



**Development Application  
Statement of Environmental Effects**

**35 Burbank Avenue, East Hills NSW 2213**

*Demolition of existing structure, removal of five (5) trees  
and a proposed dwelling house with basement, swimming  
pool and cabana*

submitted to  
City of Canterbury-Bankstown council

March, 2022

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# 1 Introduction

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This report has been prepared by ES Planning in support of a development application (DA) to City of Canterbury-Bankstown Council with regards to the land at 35 Burbank Avenue, East Hills NSW 2213. Pursuant to Canterbury-Bankstown Local Environmental Plan (BLEP) 2015, the site is currently zoned R2 and the proposed use is permissible with consent.

The DA seeks to approve the demolition of existing structures, construction of a dwelling house with basement, swimming pool and cabana. The proposal intends to remain compatible with the established building forms in the immediate locality. It endeavours to comply with all the requirements of Canterbury-Bankstown LEP 2011 and Development Control Plan (BDCP) 2015.

Good design goes far beyond the application of numerical standards. Systematic analysis of the subject site, its relationship with adjoining developments and considerations of any natural and man-made constraints are essential starting points.

Design and layout of the development proposed aims to maintain the objective of the current development control plan.

This report describes the site, surrounding properties, proposed development, provides background information and justifies the proposed development.

All works carried out on site are to comply with all the requirements of the National Construction Code (NCC), relevant Australian Standards and Canterbury-Bankstown Council's planning instruments and regulations.

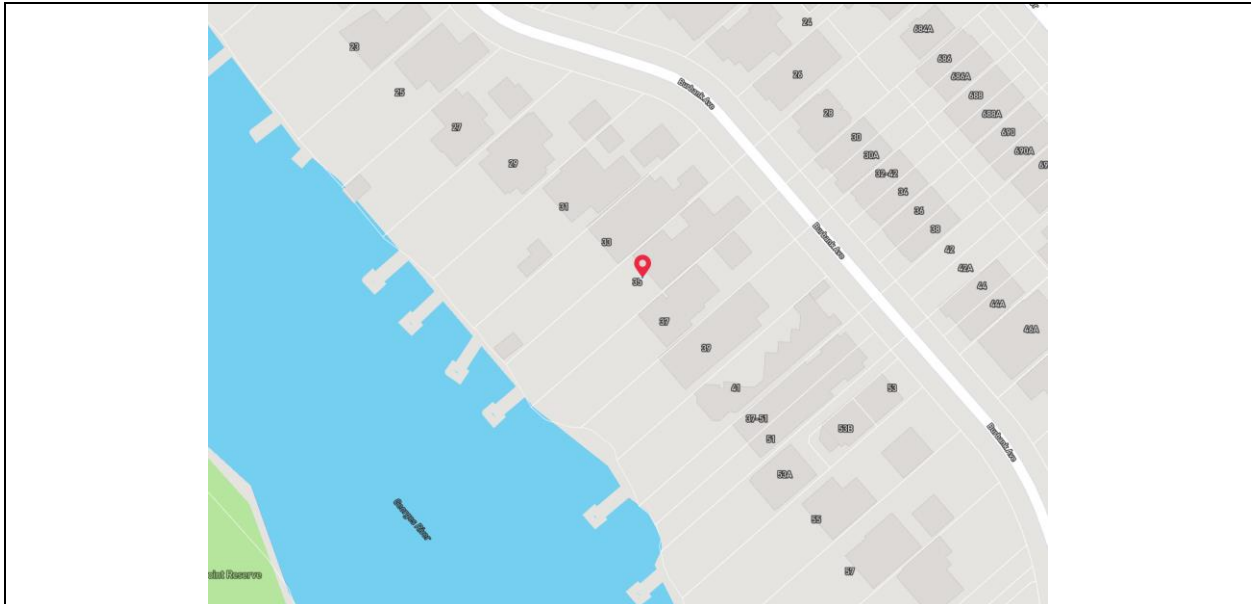
This report should be read in conjunction with the architectural plans attached with the submission prepared by ES Design.

Any environmental concerns not covered directly in this document or which arise during construction will be handled in an appropriate fashion, so as to minimise environmental concerns.

