

# STATEMENT OF ENVIRONMENTAL EFFECTS 37 BRENNAN ROAD YAGOONA

**Proposal:** Use of existing garage as a home business (hair dresser)

June 2025

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**Project Number:** 128-2025

**Revision:** B

**Client:** J Said

**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 “*use of existing garage as a home business (hairstylist)*”. The development site is identified as 37 Brennan Road Yagoona, legally known as Lot 143, DP10019.

The subject site is zoned R2 Low Density Residential 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

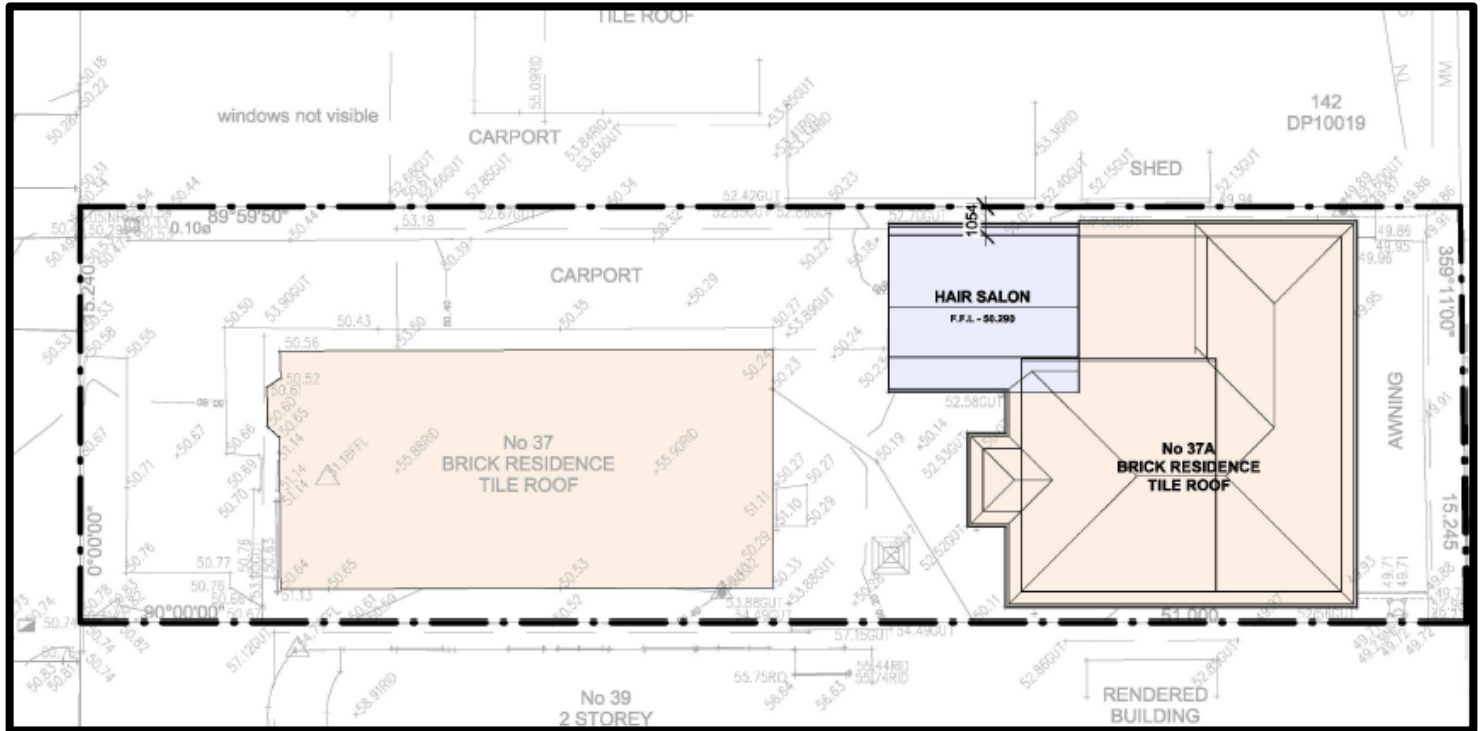
The subject site is identified as located at 37 Brennan Road Yagoona, legally known as Lot 143, DP10019. The subject site currently benefited by a newly constructed 2 storey detached dwelling, a secondary dwelling with an outdoor area, a carport and an outbuilding/garage which is being used for the purpose of a home business. The site is a regular shaped allotment with a total site area of 775.7m<sup>2</sup>. The site is relatively flat with a frontage 15.24m to Brennan Road. A rear boundary of 15.24m and a depth of approximately 50m.

