

# STATEMENT OF ENVIRONMENTAL EFFECTS



93 Lakemba Street, Belmore NSW

Change of use of existing dwelling house to light industry and regularisation of unauthorised works (see section 3.2 for further details)

19 February 2025 | P836  
Revision B

**Weir  
Phillips**  
Heritage  
and Planning

Level 19, 100 William Street, Sydney, NSW 2011  
Phone: (02) 8076 5317

Report Preparation	
Director	Philip North, BAppSc(EnvDes), BArch, MURP, GradCertHeritCons, RAIA MPIA CPP
Senior Planner	SAKK, BTP, DipCH, MCH

Revisions			
Revision	Date	Prepared by	Reviewed by
Draft 1	11.03.2024	SAKK	PN
Final	11.03.2024	PN	PN
Revision A	24.06.2024	PN	PN
Revision B	19.02.2025	PN	PN

*We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all aboriginal people.*

© Astragal Heritage Pty Ltd ABN 40 600 197 859 All Rights Reserved. No material may be reproduced without prior permission.

#### **Disclaimer**

Any representation, statement, opinion or advice expressed or implied in this report is made in good faith but on the basis that Astragal Heritage Pty Ltd is not liable (whether by reason of negligence, lack of care or otherwise) to any person for loss or damage or loss whatsoever which has occurred or may occur in relation to that person taking, or not taking (as the case may be) action in any respect of the representation.

While any representation, statement, opinion or advice in this report is provided in good faith, it does not guarantee that a development approval will be issued by the Consent Authority, nor give expressed or implied support to any development proposal, unless solely by professional recommendation and opinion.

[www.weirphillipsheritage.com.au](http://www.weirphillipsheritage.com.au)

---

## Table of Contents

<b>1.0</b>	<b>INTRODUCTION</b>	<b>4</b>
1.1	Purpose	4
1.2	Summary of Compliance	4
1.3	Material Relied Upon	5
<b>2.0</b>	<b>THE SITE</b>	<b>5</b>
2.1	Site Location	5
2.2	Site Surrounds	6
2.3	The Site	9
2.4	Existing Site Features	11
2.5	Previous Applications	11
<b>3.0</b>	<b>THE PROPOSAL</b>	<b>12</b>
3.1	Proposal background	12
3.1.1	Building Information Certificate Application No. BC-86/2023	12
3.1.2	Development Application No. DA-319/2024	13
3.2	Proposal Summary	16
<b>4.0</b>	<b>CONSENT AUTHORITY</b>	<b>17</b>
<b>5.0</b>	<b>ENVIRONMENTAL PLANNING ASSESSMENT</b>	<b>17</b>
5.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	17
5.1.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	18
5.1.3	State Environmental Planning Policy (Resilience and Hazards) 2021	19
5.1.4	Canterbury Bankstown Local Environmental Plan 2023	19
5.2	Section 4.15(1)(a)(iii) – Development Control Plans	21
5.2.1	Canterbury Bankstown Development Control Plan 2023	21
5.3	Section 4.15(1)(a)(iia) Planning Agreements	31
5.4	Section 4.15(1)(a)(iv) Matters Prescribed by the Regulations	31
5.5	Section 4.15(1)(b) Likely Impacts of the Proposed Development	31
5.5.1	Streetscape	31
5.5.2	Overshadowing	31
5.5.3	Privacy	31
5.6	Section 4.15(1)(c) – Suitability of the Site for Development	31
5.7	Section 4.15(1)(d) – Submissions	31
5.8	Section 4.15(1)(e) – Public Interest	31
<b>6.0</b>	<b>CONCLUSION</b>	<b>31</b>

## 1.0 INTRODUCTION

### 1.1 Purpose

This Statement of Environmental Effects has been prepared to accompany a development application for change of use of existing dwelling house to light industry (tiling business) and regularisation of unauthorised works (refer to section 3.2 of this report for details) at 93 Lakemba Street, Belmore.

It has been prepared in accordance with Schedule 1(2)(1)(c) of Environmental Planning and Assessment Regulation 2000 ('EPA Reg. 2000') for the purposes of indicating, as required, the following:

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

### 1.2 Summary of Compliance

Performance against Council's numerical controls is summarised below:

Summary Planning Data				
Site Area	Zone	FSR	Height	Heritage
455.3m <sup>2</sup>	IN2 Light Industrial	1:1	Not applicable	Not applicable

Summary Numerical Compliance Table				
Planning Document	Clause	Control	Proposed	Comp
CBLEP 2023	Zone	IN2 Light Industrial	Light industry (tiling business)	Y
CBLEP 2023	Height of buildings	Not applicable	Not applicable	N/A
CBLEP 2023	Floor space ratio	1:1 (453.3m <sup>2</sup> )	<u>Existing:</u> <ul style="list-style-type: none"><li>• Dwelling house: 86.8m<sup>2</sup></li><li>• Shed: 214.3m<sup>2</sup></li><li><b>Total: 0.66:1 (301.1m<sup>2</sup>)</b></li></ul>	Y
			<u>Proposed:</u> <ul style="list-style-type: none"><li>• Offices 86.8m<sup>2</sup> (no change)</li><li>• Storage area (excluding parking and vehicular circulation): 95.3m<sup>2</sup></li><li><b>Total: 0.4:1 (182.1m<sup>2</sup>)</b></li></ul>	Y
CBLEP 2023	Minimum subdivision lot size	Despite subclause (3), development consent must not be granted to— subdivision of land in Zone IN1 unless each resulting lot is at least 24m wide at the front building line	Not applicable – the lot already exists and no subdivision is proposed.	N/A
CBLEP 2023	Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request	The application does not contravene any development standards.	N/A

Summary Numerical Compliance Table				
Planning Document	Clause	Control	Proposed	Comp
		from the applicant that seeks to justify the contravention		
CBDP 2023	Parking	1 space per 100m <sup>2</sup> gross floor area	3 spaces	Y
CBDP 2023	Site coverage	The sum of the total area of building(s) on the ground floor level must not exceed 70% of the site area.	45.3% (206.1m <sup>2</sup> )	Y
CBDP 2023	Front setback	(a) The minimum setback to the primary street frontage is 5m. (b) The minimum setback to the secondary street frontage is 2m.	8.0m (no change)	Y
CBDP 2023	Side and rear setbacks	Council may require minimum setbacks to the side and rear boundaries of the site: (a) to maintain reasonable solar access or visual privacy to neighbouring dwellings; or (b) to avoid an easement or tree dripline on the site or adjoining sites; or (c) to comply with any multi-level risk assessment undertaken for a development that ascertains the need for an appropriate setback or buffer zone between the development and any adjoining or neighbouring land within a residential zone.	The proposal would maintain existing side and rear setbacks with no change. These setbacks satisfy the stated objectives of the control.	Y
<b>Legend:</b> Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

As can be seen above, the proposal would generally comply with the principal planning controls relevant to the development.

### 1.3 Material Relied Upon

This Statement of Environmental Effects is based upon the following material:

- Architectural plans prepared by A and H Building Designers;
- Site survey;
- Applicable planning legislation.