## 2 Site Analysis

### 2.1 Site Location and Context

The subject site is located to the south west of Burbank Avenue, is a waterfront property backing onto Georges River, and is legally identified as Lot 82, DP 709289 – 35 Burbank Avenue, East Hills NSW 2213 (see Figure 1 & 2). The locality is a residential area where the surrounding development consists of a mixture of luxury dwelling homes with basement.



*Figure 1. Location Map - No. 35 Burbank Avenue, East Hills NSW 2213*



*Figure 2. Satellite Photo - No. 35 Burbank Avenue, East Hills NSW 2213*

## **2.2 Site Description**

The subject site has a street frontage of 15.09m and a maximum depth of 96.73m at the south-most corner. The site is rectangular in shape and has a total land area of 1435sqm.

## **2.3 Landform and Topography**

The site is very steep with a maximum fall of 15m from Burbank Avenue street to the waterfront on Georges River.



## 2.4 Existing Development

The subject site currently has a one (1) storey dwelling house. The proposal aims maintain the residential use of the site. Refer to Figure 3 and 4 for photos of the existing dwelling house.



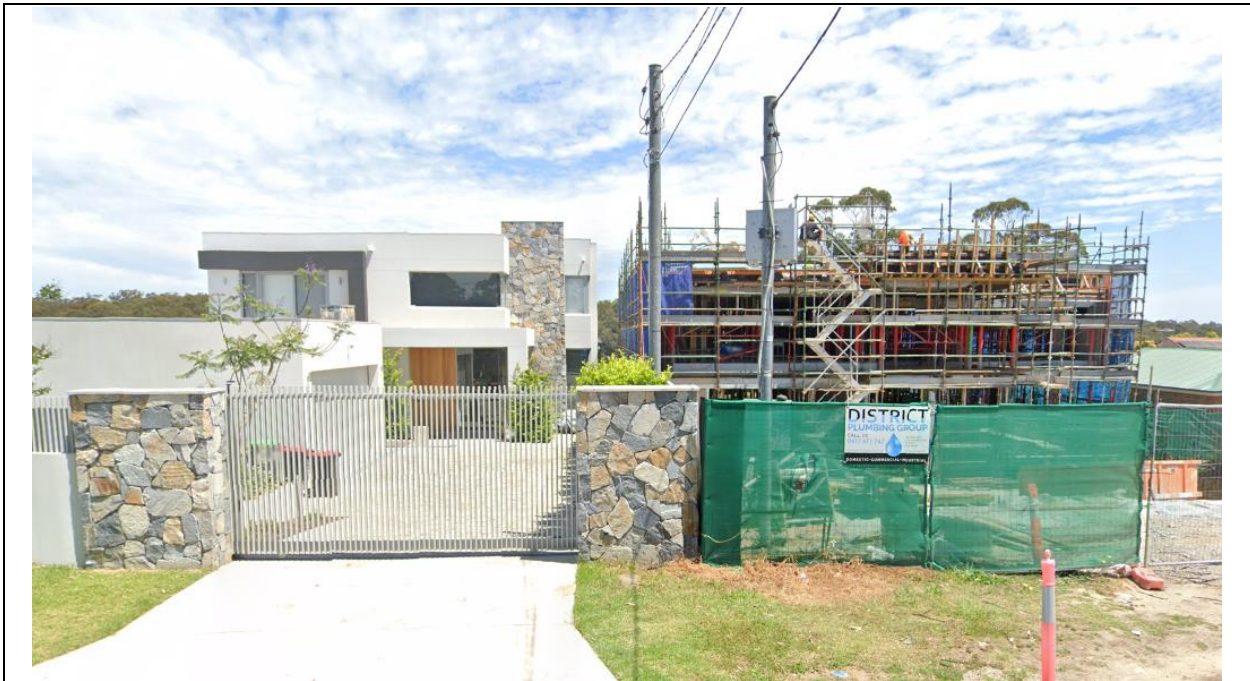
*Figure 3. Elevation of existing dwelling house as seen from Burbank Avenue*



*Figure 4. Rear yard and waterfront view of Georges River*



### 3 Surrounding Development



*Figure 5. Front elevation of existing neighbouring dwelling north west of subject site.  
No.33 and No.31 Burbank Avenue*



