



Application Pursuant to Clause 4.15 of
The Environmental Planning and Assessment
Act 1979

Statement of Environmental Effects in support of the
Alterations and additions to an existing two-storey dwelling house
and proposed in-ground swimming pool and boatshed at the rear

5 Villiers Road, Padstow Heights NSW 2211



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Project No:	24103
Date:	January, 2025
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Title	Version	Prepared By	Checked by	Date
Statement of Environmental Effects	1	NV	EE	January, 2025
Statement of Environmental Effects	2	NV	EE	April, 2025

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1 EXECUTIVE SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) is to accompany the plans lodged as part of the development proposal to Canterbury – Bankstown Council for alterations and additions to an existing two storey dwelling house and proposed in-ground swimming pool and boatshed at the rear, at No. 5 Villiers Road, Padstow Heights.

The statement addresses the relevant elements of Section 4.15 of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies and Regional Environmental Plans, The Regulations and local plans and policies.

1.2 LEGISLATIVE REQUIREMENTS

The site is in the Canterbury – Bankstown Local Government Area (LGA) within the R2 Low Density Residential Zone. The following state and local legislative controls are relevant to the proposal:

- State Environmental Planning Policy Resilience and Hazards 2021
- State Environmental Planning Policy – Sustainable Buildings 2022
- State Environmental Planning Policy –Transport and Infrastructure 2021
- Canterbury – Bankstown Local Environmental Plan 2023

1.3 NON-LEGISLATIVE REQUIREMENTS

The following non-Legislative control is applicable to the development:

- Canterbury – Bankstown Development Control Plan 2023

1.4 CONCLUSION

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposal offers a high-quality, flexible, contemporary, residential outcome. The proposal will provide for and contribute to the character of single storey dwellings in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

We recommend the proposal for your approval, subject to standard conditions of consent.

Address of Site:	5 Villiers Road, Padstow Heights
Local Government:	Canterbury – Bankstown City Council
Local Environmental Plan:	Canterbury – Bankstown L.E.P. 2023
Development Control Plan:	Canterbury – Bankstown D.C.P. 2023
Zone:	R2 – Low Density Residential
Brief Description / Purpose of Proposal:	Alterations and additions to existing two storey dwelling

The site is legally known as Lot 3, DP313526 and is commonly referred to as 5 Villiers Road, Padstow Heights. The subject site is irregular in shape with a frontage of 12.19m and an average site depth of 57.2m. These measurements equate to an overall site area of 1274.3m². The topography generally slopes by 14.682% from north down to south.



The subject allotment is currently occupied by two storey dwelling. The pedestrian and vehicle access are via Villiers Road.



Figure 2: Front elevation

Source: ES Design



Figure 3: Rear View

Source: ES Design



Figure 4: Aerial View

Source: Metro Map

2.2.1 Site Surrounds

Reviewing the surrounds, the locality is characterized by low residential density dwellings with associated landscaping and parking. The sites are all similar allotments sizes and contain either a single or two-storey dwelling house.

3 RELEVANT SITE HISTORY

A review of Council records indicates that there are no past development or applications relevant to the subject allotment.

4 PROPOSED WORKS

The applicant seeks approval for the proposed works which entail the following:

- Removal of three (3) trees;
- Proposed front fence;
- Proposed in-ground swimming pool at the rear;
- Proposed boatshed at the rear.

Proposed Lower Ground Floor:

- Proposed concrete paving to align with the proposed levels;
- Workshop;
- Long-term storage;
- Gym;
- Rumpus room with kitchenette and bathroom

Ground Floor:

- Demolition of existing internal walls;
- An entry way and porch at the dwelling frontage;
- Foyer with lounge room at the entry;
- Lift and stairs providing access to upper level;
- A garage for two (2) car parking spaces;
- A laundry;
- A kitchenette in the hallway;
- Bedroom four (4) with ensuite and walk in wardrobe;
- Bedroom three (3) with ensuite and walk in wardrobe;
- Bedroom two (2) with ensuite and walk in wardrobe;
- A master bedroom with ensuite, walk in wardrobe and balcony at the rear;

First Floor:

- Demolition of existing internal walls;
- Lift and stairs providing access to lower level;
- Proposed deck with access from the hallway;
- A multipurpose room with ensuite;
- A powder with access from the hallway;
- Butler's pantry with access from the kitchen;
- A living area at the rear with combined dining and kitchen area;
- A patio adjacent to the living area opening out into the rear deck;

5 HEADS OF CONSIDERATION AND EVALUATION

5.1 ENVIRONMENTAL PLANNING INSTRUMENTS

5.1.1 State Environmental Planning Policy - Sustainable Buildings 2022

A BASIX certificate has been provided indicating the proposal achieves the appropriate energy targets. No further assessment is required.

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

5.1.2.1 Chapter 2, Coastal Management - Part 2.2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

2.7 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following—*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*

- (iv) environmental protection works,
- (d) any other development.

(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.

(3) Despite subsection (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in—

- (a) the relevant certified coastal management program, or
- (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or
- (c) a plan of management under Division 3.6 of the Crown Land Management Act 2016.

(4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

(5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.

(6) This section does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

Note—The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

(2) This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.