## 2.0 THE SITE

### 2.1 Site Location

The site is located at 93 Lakemba Street, Belmore NSW in the Canterbury Bankstown Local Government Area approximately the following distances from:

- Belmore Station: 590m
- Lakemba town centre: 698m
- Lakemba Station: 837m

- Parry Park: 1.2km
- Canterbury Hospital: 1.4km
- Campsie: 2.5km
- Canterbury Racecourse: 3km
- Homebush town centre: 5.2km
- Central Station: 11.8km
- Sydney CBD: 12.2km

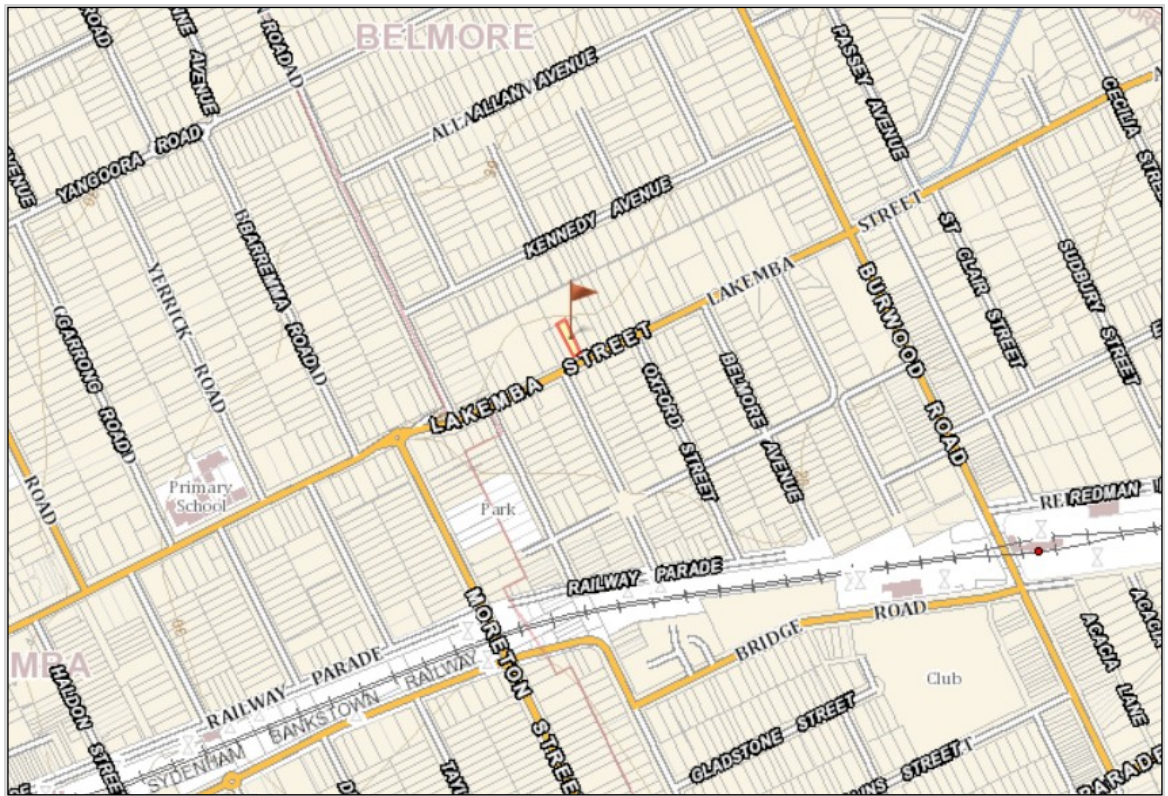


Figure 1: Site Location (SIX Maps).

## 2.2 Site Surrounds

The site is located in a light industrial zoned strip on the northern side of Lakemba Street which features predominantly single storey dwelling house development and some light industrial buildings including one and two storey warehouses. Across the road on the southern side of Lakemba Street development comprises mostly of single storey dwelling houses that are zoned residential.



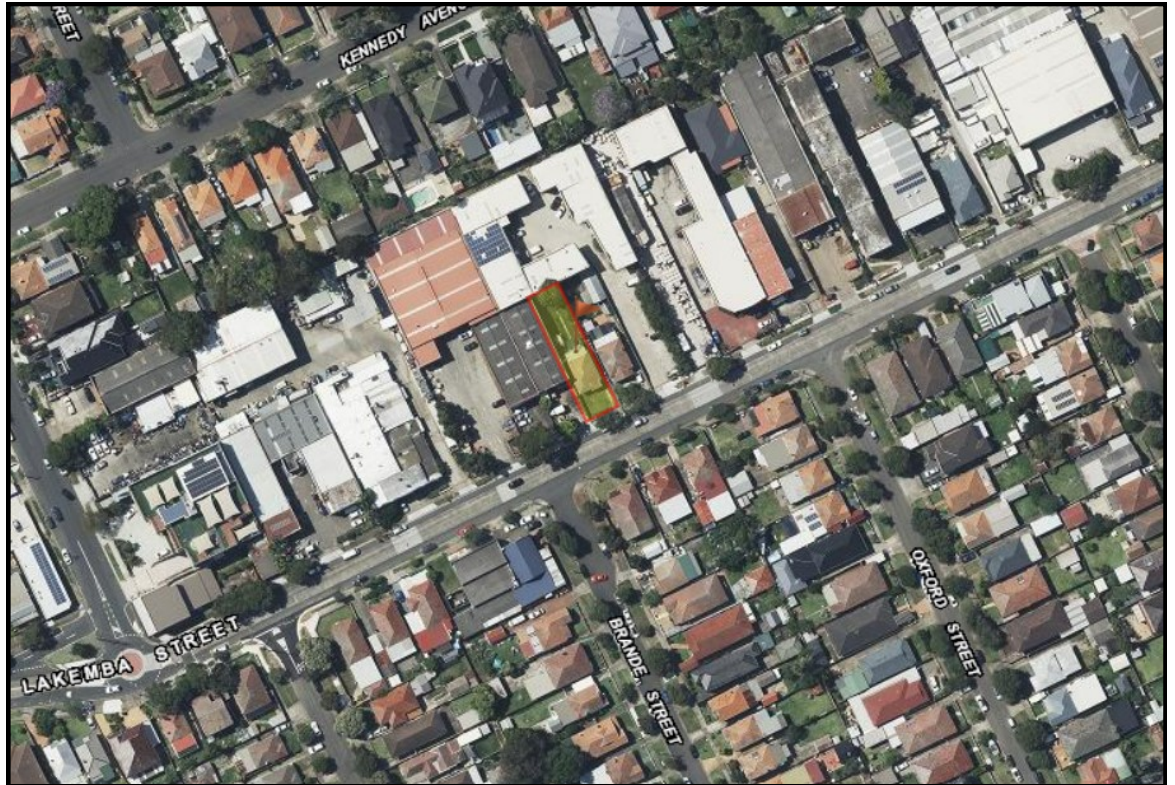


Figure 2: General locality surrounding the site (SIX Maps).



Figure 3: The frontage of the site from the street prior to the construction of the rear shed.





Figure 4: Development across the road.



Figure 5: Lakemba Street looking east.





Figure 6: Lakemba Street looking west with the site on the right.

## 2.3 The Site

The site is located on the northern side of Lakemba Street on relatively flat rectangular shaped allotment. It is occupied by a structure approved as a 3 bedroom single storey brick dwelling house with frontage onto Lakemba Street. To the rear of the site is a large metal shed. Vehicle access is from Lakemba Street.

General Site Data						
Street Address	Lot No.	Section	Deposited Plan	Dimensions	Total Area (by title)	Site
93 Lakemba Street, Belmore	E	2	13891	Various	455.3m <sup>2</sup>	
<b>TOTAL</b>					<b>455.3m<sup>2</sup></b>	



Figure 7: Aerial photo of the site prior to the construction of the rear shed (SIX Maps).

