,000 vehicles?	N/A
	Is the development for any of the following? (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility.		N/A
2.122	<i>Traffic generating development</i>	Is the development a traffic generating development specified in Column 1 of the Table to Schedule 3?	N/A

TABLE 8: TRANSPORT & INFRASTRUCTURE SEPP - ROADS AND TRAFFIC PROVISIONS

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	✓/✗
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PART 1 - PRELIMINARY

1.2 Aims of Plan

- (1) *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.*
- (2) *The particular aims of this Plan are as follows—*
- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,*
- (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,*
- (c) *to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,*
- (d) *to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
- (e) *to restrict development on land that is sensitive to urban and natural hazards,*
- (f) *to provide a range of residential accommodation to meet the changing needs of the population,*
- (g) *to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,*
- (h) *to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,*
- (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,*
- (j) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
- (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,*
- (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,*
- (m) *to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*
- (n) *to ensure development is accompanied by appropriate infrastructure,*

✓

LEGEND:

- ✓ COMPLIES
✗ NON-COMPLIANT
S SATISFACTORY



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		(o) to promote ecologically sustainable development.	
PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT			
2.2	Zoning of Land	The land is zoned B1: Neighbourhood Centre	✓
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 provides a small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood, is compatible with the mix of uses in the neighbourhood and promotes</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: 11m</p> <p>PROPOSED: No changes are proposed</p>	N/A
4.4	Floor Space Ratio	<p>STANDARD: 1.5:1</p> <p>PROPOSED: 0.94:1</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



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
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 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 9: CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE

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

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

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

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
CHAPTER 2 – SITE CONSIDERATIONS			
2.1	<i>Chapter 2.1 - Site Analysis</i>	A Site Analysis Plan accompanies the application in a separate cover in accordance with the provisions of this control.	✓

LEGEND:
 ✓ COMPLIES
 ✗ NON-COMPLIANT
 S SATISFACTORY



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
2.2 & 2.4	Chapter 2.2 – 2.4	<p>The subject site integrates and acknowledges the principles of the controls; however, deemed unnecessary and not applicable considering the nature of works for:</p> <ul style="list-style-type: none"> ▶ Flood Risk Management; ▶ Tree Management; and <p>Pipeline Corridors.</p>	N/A
CHAPTER 3 – GENERAL REQUIREMENTS			
CHAPTER 3.1 - DEVELOPMENT ENGINEERING STANDARDS			
2	Civil Engineering Requirements	No changes are proposed to the existing public roads and levels, vehicular footway crossing and internal driveway.	✓
3	Stormwater Drainage System	<p>No changes are proposed to existing stormwater system on site.</p> <p>The subject site is not mapped as being in a <i>Flood Planning Area</i> or <i>Flood Prone Land</i> on the <i>Flood Planning Area Map</i>.</p>	✓
4	On-site Detention Systems	The application does not seek on-site detention system.	N/A
CHAPTER 3.2 – PARKING			
SECTION 1 - INTRODUCTION			
	Objectives	<p>O1 The site achieves the parking requirements.</p> <p>O2 The site achieves a balance between parking requirements, visual aesthetics and pedestrian safety, including access for people with disabilities and convenience for drivers.</p> <p>O3 The unauthorized works do not impact the existing transport facilities.</p> <p>O4 No changes are proposed to the existing layout and design of car parks.</p> <p>O5 No changes are proposed to the existing design of parking spaces.</p> <p>O6 The unauthorized works do not impact parking and other traffic impacts in residential streets and neighbourhoods.</p>	✓
SECTION 2 – OFF-STREET PARKING RATES			
	Service station	The site has total of 7 parking spaces combined for the service station and restaurants on site.	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
	<p>6 car spaces for each work bay; or if no work bay is provided, 1 car space for each employee.</p> <p>Where a convenience store is provided, 1 car space per 20m² gross floor area.</p> <p>Where restaurant with greater than 100m² of total dining/bar area is provided, 0.15 car space per square metre in excess of 100m².</p> <p>Note: For combinations of the above uses, the total requirement may be reduced if it can be proven that the times of peak demand for the various uses do not coincide.</p>	<p>5 parking spaces as required under the S4.55 modification of DA-1163/2022.</p> <p>The other restaurant/café on site has an approximate area of roughly 174.3m² with a dining area of 64m² (rough calculations off the online images) and did not require any additional parking to be provided.</p> <p>The subject shop approved under a CDC has an area of 60m² with a dining area of 22m² and did not require any additional parking to be provided. The unauthorized additions of the outdoor covered deck add an outdoor dining area of 23.64m² to the total shop area. The total dining area combined of all shops/restaurants on site results in dining area of about 109.64m². Based on the 0.15 car spaces per square metre in excess of 100m² control, the unauthorized additions does not require any additional parking spaces to be provided.</p>	

