

# STATEMENT OF ENVIRONMENTAL EFFECTS 87 MILLER ROAD CHESTER HILL

**Proposal:** Authorisation of the use of part of existing commercial premises as a take away food and drink premises

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**Note:**

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## 1. Executive Summary

This Statement of Environmental Effects has been prepared for submission to the city of Canterbury Bankstown Council (CBC) for a development that is proposing the “*authorisation of the use of part of existing commercial premises as a takeaway food and drink premises*”. The development site is identified as 87 Miller Road Chester Hill, legally identified as Lot 101 DP 28630.

The subject site is zoned E1 Local Centre pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## 2. Site and Locality

The subject site identified as 87 Miller Road Chester Hill, legally identified as Lot 101 DP 28630. The site is currently single storey commercial building. The application is submitted to council as a consequence of an order. The site is a regular shaped commercial allotment, located on the eastern side of Miller Road at the intersection of Gurney Road and Miller Road at a roundabout. The premises is part of a row of commercial premises, including, food and drink premises, fruit shops, tobacconists and pharmacy.

The surrounding locality is primarily characterised by a mixed-use commercial/residential environment. The properties within the surrounding locality of the subject site consist of detached dwellings, dual occupancies and single and 2 storey commercial builds.

The subject site is located in an E1 Local Centre zone. The surrounding locality is R2-Low Density to the west, and south.