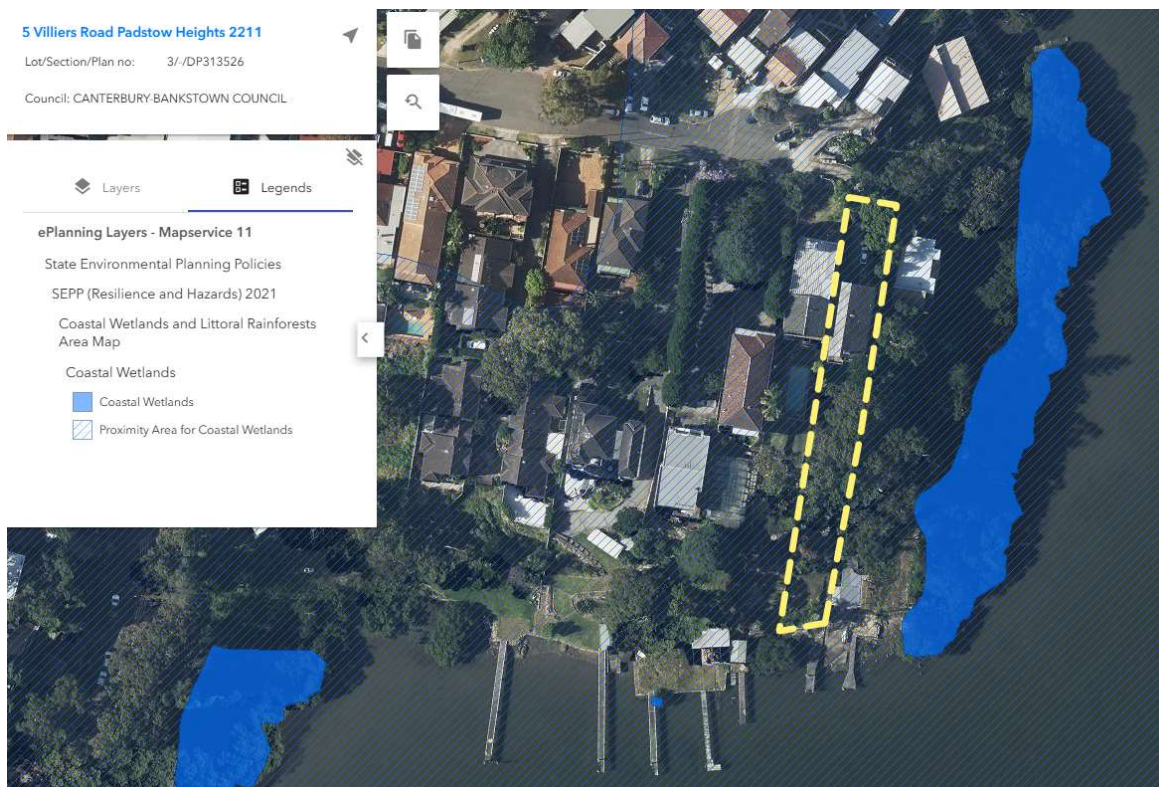


Figure 5: Coastal Use Area Map

Source: Spatial Viewer

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.

