

STATEMENT OF ENVIRONMENTAL EFFECTS TO CANTERBURY-BANKSTOWN CITY COUNCIL

PROPOSED DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF A SHOPTOP
HOUSING DEVELOPMENT

**SECTION 4.55 (1a) – MINOR CHANGES REGARDING FIRE SAFETY, RELOCATION OF OSD
AND REMOVAL OF NON-APPLICABLE CONDITIONS IN DA 994/2021 REGARDING WASTE
MANAGEMENT ISSUES**

AT 352 KING GEORGES RD, BEVERLY HILLS NSW 2209



I. INTRODUCTION

This Statement of Environmental Effect has been prepared in support of a **Section 4.55 (1a) – minor changes regarding Fire safety, relocation of OSD and removal of non-applicable conditions in DA 994/2021 regarding Waste Management Issues** for the construction of a mix-used development comprising of a business premises on the ground floor with shop top housing located above at 352 King Georges Rd, Beverly Hills NSW 2209.

The key aspects of the Section 4.55(1) proposal are as follows:

1. Extension of side walls to protect windows/doors that are within 3m of side boundary
2. Removal of elements that may contribute to the risk of spreading fire, including Rear Awning, side screen and one skylight
3. Relocation of OSD due to Structural reason
4. Removal of non-applicable conditions in **DA 994/2021**
 - Removal of Condition 2.20 (k) -
k. Any doorways must be 2m wide;
Reconsideration of 2.20 (g) (h) and (j)
 - Removal of Condition 2.21(d) (e)
d. Not within a driveway or carpark, this is considered a conflict point for vehicles and collection staff
 - e. A maximum grade of 1:30 (3%)

Located within close proximity to *Beverly Hills Train Station*, the subject site is known legally as **Lot 1 DP 136227**. The site comprises of a single rectangular shaped allotment, that has a frontage of **6.095m** to King Georges Road and also a **6.095m** frontage to a rear lane, with a depth of **27.74m**, resulting in a site area of **164.4m²**. The site is located on the eastern side of King Georges Road and is approximately 150m north of the intersection of King Georges Road and the *M5 Motorway*. The site is zoned **B1 Neighbourhood Centre** under the Canterbury Local Environmental Plan 2012.

Previous Approval

- Development Application – **DA-994/2021**
- Approved Development – *Demolition of existing structures and construction of a three storey shop-top housing development comprising of a shop on ground floor with a 2-storey residential unit above and associated car parking.*
- Date of determination – **9 March 2022**
- Consent to lapse – **9 March 2027**

II. SITE & LOCALITY DESCRIPTION

The subject site is legally known as Lot 1 DP 136227, but is more commonly known as 352 *King Georges Road, Beverly Hills*. The development site is located within the existing neighbourhood centre on King Georges Road. The site is approximately a 950m walking distance from Beverly Hills station and is also within a 45m walking distance of regular bus services to Strathfield and Roselands.

The site comprises of a single rectangular shaped allotment, that has a frontage of 6.095m to King Georges Road and also a 6.095m frontage to a rear lane, with a depth of 27.74m, resulting in a site area of 164.4m². The site currently contains a two storey brick residence with metal roof and associated structures, as illustrated by the extract below. The site adjoins a new shop-top housing development to the south and an older office to the north



Figure 1 – Shows the existing site at 352 King Georges Rd, Beverly Hills



Figure 2 – Shows the existing site at 352 King Georges Rd, Beverly Hills from rear lane (Moondani Ln)

Surrounded by a mixture of both old and new mixed-use commercial buildings, the subject site currently accommodates a brick mixed use commercial building which is to be demolished as part of the proposal.

The aerial extract and photographs of the locality in the following page provide context to the development site.



Figure 3 – Aerial Map Extract of the Subject site (Source – Six Maps)

As outlined above, the development site is zoned B1 Neighbourhood Centre under the provisions of the Canterbury Local Environmental Plan 2012 as illustrated by Council's zoning map extract in the following page. Commercial premises and shop top housing are permissible with consent within the B1 Neighbourhood Centre zone and the subject site is permitted a maximum building height of 10m.