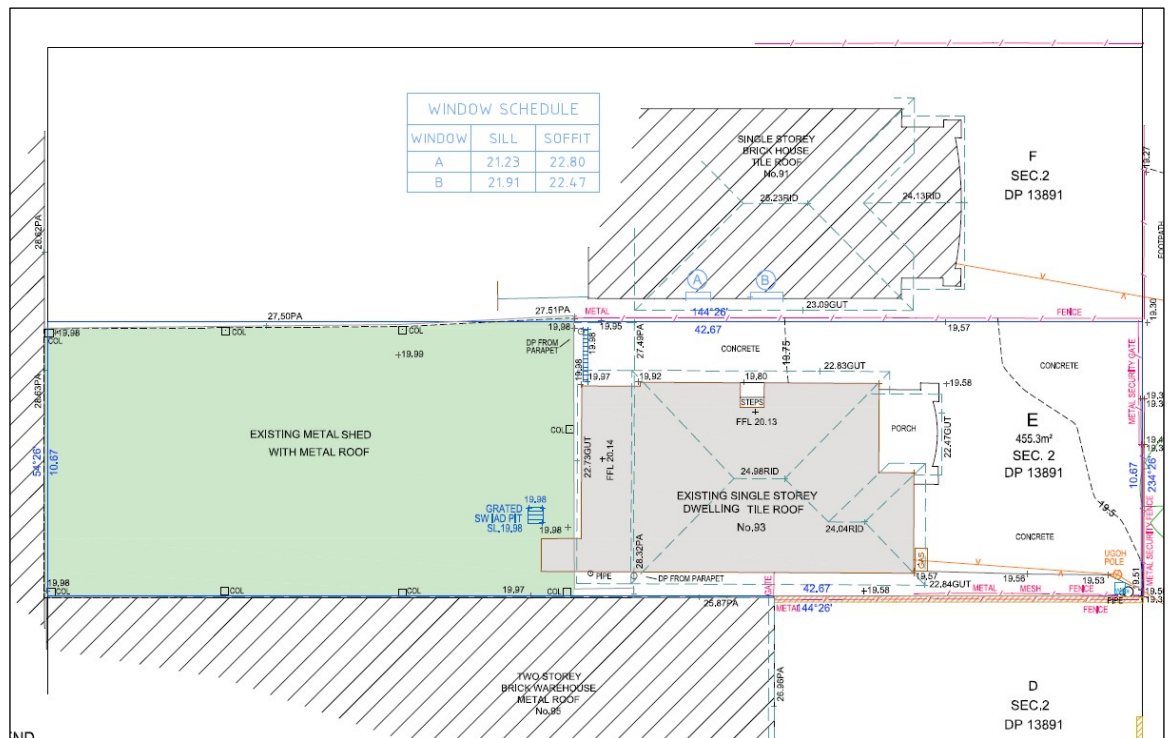


Figure 8: Part site survey



## 2.4 Existing Site Features

The site is occupied by:

Existing Development Summary	
Item	Existing
Use	Dwelling house (as approved)
GFA	<ul style="list-style-type: none"><li>Dwelling house: 86.8m<sup>2</sup></li><li>Shed: 214.3m<sup>2</sup> (not approved)</li></ul>
Bedrooms	3
Storeys	1
Parking	Not determined
Ancillary development	Shed



Figure 9: The site viewed obliquely from the street.

## 2.5 Previous Applications

The site is subject to the following relevant applications:

Summary of Previous Consents		
DA No.	Description	Determination
DA-319/2024 PAN-423074	Proposed change of use of existing dwelling house to light industry offices and regularisation of existing unauthorised industrial building at rear of site and install a fire-rated hebel block wall within the rear structures existing steel frame.	Refused: 16.05.2024
BC-86/2023	Building information certificate: New metal roofed structure/warehouse at the rear of the existing dwelling	Refused: 03.10.2023



### 3.0 THE PROPOSAL

#### 3.1 Proposal background

##### 3.1.1 Building Information Certificate Application No. BC-86/2023

The applicant submitted Building Information Certificate Application No. BC-86/2023 on 22 June 2023.

This was refused by Council on 3 October 2023. This application addresses the reasons for refusal below.

Reasons for Refusal		
No.	Council Issue	Applicant Response
1	<b>Stormwater</b>	
	The site is identified as being affected by flooding (Overland Flow) which requires a Stormwater Systems Report (SSR) to be obtained from Council prior to lodging a Development Application which was required for the structure (metal frame and associated roof) as erected.	A stormwater report accompanies the application.
2.	<b>Building Code of Australia</b>	
	There is no documentation submitted to demonstrate that the structure as built complies with relevant provisions of the Building Code of Australia (BCA) 2022 Volume One.	A BCA report accompanies the application.
3.	<b>Development Engineering</b>	
	The submitted Site Stormwater Plan No. Sheet 1 of 2 prepared by Quality Building Group Pty Ltd dated 4 May 2023 failed to demonstrate compliance with the relevant requirements under Part B Clause 5.5.3 - Onsite Detention System for commercial premises of the Canterbury Development Control Plan 2012.	A revised stormwater plan accompanies the application.
4.	The unauthorised roofed structure/warehouse does not comply with the relevant controls of the Canterbury Development Control Plan 2012 Part E- Industrial Development.	This DCP was repealed on 23 June 2023 and replaced with Canterbury-Bankstown DCP 2023. The proposal has been configured to comply with the current controls.
4(a)	Part E1.2.1 - Envelope control Control : C1 Frontage width minimum 20m. Proposal: The site is of 10.67m Comment: It does not comply with the control.	A lot width control no longer applies.
4(b)	E1.2.2 - Height Control: Building height is to be within the building plane projected at a 45 degree at a height of 1.8m at the residential boundary. Proposal: The warehouse was built on the boundary 20.55mX10.39mX8.11m (h). Comment: It does not comply with the controls.	This control no longer applies.
4(c)	E1.2.3 - Setbacks- Control C2: An additional front boundary setback is required if car parking spaces are provided in front of the building. Proposal: No car parking spaces was indicated on the plan. Comment: It does not comply with the controls. Control C4: Setbacks are to be deep soil landscaping. Proposal: No landscape plan submitted in support of the development.	These controls no longer apply.

Reasons for Refusal		
No.	Council Issue	Applicant Response
	<p>Comment: It does not comply with the controls.</p> <p>Control C5: Industrial buildings on two adjoining lots may be attached provided requirements specified in the Building Code of Australia are satisfied.</p> <p>Proposal: No BCA compliance report submitted in support of the application.</p> <p>Comment: It does not comply with the BCA requirements.</p>	
4(d)	<p>E1.2.4 Site Coverage</p> <p>Control C1: Maximum coverage 66% of the total site area</p> <p>Proposal: 67.4%</p>	These controls no longer apply.
4(e)	<p>E1.2.5 Landscaping</p> <p>Control C1: Provide a minimum area of deep soil as follows:</p> <p>a) 5m wide in the required front setback;</p> <p>b) 2m wide along any common boundary with a residential zone, or land that has an existing dwelling.</p> <p>Control C2: A minimum of 10% of the site area is to be for soft landscaping, this includes:</p> <p>A landscape strip minimum 1m wide around outdoor storage areas, excluding pedestrian entrance and access points; and</p> <p>Landscape planting around main building structures to provide screening for the facades – that does not inhibit pedestrian and maintenance access, access to doorways and emergency exits;</p> <p>iii. Planter boxes on building levels above ground, for example, on decks and balconies.</p> <p>Comment: The proposal does not comply with the controls C1 &amp; C2</p>	These controls no longer apply.