**Figure 1:** Aerial view of the site identified as 87 Miller Road Sefton (Near Map 2025)

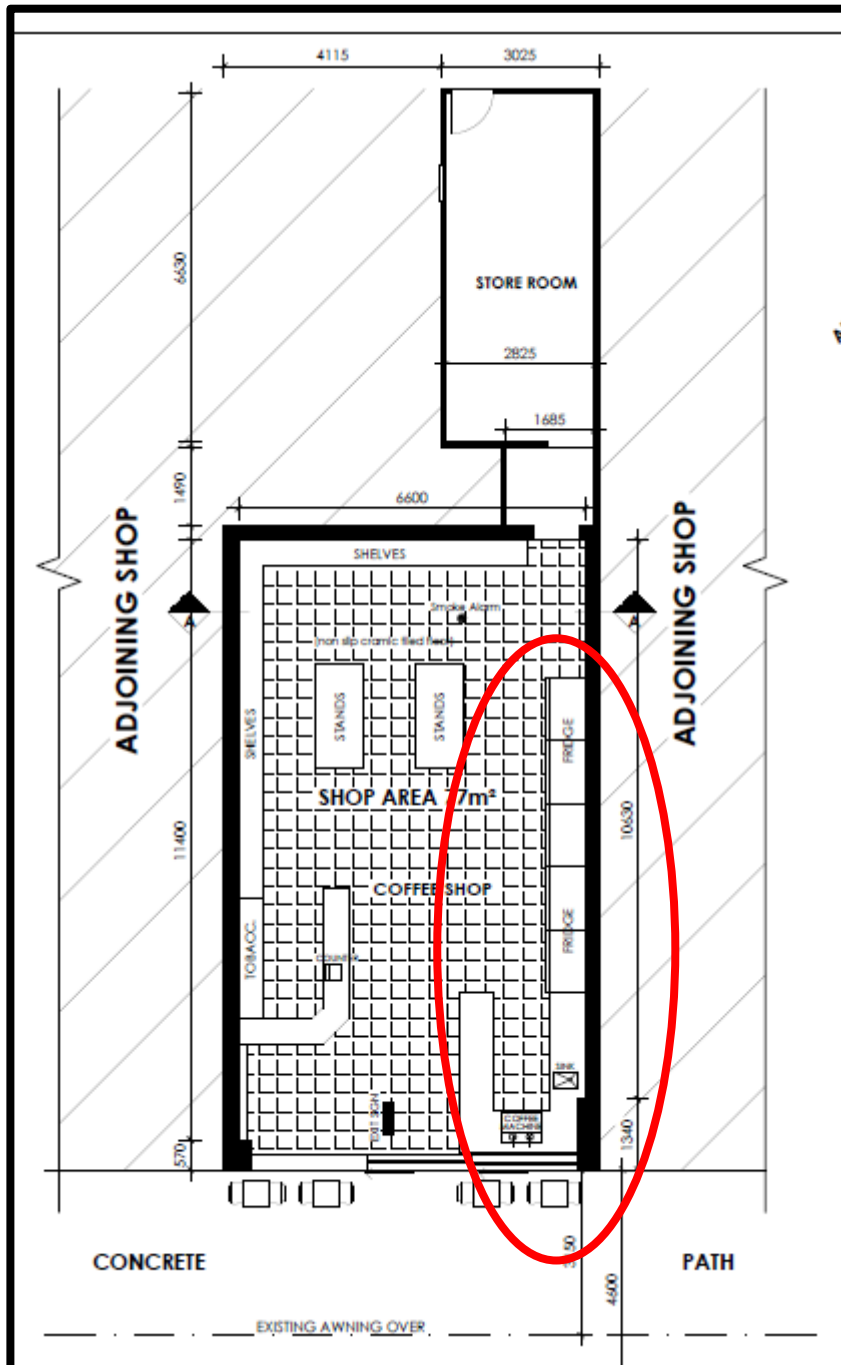
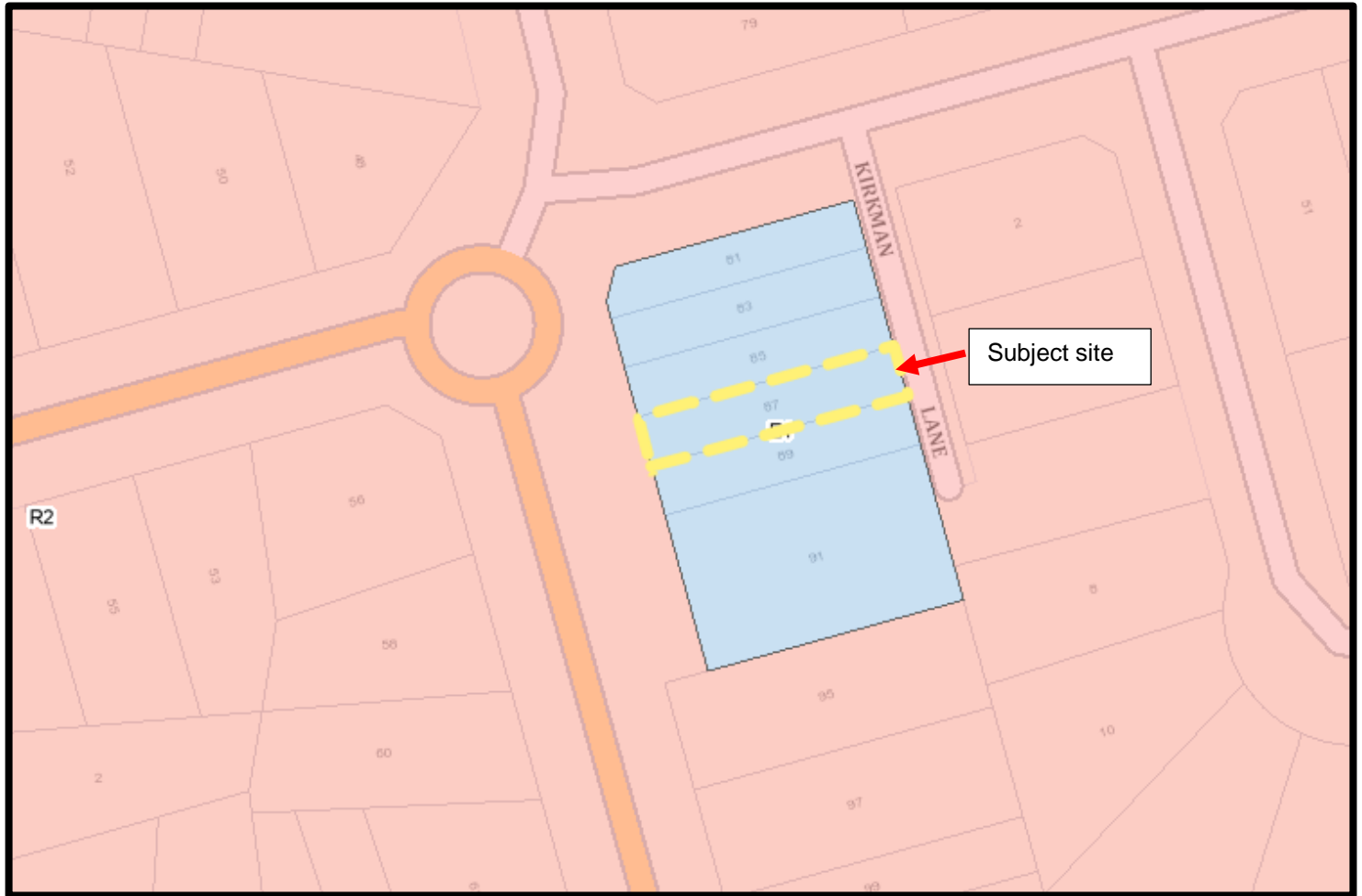


