



STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.55(2) Modification–DA-993/2021

2 George Street, Yagoona

Modify condition 6.1 to permit extended operating hours to the approved karaoke and restaurant.

Submitted to Canterbury-Bankstown Council

On Behalf of ES Design

June 2025

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1. EXECUTIVE SUMMARY

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the Section 4.55(2) Application for modifications to the approved karaoke and restaurant hours of operation as per **DA-993/2021** at Lot 4 in DP 16667, commonly known as No. 2 George Street Yagoona.

The proposal seeks to:

- **Modify Condition 6.1 to allow for extended trading hours for the karaoke and restaurant**

Development application **DA-993/2021** was approved with conditions by Council on 12/01/2023, and comprised: *'Change of use to ground floor and first floor for Karaoke with restaurant'*

This Statement should be read in conjunction with the Plan of Management prepared by ABC Planning.

The proposal seeks to:

- **Modify Condition 6.1 to allow for extending operating hours**

Condition 6.1 currently states:

1. *The hours of operation of the karaoke are restricted to:*
 - a) *5 pm to 1 am the following day, Monday, Tuesday, Wednesday, and Thursday*
 - b) *5 pm to 2 am the following day on Friday and Saturday*
 - c) *5 pm to 12 am the following day on Sunday.*
2. *The hours of operation of the restaurant shall be restricted to:*
 - a) *5 pm to 12 am, Monday to Saturday*
 - b) *5 pm to 10 am on Sundays.*

The proposal seeks to modify Condition 6.1 as follows:

1. *The hours of operation of the karaoke are restricted to:*
 - a) *5 pm to 6 am the following day, Monday to Sunday.*
2. *The hours of operation of the restaurant shall be restricted to:*
 - a) *8 am to 2 am, Monday to Sunday*

NB: Food and snacks will still be served to karaoke patrons after the restaurant closes.

The premises have been currently operating subject to the approved hours and have demonstrated they can successfully operate without generating any negative impacts on the amenity of the surrounding developments. It is considered that the extended hours will provide

a greater degree of flexibility and spread-out usage across the extended hours, as there will be no early closing time curfew.

It is understood that the premises have been operating in a responsible manner in relation to noise, traffic and parking impacts. This illustrates that the business is mindful and respectful of the surrounding development and is capable of continuing to operate in this manner. The enclosed and isolated nature of the built form and site assists in minimising potential acoustic impacts from the use of the premises. Patrons are advised to leave the site in an orderly manner in order to minimise potential acoustic impacts on surrounding properties.

The premises can continue to comply with the acoustic conditions/treatments as originally imposed. There have been no negative noise impacts on the amenity of the adjoining developments as the premises do not have an entrance or openings where it adjoins neighbouring residential developments. The building consists of masonry brick construction and solid doors to all openings, ensuring maximum noise is contained within the premises.

Given that there will be no significant intensification of land use, it is considered that the premises will not generate any discernible additional traffic and parking impacts, as the existing approved parking spaces would be sufficient. The premises have a high level of internal amenity as evidenced by the high-quality fittings and

Security is provided in the form of security contractors, whilst lighting and video surveillance will be maintained. Uniformed licensed security officers will be employed at the Venue during Karaoke opening times in accordance with the POM accompanying the application: *one (1) on Mondays to Thursdays, a minimum of three (3) on Fridays and Saturdays and one (1) on Sundays at least 1 hour prior to opening the karaoke venue and at least 1 hour after closing the karaoke venue for the approved hours of operating and trading.*

Furthermore, given the surrounding context, which is characterised by a mix of residential and commercial uses, and the nature of the approved use, the proposal will not be responsible for any unreasonable environmental or amenity impacts beyond those originally approved.

This Statement demonstrates that the proposed changes are minor in nature and that the modified development will remain substantially the same as the existing development as approved, whilst it is considered that there will be no adverse amenity impacts to the adjoining neighbours or the public domain.

It is also confirmed that the modified proposal is not inconsistent with any aspect of the applicable LEP and DCP that apply to the site.

On this basis, the modified development is considered to be worthy of approval.