### 3.1.2 Development Application No. DA-319/2024

In addition, the applicant submitted Development Application No. DA-319/2024 on 22 June 2024.

This was refused by Council on 16 May 2024. This application addresses the reasons for refusal below.

Reasons for Refusal		
No.	Council Issue	Applicant Response
<b>1</b>	<b>Stormwater</b>	
1	The application does not contain adequate information to allow a thorough and favourable assessment to be made, including:	See below:
1(a)	The application documents are inconsistent on specific use of the rear structure.	<p>The use of the rear structure has been clarified. In particular, it is to accommodate:</p> <ul style="list-style-type: none"> <li>• Car parking</li> <li>• Vehicular circulation</li> <li>• Staff amenities</li> <li>• Storage</li> </ul> <p>Associated with a light industrial use, specifically being a tiling business.</p> <p>The storage area will be used for the storage of the following until they are required on site:</p> <ul style="list-style-type: none"> <li>• Tiles</li> </ul>

Reasons for Refusal		
No.	Council Issue	Applicant Response
		<ul style="list-style-type: none"> <li>• Grout</li> <li>• Glue</li> <li>• Tools</li> <li>• Other associated tiling and related trade equipment</li> </ul>
1(b)	The proposed hours of operation for the site differs between the Application Form and the Statement of Environmental Effects which does not satisfy the Noise Policy for Industry and the acoustic amenity of adjoining residentially zoned land.	<p>The hours have been changed to:</p> <ul style="list-style-type: none"> <li>• 7:00am – 6:00pm Monday to Friday</li> </ul>
1(c)	The application does not demonstrate how the site complies with:	See below:
1(c)(i)	How the management of vegetation (including its unauthorised removal) on the site complies with SEPP (Biodiversity and Conservation) 2021;	No tree removal is proposed. It is, however, proposed to plant two medium sized canopy trees.
1(c)(ii)	How the conversion of the existing dwelling into offices satisfies the retention of affordable housing requirements in SEPP (Housing) 2021;	The existing building is a dwelling house and does not therefore satisfy the defining criteria for a <i>low-rental residential building</i> which only includes residential flat buildings or boarding houses. See analysis in the body of the report below.
1(c)(iii)	The contamination status of the site and its management under SEPP (Resilience and Hazards) 2021.	<p>A Preliminary Site Investigation has been carried out by Geotechnical Consultants Australia. Its report, dated 17 June 2024, concludes:</p> <p><i>Therefore, based on the site investigation and analytical results, GCA has found no indications of significant contamination of the site in question at the time of reporting, and finds the site suitable for the proposed light industrial use</i></p>
1(d)	The provisions in the Canterbury Bankstown Development Control Plan 2023, including:	See below:
1(d)(i)	Section 2.5 – Side and Rear Setbacks: how these proposed works can or will be undertaken given the constraints of the existing unauthorised steel-clad structure. A Schedule of Works would be needed to clarify this.	<p>The BCA report identifies the following:</p> <ul style="list-style-type: none"> <li>• Remove the side and rear metal walling (which can be done from the interior)</li> <li>• Replace with ‘speed panel’ to achieve appropriate fire resistance (this can also be done from the inside of the site).</li> </ul> <p>Refer to BCA report for more detail.</p>
1(d)(ii)	Section 2.15 and 2.16 – Employee Amenities: The inclusion of a front landscaped area is supported the absence of employee amenities (eg: outdoor seating) is an opportunity lost.	Outdoor seating in the front landscaped area has been incorporated into the proposal.
1(d)(iii)	Section 5.1 – 5.5 – Storage and Building Design: The applicant is silent as to how these controls will be met in light of the warehouse use of the rear structure.	Refer to the assessment table in the body of the report below.
1(d)(iv)	Section 5.12 – Front Fence: The fence itself is adequate but the solid backing renders its presentation to Lakemba St as a solid “wall” which is inconsistent with both the DCP as well as the streetscape.	It is proposed to retain the existing front fence but remove the solid infill panels to provide a more open streetscape presentation.
1(e)	The application does not include an adequate Waste Management Plan:	A professionally prepared Waste Management Plan has been provided.



Reasons for Refusal		
No.	Council Issue	Applicant Response
1(e)(i)	A bin room must be provided as part of the development. The bin room must be within 30 meters of the kerb for "collect and return" of the bins from a private service.	A bin room capable of accommodating the required number of bins has been provided in the rear shed.
1(e)(ii)	Collections to occur by an HRV at a nominated area.	Refer to accompanying Waste Management Plan.
1(e)(iii)	The development is required to include an enclosed bin storage area for the storage of waste materials and bins. The applicant must show they have considered the expected type of waste material, generation rates and collection frequencies when designing the bin storage area.	Refer to accompanying Waste Management Plan.
1(e)(iv)	The bin storage area must be:	Refer to accompanying Waste Management Plan.
	Sufficient size to fit and manoeuvre the bins side-by-side (not stacked) with equal and convenient access to all bins by users. Approximately 15cm between bins should be provided;	The bins can be manoeuvred directly from the front of the waste room.
	Signposted 'Waste & Recycling' on the entrance doors;	This can be provided and ensured by way of condition of consent if necessary.
	Sited behind the development building line and incorporated within the development footprint or where a stand-alone structure is to be provided it is to be designed and integrated into the overall look of the development with regard to materials and finishes;	The bin storage area is located internally behind the building line.
1(e)(v)	A minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia.	The bin room would be a minimum of 2.1m in internal height.
1(e)(vi)	The bin-carting route be direct & less than 30m unaided travel; be non-slip and free from obstacles & steps; and, a maximum grade of 3%.	Refer to accompanying Waste Management Plan.
2.	The application relies on support from a BCA compliance report which was prepared by a certifier who is not authorised to attend to buildings classed 2-9 and who has since been disqualified from acting as a certifier for ten years.	A new BCA report has been prepared by Nehme Moujalli who is registered as a Building inspector, Certifier – Fire Safety to 28/05/2026 Reg no. BDC2930.
3.	The application does not comply with the Environmental Planning and Assessment Regulation 2021:	See below:
3(a)	The proposed development is deemed unsatisfactory, pursuant to the provisions of Section 4.15(1)(b) of the EPA Act 1979, due to insufficient information demonstrating it will not create additional environmental impacts.	It is not clear what additional environmental impacts a concern is raised about.
3(b)	The proposal fails to demonstrate compliance with the BCA requirements, contrary to the provisions of Clauses 62 and 64 of the EPA Regulation 2021.	Refer to accompanying BCA report which demonstrates that the proposal can be made compliant with the BCA.

