

Statement of Environmental Effects

Section 4.55 (2) Modification to
extend operational days/hours from an existing supermarket-
trading as Omran Supermarket at 257-257A Hector Street, Bass Hill

Originally Approved under Notice of Determination no.
DA-607/2024
PAN-442764
dated 12 September 2024

Date: 6 July 2026

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1. Introduction

Council issued a development consent (DA-607/2024 or PAN-442764) on 12 September 2024 for a change of use from butcher shop to fruit and vegetable shop, to operate in association with an existing supermarket operation (at No. 257) at 257A Hector Street, Bass Hill.

The consent was taken up by the operator.

Condition 26 stated the hours of operation to be daily from 7am to 10pm.

The operator inadvertently carried out extended trading without consent, and for completeness now seeks to extend the hours of operation to run 24 hours a day, 7 days a week as part of a formal amendment to the consent.

To support the proposal for extended trading, an Operational Noise Emission Assessment was undertaken by Acoustic Dynamics. This Noise Report considers noise emission and provides recommendations to achieve compliance with environmental standards.

The purpose of this Modification Application is to allow for the implementation of a trial period and to allow the operator to commence a trial period successfully and to demonstrate good management of the premises once the recommendations in the Noise Report are implemented.

The main body of this report reviews key planning considerations for Council as a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and recommends approval of the Modification Application.

2. Site Details

2.1. Location

The site subject to this Development Application is an existing fruit shop that is located at the ground level of an existing 2 storey commercial building and is known as 257A Hector Street, Bass Hill (Lot 3 in DP 504074).

The fruit shop is being used as part of the adjoining supermarket- trading as *Omran Supermarket* at 257 Hector Street, Bass Hill (Lot 4 in DP 504074). This adjoining building is also of 2 storey construction and contains a larger floor plate.

The fruit shop and supermarket are separate shops divided by a tenancy wall and are linked by an opening.

A location plan of the site is provided below.



Location Plan and Aerial Image- Subject land

3. Modification proposal

The Section 4.55(2) Modification application submitted to Council seeks to implement a trial period hour of operation of the existing supermarket premises by amending Condition 26 to permit 24 hours a day, 7 days a week trading and remedial works.

The remedial works are unpacked as follows and illustrated below:

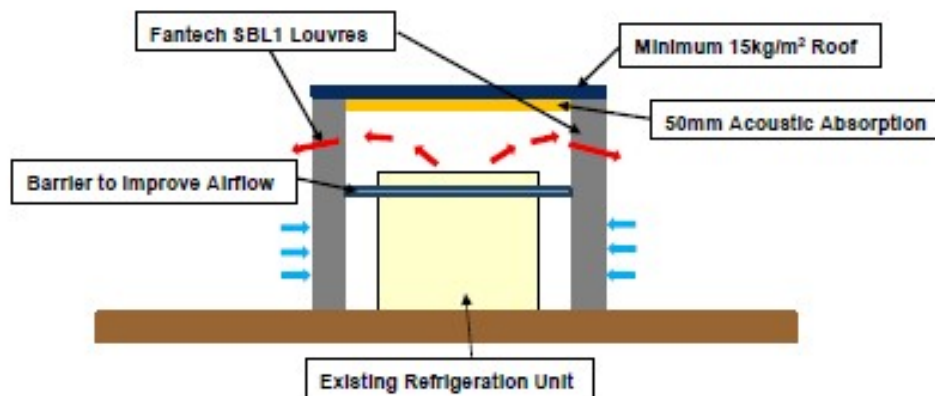
- Installation of a new acoustic barrier,

A.4.1 PROPOSED BARRIER DRAWING – TOP VIEW



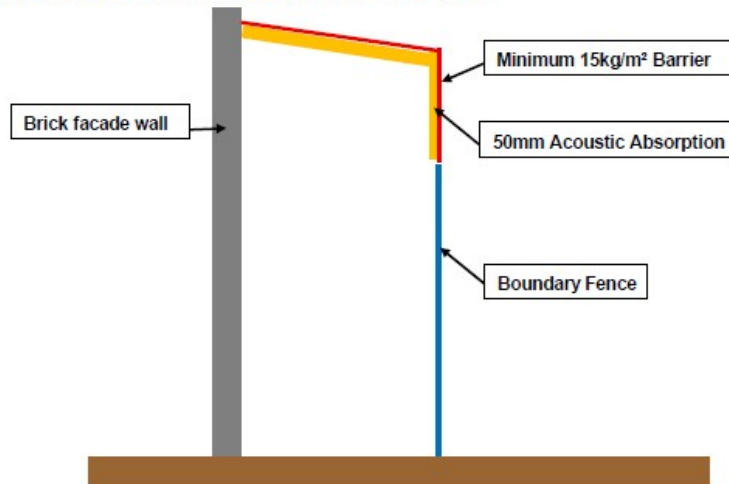
- Installation of a new plant enclosure,

A.4.2 PROPOSED REFRIGERATION PLANT ENCLOSURE DRAWING



- Installation of a new barrier,

A.4.2 PROPOSED BARRIER DRAWING – SIDE VIEW



4. Threshold Test

We state the purpose of the Modification Application is filed for completeness and to deal with the notice of intention to file an order as the operator inadvertently commenced operating the extended trading times.

We form the opinion the use of the premises as proposed to be modified is substantially the same as that originally approved as the operational changes relate to the daily hours of operation, with ancillary noise attenuation works that are necessary to allow the changes to eventuate are acceptable from a qualitative and quantitative perspective.