SECTION 3 – DESIGN AND LAYOUT

3.1 –	Parking location		
3.2		<p>No changes are proposed to existing car parking areas. The parking spaces are not close to intersection or on crests or curves. Appropriate sight lines are provided. The outdoor deck and storage area additions do not obstruct drivers from having a clear view of pedestrians and vehicles. The parking spaces and built additions do not interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings.</p> <p>Parking areas for people with disabilities are close to the entrance to shops and restaurants.</p>	✓
3.20 –	Pedestrian access		
3.22		<p>Existing parking areas are designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits.</p>	✓
3.30 –	Visitor parking		
3.32		<p>Existing parking spaces are clearly marked to ensure easy access and location. The parking areas are located close to the shop entrances and do not encroach front setbacks.</p>	✓

CHAPTER 3.3 - WASTE MANAGEMENT

LEGEND:
 ✓ COMPLIES
 ✗ NON-COMPLIANT
 S SATISFACTORY



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
4	<i>Commercial Development</i>	The existing on-going waste management practices and bin allocation are proposed to be retained. Accordingly, a waste management plan is not required.	✓
CHAPTER 3.4 SUSTAINABLE DEVELOPMENT			
2	<i>Water conservation</i>	The application seeks retention and use of built structures which don't require any energy minimisation strategies.	N/A
3	<i>Energy Minimisation</i>	The application seeks retention and use of built structures which don't require any energy minimisation strategies.	N/A
CHAPTER 3.7 LANDSCAPE			
2	<i>Landscaping Design</i>	No changes are proposed to the existing landscape design of the site.	✓
3	<i>Biodiversity</i>	The proposed development is not situated within biodiversity mapped area in accordance with LEP.	N/A
CHAPTER 4 – HERITAGE			
4.1- 4.4	<i>Heritage Items</i>	<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 any Heritage Conservation Area.</p> <p>The site is not identified as an archaeological site.</p> <p>There are no known Aboriginal sites in or near the subject site and no Aboriginal places declared in or near the site.</p>	✓
CHAPTER 7 – COMMERCIAL CENTRES			
CHAPTER 7.1 – GENERAL REQUIREMENTS			
SECTION 1 - INTRODUCTION			
	<i>Objectives</i>	<p>O1 The site provides development compatible with the centres hierarchy and desired character of the centres.</p> <p>O2 The built works promote good design and amenity of the built environment.</p> <p>O3 The subject site and works enhance the amenity for people who work in, live in and visit the centres.</p>	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
		O4 The restaurant will facilitate ecologically sustainable development.	
		O5 The restaurants provides a high quality and activated public domain with good solar access.	
SECTION 2 – ACTIVE STREET FRONTAGES			
	<i>Controls</i>	The site is not identified as active street frontage on the CBLEP maps.	N/A
SECTION 9 – GENERAL DESIGN AND AMENITY			
9.20	<i>Amenity</i>	<p>The development does not relate to shop top housing or mixed-use development comprising dwellings. However, the site is surrounded by residential and mixed-use development comprising of dwelling.</p> <p>The application is for retention of built additions to the existing shop on the site. No new development is proposed. The built additions will not adversely impact on the amenity of dwellings within the adjoining sites. No changes are proposed in regard to traffic movement or parking that would generate additional noise. Appropriate measures will be undertaken to ensure fumes, gases, smoke, dust or odours, or the like, do not affect the neighbouring sites.</p>	✓
9.21	Development adjacent to residential zones	<p>The subject site is surrounded by Zone R2 on all sides.</p> <p>(a) The built additions are compatible with the height, scale, siting and character of existing commercial development on site and of residential development within the adjoining residential zone.</p> <p>(b) The applications is for retention of built additions.</p> <p>(c) The built additions maintain reasonable solar access to surrounding residential buildings.</p> <p>(d) The built additions do not require provision of additional parking spaces. The additional dining area is expected to generate some noise; however this will be managed by having limited hours of operation for the shop instead of the 24/7 hours of the service station.</p>	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
		(e) Appropriate measure will be applied to avoid any nuisance caused by fumes, gases, smoke, dust or odours, or the like. (f) No windows or balconies facing residential areas are provided.	
9.22	Food premises	The existing café and built structure are designed, constructed and will be operated in accordance with: (a) Food Act 2003; (b) Food Regulation 2010; (c) FSANZ Food Standards Code; and (d) Australian Standard AS 4674–2004, Design, construction and fit out of food premises.	✓