Figure 4 – Zoning Map Sheet Extract (Source – Canterbury LEP 2012)

The subject site is ideal for redevelopment noting its above-mentioned strategic location, being within close proximity to Roselands shopping centre, Beverly Hills Train Station and Bus stops with regular services to Strathfield, Roselands, Hurstville and Rockdale. It is also noted that the proposal is located near key arterial roads such as The M5 and King Georges Road and Canterbury Road.

Photographs are provided in the following page that give context to the locality and also the relationship of the development site with adjoining developments.



Figure 5 – Shows the building neighbouring the site to the Southern boundary (354 King Georges Rd, Beverly Hills)



Figure 6 – Shows the building neighbouring the site to the Northern boundary (350 King Georges Rd, Beverly Hills)

III. HERITAGE

The site is not identified as a heritage item; it is not located within a heritage conservation area and it is not in proximity to any heritage items in the broader locality.

Figure 4: Heritage Map Sheet Extract (Source: Canterbury LEP 2012)



Figure 7 – Heritage Map Sheet Extract (Source: Canterbury LEP 2012)

IV. **DESCRIPTION OF PROPOSAL**

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4. Removal of non-applicable conditions in **DA 994/2021**
 - Removal of Condition 2.20 (k) -
 - k. *Any doorways must be 2m wide;*
 - Reconsideration of 2.20 (g) (h) and (j)
 - Removal of Condition 2.21(d) (e)
 - d. *Not within a driveway or carpark, this is considered a conflict point for vehicles and collection staff*
 - e. *A maximum grade of 1:30 (3%)*

The details and reasons for the Section 4.55 (1a) are discussed below.

V. REASONS FOR THE S4.55 (1)

1. Extension of side walls to protect windows/doors that are within 3m of side boundary

The Fire Engineer identified a few doors and windows that are within 3m of the side boundaries and are at risk of spreading fire. The engineer proposed extension of side walls to protect these doors & windows with details as below

- Ground Floor - Extension by **1m** towards Moondani Lane (Note 1 in figure 8)
- First floor - Extension by **1.5m** towards Moondani Ln (Note 2 in figure 8). The side walls at the front (facing King Georges Rd) are already approved by Council in DA.
- Second Floor - Extension by **0.3m** at the front and **1.5m** at the back (Note 3 in figure 8). The front already has side walls of 1.2m approved.

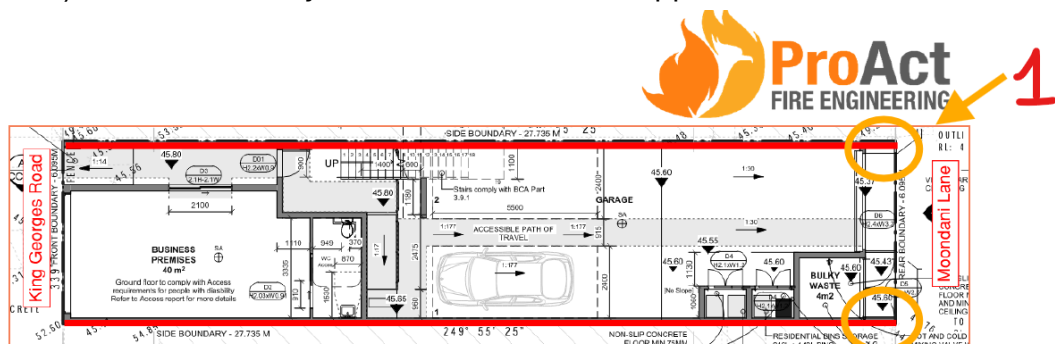


Figure 7-1: Indicative fire wall markup – Ground floor. Note: fire wall and fire rating markup may be indicative, and the building shall meet NCC DtS and certifier's requirements for fire rating in the DtS areas