Figure 3: Ground Floor Plan



**Figure 3: Zoning Map of the area - (Source NSW e-planning portal)**

### 3. Proposed Development

The proposed development consists of:

*“Authorisation of the use of part of existing commercial premises as a takeaway food and drink premises”* A detailed description is provided below.

- Part the premises currently operates as a shop which sells a range of products including tobacco and packaged sweets. This use is primarily the northern and rear central portion of the premises.
- On the southern side of the premises as indicated in figure 3, will be a takeaway food and drink premises, that serves drinks, primarily coffee and juices as well as pastries.
- Whilst the premises is primarily takeaway there is a provision of outdoor seating for a maximum of 8 patrons.
- The takeaway food and drink will operate from 6:00am to 10pm Monday to Sunday.
- There will be a maximum of 2 employees at the food and drink at any one time.
- There is an existing on-street parking on Miller Road that serves the commercial premises.

### 4. Site Constraints

Site Constraint	Yes/No
Bushfire	No
Flooding	No

Heritage Items	No
Aboriginal heritage	No
Environmentally Significant Land	No
Threatened Species/ Flora/ Habitat/ Critical Communities	No
Acid Sulphate Soils	No
Flight Paths	No
Railway Noise	No
Road Noise/ Classified Road	No

### 5. Section 4.15 Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Proposal

- (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchments
- (b) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land
- (c) Canterbury Bankstown Local Environmental Plan (CBLEP) 2023
- (d) Canterbury Bankstown Development Control Plan (CBDCP) 2023
  - o Chapter 7.2 – Commercial Centres– Section 12 – Sefton Village Centre

#### (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves a use proposal of an existing commercial premises and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

#### (b) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land

In accordance with Clause 4.6(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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.