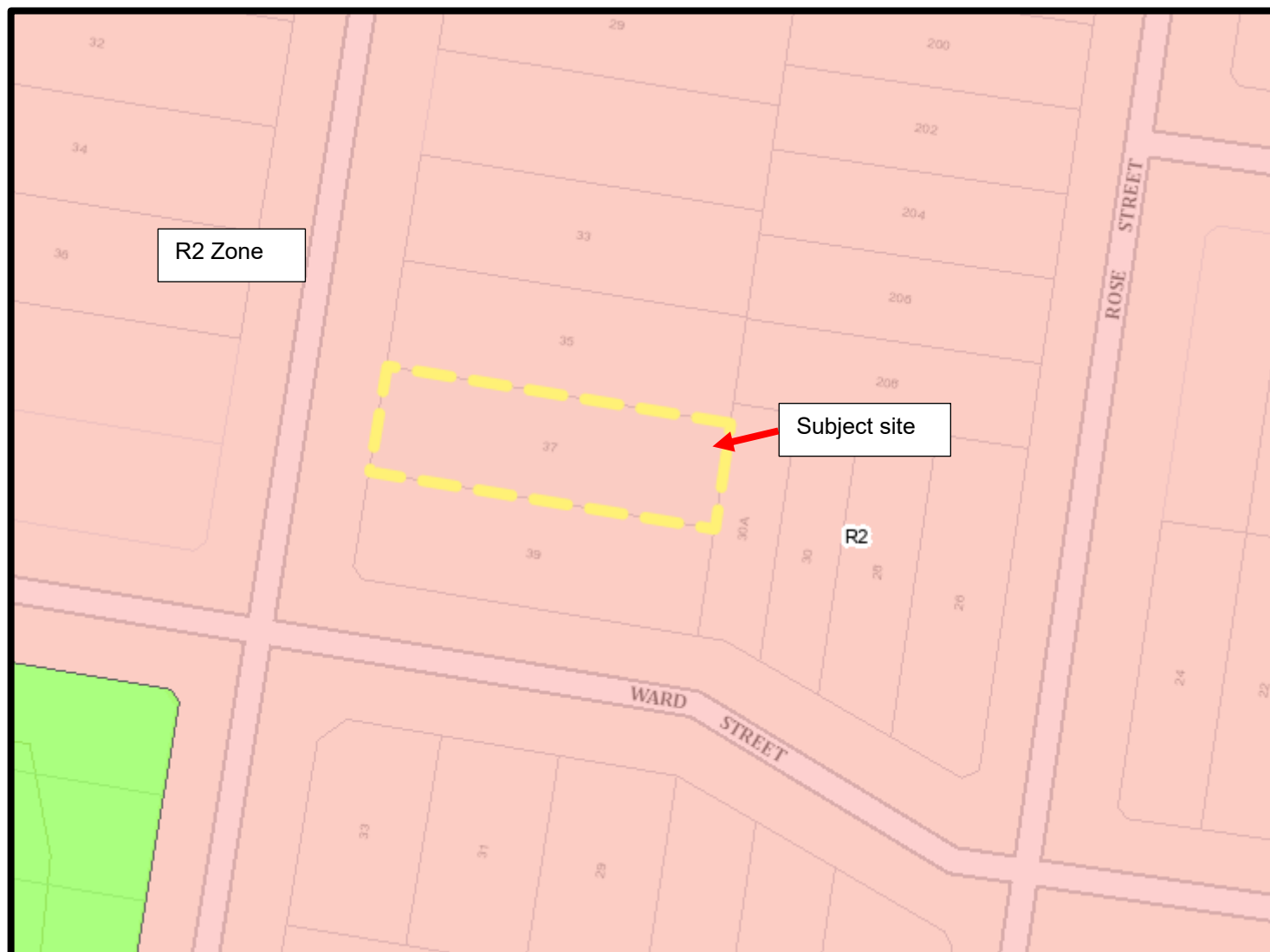
The surrounding locality is primarily characterised by, single and 2 storey residential developments consisting primarily of detached dwellings and dual occupancies.



**Figure 1:** Aerial view of the site identified as 37 Brennan Road







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

### 3. Proposed Development

The proposed development consists of:

*“Use of existing garage as a home business (hairdresser)”*. A detailed description is provided below.

- The development entails the use of the garage for the purpose of a hairdressing salon. The floor area of the salon equates to 28.9sqm.
- Hours of operation proposed are 7am-9pm Monday to Saturday and 8am-3pm Sundays
- There will be only 1 employee.

### 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 10 – Section 10.3 – Home Businesses

### (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 home business 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.