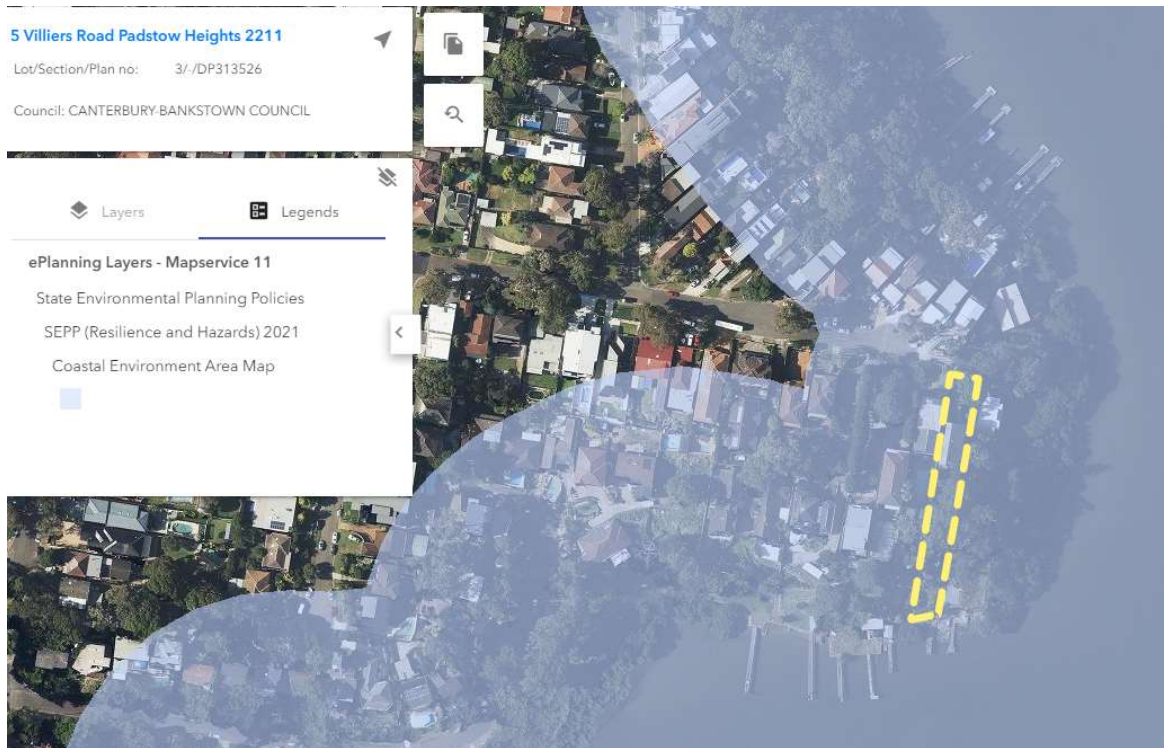


Figure 6: Coastal Environmental Area Map

Source: Spatial Viewer

Division 4 Coastal use area

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.

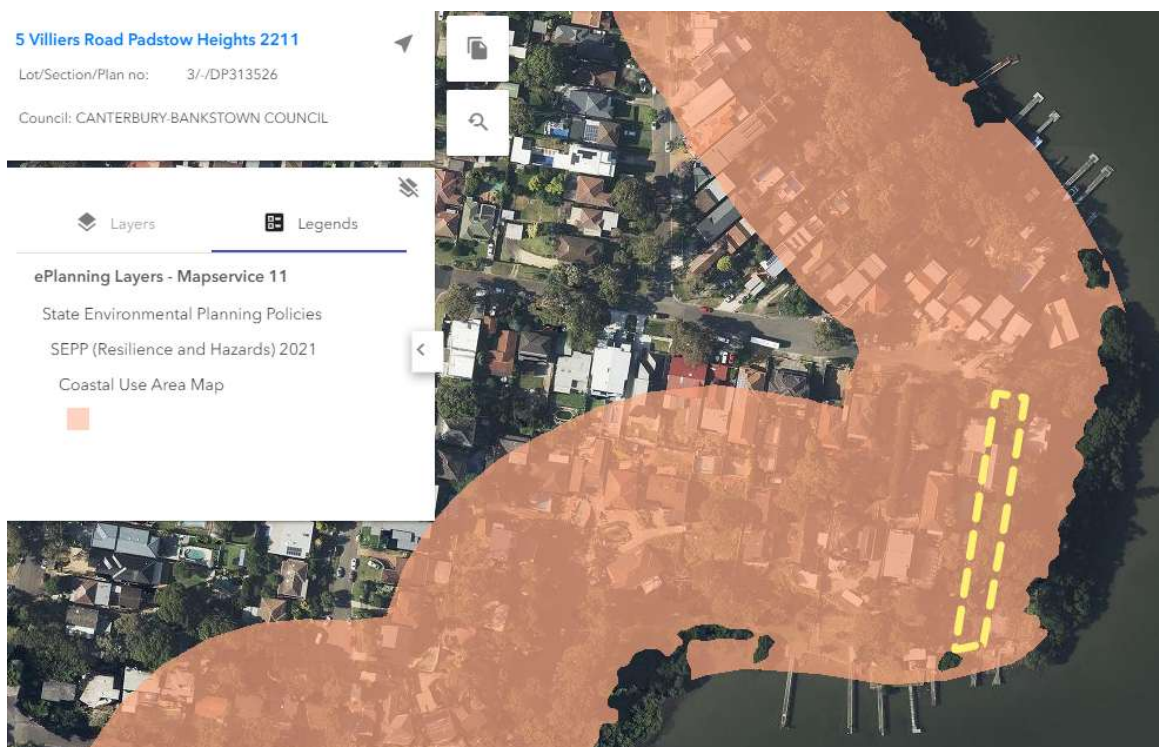


Figure 7: Coastal Use Area Map

Source: Spatial Viewer

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

2.14 Other development controls not affected

Subject to section 2.5, for the avoidance of doubt, nothing in this Part—

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Chapter as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

Comment in relation to Part 2.2 Development controls for coastal management areas

As shown in Figures 5-7 above, the site is located within several coastal management areas. The proposed development involves alterations and additions to the existing two-storey building, and has been designed in consideration of clauses 2.7, 2.8, 2.10, and 2.11 of SEPP Hazards. The proposal will not adversely affect the resilience of the biophysical, hydrological, or ecological environments within any of the three coastal management areas. Furthermore, the proposed works do not result in detrimental impacts to items outlined in clauses 2.10(1) and 2.11(1a), and adequately address the requirements of clauses 2.10(2) and 2.11(1b, 1c, and 2).

The development has been carefully designed to protect and preserve the site's amenity, ensuring that it does not cause any overlooking, or wind tunneling impacts in the surrounding area. Please refer to Part 6 Additional Considerations in regards to the assessment of views.

5.1.2.2 Chapter 4 Remediation of Land

Chapter 4, Clause 4.6 of State Environmental Planning Policy Resilience and Hazards 2021 states:

- (1) A consent authority must not consent to the carrying out of any development on land unless—
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *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, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) *The land concerned is—*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The site is considered acceptable for the proposed development. Given that the site has been used for residential and the proposal is not a contaminating use, the site is consistent with State Environmental Planning Policy Resilience and Hazards 2021.