*Figure 6. Front elevation of existing neighbouring dwelling opposite of subject site.  
No.30, 30A and No.32 Burbank Avenue*

## 4 Proposal

The proposal comprises of the following:

- Demolition of existing structures
- Construction of a two (2) storey dwelling house with basement
- Construction of a swimming pool and cabana

<b>Proposal Calculations</b>	
Total Site Area	1443.64sqm
<b>Dwelling Details</b>	
Lower Basement Floor Area	87.04sqm
Basement Floor Area	223.86sqm
Ground Floor Area	259.42sqm
First Floor Area	131.97sqm
<b>Total Floor Area</b>	<b>702.29sqm</b>
<b>Floor Space Ratio</b>	<b>0.5:1</b>
Private Open Space	>80sqm
Landscape Area Ratio	0.45:1
Impervious Area	938.528sqm
Impervious Area Ratio	0.5:1



## 5 Assessment Under Relevant Planning Controls

### 5.1 Bankstown Local Environmental Plan 2015

Bankstown LEP 2015 seeks to manage sustainable growth and provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas. Below illustrates the relevant clauses that apply to the subject site.

For all site calculations and compliance with Bankstown LEP 2015 and DCP 2015, please refer to the 'Compliance Tables' below.

#### 5.1.1 Land Zoning

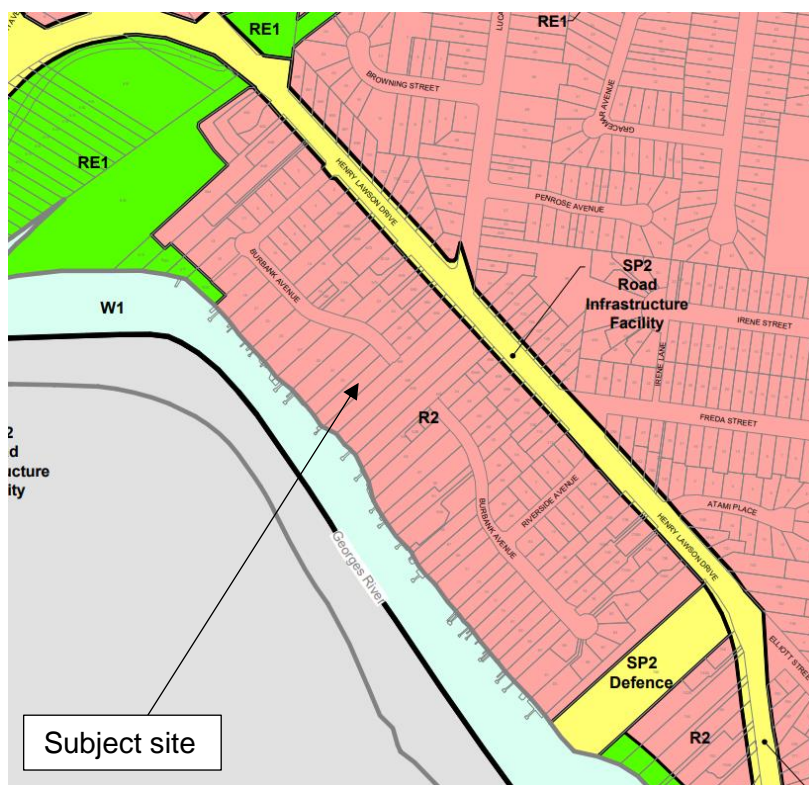


Figure 7: Zoning Map

#### Zone R2 Low Density Residential

##### 1 Objectives of zone

- 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 development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.
- To allow for the development of low density housing that has regard to local amenity.
- To require landscape as a key characteristic in the low density residential environment.

##### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Hospitals; Information and education facilities; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water recreation structures; Water supply systems*

### 4 Prohibited

*Any development not specified in item 2 or 3*

### **Assessment:**

The site is located in R2 low density residential zone where dwelling house is permissible. It is a low-impact residential development designed for single household. The building mass and scale is compatible with the surrounding developments without unreasonable adverse impacts regarding overshadowing, traffic, overlooking issues. The proposed development is sited in an appropriate location which does not damage the bushland character of the locality.