Reasons for Refusal		
No.	Council Issue	Applicant Response
3(c)	Considering the aforementioned reasons, approval of the development works is not in the public interest, as per Section 4.15(1)(e) of the EPA Act.	See above.
4.	The application relies upon plans that do not accurately show:	See below:
3(a)	The existing unauthorised building (ie: the treatment of the existing northern and western elevation and the southern awning) or the existing internal fitout (ie: racked shelving) within the existing rear structure;	The plans have been amended to clearly illustrate the proposed internal layout of the shed which primarily comprises shelving and a large open adaptable storage area along with car parking and vehicular circulation. The plans also show the use of a new cladding material to achieve adequate fire ratings.
4(b)	The location of the four existing steel columns located along the site's western boundary and their setback from the boundary;	The location of the steel columns has been resurveyed and is now accurately shown on the plans.
4(c)	The existing north-eastern steel column as being constructed wholly within the property boundary of 93 Lakemba St;	No existing columns are located outside the property boundary. There is a minor encroachment of wall onto No. 91. This property is under the same ownership and owners' consent will be provided.
4(d)	The proposed internal fitout of the rear structure;	Minimal internal fitout of the rear shed is proposed aside from waste room which is documented on the plans. The remainder of the space would consist of: <ul style="list-style-type: none"> <li>• Car parking (which would be line marked); and</li> <li>• An adaptable storage area which would accommodate some shelving around the perimeter but would otherwise be adapted to periodic requirements.</li> </ul>
4(e)	A Schedule of Works demonstrating how certain unauthorised building elements will be removed and be replaced with a fire rated internal walls with external steel-cladding.	Refer to the plans and BCA report. The proposed new cladding material can be applied from the interior without removal of the existing structural columns.

### 3.2 Proposal Summary

The proposal involves the following:

Development Summary	
Item	Details
<b>Proposed Use</b>	Change of use of existing dwelling house to light industry (tiling business) incorporating: <ul style="list-style-type: none"> <li>• Administration offices</li> <li>• Staff room, and amenities</li> <li>• Storage for the following until they are required on site: <ul style="list-style-type: none"> <li>○ Tiles</li> <li>○ Grout</li> <li>○ Glue</li> <li>○ Tools</li> <li>○ Other associated tiling and related trade equipment</li> </ul> </li> <li>• Car parking</li> </ul>
<b>Demolition</b>	Demolition includes: <ul style="list-style-type: none"> <li>• Existing metal colorbond cladding on the western and eastern elevations</li> <li>• Encroachments as noted on the architectural plans in respect of: <ul style="list-style-type: none"> <li>○ 91 Lakemba Street; and</li> <li>○ 95 Lakemba Street.</li> </ul> </li> </ul>
<b>Proposed Works</b>	<ul style="list-style-type: none"> <li>• Change of use of dwelling to administrative offices and staff amenities:</li> </ul>

Development Summary	
Item	Details
	<ul style="list-style-type: none"> <li>○ 4 offices (change of use of existing rooms)</li> <li>○ Bathroom (no change)</li> <li>○ Staff kitchen (no change)</li> <li>○ Staff room (change of use of existing room)</li> <li>• Conversion of existing rear shed to: <ul style="list-style-type: none"> <li>○ Car parking</li> <li>○ Vehicular circulation</li> <li>○ Staff amenities (new sink and use of existing WC)</li> <li>○ Storage</li> </ul> </li> <li>• Works including <ul style="list-style-type: none"> <li>○ Fire upgrading of the shed including, 3m side walls either side of the shed, Speedpanel cladding</li> <li>○ Roof insulation</li> <li>○ Bin enclosure in shed</li> <li>○ Installing speed panels on the western and eastern shed elevations</li> <li>○ Landscaping including a small paved area in the front setback</li> <li>○ Angling of existing side boundary fence to step down to front boundary</li> <li>○ Associated works as shown on the supporting documentation</li> </ul> </li> </ul>
<b>Unauthorised work to be regularised</b>	<ul style="list-style-type: none"> <li>• Existing elements of the rear shed to be retained</li> <li>• Encroachments including flashing impacting: <ul style="list-style-type: none"> <li>○ 87-89 Lakemba Street.</li> </ul> </li> </ul> <p>NB: Approval is sought for the use of the works as noted above following which an application will be made for a Building Information Certificate.</p>
<b>Storeys</b>	1 (no change)
<b>GFA</b>	182.1m <sup>2</sup> (office and storage)
<b>Parking</b>	3 spaces
<b>Trees</b>	2 medium sized canopy trees
<b>Operating Hours</b>	Monday to Friday: 7am to 6pm

#### 4.0 CONSENT AUTHORITY

Under sections 4.5 and 4.8 of the Act, Canterbury Bankstown Council is the consent authority for the application.

#### 5.0 ENVIRONMENTAL PLANNING ASSESSMENT

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

Under Section 4.15(1), the consent authority must take into consideration the provisions of:

- 1) Section 4.15(1)(a)(i) Environmental Planning Instruments;
- 2) Section 4.15(1)(a)(ii) Draft Environmental Planning Instruments;
- 3) Section 4.15(1)(a)(iii) Development Control Plans;
- 4) Section 4.15(1)(a)(iiia) Planning Agreements;
- 5) Section 4.15(1)(a)(iv) The Regulations;
- 6) Section 4.15(1)(b) Likely impacts of the development on natural and built environments;
- 7) Section 4.15(1)(c) Suitability of site for the development;
- 8) Section 4.15(1)(d) Submissions; and
- 9) Section 4.15(1)(e) The public interest.

#### 5.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

The relevant environmental planning instruments applicable to this proposal include:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Canterbury Bankstown Local Environmental Plan 2023



## 5.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

### 5.1.1.1 Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation is identified under the SEPP and gives effect to the local tree preservation provisions of the relevant DCP.

No tree removal is proposed and the proposal is consistent with the requirements of the SEPP.

## 5.1.2 State Environmental Planning Policy (Housing) 2021

The proposal is not subject to provisions of *State Environmental Planning Policy (Housing) 2021* relating to Retention of existing affordable rental housing. The following table demonstrates this.

State Environmental Planning Policy (Housing) 2021 Summary Compliance Table				
Clause No	Clause	Standard	Proposed	Complies
<b>Chapter 2</b>		<b>Affordable housing</b>		
<b>Part 3</b>		<b>Retention of existing affordable rental housing</b>		
45	Definitions	<i>low-rental residential building</i> means a building used, during the relevant period, as a residential flat building containing a low-rental dwelling or as a boarding house, and includes a building that—	The existing building does not satisfy the defining criteria for a <i>low-rental residential building</i> . See below:	-
45(a)		is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or	The development on the site was constructed as a dwelling house and this is its most recent approved use notwithstanding that it has, for a period, been used for non-residential purposes.  None of these uses, whether lawful or not, could be characterised as either a residential flat building or a boarding house. Therefore, the existing development cannot be defined as a <i>low-rental residential building</i> .	N/A
45(b)		was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or	The building not used as a residential flat building or boarding house.	N/A
45(c)		is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.	The building not used as a residential flat building or boarding house.	N/A
46(1)	Buildings to which Part applies	This Part applies to a low-rental residential building on land within the following areas— (a) the Eastern Harbour City, (b) the Central River City, (c) the Western Parkland City, (d) the Central Coast City, (e) the City of Newcastle local government area, (f) the City of Wollongong local government area.	As concluded above, the existing building is not a low rental residential building and this part does not apply.	Y

State Environmental Planning Policy (Housing) 2021 Summary Compliance Table				
Clause No	Clause	Standard	Proposed	Complies
<b>Legend:</b> Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

As demonstrated above, the proposal would not be inconsistent with the provisions of the SEPP (Housing) 2021.

### 5.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site Investigation has been carried out by Geotechnical Consultants Australia. Its report, dated 17 June 2024, concludes:

*Therefore, based on the site investigation and analytical results, GCA has found no indications of significant contamination of the site in question at the time of reporting, and finds the site suitable for the proposed light industrial use.*

The proposal is therefore acceptable in respect of the provisions of SEPP (Resilience and Hazards) 2021.