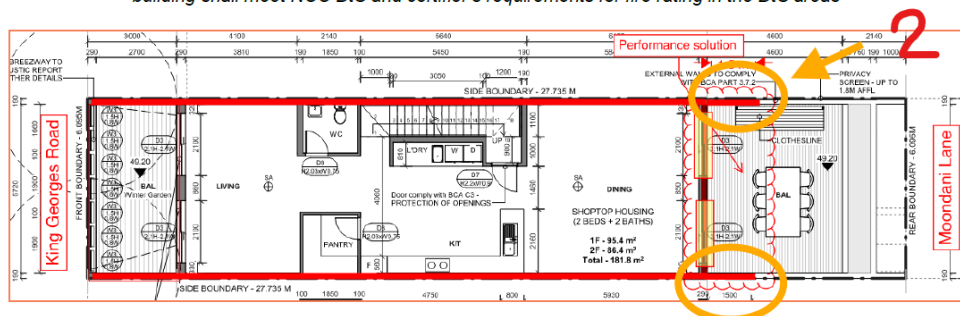


Figure 7-2: Indicative fire wall markup – First floor. Note: fire wall and fire rating markup may be indicative, and the building shall meet NCC DtS and certifier's requirements for fire rating in the DtS areas

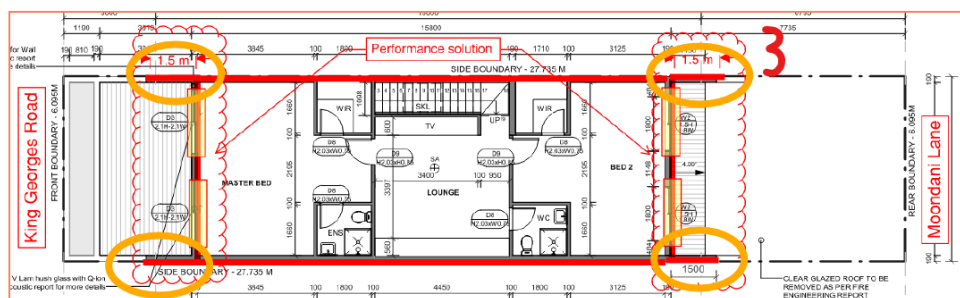


Figure 7-3: Indicative fire wall markup – Second floor (red solid line: fire wall; yellow shade: non-FRL openings). Note: fire wall and fire rating markup may be indicative, and the building shall meet NCC DtS and certifier's requirements for fire rating in the DtS areas

This minor extension of side walls is essential as it will ensure these windows and doors are protected in case of fire from next door neighbours or will stop the spread of fire to neighbours when fire happens to the property.

In terms of Planning, the building height is still under maximum 10m height with the extension, and will not affect the solar access of the development and neighbouring properties (*Please refer to Architecture Plan, Solar access and Fire Engineering report for more details*)

The issue was raised to Council's attention in January and got the support from Council's Town Planner. We'd like this to be formally changed in the Development Consent as required by the Private Certifier for Construction Certificate.

2. **Removal of elements that may contribute to the risk of spreading fire, including Rear Awning, side screen and one skylight**

The Fire Engineer also identified a number of elements that are within 3m of the side boundaries and contribute to the risk of spreading fire. They are

- Rear Awning with clear roof on first floor
- Side screen
- One skylight

These minor changes will help to stop the spread of fire to neighbours when fire happens to the property while posing no detrimental impact on occupants and neighbours. (*Please refer to Architecture Plan for more details*)