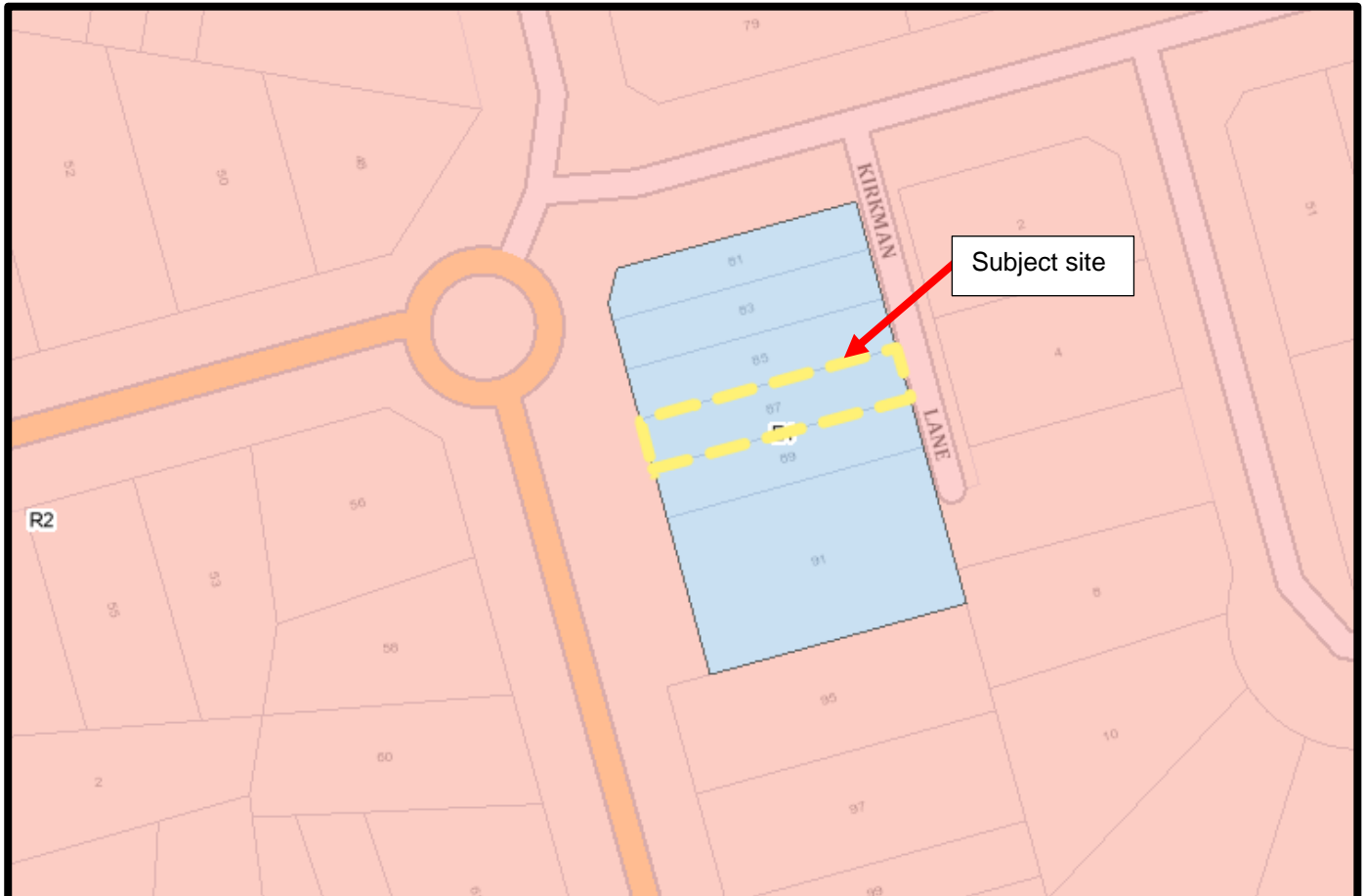
The site has been used for commercial purposes for a prolonged and extended period of time. The proposal is for a use application with no physical works that would likely trigger contamination matters.

With consideration to the above mentioned points there is no sufficient evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary at this stage. Based on the conclusions above it is considered that the site is suitable for the proposed development and land use and has adequately addressed Clause 4.6(1) of the SEPP.

(c) **Canterbury Bankstown Local Environmental Plan (CBLEP) 2023**

(i) **Zoning**

The subject site is zoned E1-Local Centre, pursuant to the CBLEP 2023.



**Figure 5:** Zoning Map of the area - (Source NSW e-planning portal)

(ii) **Permissibility**

The development proposes the “*Authorisation of the use of part of existing commercial premises as a takeaway food and drink premises*”.