#### 5.1.2 Building Height



Figure 8: Building height map

### 4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,
- (d) to define focal points by way of nominating greater building heights in certain locations.

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2B) *Despite subclause (2), the following restrictions apply to development on land in Zone R2 Low Density Residential—*
- (b) *for a dwelling house or a dual occupancy—the maximum wall height is 7 metres,*

### **Assessment:**

The maximum building height of the development is 9m which is compliant with the maximum building height in accordance with the BLEP2015 and 1.16m variation to the maximum wall height. A Clause 4.6 has been prepared to justify the variation. The building height is compatible with the local area and meet the ideal design outcome of the future. The building has been designed to follow the terrain and designed to ensure the habitable floor levels to be above the flood level. The overlooking issues have been eliminated by using privacy screens, orienting the windows on upper and lower ground level to the front and rear. It is impossible to create overlooking impacts to the rear due to the substantial rear setback and the location of the site.

### **5.1.3 Floor Space Ratio**

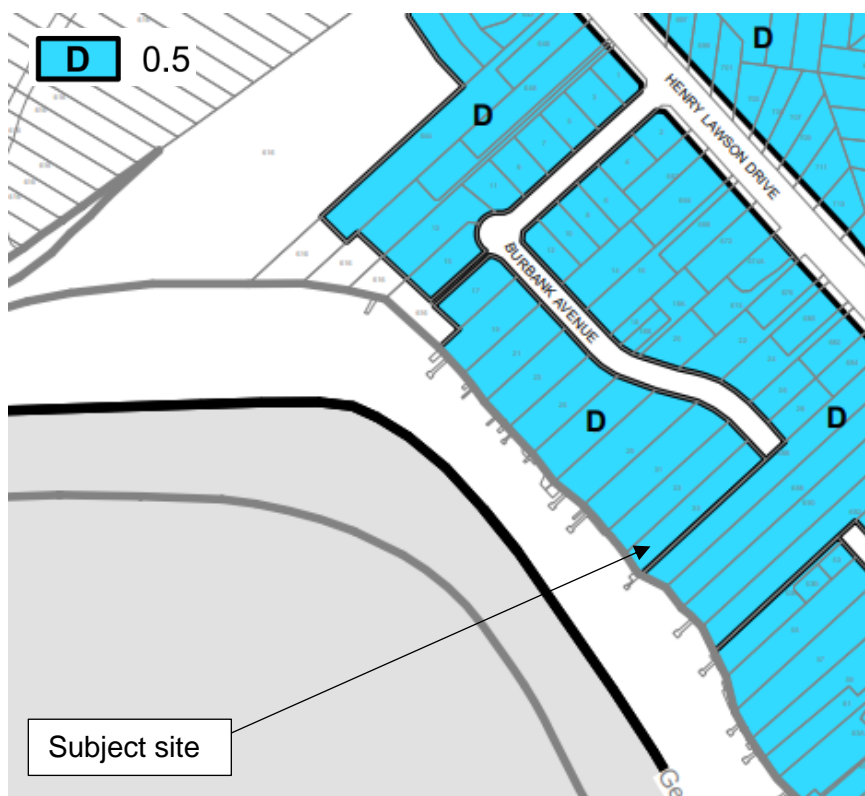


Figure 9: Floor space ratio

### **4.4 Floor space ratio**

- (1) *The objectives of this clause are as follows—*
- (a) *to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site,*
  - (b) *to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,*
  - (c) *to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.*

- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

### **Assessment:**

The maximum floor space ratio is substantially lower than the maximum requirement in accordance with the Clause 4.4 of the BLEP 2015. The proposal has been designed to have large side setback to the side boundaries to eliminate the building scale and mass and the building is designed to suit the terrain. The design has paid great attention to protect the vegetation on the site and respect the environmental value of the site. The landscaped area has been maximised on the site to improve the outdoor amenity for residents.

#### **5.1.4 Foreshore Area and Foreshore Building Line**



#### **6.5 Limited development on foreshore area**

- (1) *The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.*
- (2) *Development consent must not be granted for development on land in the foreshore area except for the following purposes—*
- (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
  - (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).*
- (3) *Development consent must not be granted under this clause unless the consent authority is satisfied that—*
- (a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*
  - (b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
  - (c) *the development will not cause environmental harm such as—*
    - (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*



- (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any 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
- (g) in the case of 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
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered.