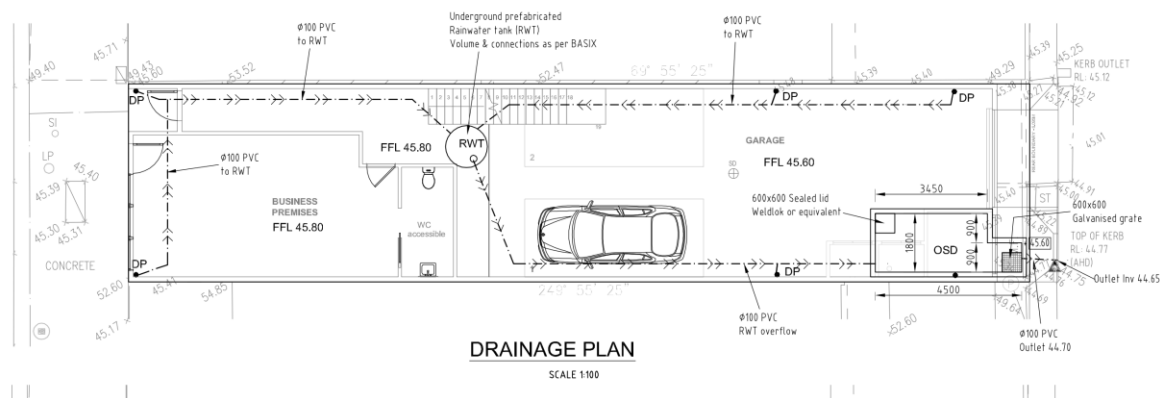
3. **Relocation of OSD due to Structural reason**

The approved location of the OSD is too close to the boundary and will affect the building's foundation and stability of adjacent building.

Below is the feedback from Structural Engineer of this development

The proposed OSD position is not feasible, it is too close to adjacent property and will interfere with piles and footing beams.

Structural constraint is a constraint that shall be taken seriously. If we try to construct an OSD tank near the boundary, it will trigger the need for shoring on the walls and thick transfer slabs (top of OSD), which will lead to a dead end.



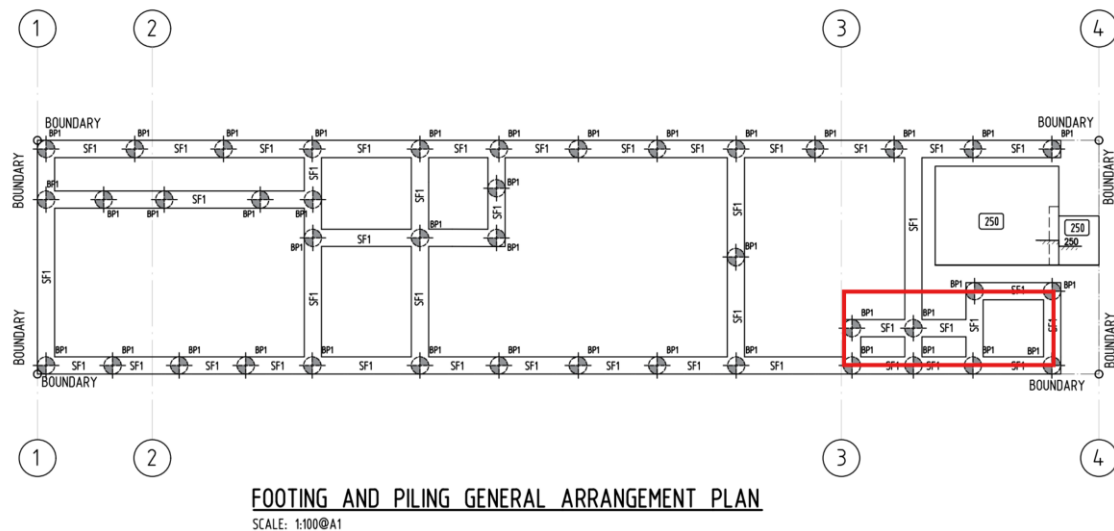


Figure 10 – Structural Plan – Footing and Piling Plan (Submitted with this S4.55)

Our solution is to relocate the OSD to the middle of the driveway. By doing it, the OSD won't be interfering with the structural piles & footing beams.

- 2.4x4.5m OSD tank which can reduce the OSD water level to 460mm.
- OSD top slab can have a fall to accommodate driveway slope.
- The top of OSD can become $44.7 + 0.46 + 0.2(\text{slab}) = 45.36$

The issue was raised to Council's attention in February and got the support from Council's Engineer in February 2025. (All correspondence is submitted with this S4.55). We believe this change is necessary for the stability of the building and adjacent ones and we'd like this to be formally changed in the Development Consent as required by the Private Certifier for Construction Certificate.