2. SITE ANALYSIS

2.1. SITE AND SURROUNDING CONTEXT

The subject site is located within the Canterbury-Bankstown Local Government Area. The site is located within a mix of residential and commercial uses between George Street and Hume Highway and is further west of Rookwood Road. It is legally described as Lot 4 in DP 16667, commonly known as No. 2 George Street, Yagoona.

Refer to the figure below for an aerial map of the subject building.

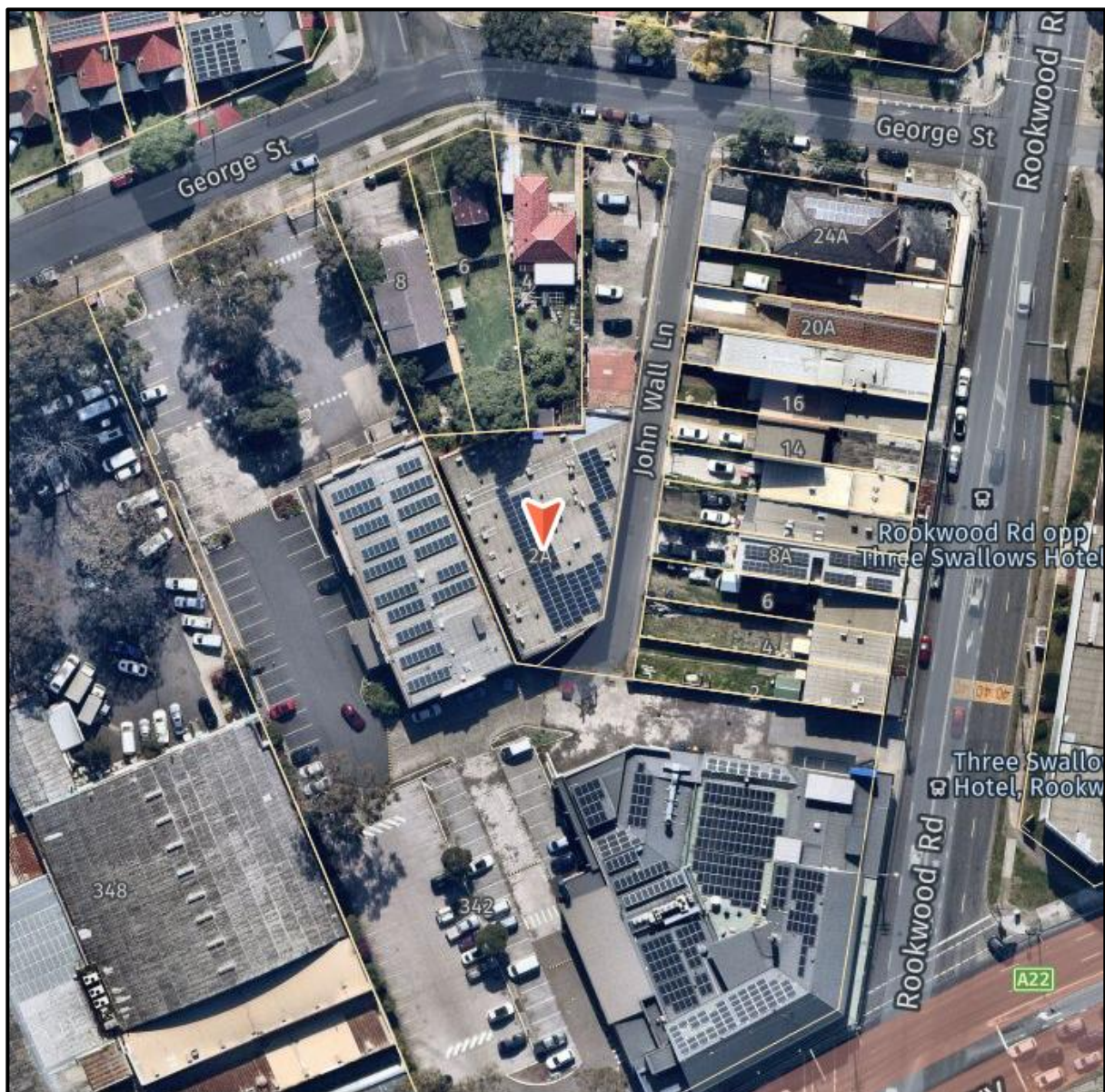


Figure 1: Nearmap aerial dated August 2023, which confirms that the site is adjoined by commercial development to the west and south, and mixed-use development to the east across John Wall Lane, with Three Swallows Hotel to the south and Hume Highway to the south.