### **Assessment:**

The dwelling house structures has been designed to avoid the foreshore area to protect the environment near the riverbank. Developments in the foreshore area are the swimming pool and cabana which are permissible in the foreshore zone.

The large proportion of the landscaped area in the foreshore area positively contribute to the natural environment and mediate the concrete appearance of the dwelling house. The swimming pool and cabana improve the outdoor amenity for the residents without generating conflict between private open space and waterways. The proposed structures in the foreshore area is compatible with surrounding area with low height and integrated within the landscaped area.

It is unlikely to cause environmental harm by creating pollution of waterway or adverse drainage impacts or pose adverse impacts on surrounding uses or natural habitats as there is no contaminated use forward the foreshore building line and small portion of hard paving area.

<b>TABLE 1: PROJECT DATA/COMPLIANCE – BLEP 2015</b>			
Site Area: 1435 sqm			
<b>LEP Provisions</b>		<b>Complies/Comments</b>	
Permissibility	R2	Permissible	
Heritage Item	N/A		
Conservation Area	N/A		
Acid Sulfate Soils	Class 1, 2, 5	Yes	Geotechnical Report provided
Flood Planning Area	High Risk	Yes	Stormwater Report provided
Foreshore Area	Foreshore	Yes	30m rear setback from the waterline
<b>Development Standard</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
Floor Space Ratio (Max)	0.5:1	0.5:1	Yes
Building Height (Max)	9m	9m	Yes
Wall Height (Max)	7m	8.16m	No. A Clause 4.6 has been provided as justification
Foreshore Building Line	30m	No habitable structural within the foreshore building line	Yes

## 5.2 Bankstown Development Control Plan 2015

Table 2: Bankstown DCP (BDCP) 2015 Compliance Table

**TABLE 2: BDCP 2015 – PART B RESIDENTIAL DEVELOPMENT**

Item	Provision	Compliance / comments
<b>Section 2 – Dwelling Houses</b>		
<b>Subdivision</b>	2.1 Council may allow the subdivision of land to create not more than 4 battle-axe lots, not less than 450m <sup>2</sup> , and each lot contains a rectangle with sides of 10 metres and 15 metres behind the setbacks of the proposed dwelling house.	N/A.
	2.2 Where the subdivision of land is creating: (a) a single battle-axe lot, the minimum width of an access handle is 3.5 metres; or (b) 2 or more battle-axe lots, the minimum width of an access handle is 3.5 metres plus a passing bay at 30 metre intervals. Vehicle access to battle-axe lots must be provided via access handles and not rights-of-way	N/A. No subdivision proposed.
<b>Storey limit (not including basements)</b>	2.3 Two (2) storey limit  In addition, dwelling houses in the foreshore protection area (refer to map in Appendix 1) must ensure the wall height does not exceed 7 metres and the building height does not exceed 9 metres.	Complies.  The design has been steeped to comply with the maximum storey limit.
	2.4 Sitting of dwelling and landscape works to be compatible with slope and contours of the site / adjoining properties. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Complies.
	2.5 Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where: (a) the dwelling house is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or (a) (b) the fill is contained within the ground floor perimeter of the dwelling house to a height no greater than 1 metre above the ground level (existing) of the allotment.	See Section 6 for justification.  Laundry door – 1.7m cut, access to washing line.
<b>Setback restrictions</b>	2.6 Dwelling to be prohibited within 9m of existing animal boarding or training establishment	N/A.
<b>Setbacks to the primary and secondary road frontages</b>	2.7 The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	Complies.  Ground floor setback = 22.1m.  First floor setback = 26m.
	2.8 The minimum setback to the secondary road frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	N/A.  Not a corner lot.
<b>Setbacks to the side boundary</b>	2.9 For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre.	Complies.  Ground floor setback = 0.9m.