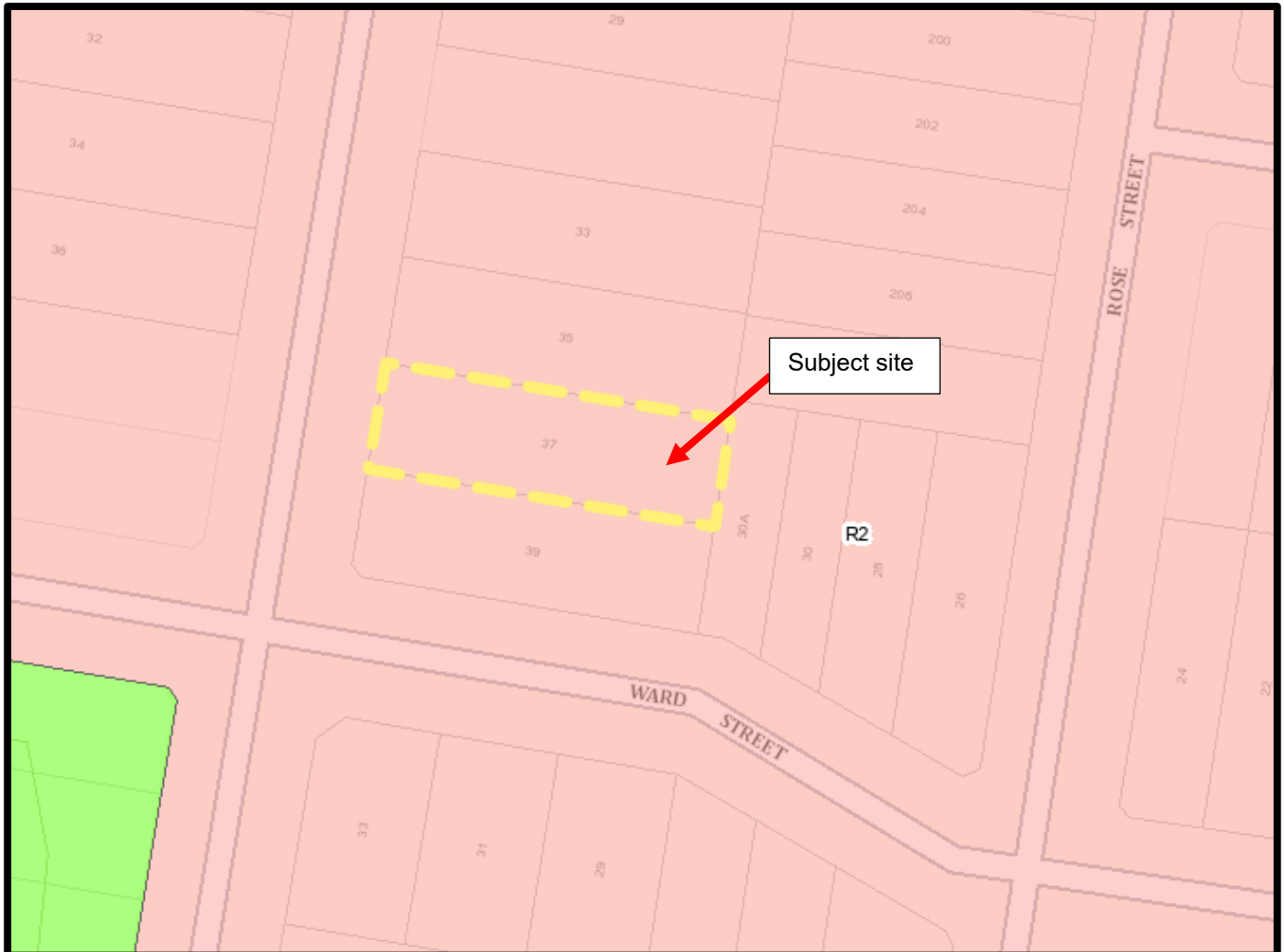
Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. The site has been used for residential purposes for a prolonged and extended period of time, therefore would unlikely contain contaminated land.

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 R2 Low Density Residential, pursuant to the CBLEP 2023.



**Figure 4: Zoning Map of the area - (Source NSW e-planning portal)**

(ii) **Permissibility**

The development proposes the “*Use of existing garage as a home business (hairstdresser)*”.

The proposal involves the use of a garage as a home business. The elements of the proposal is best defined as a “*home business*”. A Home Business is permissible with consent in the R2 Zone, as indicated in the extract from the CBLEP 2023 below.