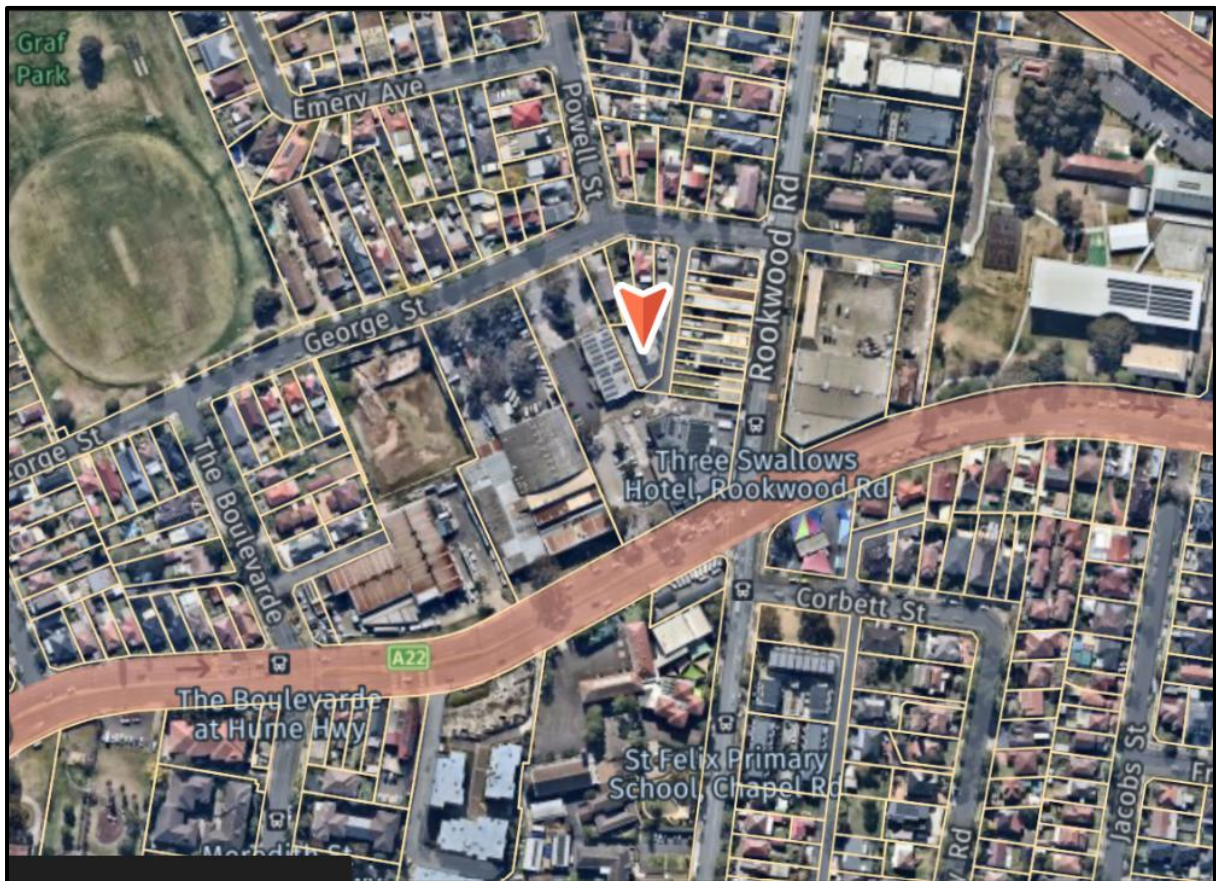


Figure 2: Nearthmap aerial dated August 2023

2.2. EXISTING DEVELOPMENT

The existing karaoke centre and restaurant have been operating at the approved hours as per **DA-993/2021**, which was approved with conditions by the Council on 12/01/2023.