4. **Removal of non-applicable conditions in DA 994/2021 regarding Waste Management Issues**

Condition 2.20 - Waste storage area – *k. Any doorways must be 2m wide*

The current arrangement that we have has 2 separate rooms for residential (1x140L and 1x240L) and commercial use (2x240L)

- Room size 1400x960mm
- Door size - 1200mm width. **A doorway of 2m for each room will not fit the rooms.**

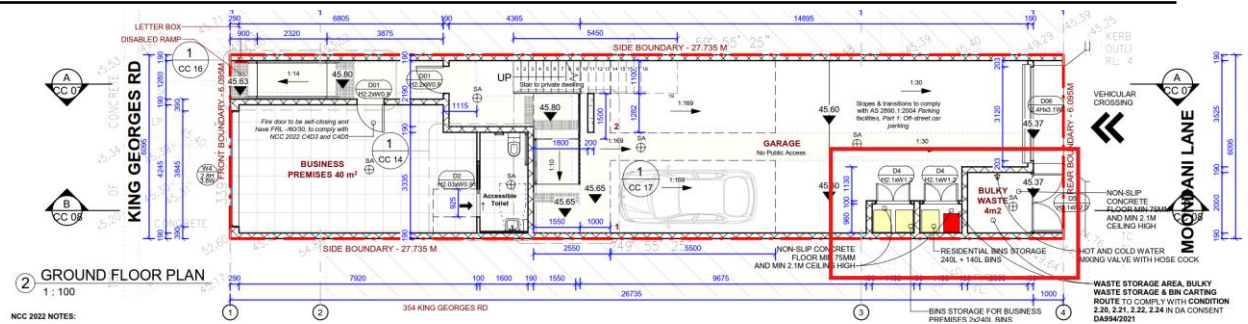


Figure 11 - Ground floor - 352 King Georges Rd, Beverly Hills

The Applicant believes this layout fits the scale of this development (*Small business premises without public access, and private dwelling*), and is accepted in few developments we did with Canterbury-Bankstown Council.