	<p>2.10 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres. Council may vary this requirement where a second storey addition to an existing dwelling house demonstrates it must use the ground floor walls for structural support.</p> <p><i>(This is only applicable if we are seeking a variation on the LEP building height clause)</i></p>	Complies.
	2.11 The basement level must not project beyond the ground floor perimeter of the dwelling house.	Complies.
<b>Private open space</b>	2.12 Dwelling houses must provide a minimum 80m <sup>2</sup> of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5 metres throughout.	<p>Complies.</p> <p>Private open space has been provided behind the building line. 64.2 sqm provided as paved area.</p>
<b>Access to sunlight</b>	2.13 At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	<p>Complies.</p> <p>Refer to shadow diagram.</p>
	2.14 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	<p>Complies.</p> <p>Refer to shadow diagram.</p>
	2.15 A minimum 50% of the private open space required for the dwelling house and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	<p>Complies.</p> <p>Refer to shadow diagram.</p>
	2.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Complies.
<b>Visual privacy</b>	<p>2.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"> <li>(a) offset the windows between dwellings to minimise overlooking; or</li> <li>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</li> <li>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</li> <li>(d) use another form of screening to the satisfaction of Council.</li> </ul>	<p>Complies.</p> <p>Due to the topography of the land, overlooking impacts are minimal.</p>
	2.19 Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:	<p>Complies.</p> <p>The rear balcony on the first floor is</p>

	<ul style="list-style-type: none"> <li>No external staircase</li> <li>1.5m width (max.)</li> <li>incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</li> </ul>	<p>accessed from the bedroom and does not create any overlooking impacts.</p> <p>Privacy screens have been provided to the side boundaries.</p>
	2.20 Council does not allow dwelling houses to have roof-top balconies and the like.	N/A.
<b>Building design</b>	2.21 The maximum roof pitch for dwelling houses is 35 degrees.	<p>Complies.</p> <p>The proposal is a flat roof design = 0 degrees.</p>
	<p>2.22 Council may allow dwelling houses to have an attic provided the attic design:</p> <ul style="list-style-type: none"> <li>(a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and</li> <li>(b) ensures the attic does not give the external appearance of a storey.</li> </ul>	N/A.
	<p>2.23 The design of dormers must:</p> <ul style="list-style-type: none"> <li>(a) be compatible with the form and pitch of the roof; and</li> <li>(b) must not project above the ridgeline of the main roof; and</li> <li>(c) must not exceed a width of 2 metres; and</li> <li>(d) the number of dormers must not dominate the roof plane.</li> </ul>	N/A.
	2.24 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	<p>Complies.</p> <p>Materials proposed are non-reflective.</p>
<b>Building Design (car parking)</b>	2.25 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must:	N/A.
	<p>2.26 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection.</p> <ul style="list-style-type: none"> <li>the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</li> <li>the covered car parking space is setback 6m (min.) from the primary and secondary frontages.</li> </ul>	<p>Complies.</p> <p>The car parking space is located behind the building line.</p>
	Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:	N/A.
	2.28 Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade.	N/A.
	<p>2.29 Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <ul style="list-style-type: none"> <li>(a) the building is at least 2 storeys in height, and</li> <li>(b) the garage is architecturally integrated with the upper storey by:</li> </ul>	<p>Complies.</p> <p>The car parking spaces are all provided in the basement.</p>



	(i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.	The structures is does not stand out in the streetscape and fits with the surrounding development.
<b>Landscaping</b>	2.30 Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house.	Complies.
	4.34 Landscaping requirements: (a) 45% (min.) of primary setback (b) 45% (min.) of secondary setback (c) A 75L tree between the dual occupancy and the primary road frontage (Refer to Appendix 5 for suitable tree specimen) (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.	Complies.  Refer to landscape plan.

**TABLE 3: BDCP 2013 – PART B5 PARKING**

<b>Item</b>	<b>Provision</b>	<b>Compliance / comments</b>
<b>Single Dwellings</b>		
<b>Impervious Area</b>	75% max. before OSD	Complies.  Impervious area <75%.
<b>Car parking rate</b>	2.3 2 car spaces per dwelling behind the front building line.	Complies.
<b>Parking bay dimensions</b>	3.4 Parking bay dimensions for people with disabilities and residential garages: • Disabled (90 degree) - 6m (L) x 3.2m (W) • Basement parking and single garage – 5.5m (L) x 3m (W) • Double garage in residential development – 5.5m (L) x 5.4m (W)	Complies.
<b>Access driveway width and design</b>	For new residential development, necessary clear driveway widths are provided in the following table: • 3.0m min. (one-way) • 5.5m min. (two-way)	Complies.  The driveway has a width of 4m at the boundary.

