

STATEMENT OF ENVIRONMENTAL EFFECTS

Amendments in Operation Hours to the approved
DA-4826/1990

At

156 Haldon Street,

Lakemba NSW 2195

Issued: April 2025

Prepared by



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1 INTRODUCTION

1.1 OVERVIEW

This report has been prepared by ADA design associates as part of a Section 4.55 application for an approved DA-4826/1990 on Lot 1 in DP 233365 also known as 156 Haldon Street, Lakemba NSW.

1.2 PROPOSED AMENDMENTS

The application seeks consent for the following amendments as detailed in this statement of environmental effects prepared by ADA design associates and other supporting documentation.

LIST OF AMENDMENTS	
DA CONDITION	<p>Condition 17:</p> <p>The hours of operation being confined to between 6am to 9pm seven days per week.</p> <p>Proposal:</p> <p>The proposal seek to obtain approval for extended hours of operation with reference to condition 17 of the determination notice.</p> <p><u>Proposed Time of Operation:</u></p> <p>Monday to Sunday : 9am to 12 midnight</p> <p>To cater the residents of Lakemba and surrounding suburbs, the restaurant strives to provide services at the best interest of the local community. The site is surrounded by commercial, residential and retail properties. The types of land uses along Haldon Street are diverse. This street has undergone a significant transformation, evolving from a medium-density area into a bustling high-density zone, specifically due to each year Ramadan Nights. Over time, the development of residential and commercial infrastructure, and improved public transportation options have reshaped the landscape, contributing to a more urbanized and vibrant environment. The road network is well established and can cater for any additional traffic volumes generated by the proposed development and future developments. Public transport facilities are also located nearby to serve current and new residents.</p> <p>The objectives of the current zone - B2 Local Center are met with existing design and proposed hours of operation:</p>

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.

Background:

The present use of the site is for a restaurant on the ground floor level. The existing use of the premises shall be retained. The subject lot adjoins other commercial and business towards the north, east & south. To the west of the subject premises is residential zoning.

Existing Design:

The existing design complies with all relevant DCP's for all their rules and regulation, as well as complying with Canterbury Bankstown Council's LEP. The existing site sits nicely withing the streetscape having a frontage that is on the boundary line, thus provides great exposure.

Access and Traffic:

Due to the site not being afforded with parking provisions, all loading and unloading access to the site are via Davids Lane. All pedestrian access from the site is via the front doors being off Haldon Street.

Privacy, Views and Oversahdowing:

Due to the scale of the development, all views, privacy and overshadowing shall be maintained as per the existing site conditions.

Summary:

The proposal related well to the surronding streetscape, zoning and as well as being of compatible scale and character to the existing structures of Haldon Street, Lakemba as well as being compliant with the relevant DCP's, LEP, BCA and Australian Standards.

The surrounding commercial premises have extended hours of operation till 02 am throughout the week, and have been operating on these hours for a long time.

Given these circumstances, it is requested to grant the proposed restaurant extended hours of operation.

1.3 DEVELOPMENT PROPOSAL

The application seeks the modification Time of Operation as per DA condition 17 on Lot 1 in DP 233365 also known as 156 Haldon Street, Lakemba NSW. The proposal:

- does not result in any changes to the front and rear setbacks,
- does not result in any changes to the approved actual ridge levels of the building
- does not result in impacting privacy of the adjoining building,
- does not impact the solar access compliance as approved,
- does not result in changes to the FSR permitted under Bankstown DCP 2019.

The proposal

- does not require the application to be referred to any additional referral agencies; and
- does not change the type of development approval sought; and
- does not require impact assessment for any part of the changed application

And hence is to be treated as a Section 4.55 (minor) modification application.

1.4 Sec 4.55 Modification of consents

1.4.1 (1) Modifications involving minor error, misdescription or miscalculation

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6), section 96AB and Division 8 do not apply to such a modification.

1.4.2 (1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c) it has notified the application in accordance with:
 - (i) The regulations, if the regulations so require, or

1.5 Acoustic Considerations

It is acknowledged that the subject site adjoins an R3 Medium Density Residential zone to the west. However, the subject property is located within the B2 Local Centre zone under the Canterbury-Bankstown Local Environmental Plan (CBLEP) 2022, which promotes a mix of retail, commercial, and community uses. The proposed extension of trading hours is consistent with the zone objectives, which include:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;*
- *To encourage employment opportunities in accessible locations;*
- *To maximise public transport patronage and encourage walking and cycling; and*
- *To facilitate and support investment, economic growth and development for active, diverse and well-designed centres.*

Although the rear of the property adjoins a residential zone, the restaurant's operations—including customer entry, exit, and servicing—are strictly limited to the Haldon Street frontage. Loading and unloading occurs via Davids Lane, further distancing commercial activity from the residential interface. There are no proposed physical changes to the built form or intensification of use beyond the approved restaurant operation.

Under the Canterbury-Bankstown Development Control Plan (CBDCP) 2021, specifically Part B1 – General Controls, developments must consider potential impacts on acoustic amenity. However, Clause B1.2.2 allows flexibility in applying these controls where the development is consistent with the existing and desired future character of the locality. The Haldon Street precinct is characterised by late-night commercial activity, and several nearby businesses already operate until 2:00 AM or later. The proposed modification aligns with this character and reflects an existing and accepted pattern of use.

In this context, the requirement for an acoustic report is unlikely to produce materially new or relevant insights, given the nature of the proposal and its urban setting. The development is being submitted as a Section 4.55(1A) modification under the Environmental Planning and Assessment Act 1979, which applies to modifications of minimal environmental impact. As such, the request for a formal acoustic report may not be warranted in this instance.

The applicant remains committed to managing operations responsibly and implementing any reasonable practices required to preserve the amenity of adjoining residential areas. On this basis, the extended trading hours are considered appropriate and consistent with both strategic planning intent and existing land use conditions.

2 CONCLUSION

It is concluded that the proposed development on Lot 1 in DP 233365 also known as 156 Haldon Street, Lakemba as detailed in the documentation accompanying this application, will have minimal impact on the overall design of the approved development and will not increase any bulk nor change the overall proposal. The changes do not require a new DA and are in keeping with the Environmental Planning and Assessment Act 1979. Due to this we believe the application is substantially the same. In conclusion, we believe the proposed development satisfies and is generally in accordance with the general guidelines and recommendations contained in the Canterbury-Bankstown LEP and DCP and general planning policies.

Based upon the above submission and the Development Plans submitted it is recommended that the development be granted Sec 4.55 modification consent.