CHAPTER 7.4 – NEIGHBOURHOOD CENTRES

SECTION 1 - INTRODUCTION

Objectives		O1 The outdoor deck and storage space are compatible with the existing structures on the site and do not impact the desired character of the neighbourhood centre. O2 The built works enhance the amenity of the restaurant/café for the people who work and visit in the neighbourhood. O3 The development does not propose any changes to existing public domain that would impact the solar access or cause negative impacts. O4 The built additions facilitate ecologically sustainable development.	✓
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SECTION 2 – NEIGHBOURHOOD CENTRES

C1	Desired character <i>Neighbourhood centres</i>	The site provides a range of small-scale retail, business and community uses for the neighbourhood and the built form is compatible with the prevailing character and desired amenity.	✓
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SECTION 2 – BUILDING FORM

3.1	Development controls Storey limit (not including basement) <i>11m for all other neighbourhood centres</i>	No changes are proposed to existing storeys approved under CD-1501/2024.	✓
3.2	Street setbacks <i>The minimum setback to the primary and secondary street frontages of the site is zero</i>	The authorised works are compliant with the street setback control.	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
	<i>setback for the basement level, the first storey (i.e. the ground floor), and the second storey.</i>		
3.3	Side and rear setbacks <i>Where development is adjacent to residential zoned land, Council may increase the minimum setbacks to the side and rear boundaries.</i>	Noted.	✓
3.4	<i>For blank building walls with no window or balcony, the minimum setback to the side and rear boundaries of the site is zero setback for the basement level, the first storey (i.e. the ground floor), and the second storey.</i>	The outdoor storage and deck have more than required setback to the side setback and maintains the existing rear setback.	✓
3.5	<i>The maximum depth for cross-through dwellings (i.e. single or dual aspect dwellings where the side building walls do not contain a window or balcony) is 14m</i>	N/A	N/A
3.6	<i>For building walls with a window or balcony in commercial development, shop top housing, and mixed-use development that contains dwellings, the minimum setbacks to the side and rear boundaries of the site are: (a) 3m for the first storey (i.e. the ground floor). Council may allow a setback less than 3m provided it complies with the Building Code of Australia; and (b) 3m for the second storey.</i>	N/A, not commercial or mixed-use development that contains dwellings.	N/A
3.7	<i>For building walls with a window or balcony in residential flat buildings, the minimum setback to the side and rear boundaries of the site is 5m for all storeys.</i>	N/A, not residential building.	N/A
3.8	Setbacks within the site <i>The minimum setbacks between two or more habitable buildings on the site are: (a) 9m between the external enclosing walls of dwellings; and (b) 6m between the balconies, above ground decks, and the like of dwellings</i>	N/A	N/A

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

(iii) 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 built structures.