5.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The relevant elements of the policy are outlined within the table below:

CHAPTER 2 INFRASTRUCTURE	
2.48 Determination of development applications—other development	
<p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out:</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is:</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p>	<p>No ground penetration is proposed.</p> <p>Not applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>
<p>(3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following:</p> <p>(a) internal alternations to a building,</p> <p>(b) a change of use of an existing building,</p> <p>(c) a change to the hours of operation specified in the development consent,</p> <p>(d) a subdivision that does not involve construction work.</p>	<p>The works are for alterations and additions. The proposal must be assessed against the Policy.</p>

5.1.4 Canterbury-Bankstown Local Environmental Plan 2023

PART 1 - PRELIMINARY

The proposal is subject to the provisions of Canterbury - Bankstown Local Environmental Plan 2023. The proposals response to the relevant objectives of the Plan are as follows:

Clause 1.2 Aims of the Plan

The particular aims of this Plan are as follows:

Aim

To provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown.

Comment

The development is compatible with the future surrounding context as the neighbouring developments have the potential to develop two storey dwellings with similar roof form and height.

Aim

To achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety.

Comment

The proposal is consistent with the building form, streetscape, architectural roof features and urban character.

PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT

The Canterbury-Bankstown L.E.P.2023 identifies the land use as a:

- ***Dwelling house*** means a building containing only one dwelling.
- ***Boat shed*** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

The L.E.P lists the land use as:

- ***Dwelling houses*** are permissible with development consent within the R2 Low Residential Zone.
- ***Boat Sheds*** are permissible with development consent within the R2 Low Residential Zone (Area 1).



Figure 8: Zone Map

Source: Canterbury-Bankstown L.E.P. 2023

Clause 22 Use of land in Zone R2 in Area 1

- (1) This clause applies to land identified as “Area 1” on the Clause Application Map that is in Zone R2.
- (2) Development for the following purposes is permitted with development consent—
 - (a) **boat sheds,**
 - (b) jetties,
 - (c) water recreation structures.

Relevant Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment.

Comment

The external dwelling configuration changes together with the internal upgrades enables the dwelling to continue to contribute to the locale and its function of meeting the housing needs of the community within this low-density residential environment.

- To ensure suitable landscaping in the low-density residential environment.

Comment

The proposal is consistent with landscaping in this zone.

- To promote a high standard of urban design and local amenity.

Comment

The proposal will achieve high quality urban form and is compatible with the surrounding built form context. Also, subject site will improve the streetscapes visual amenity.

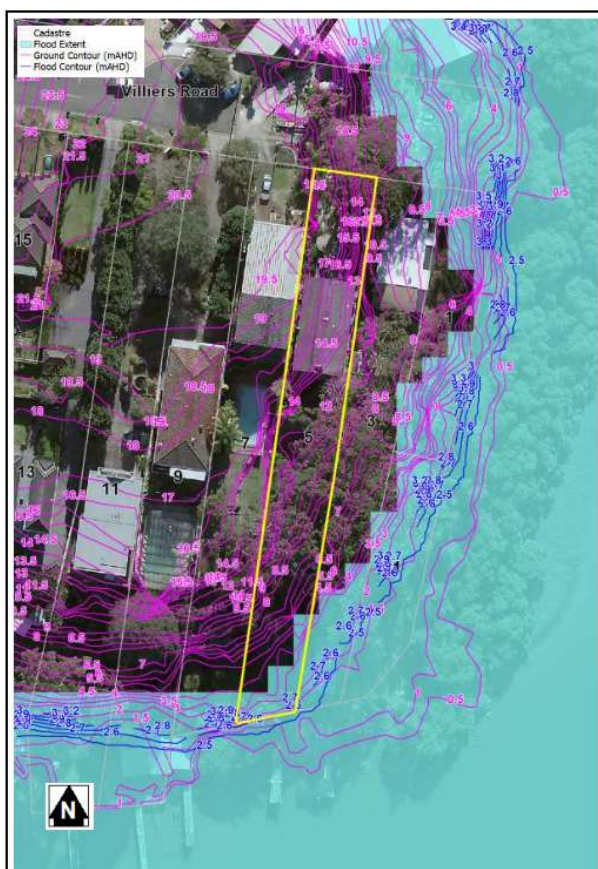
PART 4 – PRINCIPAL DEVELOPMENT STANDARDS (CBLEP 2023)

BUILT FORM CONTROLS (LEP)				
Control	Required	Provided	Comment	Complies
Minimum Site Area	450m ²	1274.3m ²	Complies	YES
Building Height	9m	10.3m for proposed front façade	45% existing	No, Refer to clause 4.6 prepared by ES Planning
Wall Height	7m	10.3m for proposed front façade	45% existing	
Floor Space Ratio	0.5:1 or 637.15m ²	0.40:1 or 512.01m ²	Complies	YES

PART 5 MISCELLANEOUS PROVISIONS

Clause 5.21 Flood Planning

Only a small portion of the site at the rear is affected by PMF flooding. The proposed development is clear of any flood impacts. A Stormwater Systems Report has been obtained to determine the level of affection. The proposal has been designed to comply with the recommendation in the report. (Refer to Figure 9 below):