## 6 Justification of Non-Compliances

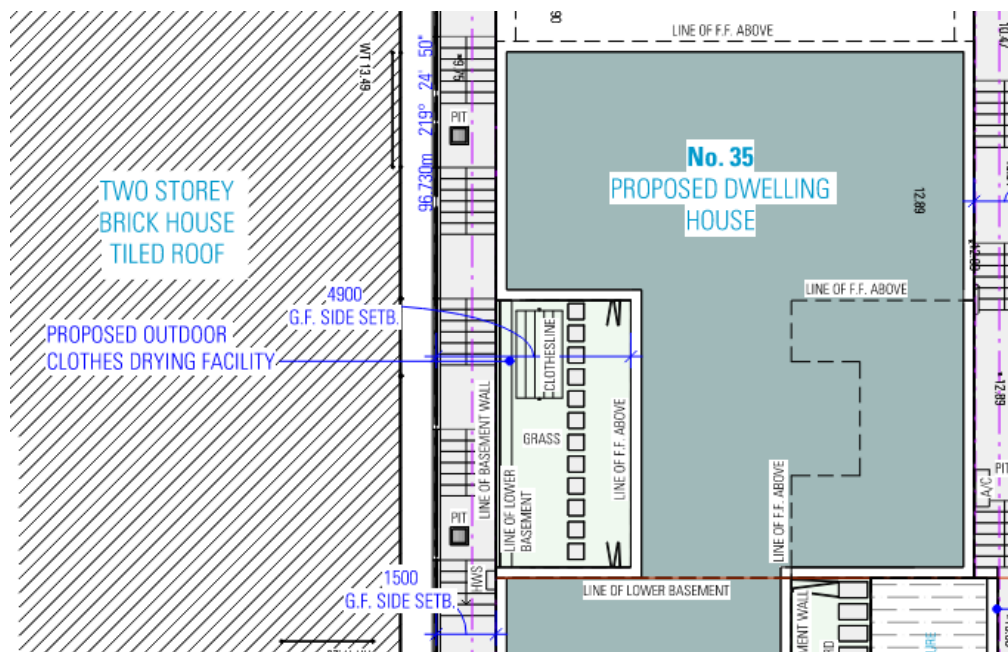
### Part B Section 2:

2.5 Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where:

- (a) the dwelling house is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or
- (c) (b) the fill is contained within the ground floor perimeter of the dwelling house to a height no greater than 1 metre above the ground level (existing) of the allotment.

We understand that the Local Environmental Plan and Development Control Plan have been made to apply to the whole Bankstown local government area in general. However, the LEP and DCP could not be suitable for every single lot in every proposal, we believe that council should assess this project based on merits and good urban design outcomes that are achieved despite the restrictions of the site.

There is roughly a 1.7m cut along the eastern elevation. The excess in cut is to allow access from the ground floor laundry room to the outdoor washing line. The cut is required as a result of the sloping terrain and in order to achieve a level grade, the control is required to be varied.



It is hoped that due to the above noted points Council will look favourably at this non-compliance and support the application in it's current form.

## **7 Additional Assessment of the Proposal**

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### **Location**

The proposal is considered to be in an appropriate location as the existing use of the site will remain the same. The development is permissible in the zone with consent. A detailed assessment of the location is detailed above.

### **Amenity**

The proposed two (2) storey dwelling house will have minimal impacts on the existing and future amenity of the locality.

### **Design of the Premises**

All proposed structures will be of new construction. No existing buildings or structures will be retained.

The proposal will be a visual improvement to the existing development site and surrounding areas. The proposal effectively fills the allocated area, while incorporating styles which complement existing buildings. The visual impact of the proposed development is that which is conceived from the planning controls.

### **Access**

The existing site is accessible from Burbank Avenue and this access will remain the same.