**3 Permitted with consent**

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; **Home businesses**; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

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 for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

**Comment:** *The development is consistent with the applicable objectives of the R2 zone in that it is enabling a land use that provides a facility to meet the day-to-day needs of residents. The proposed use is considered to be a use that is compatible with the residential uses and does not adversely affect the living environment or amenity of the area. The salon is located within an existing garage well setback from the primary frontage to alleviate any visual impact on the public domain. There is an existing carport in front of the salon to provide ample parking for residents and any customers of the business, thus reducing the onus of on street parking. The salon has been well enclosed and does not generate any additional noise impacts on the locality. providing for a development that will facilitate for the housing needs of the community in a low-density residential environment.*

*Based on the assessment against the relevant objectives of the R2 zone above it is considered the proposed development is worthy of support in this instance and is consistent with the relevant objectives of the zone.*

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

Development Provision	Requirement	Proposed
5.4 (3)– Controls for miscellaneous permissible uses	If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	Complies  The proposed home business occupies 28.9sqm and the subject site contains a carport in front of the salon that provides the covered car spaces behind the building line.



### (e) Canterbury Bankstown Development Control Plan (CBDCP) 2023

An assessment against the applicable guidelines of the CBDCP 2023, specifically Chapter 10 – Section 10.3 – Home Businesses is provided below;

CBDCP 2023 – Chapter 10.3		
Home Business and Home Industries		
Control	Required	Complies
Building Design 1.1	A home business and/or home industry may occupy up to 30m <sup>2</sup> of gross floor area in an outbuilding provided the home business and/or home industry does not reduce the required off-street parking spaces for the dwelling.	The proposed home business occupies 28.9sqm and the subject site contains a carport in front of the salon that provides the covered car spaces behind the building line.
Amenity 1.3	<p>Council must consider the following matters to ensure home businesses have a minimal impact on the amenity of adjoining properties:</p> <p>(a) the likely number of vehicle, delivery, and visitor movements;</p> <p>(b) the size of delivery vehicles associated with the home business;</p> <p>(c) the siting of loading activities behind the front building line;</p> <p>(d) the type of equipment or machinery to be used by the home business;</p> <p>(e) the need for an acoustic report where the home business is likely to generate significant noise levels;</p> <p>(f) the need to control any odours or emissions; and</p> <p>(g) whether the hours of operation are within 8.00am to 6.00pm Monday to Saturday and not at any time on a Sunday or public holiday.</p>	<p>Satisfactory</p> <p>The salon is well setback from the primary frontage, has ample on-site parking to alleviate any parking impact on the street. The home business does not require any loading facilities or deliveries as such will not have any impact in relation to traffic impacts or noise from delivery vehicles. The machinery used with the salon are not considered to be noise generating machinery. The only likely noise source from the business would be the use of hair dryers, which are considered to create a negligible noise impact and one that is common in residential dwellings.</p> <p>The salon would have no adverse odour impacts that would be accompanied with the use.</p> <p>Hours of operation proposed are 7am-9pm Monday to Saturday and 8am-3pm Sundays.</p> <p>The application is accompanied by an acoustic report which has determined that the premises is suitable from 7am-9pm Monday to Sunday. As can be seen from above, the proposal is proposing hours less than the assessed within the acoustic report.</p>

		<p>The report concluded the following;</p> <p><i>Measurements and calculations presented in this report show that the noise emissions from the proposed hair salon at No. 37 Brennan Road, Yagoona will not exceed the noise criteria set out in Section 4 of this report. Additional noise controls recommendations are outlined in Section 6 to ensure compliance through the operation of the salon.</i></p> <p><i>The proposed hair salon complies with the various criteria detailed in this report, including Canterbury Bankstown Council conditions, NSW Noise Guide for Local Government, and NSW Noise Policy for Industry 2017, and will not create any offensive noise to the surrounding environment.</i></p>
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**(d)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.

**(e)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.

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

It is considered that the modified 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 development that will not compromise the amenity of the surrounding locality. The development site has an appropriate lot size for the locality that has accommodated a built form and design that is consistent with the objectives and intent of the current development standards under the CBLEP 2023 and relevant guidelines of the CBDCP 2023.

The modified development has been designed giving due consideration to the amenity of adjoining properties, by limiting potential privacy, traffic and overshadowing impacts from the proposed development.

**(g) 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 CBDCP 2023 and relevant guidelines of the CBDCP 2023. It is considered the development proposing the *"Use of existing garage as a home business (hairdresser)"* at 37 Brennan Road Yagoona, legally known as Lots 143 DP 10019, 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 subdivision pattern and predominant building form in the immediate locality and is consistent with the objectives of the R2 – Low Density zone applicable to the site.