A review of the maps and details outlined within the Local Environmental Plan indicates the proposal site is caught by the provisions of Clause 6.1 (Refer to Figure 10 below):

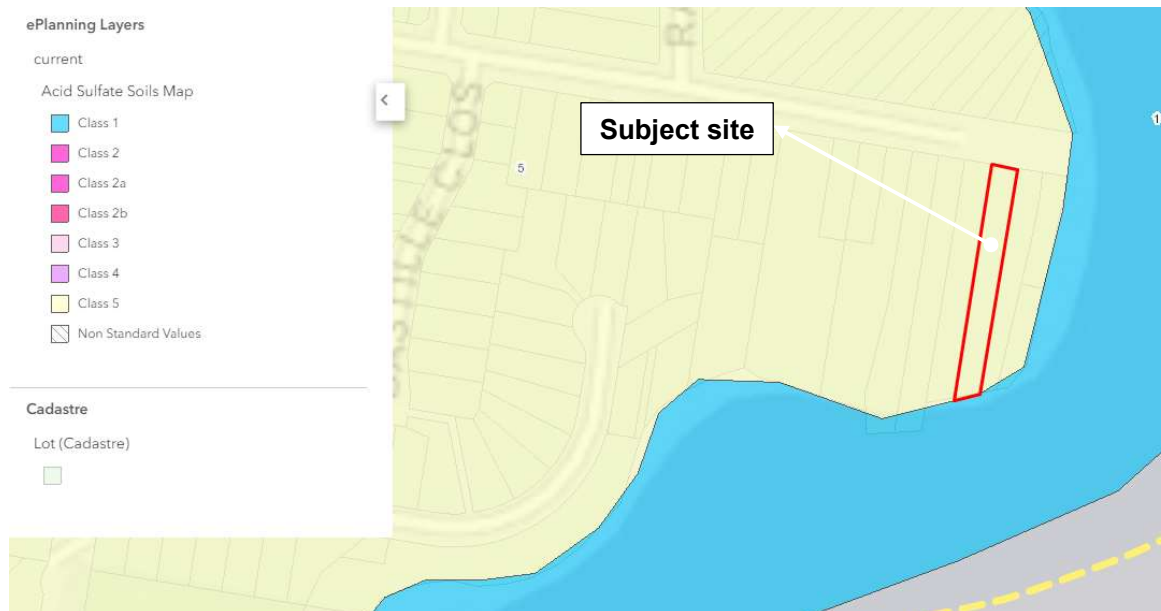


Figure 10: Acid Sulfate Soils Map

Source: Canterbury-Bankstown L.E.P. 2023

Objectives	Response														
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	COMPLIES														
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	NOTED														
<table border="1"> <thead> <tr> <th>Class of land</th><th>Works</th></tr> </thead> <tbody> <tr> <td>1</td><td>Any works.</td></tr> <tr> <td>2</td><td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td></tr> <tr> <td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td></tr> <tr> <td>4</td><td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td></tr> <tr> <td>5</td><td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr> <tr> <td>.....</td><td></td></tr> </tbody> </table>	Class of land	Works	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.		<p>NOT APPLICABLE</p> <p>NOT APPLICABLE</p> <p>NOT APPLICABLE</p> <p>NOT APPLICABLE</p> <p>APPLICABLE</p> <p>The proposed works will not result in the water table to be lowered by 1m below the A.H.D</p>
Class of land	Works														
1	Any works.														
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.														
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.														
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5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.														
.....															
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—	NOTED, refer to comment above														
(a) the works involve the disturbance of less than 1 tonne of soil, and															
(b) the works are not likely to lower the watertable.															

Clause 6.2 Earthworks

Clause 6.2
<p><i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p><i>(2) Development consent is required for earthworks unless:</i></p> <ul style="list-style-type: none"> <i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i> <i>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i> <p><i>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i></p> <ul style="list-style-type: none"> <i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> <i>(b) the effect of the development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of any fill material and the destination of any excavated material,</i> <i>(f) the likelihood of disturbing relics,</i> <i>(g) the proximity to, and potential for adverse impacts on, any watercourse, drinking water catchment or environmentally sensitive area,</i> <i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>

Comment:

Clause 6.2 of the CBLEP 2023 Earthworks serves as an assessment criterion for any disruption to the land, ensuring that earthworks resulting from the development do not negatively impact the environmental functions and processes of both the surrounding and subject land.

The proposed development includes excavation to create a lower ground-level addition to the existing dwelling. This excavation will not affect drainage patterns or soil stability, as any disturbed soil will be securely retained within the site boundaries.

To minimize environmental impact during construction, appropriate sedimentation and erosion controls will be implemented. Measures such as covering soils and fill will be taken to reduce dust generation and protect the surrounding environment. These practices are outlined in the Erosion and Sediment Control Plan within the Stormwater Plan prepared by Capital Engineering Consultants.

Given the site's topography, the development aims to minimize excavation by situating the lower ground-level addition within an already partially opened area. This design choice allows for leveling the steep slope, optimizing the use of the space underneath for the existing dwelling. Furthermore, the excavation will improve rear access, enhancing the residents' ability to enjoy landscaping and private open spaces.