### 5.1.4 Canterbury Bankstown Local Environmental Plan 2023

The proposed development is subject to the provisions of the *Canterbury Bankstown Local Environmental Plan 2012* (CBLEP 2023).

#### 5.1.4.1 Zoning:

Clause 2.2: Zoning of land to which this clause applies: The site is zoned *IN2 Light Industrial*.

#### 5.1.4.2 Zone Objectives and land use table:

Clause 2.3: Zone objectives and Land Use Table specifies the following objectives for the zone:

- To provide a wide range of light industrial, warehouse and related land uses.*
- To encourage employment opportunities and to support the viability of centres.*
- To minimise any adverse effect of industry on other land uses.*
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- To support and protect industrial land for industrial uses.*
- To promote a high standard of urban design and local amenity.*

#### 5.1.4.3 Land use table:

Clause 2.3: Zone objectives and Land Use Table specifies the following land uses permitted in the zone:

*Agricultural produce industries; Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; **Light industries**; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Resource recovery facilities; Restaurants or cafes; Roads; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

The proposal is defined as *light industry* and as such is permissible in the zone.

#### 5.1.4.4 Heritage

The site is:

- Not listed as a heritage item;
- Not located in the vicinity of a heritage item; and
- Not located in the vicinity of a heritage item.

#### 5.1.4.5 Compliance Table

The following table summarises the relevant clauses of the *CBLEP 2023* and the performance of the proposal against them.

Canterbury Bankstown Local Environmental Plan 2023 Compliance Table				
Clause No	Clause	Standard	Proposed	Complies
<b>Part 2 Permitted or Prohibited Development</b>				
2.2	Zoning of the land to which Plan applies	Zone IN2 Light Industry	Light industry (tiling business including administration offices, car parking and storage)	Y
2.6	Subdivision—consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	No subdivision is sought.	N/A
2.7	Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	No demolition is proposed.	N/A
<b>Part 3 Exempt and Complying Development</b>				
Not applicable				
<b>Part 4 Principal Development Standards</b>				
4.1(3B)(a)	Minimum subdivision lot size	Despite subclause (3), development consent must not be granted to— subdivision of land in Zone IN1 unless each resulting lot is at least 24m wide at the front building line	Not applicable – the lot already exists and no subdivision is proposed.	N/A
4.3	Height of Buildings	Not applicable	Not applicable	N/A
4.4	FSR	1:1 (453.3m <sup>2</sup> )	<b>Existing:</b> <ul style="list-style-type: none"> <li>• Dwelling house: 86.8m<sup>2</sup></li> <li>• Shed: 214.3m<sup>2</sup></li> <li><b>Total: 0.66:1 (301.1m<sup>2</sup>)</b></li> </ul>	Y
			<b>Proposed:</b> <ul style="list-style-type: none"> <li>• Offices: 86.8m<sup>2</sup> (no change)</li> <li>• Storage area (excluding parking and vehicular circulation): 95.3m<sup>2</sup></li> <li><b>Total: 0.4:1 (182.1m<sup>2</sup>)</b></li> </ul>	Y
4.6	Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention	The proposal does not contravene any development standards.	N/A
<b>Part 5 Miscellaneous Provisions</b>				

Canterbury Bankstown Local Environmental Plan 2023 Compliance Table				
Clause No	Clause	Standard	Proposed	Complies
5.10 (1)	Heritage conservation	Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of Canterbury Bankstown, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Not applicable	N/A
<b>Part 6</b>	<b>Additional Local Provisions</b>			
6.1(2)	Acid sulfate soils	Development consent is required for the carrying out of works described in the table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works. <i>Class 5 land</i> Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Class 5. No works proposed which would invoke the provisions of this clause.	Y
<b>Legend:</b> Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

As demonstrated in the above table, the proposed development fully complies with the provisions of the CBLEP 2023.

#### 5.1.4.6 Summary:

Given the above, the proposal is considered to be consistent with the objectives and specific provisions of the applicable environmental planning instruments.

## 5.2 Section 4.15(1)(a)(iii) – Development Control Plans

Development control plans applicable to this proposal include:

- *Canterbury Bankstown Development Control Plan 2023*
  - Part 3: General Requirements and
  - Part 9: Industrial Precincts

### 5.2.1 Canterbury Bankstown Development Control Plan 2023

The proposed development is subject to the provisions of the *Canterbury Bankstown Development Control Plan 2023 (CBDPCP 2023)*. The following table provides a summary of compliance:

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
<b>Part 3</b>	<b>General Requirements</b>			

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
3.2	<b>Parking</b>			
2.1	<b>Industries</b>	<ul style="list-style-type: none"> <li>1 space per 100m<sup>2</sup> gross floor area.</li> </ul> <p>Note 1: Where a retailing component is involved and provided this does not exceed 15% of the gross floor area (covering the retail component only), 1 car space per 100m<sup>2</sup> gross floor area is to be provided.</p> <p>Note 2: Where an office component is involved and provided this does not exceed 20% of the total gross floor area, 1 car space per 100m<sup>2</sup> gross floor area is to be provided. Any additional office space will be assessed at a rate of 1 car space per 40m<sup>2</sup> gross floor area.</p> <ul style="list-style-type: none"> <li>Industry: 95.3m<sup>2</sup>: 1 space</li> <li>Office: 86.8m<sup>2</sup>: 1 space</li> <li>Required: 2 spaces</li> </ul>	3 spaces Refer to Traffic Report for more detail.	Y
2.7	<b>Accessible carspaces</b>	<p>Commercial and industrial premises (BCA Classes 5–8) where development contains 10 or more spaces:</p> <ul style="list-style-type: none"> <li>1 accessible parking space per 50 parking spaces for staff;</li> <li>1 accessible parking space for visitors per 50 parking spaces where a car park has less than 500 spaces;</li> <li>1 additional accessible parking space per 100 parking spaces above 500 spaces for visitors</li> </ul>	Not applicable.	N/A
3.1	<b>Design and layout</b>	<p>Development must not locate entries to car parking or delivery areas:</p> <p>(a) close to intersections and signalised junctions;</p> <p>(b) on crests or curves;</p> <p>(c) where adequate sight distance is not available;</p> <p>(d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island);</p> <p>(e) where right turning traffic entering may obstruct through traffic;</p> <p>(f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or</p> <p>(g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.</p>	The proposed parking area is appropriately located to the rear of the site and would not dominate the visual presentation of the building. It would maintain adequate sightlines to facilitate safe ingress and egress with no obstructions that would compromise safety (e.g. intersections, bus stops, pedestrian crossings etc.	Y
3.2		Parking areas for people with disabilities should be close to an entrance to development. Access from the parking area to the development	Due to the small-scale nature of the site and development disabled parking has not been provided, however	Y



Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
		should be by ramps or lifts where there are separate levels	adequate access from the parking area to the building would be facilitated with ramps etc as required.	
3.3		Where above ground parking is the only solution possible, locate to the rear of buildings.	Parking is located to the rear of the site and would not be readily visible to the streetscape.	Y
3.8		The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	The driveway is appropriately located and would facilitate the shortest distance to the rear of the site.	Y
3.9		The appropriate driveway width is dependent on the type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility	Refer to accompanying Traffic Engineer's report.	Y
3.10		Driveway widths for existing dwellings and extensions to the existing properties are assessed on their merits.	Refer to accompanying Traffic Engineer's report.	Y
3.20		Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits	Pedestrian access to the site would be separated from the driveway.	Y
3.30		Visitor spaces must not be located behind security grills and must be easily accessible	No visitor spaces provided given the site context, low intensity of development and use which is office and workshop space with no visitors anticipated.	N/A
3.31		Clearly mark and signpost visitor parking, and locate on the ground floor where possible, so that it is easy to find and access.	No visitor spaces provided.	N/A
3.32		Visitor parking should be located near the main pedestrian entrance to the building and can be located in front of the building alignment, but not encroach upon the front setback areas.	No visitor spaces provided.	N/A
3.42		Screen or enclose at-grade parking with landscaping, structures or by wrapping the car park with retail or other active uses.	Parking would be screened as it is internal.	Y
3.43		Avoid car parking areas and access driveways characterised by large expanse of bare concrete.	Large expanses of concrete would be avoided.	Y
3.44		Use a combination of different surface materials to delineate pedestrian	The parking and pedestrian access would be delineated	Y

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
		thoroughfares, vehicular access and parking areas.	by different materials and signage.	
3.46		Trees are to be planted at the ratio of one tree per five car park places allocated. Species are to be selected for their ability to thrive where compaction and de-oxygenation are characteristic of the soils.	Two trees are proposed in the front setback which would be an appropriate species for the location.	Y
<b>9</b>	<b>Industrial Precincts</b>			
2.1	<b>General requirements</b>	The sum of the total area of building(s) on the ground floor level must not exceed 70% of the site area.	45.3% (206.1m <sup>2</sup> )	Y
2.3	<b>Front setback</b>	This clause applies to land within the former Canterbury Local Government Area: (a) The minimum setback to the primary street frontage is 5m. (b) The minimum setback to the secondary street frontage is 2m.	8.0m (existing)	Y
2.5	<b>Rear and side setbacks</b>	Council may require minimum setbacks to the side and rear boundaries of the site: (a) to maintain reasonable solar access or visual privacy to neighbouring dwellings; or (b) to avoid an easement or tree dripline on the site or adjoining sites; or (c) to comply with any multi-level risk assessment undertaken for a development that ascertains the need for an appropriate setback or buffer zone between the development and any adjoining or neighbouring land within a residential zone.	0m The proposed side and rear setbacks of the workshop (which are existing) would satisfy the stated performance criteria regarding privacy, solar access, trees and fire safety.	Y
2.6		The design of buildings must ensure that: (a) At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling. (b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space.	The required solar access would be achieved.	Y

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
2.7		<p>In determining a development application that relates to a site adjoining land in Zone R2, R3 or R4, Council must take into consideration the following matters:</p> <p>(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;</p> <p>(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</p> <p>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid-winter solstice;</p> <p>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and</p> <p>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.</p>	<p>The proposal is not located adjacent to a residential zone, however, is located across the road from a residential zone. The proposal is appropriate for the site and locational context for the following reasons:</p> <ul style="list-style-type: none"> <li>• The light industrial use would occur in a building that presents as a dwelling house by way of architectural style, bulk, scale and detailing and would continue to sit comfortably within the streetscape.</li> <li>• The site would be used as a tiling business which is low impact and would not create adverse amenity impacts (eg noise) to surrounding properties;</li> <li>• Only administrative activities and storage of materials and equipment would take place on site while the tiling work would be undertaken off-site;</li> <li>• Given the low impact nature of the use, there would be negligible impacts upon traffic, parking, fumes and noise generation;</li> <li>• There would be no additional impacts on solar access as there is no change to the building footprint or building envelope.</li> <li>• Any goods, materials associated with the light industrial use would be stored in the storage space at the rear and away from the streetscape; and</li> <li>• The existing building is single storey without side facing windows or accessible rear or side outdoor spaces and there would be no overlooking of neighbouring private open space.</li> </ul>	Y

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
2.8		Development must provide a landscaped area along the primary and secondary street frontages of a site in accordance with the following minimum widths: <600m <sup>2</sup> : 2.5m Despite this clause, Council may vary the minimum setback provided the development complements a high quality landscaped image of neighbouring development or the desired future character of the area	3m	Y
2.11		Development must: (a) retain and protect any existing trees identified by Council on the site and adjoining sites; and (b) must not change the ground level (existing) within 3m of the base of the trunk or within the dripline, whichever is the greatest.	The proposal would not involve the removal of any trees or a change in conditions for any trees on surrounding sites.	Y
2.11		Development must plant at least one street tree at 5m intervals along the length of the primary and secondary street frontages. Council may vary this requirement in response to proposed tree species, site constraints limit their inclusion or a street tree already exists in good condition	There is a street tree located directly in front of the site. This can be conditioned if required.	C
2.13		Development must plant trees in the landscaped area at a minimum rate of one canopy tree per 30m <sup>2</sup> of the landscaped area. The canopy tree must be capable of achieving a mature height greater than 5m. <ul style="list-style-type: none"> <li>Landscaped area: 61.34m<sup>2</sup>:</li> <li>Trees required: 2</li> </ul>	2 medium sized canopy trees greater than 5m at maturity.	Y
2.14		Where development proposes an outdoor car park with 20 or more car parking spaces, the car park design must include at least one tree per 5 car parking spaces to the following specifications: (a) a tree must be a single trunk species to allow a minimum visibility clearance of 1.5m measured above the ground level (existing); and (b) a tree must be planted in an island bed that is a minimum 2m in width and 4m in length.	Internal car parking proposed – provision does not apply.	N/A
2.15	<b>Employee Amenities</b>	Development must provide an outdoor employee amenity area with a minimum area of 25m <sup>2</sup> . This area should include a combination of grass, plantings, pavement, shade, and seating to allow employees to engage in a pleasant working environment.	A paved area with a table and chairs surrounded by grass of at least 25m <sup>2</sup> is provided in the front setback area.	Y

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
2.16		Development must locate the employee amenity area away from sources of intrusive noise (such as loading and servicing, and heavy machinery), dust, vibration, heat, fumes, odour or other nuisances	The front setback area accommodating the employee area is not located near the workshop area and therefore would not be subject to intrusive noise.	Y
<b>3</b>	<b>Building design</b>			
3.1		Development must articulate the facades to achieve a unique and contemporary architectural appearance that: (a) unites the facades with the whole building form; (b) composes the facades with an appropriate scale and proportion that responds to the use of the building and the desired contextual character; (c) combines high quality materials and finishes; (d) considers the architectural elements shown in Figure 3a; and (e) considers any other architectural elements to Council's satisfaction	The proposal is contained within an existing building that presents as a dwelling house to the street. No changes are proposed to the external appearance of the building.	N/A
3.2		Development may have predominantly glazed facades provided it does not cause significant glare nuisance.	No glazed facades are proposed.	N/A
3.3		Industrial retail outlets must incorporate shopfront style windows with clear glazing so that people can see into the premises and vice versa. Council discourages the use of obscure or opaque glass, or other types of screening	The proposal is not for an industrial retail outlet.	N/A
3.4		Where development proposes a portal frame or similar construction, Council does not allow the 'stepping' of the parapet to follow the line of the portal frame.	A portal frame is not proposed.	N/A
3.5		The street facade of development on a corner site must incorporate architectural corner features to add visual interest to the streetscape.	The proposal is not located on a corner site.	N/A
3.6		Development must use: (a) quality materials such as brick, glass, and steel to construct the facades to a development (Council does not permit the use of standard concrete block); and (b) masonry materials to construct a factory unit within a building, and all internal dividing walls separating the factory units.	The proposal would retain all materials on the façade of the existing front building including brickwork.  The side walls of the rear building would be upgraded to 'speedpanel' to provide appropriate fire rating. This material is available in a range of colours which would integrate comfortably into the character of the locality.	Y



Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
3.7	<b>Roof design</b>	Development must incorporate an innovative roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes	The proposal would retain the existing pitched roof and materiality with no change.	Y
3.8		The front door to buildings should face the street.	The front door would address the street.	Y
3.9		The administration offices or industrial retail outlets must locate at the front of buildings	The administration office would be located at the front of the building.	Y
3.11		Access to loading docks or other restricted areas in buildings must only be available to tenants via a large security door with an intercom, code or lock system	Adequate security measures such as security doors/intercom would be integrated into the building.	Y
3.12		Unless impractical, access to outdoor car parks must be closed to the public outside of business hours via a lockable gate	A lockable gate would be incorporated in to the site.	Y
3.13		Development must provide lighting to the external entry paths, common lobbies, driveways and car parks using vandal resistant, high mounted light fixtures	The proposal would incorporate adequate lighting to designate entry paths, access, common areas, vehicle access and parking.	Y
3.14		Where the site shares a boundary with a railway corridor or an open stormwater drain, any building, solid fence, or car park on the site should, wherever practical, be setback a minimum 1.5m from that boundary. The setback distance must be: (a) treated with hedging or climbing vines to screen the building, solid fence, or car park when viewed from the railway corridor or open stormwater drain; and (b) the hedging or climbing vines must be planted prior to the completion of the development using a minimum 300mm pot size; and (c) the planter bed area must incorporate a commercial grade, sub-surface, automatic, self-timed irrigation system; and (d) the site must be fenced along the boundary using a minimum 2m high chain-wire fence; and (e) the fence provides an appropriate access point to maintain the landscaping within the setback area; and where a car park adjoins the boundary, hedging or climbing vines must also be planted along the sides of	The site is not located adjacent to railway corridor.	N/A

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
		any building or solid fence on the site that face the railway corridor or open stormwater drain		
3.15		<p>Council must take into consideration the following matters for development in the industrial zones:</p> <p>(a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated;</p> <p>(b) whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment;</p> <p>(c) whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality;</p> <p>(d) whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that:</p> <p>(i) illustrates that no alternative access is available otherwise than by means of a residential street; and</p> <p>(ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas; and</p> <p>(iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment;</p> <p>(e) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened;</p> <p>(f) whether the proposed development will detract from the amenity of any residential area in the vicinity; and</p> <p>(g) whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation. _</p>	<p>The proposal is appropriate for the site context for the following reasons:</p> <ul style="list-style-type: none"> <li>• There is sufficient compliant parking provided commensurate with the use and intensity of development;</li> <li>• There is sufficient landscaping provided in the front setback to provide a landscape buffer with the street;</li> <li>• The proposed use would continue to present as a low scale dwelling house typology to the streetscape.</li> </ul> <p>Refer to Traffic Engineers Report for further information regarding access arrangements and parking/traffic matters.</p>	Y
<b>4</b>	<b>Environmental Management</b>			
4.1		<p>Development must:</p> <p>(a) consider the Noise Policy for Industry and the acoustic amenity of adjoining residential zoned land; and</p> <p>(b) may require adequate soundproofing to any machinery or</p>	<p>Suitable noise attenuation could be incorporated where required. Nevertheless, no noise producing activities are</p>	Y

Canterbury Bankstown Development Control Plan 2023 Compliance Table				
Clause No	Clause	Control	Proposal	Complies
		activity that is considered to create a noise nuisance.	proposed on site. Activities are limited to: <ul style="list-style-type: none"> <li>Office administration</li> <li>Storage of tools, equipment and materials</li> <li>Loading and unloading of the above.</li> </ul> Most work associated with the business is conducted off-site.	
4.2		Development must adequately control any fumes, odour emissions, and potential water pollutants in accordance with the requirements of the relevant public authority.	The proposal is a tiling business which is a low impact light industrial use that would not result in fumes, odour or water pollutants.	Y
<b>5</b>	<b>Site Facilities</b>			
5.1		The storage and use of hazardous materials must comply with the requirements of WorkCover NSW and other relevant public authorities	No storage or use of hazardous materials is proposed. Materials would consist solely of: <ul style="list-style-type: none"> <li>Tiles</li> <li>Grout</li> <li>Tile adhesive</li> <li>Tiling equipment</li> <li>Tools</li> </ul>	-
5.2		The storage and use of dangerous goods must comply with the Dangerous Goods (Road and Rail Transport) Act 2008 and its regulations, and any other requirements of WorkCover NSW.	Noted.	-
5.3		The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	Relevant facilities have been shown on the plans.	Y
5.4		Utilities and building services are to be integrated into the building design and concealed from public view.	Utilities would be not visible to the public.	Y
5.5		External lighting to industrial development must give consideration to the impact of glare on the amenity of adjoining residents.	No additional external lighting proposed.	N/A
5.6		Council may require development to include public domain improvements to an adjacent footpath in accordance with a design approved by Council's Landscape Architect.	Noted. This can be conditioned if necessary.	C
<b>5</b>	<b>Front Fence</b>			
5.11		The maximum fence height for front fences is 1.8m.	No change proposed to existing.	N/A
<b>Legend:</b> Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

---

As can be seen above, the proposal would generally comply with the development controls applying to the site.

**5.3 Section 4.15(1)(a)(iia) Planning Agreements**

The site is not subject to any existing voluntary planning agreements.

**5.4 Section 4.15(1)(a)(iv) Matters Prescribed by the Regulations**

The proposal would not impact upon the applicable BCA provisions.

**5.5 Section 4.15(1)(b) Likely Impacts of the Proposed Development**

**5.5.1 Streetscape**

The proposal comprises change of use from a dwelling house to light industrial use and regularisation of unauthorised works. The majority of works would be confined to the interior and rear of the site with no change proposed to the principal building form and façade of the existing building. The existing building would therefore remain the dominant element on the site and continue to present as a dwelling house to the street and would continue to be well integrated and complementary to adjacent buildings on both sides of the streetscape.

**5.5.2 Overshadowing**

There would be no unacceptable overshadowing impacts as no change is proposed to the existing footprint or building envelope of the building.

**5.5.3 Privacy**

There would be no additional privacy impacts such as overlooking, as the existing building would remain as one storey and the existing side setbacks would be retained.

**5.6 Section 4.15(1)(c) – Suitability of the Site for Development**

The site is suitable for the proposed development:

- It is suitably zoned for the proposal.
- It would not result in unacceptable amenity impacts upon adjacent properties.
- It is consistent with the existing and desired future character of the locality.

**5.7 Section 4.15(1)(d) – Submissions**

Not applicable prior to public notification of application.

**5.8 Section 4.15(1)(e) – Public Interest**

The proposed development is consistent with the objectives of the *Environmental Planning & Assessment Act 1979* in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Given this, the development is consistent with the public interest.

**6.0 CONCLUSION**

The proposal involves the change of use of an existing dwelling house to light industry and regularisation of unauthorised works at 93 Lakemba Street, Belmore.

The proposal would be compatible with the existing building, streetscape, the broader locality and maintain the amenity of surrounding properties so as to achieve the relevant objectives of the controls and development standards.

Given this, the proposal is consistent with the applicable statutory planning instruments and matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*.