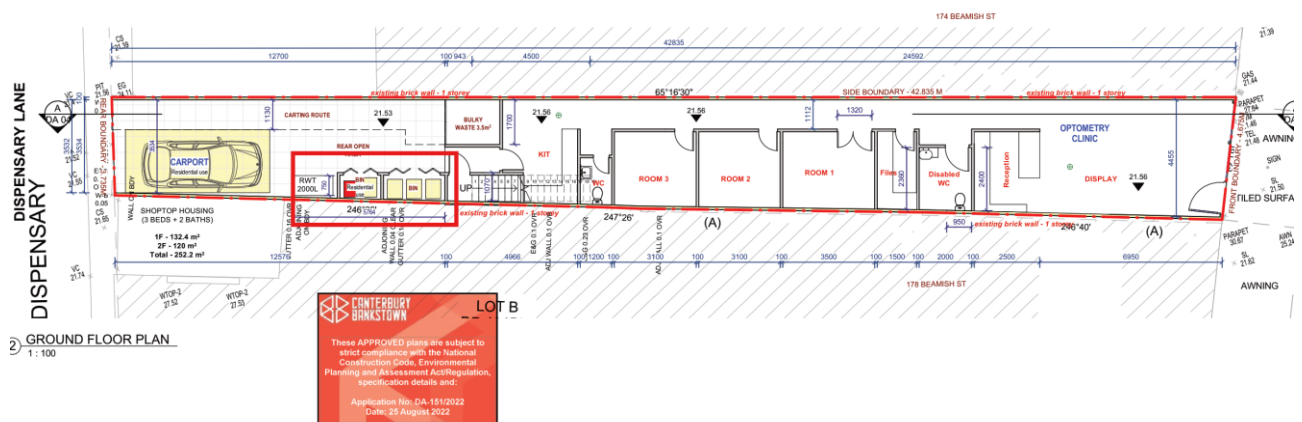


Figure 12- Ground floor - 178 Beamish St, Campsie - Door 1.2m and 1.7m

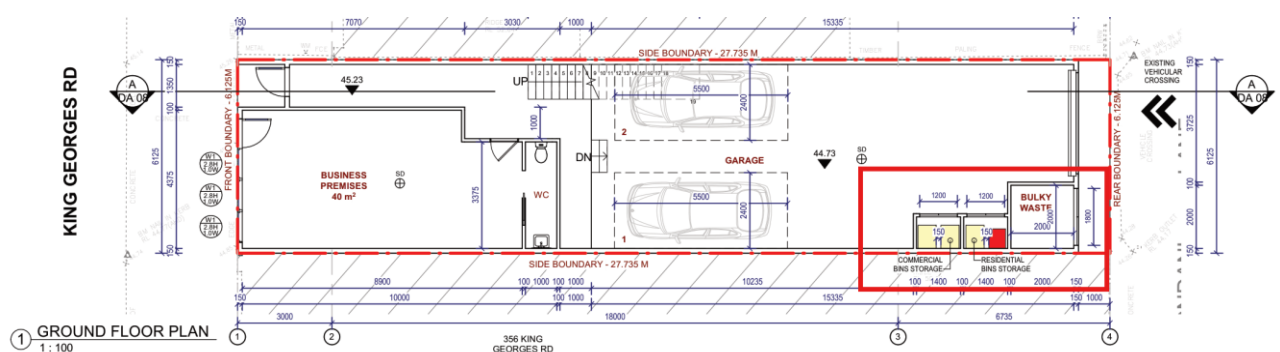


Figure 13- Ground floor - 354 King Georges Rd, Beverly Hills - Door 1.2m

This condition is applicable for development of larger scale such as multi-residential or residential flat building. But this one is much smaller compared to these types of development. Therefore, we'd like to request Council to remove this Condition 2.20 (k) from DA Consent. The issue was raised to Council's attention in February and got the support from Council's Engineer in May 2025. (*All correspondence is submitted with this S4.55*)

We'd like Council to re-consider the removal or adjustment of Condition 2.20 (g), (h) and (j) for the Waste Storage Room in development of such scale, even though they can be satisfied.

(g) – The waste storage room is to be provided with an adequate supply of hot and cold water mixed in the centralised mixing vale with a hose cock.

The point can be translated that each storage room will need a water supply of hot and cold water (Total of 2 for the Waste storage room and 1 for the Bulky waste room). But with the scale and size of these storage rooms, can it be one water supply (hot & cold) to be shared between the 2 Waste storage room & be located outside but next to them within the parking space?

(h) – The waste storage room is to be provided with a self-closing door openable from within the room

(j) – Light source must be through controlled light switches located both outside and inside the room.

These 2 clauses are applicable when there's a large Waste storage room for much bigger development in which a person can get inside the room to collect or dispose waste; hence the requirement for self-closing door and light source located both outside and inside the room. But the applicant believes these are not applicable in the case of this development.

Condition 2.21 - Bin Carting Route -

d. Not within a driveway or carpark, this is considered a conflict point for vehicles and collection staff

e. A maximum grade of 1:30 (3%)

Again, the applicant believes this condition (d) is applicable for development of larger scale. This development is only small business premises without public access, and private dwelling with 2 parking spaces.

With this type of infill development, the bin area is literally within the garage (car parking) and there's no other way to wheel the bin out except through the rear roller door.

Condition 2.21(e) regarding maximum grade of 1:30 also refers to much bigger developments with larger bin volumes where 660L and 1100L will be used.

The maximum volume of bins in this development is only 240L so the applicant believes the maximum grade of 1:14 will be applicable as per Waste Management Plan from Canterbury-Bankstown Council (See below).

Even though the design of the rear parking complies with 1:30 grade at the moment, the applicant would like this condition to be adjusted to avoid future issue.

- | |
|---|
| 6. Is the bin-carting route: |
| a) non-slip? |
| b) free from obstructions and steps? |
| c) a maximum grade of 1:14 (or 1:30 where 660L or 1100L bins are used)? |

Figure 14- Snippet from Canterbury-Bankstown Council's Waste Management Plan

Therefore, we'd like to request Council to remove this Condition 2.21 (d) (e) from DA Consent

CONCLUSION

It is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. EPW Designs recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.