The site is not identified as an Aboriginal cultural heritage area, and the likelihood of encountering relics is considered low. However, an unexpected finds protocol will be implemented should any relics be discovered during excavation.

This proposal does not involve the creation of additional dwellings, and considering land use and planning constraints, further redevelopment of the site is unlikely. The site is best suited for a single-household dwelling, and the proposal seeks to preserve this use. The proposed earthworks are consistent with the objectives for excavation and are considered acceptable.

Clause 6.6 Limited development on foreshore area

A review of the maps and details outlined within the Local Environmental Plan indicates the proposal site is caught by the provisions of Clause 6.6 (Refer to Figure 11 below):

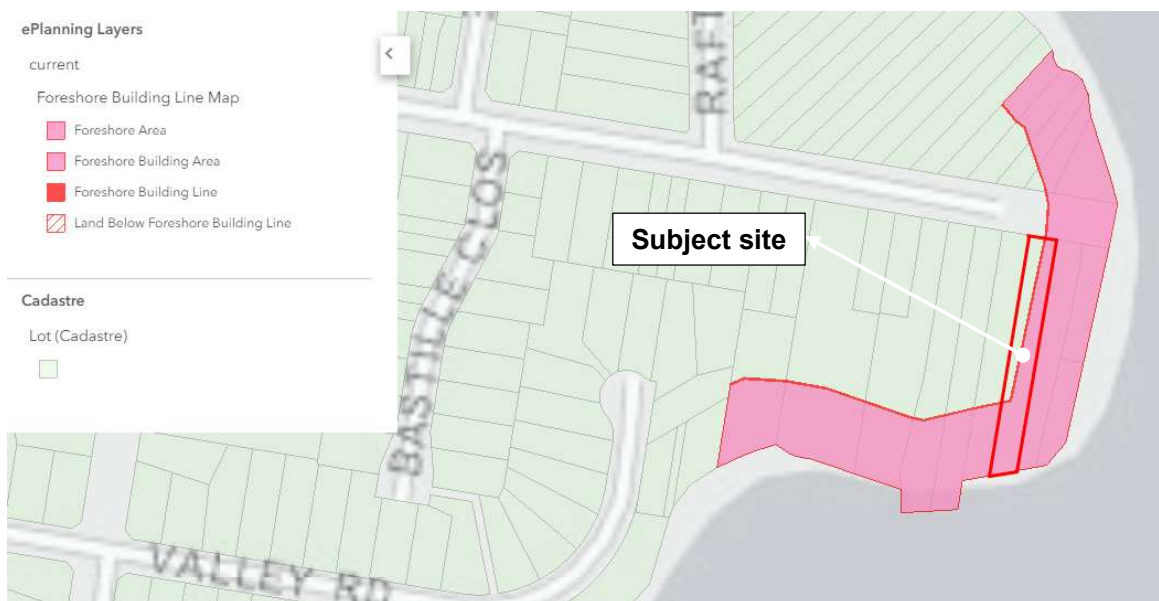


Figure 11: Foreshore Area Map

Source: Canterbury-Bankstown L.E.P. 2023

Control	Response
<p>1) The objective of this clause is to ensure that development in the foreshore area will not—</p> <p>(a) impact natural foreshore processes, or</p> <p>(b) affect the significance and amenity of the foreshore area.</p>	<p>Noted,</p>
<p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p>	<p>Noted,</p> <p>Complies, The proposal is for alterations and additions to the existing dwelling house.</p>
<p>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p>	<p>Complies, The proposal includes a boat shed.</p>
<p>(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p>	<p>Noted,</p> <p>Noted,</p>

	The site is located with the R2 Zone and the proposed alterations and additions are in keeping with the permissible uses and objectives under the CBLEP2023
<i>(b) the appearance of a proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</i>	Noted, The proposed development has been thoughtfully designed to achieve a high standard, with the alterations, additions, and proposed boatshed carefully considered to reflect and complement the character of the adjoining properties.
<i>(c) the development will not cause environmental harm, including— (i) pollution or siltation of the waterway, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or (iii) an adverse effect on drainage patterns, and</i>	Noted, Please refer to the Stormwater Plans and Flora and Fauna Assessment
<i>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</i>	Noted, None of the proposed works will result in any significant obstruction or congestion of the waterway, and access to the boatshed is provided entirely through the owner's private property, without encroaching on public or open space.
<i>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</i>	Noted, Same as above
<i>(f) the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</i>	Noted, The existing development contains a dwelling house, and the proposed alterations and additions will not contravene any of these aesthetics

<i>(g) for development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</i>	Noted, The proposed development has been thoughtfully designed to achieve a high standard, with the alterations, additions, and proposed boatshed carefully considered to reflect and complement the character of the adjoining properties.
<i>(h) sea level rise or change of flooding patterns because of climate change has been considered.</i>	Noted, The proposed development will not result in any adverse sea level rise or change of flooding patterns
<i>(4) In this clause— foreshore area means the land between the foreshore building line and the mean high-water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.</i>	Noted
<i>foreshore building line means— (a) the line that is landward of, and at the distance specified on the Foreshore Building Line Map from, the mean high-water mark of the nearest natural waterbody shown on that map, or (b) if no distance is specified—the line shown as the foreshore building line on the map.</i>	Noted

The existing two-storey dwelling is already predominantly located within the foreshore building line. While the proposed development involves some additional extensions and excavation within this area, the design has been carefully tailored to respond to the site's existing conditions and constraints, including the natural topography. As outlined in the table above, each of the development standards under Clause 6.6(3) has been specifically addressed to demonstrate that the proposal does not contravene any of these standards. The proposed alterations, additions, and associated excavation have been thoroughly considered and assessed. To ensure the development preserves foreshore values and remains compliant with Clause 6.6(3), a range of supporting documents has been submitted, including a Geotechnical and Hydrogeological Assessment, a Flora and Fauna Report, and detailed Stormwater Management Plans.