Figure 3: View of the subject site as seen from George Street.



Figure 4: View of the car parking for the subject premises.



Figure 5: Subject site as seen from the frontage adjacent to the car park.



Figure 6: View of the southern neighbouring commercial development.



Figure 7: View looking towards the residential and commercial development to the west of the subject site.



Figure 8: View from the subject building showing the relationship with the mixed use development to the east



Figure 9: View of the commercial development immediately adjoining the west of the site.

3. BACKGROUND:

Recent recorded planning history relating to the subject site includes the following:

DA-993/2021

- Determined by way of approval on 12 January 2023, for the *Change of use to the ground floor and first floor for Karaoke.*

4. PROPOSED AMENDMENTS

The proposal seeks to:

- **Modify Condition 6.1 to allow for extending operating hours**

Condition 6.1 currently states:

1. *The hours of operation of the karaoke are restricted to:*
 - a) *5 pm to 1 am the following day, Monday, Tuesday, Wednesday, and Thursday*
 - b) *5 pm to 2 am the following day on Friday and Saturday*
 - c) *5 pm to 12 am the following day on Sunday.*
2. *The hours of operation of the restaurant shall be restricted to:*
 - a) *5 pm to 12 am, Monday to Saturday*
 - b) *5 pm to 10 am on Sundays.*

The proposal seeks to modify Condition 6.1 as follows:

1. *The hours of operation of the karaoke are restricted to:*
 - a) *5am to 3am the following day, Mondays to Saturdays.*
 - b) *6am to 3am the following day, Sundays*
2. *The hours of operation of the restaurant shall be restricted to:*
 - c) *11am to 6am the following day, Mondays to Sundays,*

NB: Food and snacks will still be served to karaoke patrons after the restaurant closes. Also, a 6-hour closure period between alcohol Service will be implemented daily. The service of alcohol will align with the Statement of Risks and Potential Effects (SoRPE) as it explicitly outlines the service of alcohol licensing hours.

To ensure that amenity impacts are low for the duration of the business operations, the premises will continue to operate under all relevant conditions of the consent, the approved Acoustic Report and the Plan of Management.

5. ASSESSMENT AGAINST THE PROVISIONS OF SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) contains provisions relating to the modification of a development consent. Sub-clause (2) relates to 'Modifications involving minimal environmental impact' and states the following:

- (2) **Other modifications** 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 development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Assessment: The proposal for the extended operating hours will not transform the nature or essence of the approved use and will not generate any adverse amenity or traffic/parking impacts. There is no significant intensification of land use, nor are any additional activities proposed as part of the approved use. The additional 5-6 hours are proposed between 12-6am and such additional hours are not considered to generate a radical transformation when compared to the approved use and impacts. The proposal does not result in any internal or external modifications to the approved built form. The premises will continue to operate as per the Plan of Management, conditions of development consent, and the recommendations contained within the approved Acoustic Report.

Based on the above, it is considered that the proposed modifications are thereby in coherence with the provisions of Section 4.55 (2) and can be assessed as being substantially the same development.

6. SECTION 4.15 ASSESSMENT

The following planning instruments are relevant to the proposed development:

- Canterbury-Bankstown LEP 2023; and
- Canterbury-Bankstown DCP 2023.

6.1. LEP AND DCP COMPLIANCE SUMMARY

The table below provides a compliance summary of the proposed development with Canterbury-Bankstown LEP 2023 and Canterbury-Bankstown DCP 2023.