The proposal involves the authorisation of the use of existing premises as a takeaway food and drink premises. The development elements are best defined as a “*takeaway food and drink premises*”. A takeaway food and drink premises is a food and drink premises, which is a further sub-definition of retail premises, which is in-turn a sub definition of Commercial premises which is the overriding permissible use with consent in the E1 Zone as indicated in the extract from the CBLEP 2023 below.

**3 Permitted with consent**

*Amusement centres; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; **Commercial premises**; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop*



top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4. Having regard to the above, the development is permissible, pursuant to the applicable EPI and can be proposed.

**(iii) Objectives of the Zone**

The objectives of the zone are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

**Comment:** The development is consistent with the applicable objectives of the E1 zone, in that its contributing to a mix of commercial uses within the zone and encourages employment opportunities. The use promotes a development that is in keeping with the small scale local commercial precinct. It encourages a variety of commercial developments to serve the local community, and provides a compatible use with the adjoining commercial/retail premises in the area.

**(iv) Summary of the Development Standards Applicable under the CBLEP 2023**

Development Provision	Requirement	Proposed
4.3 Height of Buildings	Max Height 11m	No change to building height
4.4 Floor Space Ratio	Max FSR 1.5:1	No change to FSR.

**(e) Canterbury Bankstown Development Control Plan (CBDPC) 2023**

An assessment against the applicable guidelines of the CBDPC 2023, specifically, chapter 3 – General requirements, section 3.2 – Parking and Chapter 7.1 – General Requirements. The subject site retains compliance with the applicable built form controls. The proposal is simply for a use of premises.

<b>CBDPC 2023 – Chapter 3 – General Requirements</b>
<b>Chapter 3.2 – Parking</b>

Control	Required	Complies
<b>Parking Rate</b>		
<p>The premises will retain its primary use as a retail premises, as the take away food and drink and the shop are both considered a form of retail premises under the LLEP 2008. The rate for retail premises under the DCP is 1 space for 40m<sup>2</sup> of GFA. The use is contained within the existing building foot print and does not generate additional floor area. As such the use proposed does not generate additional demand for parking, and the existing condition is considered satisfactory.</p>		

An assessment against chapter 7.1 – General Requirements, is not considered relevant in this instance as the proposed built form is not changed with the proposal. The subject site retains compliance with the applicable built form controls. The proposal is predominately for a use of premises.

**(f) Section 4.15(1)(a)(iii) –Any Planning Agreement or Draft Planning Agreement**

There is no planning agreement or draft planning agreement applying to the site.

**(g) Section 4.15(1)(a)(iv) –The Regulations**

The applicable provisions of the *Environmental Planning and Assessment Regulation 2021* has been considered in the assessment of this application and it is considered the proposal is consistent with the EP&A Regulation 2021.

**(h) Section 4.15(1)(b) – The Likely Impacts of the Development**

It is considered that the proposal will have limited impacts on the existing and future character of the locality. The proposal provides for a development that will easily cater for a suitable residential development that will not compromise the amenity of the surrounding locality. The proposal provides for a suitable lot size and has demonstrated it can accommodate a built form and dwelling design that is consistent with the objectives and intent of the current development standards under the CBLEP 2023 and relevant guidelines of the CBDP 2023.

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

The subject development is permissible in the zone and the proposal satisfies the key planning controls for site as detailed above and is generally considered to be suitable for the site.

**6. Conclusion**

The application has been assessed against the relevant provisions of the EP&A Act 1979, applicable development standards of the CBDP 2023 and relevant guidelines of the CBDP 2023. It is considered the development proposing the “*authorisation of the use of part of existing commercial premises as a takeaway food and drink premises*” at 87 Miller Road Chester Hill, legally identified as Lot 101 DP 28630, is a suitable form of development consistent with the development standards applicable to the site and is a development form that is consistent with the existing and future character of the area.

The proposal provides for a development that is consistent with the prevailing commercial character in the immediate locality and is consistent with the objectives of the E1 –zone applicable to the site.