The proposed boatshed is located within the foreshore building line. In accordance with the CBLEP 2023, boat sheds are permitted within this area. The development will not cause any environmental harm to the site or surrounding waterways. It is intended solely for recreational purposes and will not contribute to congestion or interfere with the flow of the waterways.

5.2 Proposed (Draft) Environmental Planning Instruments

There are no Draft Environmental Planning Instruments being formulated at strategic level or on exhibition at the time of preparing this report. Therefore, there are no draft controls relating to the proposal.

No further investigation is required in this regard

5.3 Development Control Plans

5.3.1 Canterbury-Bankstown Development Control Plan 2023

The following table shows the proposals response to the relevant numerical standards:

Chapter 3 General Requirements, 3.1 Development Engineering Standards:				
SECTION 4 – ON SITE DETENTION SYSTEMS				
Control	Required	Proposed	Comment	Complies
Impervious Area (Single dwellings)	Max. 75% or 955.72m ²	64.6% or 823.01m ²	Complies. Refer to stormwater plans for more details.	YES

Chapter 3 General Requirements, 3.2 Parking:				
SECTION 2 – OFF STREET PARKING RATES				
Control	Required	Proposed	Comment	Complies
Parking (Dwelling Houses)	2 car spaces	2 car spaces	Complies	YES
SECTION 3 – DESIGN AND LAYOUT				
Control	Required	Proposed	Comment	Complies
Driveway (One-way)	3m	Existing driveway to remain.	Complies	YES

Chapter 5 Residential Accommodation, 5.1 Former Bankstown LGA:				
SECTION 2 – DWELLING HOUSES				
Control	Required	Proposed	Comment	Complies
Ground Floor Setback	Min. 5.5m	7.530m	Complies	YES
First Floor Setback	Min. 6.5m	7.530m	Complies	YES
Garage Setback	Min. 6m	9.120m	Complies	YES
Proposed extension Side East Setback	Min. 0.9m	0.9m	Complies	YES
Proposed extension Side West Setback	Min. 0.9m	0.995m	Complies	YES
Storeys	Two storeys (2)	Two storeys (2)	Complies	YES
Max Building Height (Dwelling House)	Max. 9m	13.1m for existing rear elevation	Refer to Clause 4.6	NO
Max External Wall Height	Max. 7m	13.1m for existing rear elevation	Refer to Clause 4.6	NO
Landscape (Front)	Min. 45% (41.10m ²)	50.18% (46.70 m ²)	Complies	YES
Private Open Space	Min. 80m ²	80m ²	Complies	YES
SECTION 13 – ANCILLARY DEVELOPMENT (OUTDOOR STRUCTURES)				
Boatsheds				
Storeys	Single storey	Single storey	Complies	YES

Location	Boatsheds must have a direct relationship with the water with the openings and access facing the water.	The boatshed faces away from the water	The location of the proposed boatshed was selected based on the alignment of the existing concrete pathways, in order to minimise excavation and soil disturbance at the rear of the site. Accordingly, the boatshed and driveway have been designed to ensure that the boats can be safely manoeuvred to the existing concrete path and access point.	No
Perimeter	8m (length) x 4m (width)	8m x 4m	Complies	YES
Swimming Pools and Spas				
Setbacks from boundary	Min. 1m	1.540m	Complies	YES

6 ADDITIONAL CONSIDERATIONS

CBDP 2023, Section 2 Objective 7

Objective 7 of Section 2 of Chapter 5.1 of the CBDP 2023 states:

“O7 To ensure the building form of dwelling houses in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.”

The proposed development includes a waste management plan to ensure that all natural landforms, including rock formations are appropriately relocated on site, during the construction. This will allow for the environmental and natural aesthetics for the site to be maintained and further reflect the Salt Pan Creek landscape.

View Loss Assessment

The planning principle for view loss, as established in Tenacity Consulting v Warringah [2004] NSWLEC 140, provides a structured framework for evaluating view impacts and view sharing. In particular, the principle of view sharing—which seeks to balance the protection of existing views with the reasonable expectations for development—is central to the assessment of this application. The four-step process below outlines the application of this principle to the proposed development.

Step 1: Views to be Affected

This step involves identifying the types and quality of views that may be impacted. In Tenacity, it was established that water views are generally more valuable than land views, and that views containing iconic elements—such as the Sydney Opera House—are considered especially significant.