Table 1: Compliance Summary Table

| CONTROL | NUMERIC | PROPOSED | COMPLIANCE |
|--------------------------------------|--------------------------|--|-------------|
| CANTERBURY-BANKSTOWN LEP 2023 | | | |
| Zone | B6 – Enterprise Corridor | No change of use proposed | As approved |
| Height | Max. 14m | No change – works are limited to a change of hours only | As approved |
| FSR | Max. 2:1 | No change – works are limited to a change of hours only | As approved |
| CANTERBURY-BANKSTOWN DCP 2023 | | | |
| Parking | - | No change – the proposal does not result in any intensification to the approved use, nor does it introduce any new uses. The subject site also continues to meet accessibility requirements as was originally approved. | As approved |
| Waste | - | No change – waste management to be carried out as approved and as per the Plan of Management | As approved |
| Signs | - | No modifications proposed to the existing signage approved for the premises | As approved |
| Rockwood Village Centre | | The subject site is located within the Rockwood Village Centre. Due to the nature of the works proposed, there are no changes proposed to the internal or external of the building. This modification application is limited to a change of use only. Therefore, the proposed development will be in keeping with the existing character of the building and respects the existing and desired future character of the area. Due there being no building works, the proposal will also retain the existing architectural style and characteristics of the building. | As approved |

6.2. Other Considerations

Built form:

The proposed modification will not result in any internal or external modifications to the existing built form. The height, bulk, and scale of the subject site remain as originally approved, with no additional visual impacts imposed to the surrounding residential development, further demonstrating the minimal external amenity impacts associated with the proposal. The proposal is limited to an extension of the operating hours only.

Acoustic Privacy:

The commercial nature of the surrounding properties and the high level of background noise from the regular vehicular movement along George Street and Hume Highway confirm that the extended hours will have no visible impacts on any residential or non-residential neighbours above that already approved.

The premises will continue to comply with the conditions of the development consent, the Acoustic Report and the Plan of Management.

7. SECTION 4.15 CONSIDERATIONS

In considering this development application, the Council must consider the relevant planning criteria in Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

This assessment has taken into account the following provisions:

7.1. STATUTORY POLICY AND COMPLIANCE – s.4.15 (1)(a)

The proposal has been assessed in relation to all relevant SEPPs, LEPs and DCPs above in the Statement of Environmental Effects.

7.2. NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - s.4.15(b)

The day-to-day operations of the development are unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian/vehicular traffic flows.

The proposal will not result in the loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site, and no endangered fauna has been identified on or around it. The proposal does not involve removing any significant trees or vegetation on the site.

The proposed development is considered appropriate and will not be responsible for any unreasonable environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposal will also continue to provide a positive social benefit to the locality by providing social and eating facilities with flexible hours within a commercial and residential area.

The proposed development will not be detrimental to the social and economic environment in the Canterbury Bankstown LGA.

7.3. SUITABILITY OF THE SITE FOR DEVELOPMENT – s.4.15(c)

The proposal seeks consent for extended hours at the premises. The modification application does not seek to change or intensify the originally approved land use.

The operation of the premises at the extended hours is appropriate as it provides high-quality social and eating facilities, whilst providing flexibility in hours. The premises will continue to cater for the needs of the local community as well as any visitors to the area.

7.4. SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT – s.4.15(d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

7.5. THE PUBLIC INTEREST – s.4.15(e)

Amenity impacts have been minimised and the proposal is considered to be a positive contribution to the built and natural environment in this part of Yagoona.

8. CONCLUSION

This Statement of Effects has demonstrated that the proposed extended hours of operation for the karaoke and restaurant at 2 George Street, Yagoona, represent an efficient and sustainable use of the site without any unreasonable amenity impacts on the adjoining neighbours or the streetscape.

The modification does not seek to significantly increase the intensity of the approved use, with no change to the patron capacity. The additional hours remain beyond midnight and will assist with meeting the community's needs by providing greater flexibility and spreading the usage of the premises across the extended hours, resulting in fewer "peak" hours.

This Statement has demonstrated that the premises have been successful in their current operations and do not affect neighbouring non-residential and residential land uses.

The proposed modification is considered to have no significant or unreasonable amenity impacts on surrounding developments in regard to visual and acoustic privacy, visual bulk and scale, overshadowing, view loss, or impacts to traffic and parking.

The limited traffic and parking generation during the extended hours further confirms that the extended hours are reasonable to be continuously applied.

Overall, the design modifications are considered minor in nature and will not result in any adverse or unreasonable environmental planning impacts. The proposed amendments continue to result in substantially the same development as that of the original approval (DA-993/2021).

On this basis, the modified proposal is considered to be worthy of approval.