5. Merits Assessment

The operator believes the modification to impose a trial period is make the supermarket economically viable, competitive and for completeness.

We suggest the following condition is amended (in **bold** suggested changes):

26. HOURS OF OPERATION

a) The following hours of operation are approved on a permanent basis:

7.00am to 11.00pm Monday to Sunday

b) Notwithstanding (a) above, the use may operate 24 hours a day, 7 days a week for a trial period of 12 months from the date of completion of all the

recommendations and design advice in Section 7 of the Operational Noise Emission Assessment undertaken by Acoustic Dynamics, dated 2 July 2026 are implemented.

The operator is to advise Council upon completion of the recommendations and design advice before commencing the trial period from the date of completion.

Certification from a suitably qualified person is to be provided stating the same.

A further application may be lodged before the expiration date for Council's consideration for the continuation of the trial hours.

Council's consideration of any further application will take into account matters including but not limited to:

- i. compliance of the premises in terms of security and its general management;***
- ii. number and nature of substantiated complaints regarding the operation of the premises;***
- iii. compliance with conditions of consent.***

6. Matters of Consideration

6.1. Section 4.15(1)(A)(I) – any environmental planning instruments

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and signage

The modified application does not offer any new signage.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 11 Georges River Catchment

The modified application does not propose any changes to the existing drainage system contained within the commercial buildings.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The modified application does not propose any changes to the historical use of the site as commercial use, and there is no change to a sensitive land use proposed as part of this development proposal (such as residential), no further contamination assessment is required.

Canterbury-Bankstown Local Environmental Plan 2023

Permissibility

The Modification Application does not raise any concerns with respect to permissibility and use of the grounds that is found in the B1 Neighbourhood Centre zone under Canterbury-Bankstown Local Environmental Plan 2023.

A summary of our assessment of the proposed development against the relevant clauses within the LEP is in the following table.

LEP Clause	Requirement	DA approval	MA proposal
4.3 – Height of Buildings	No change	-	No change
4.4 – Floor Space Ratio	No change	-	No change
5.4 – Controls relating to miscellaneous permissible uses	1000sq.m	Complies	No change
5.9– Preservation of trees	Nil affected	-	No change

6.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the site.

6.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The proposal does not warrant a change to some of the considerations contained in Canterbury Development Control Plan 2023 given the scope of the Modification proposal.

- drainage considerations,
- height of the overall building,
- front setback,
- side setbacks,
- heritage considerations, or
- dilapidation reporting for adjoining properties.

An acoustic report prepared by Acoustic Dynamics, dated 2 July 2026 provides a noise impact assessment that addresses an operation period of 24 hours daily.

We believe that it would be appropriate a trial period is commenced, and the noise attenuation measures are implemented as specified in this Noise Report. The Report concludes:

A review of the applicable local policies and standards was conducted. Noise levels were assessed in accordance with the requirements of:

- (a) Canterbury-Bankstown Council;
- (b) NSW Environment Protection Authority;
- (c) Association of Australasian Acoustical Consultants; and
- (d) Australian Standards.

The assessment predicted noise impacts at nearby sensitive receiver locations. Noise modelling was conducted using assumed worst-case operational scenarios in Section 5. Recommendations are provided in Section 7 detailing best management practices and design strategies minimise the impacts on the surrounding acoustic environment.

And by doing so, this will allow the operator to demonstrate good management practices.

6.4. Section 4.15(1)(A)(iiia) – any planning agreement or draft planning agreement

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the modification.

6.5. Section 4.15(1)(B) - the likely impacts of the development

The proposal is compatible with other commercial activities and sensitive land users.

There are no undesirable socio-economic impacts that will result from the operational changes to allow extended hours of operation.

An Acoustic Review was obtained from Acoustic Dynamic concerning noise impacts for completeness and supports the changes requested. The Report states:

Acoustic Opinion

Further to our site survey, noise monitoring and measurements, our review of the relevant acoustic criteria and requirements, and our calculations, Acoustic Dynamics advises that the proposal can be designed to comply with the relevant acoustic criteria of Canterbury-Bankstown Council, the NSW POEO Act 1997 and the NSW EPA, with the incorporation of our recommendations detailed within this report.

It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected.

6.6. Section 4.15(1)(C) - the suitability of the site

The proposal will not increase the demand for public services or facilities as the subject land is an existing supermarket shop already operating.

The proposed acoustic attenuation measures will ensure ongoing good operation and performance of the supermarket.

6.7. Section 4.15(1)(D) - any submission made

Council will review any submissions made during the exhibition process and we welcome the opportunity to review these.

6.8. Section 4.15(1)(e) - the public interest

The proposal is not contrary to the public interest in our view.

7. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

We have also provided an Acoustic Report and opinion from Acoustic Dynamics, and the proposal will not result in adverse noise nuisances which is subject to recommendations on noise attenuation being adopted.

We say there are or will be adequate measures in place, in minimising the impact that the operation may have on the community.

Having regard to all of the above matters, it is considered that the modification generally, satisfies the relevant strategy, objectives and provisions of the LEP and DCP and is acceptable and should be approved by Council.

We recommend approval of the Modification Application to allow a trial period of up to 24 hours daily and to amend Condition 26 as we have suggested.

And the trial period commences upon the successful completion of the remedial works specified to deal with noise management, acoustic barrier and refrigerant plant, and existing compressor.

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