(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>	✗

LEGEND:

- ✓ COMPLIES
- ✗ NON-COMPLIANT
- S SATISFACTORY



SEC.	MATTER FOR CONSIDERATION	✓/✗
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 11: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

6.2 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 retention and use of covered outdoor storage area, cool room and covered outdoor deck at 130-132A Edgar Street, Condell Park NSW 2200.

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

6.2.1 SITING, DESIGN AND THE BUILT FORM

The proposal's compliance with the applicable development controls indicates that the development is appropriately sited, observes a high standard of design and proposes a built form that will be compatible with the local area. The built structures remain wholly within site boundary and do not affect the outlook, solar access, natural ventilation and visual and acoustic privacy. The structures have been designed to integrate and be consistent with the character of development envisaged in the local 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 *Canterbury-Bankstown Local Environmental Plan 2023* and the *Canterbury-Bankstown Development Control Plan 2023*.

6.2.2 PRIVACY

The development will not create any adverse privacy impacts as primarily proposes to continue the existing approved use 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.

6.2.3 SOLAR ACCESS AND OVERSHADOWING

LEGEND:
✓ COMPLIES
✗ NON-COMPLIANT
S SATISFACTORY



No changes are proposed.

6.2.4 LANDSCAPING, TREE REMOVAL, FLORA & FAUNA

No impact on flora and fauna is envisaged as a result of the built structures.

6.2.5 ACCESS, TRAFFIC & PARKING

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

6.2.6 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.

6.2.7 NATIONAL CONSTRUCTION CODES/BUILDING CODE OF AUSTRALIA

The development has been designed to ensure that the proposal is capable of achieving compliance with the National Construction Codes (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be addressed at the Construction Certificate stage and if necessary, conditions may be imposed by Council in relation to the building complying with the provisions of the NCC/BCA.

6.2.8 HERITAGE IMPACTS

The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. 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.

6.2.9 SOCIAL IMPACTS

The built structures are considered to provide a positive social impact for the local and wider community. No changes are proposed.

6.2.10 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.

6.2.11 STORMWATER MANAGEMENT

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

6.2.12 SOIL MANAGEMENT

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

6.2.13 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.

6.2.14 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The built structures will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.

6.2.15 CONSTRUCTION IMPACTS

The application is for retention and use of built structures. No new construction is proposed.

6.2.16 ESD & THE CUMULATIVE IMPACT

The built structures 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.

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

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

The subject DA seeks consent for retention and use of covered outdoor storage area, cool room and covered outdoor deck on the subject property.

The land is zoned B1 Neighbourhood Centre pursuant to *Canterbury-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 built structures under *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023*.

The built structures 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 built structures.

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

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

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

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

THE PUBLIC INTEREST.

The land is zoned B1 Neighbourhood Centre pursuant to *Canterbury-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 structures 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 built structures and the subject site is considered to be suitable for the development.

The built structures will have minimal impact on the locality and amenity of surrounding industrial complexes and will complement the character of existing developments in the streetscape and will provide a need for the local and wider community.

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

7 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as “*integrated development*.” An assessment 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>	✗		

TABLE 12: INTEGRATED DEVELOPMENT TRIGGERS

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

8 CONCLUSION

The subject DA seeks consent for retention and use of covered outdoor storage area, cool room and covered outdoor deck at 130-132A Edgar Street, Condell Park NSW 2200.

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

The land is zoned B1 Neighbourhood Centre pursuant to *Canterbury-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 structures. The built form of the built structures achieves a high level of compliance with the requirements prescribed in the applicable State Environmental Planning Policies, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023*.

The built structures will positively contribute to the preservation of neighbourhood centre that will in turn encourage employment opportunities. The subject site is situated in a neighbourhood centre with area surrounded by similar scale residential development, making the location ideal for the development.

Overall, when completed, the built structures will have minimal impact on the locality and amenity of surrounding residential area and will integrate within the character of existing developments in the local streetscape.

This Statement demonstrates that the development will allow for the orderly and economic use and development of the land; that the subject site is suitable for the development; and that the structures 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.