At No. 7 Villiers Road, the existing views include both water and land outlooks toward Salt Pan Creek. The submitted view loss analysis demonstrates that these views will remain available from both the northern and north-eastern perspectives. Although the north-eastern outlook will be partially interrupted by the proposed front extension at No. 5 Villiers Road, the primary water views from the northern corner will be retained. Importantly, no significant or iconic elements are fully obstructed by the amended design.

Step 2: Location of Affected Views

This step considers where the affected views are obtained from, such as from a sitting or standing position, and whether they are from primary living areas or secondary locations.

Views at No. 7 Villiers Road are obtained from the front porch and other areas of the dwelling that face north and north-east. As the property is positioned at a higher elevation than the subject site, clear views are available in both sitting and standing positions. These locations offer expansive vistas over Salt Pan Creek, contributing positively to residential amenity.

Step 3: Extent of the Impact

This step involves a qualitative assessment of how much of the view is affected and how significant the loss is in the context of the overall outlook from the property.

The views from No. 7 Villiers Road are available from both its northern and southern elevations (refer to Figure 4). The proposal does not impact views from the southern elevation, where the living room, private open space, and swimming pool are located—areas most frequently used for passive recreation.

While a portion of the north-eastern view is affected, the key views from the northern corner remain unobstructed. Given that only a minor segment of the broader view is impacted, and that the affected view is from a secondary portion of the frontage, the overall view loss is considered minimal and acceptable.

Step 4: Reasonableness of the Proposal

The final step involves assessing whether the proposed development causing the view loss is reasonable in the broader planning context.

The amended design has been developed with a holistic approach, taking into account compliance with the CBLEP 2023, CBDPCP 2023, and the desired amenity outcomes for the site. Notably, the amended front extension now complies with the applicable height controls for wall and overall building height under CBLEP 2023. Additionally, the revised façade demonstrates a more refined and sensitive architectural response that actively reduces the visual bulk and the degree of view loss from neighbouring properties.

This approach aligns with the principle of view sharing, ensuring that the development allows the owners of No. 5 Villiers Road reasonable access to views, while avoiding any unreasonable loss of outlook for adjoining residents. The partial view loss that remains is minor, and the development is considered to be a fair and balanced outcome

Visual Privacy

A review of the plans indicates that the habitable room windows on the side boundaries are successful in providing appropriate offsets to adjoining windows on adjoining developments. The amended drawings now include fixed windows and opaque glazing on the western elevation and privacy screens to mitigate any further visual privacy impacts.

Acoustic Privacy

The proposal does not include a change of use or intensification of the existing permissible use being a dwelling. Any resultant noise from the site as a result of the proposal will be commensurate with that of the existing dwelling and a residential use. No further investigation is required in this regard.

Bulk and Scale

The proposal involves alterations and additions to the existing two-storey dwelling, which aligns with the bulk and scale of the adjoining properties. The building envelope complies with relevant controls, including setbacks, landscaped area, and height requirements. Due to the slope of the site, the

development is not visible from the street or neighbouring properties. Additionally, the design does not extend beyond the prevailing setback line, effectively minimizing the building's bulk and mass while maintaining the rhythm of the streetscape.

Solar Access and Overshadowing

Referring to the shadow diagrams accompanying the proposal, the dwellings within the development site and adjoining properties successfully receive greater than 3 hours direct sunlight in habitable living areas and greater than 50% of the primary private open space between 8am and 4pm on 21st June. No further assessment is required in this regard.

6.1 PLANNING AGREEMENTS

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development. No further investigation is required in this regard.

6.2 THE REGULATIONS

6.2.1 Clause 36 and 91

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this clause within the Regulation. No additional information has been requested at the time of writing of the statement.

6.2.2 Clause 62

The consent authority is to consider the upgrading of a building (including fire safety upgrade of development). This matter may be addressed via a condition of consent.

6.2.3 Clause 69

The consent authority is to consider AS 2601 – 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.

6.3 SITE SUITABILITY

6.3.1 Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the works will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

6.3.2 Social

The proposal adds to housing diversity, allowing for a more diverse accommodation typology within the appropriate R2 Low Density Residential Zone. This allows a more diverse population cross section to “settle and stay” within the Canterbury-Bankstown LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative.

The dwelling will continue to utilise local services available to the occupants of dwellings in terms of housing. The proposal adds to the available housing stock within the area and provides opportunities for more varied dwelling choice. The proposal will allow the occupants to “age in place” and remain in occupation. The proposal is consistent with the social requirements in these regards.

6.3.3 Economic

The provision of appropriately serviced housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this R2 Zone.

Maintaining resident numbers in this appropriate zone will add to the economic stability of the area by allowing for residents to live in a locality that is economically vibrant. The site is in close proximity to local services and within reasonable distance to local business and upgraded infrastructure. All of these entities will benefit from the employment and economic input provided by the future residents.

6.4 SUBMISSIONS

There are no submissions relating to the proposal from the community or the consent authorities at this stage of the proposal process. No further investigation is required in this regard.

6.5 THE PUBLIC INTEREST

The public interest is serviced by the accommodating of an upgraded dwelling in a manner that adds to housing stock and site longevity. The dwelling remains consistent with other dwellings in the street and remains consistent with the streetscape character and built form as existing. The proposal is clearly within the public interest.

7 CONCLUSIONS AND RECOMMENDATIONS

The project, located within suburban Padstow Heights, offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.