### **Privacy and Shadowing**

The proposed dwelling house has been designed to eliminate any possibilities for the invasion of privacy. The building has been designed to follow the sloping terrain. The bulk and scale of the development is similar to the newer surrounding developments along Burbank Avenue. As a result, any overshadowing and privacy impacts are offset with the adjoining neighbours.

### **Noise**

No noise or odour pollution beyond standard residential acceptable levels is foreseen to be produced from the proposal.

### **Stormwater and Site Management**

Stormwater treatment is detailed in the Stormwater Plan, prepared by Capital Engineering Consultants.

Soil and Water Management during construction is detailed in the 'Stormwater Management Drawing'. For all Waste Management details please refer to the 'Waste Management Plan' (provided as part of this application). During demolition, care is to be taken with complete removal of Asbestos and all lead-based paintwork.

**General**

Gas water heaters (instantaneous) have been proposed, with a rating of 3 stars, to both dwellings. Locations of which can be found on the proposed floor plan.

**Acid Sulfate Soils**

The proposed dwelling house is located within Class 5 – Acid Sulfate Soils. Given the nature of the proposed works, limited excavation, there is unlikely to an impact on the water table on adjacent Class 1, 2, 3, or 4.

No works will be done within Class 1 and 2 on the site.

**Flooding**

The site is subject to 100 Year ARI Flooding. 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.

**Bushfire**

The subject site is not located within bushfire prone land.

**Foreshore Area**

The subject site is located along the foreshore of Georges River, the foreshore building line has been shown on the site plan. No habitable structure has been constructed within the foreshore area. The swimming pool and cabana are permitted to be within the foreshore area.

**Tree Removal**

Five (5) trees are proposed to be removed as part of this application.

**Heritage**

The subject site is not a heritage item, nor is it located within a heritage conservation area or located within the direct vicinity of a heritage item.



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## 8 Section 4.15 Considerations

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### General

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

### **Statutory and Policy Compliance – s4.15(1)(a)**

The proposal has been assessed in relation to all relevant SEPP's and LEP's above in the Statement of Environmental Effects.

The SEPP's which is relevant to the proposal are:

### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

A BASIX Certificate accompanies this application to show that the proposal meets the required energy targets of the SEPP. The proposed commitments have been noted on the plans (refer to section view notes).

### ***State Environmental Planning Policy No 55 - Remediation of Land***

*Clause 7 of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) states:*

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
  - (b) it has considered whether the land is contaminated, and*
  - (c) 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*
  - (d) 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.*

The site is considered acceptable for the proposed development. Given that the site has historically been used for residential and the proposal is not a contaminating use, the site is considered to be consistent with State Environmental Planning Policy 55.

### ***State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;***

The proposal does not propose to remove the trees in the foreshore area.

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**State Environmental Planning Policy (Coastal Management) 2018**

State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management consistent with the Coastal Management Act 2016. The CM SEPP applies to land within the coastal zone across NSW. The subject site has been identified as being within the coastal use and environment area due to the proximity to the waterfront. The proposal development will not likely cause increased risk of coastal hazards on subject site or adjoining land.

***Development on land within the coastal environment area (Clause 13)***

The site is identified as being land within the “coastal environment area” on the CM SEPP map. This requires the consent authority to consider certain factors before development consent is granted. These factors include the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; coastal environmental values and natural coastal processes; the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014); marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms; 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; Aboriginal cultural heritage, practices and places and the use of the surf zone.

These factors have been considered in the design process and have limited any increased impact on the foreshore environment. Appropriate design and construction processes will be implemented to manage and avoid any adverse impact detailed in Clause 13.

***Development on land within the coastal use area (Clause 14)***

The site is identified as being land within the “coastal use area” on the CM SEPP map. This requires the consent authority to consider certain factors and be satisfied of certain requirements before development consent is granted. Specifically the consent authority must consider whether the proposed development is likely to cause an adverse impact on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability; overshadowing, wind funneling and the loss of views from public places to foreshores; the visual amenity and scenic qualities of the coast, including coastal headlands; Aboriginal cultural heritage, practices and places, and cultural and built environment heritage.

The proposed development is appropriate in regard to the objectives of the Coastal Management SEPP. It has been designed, sited to avoid any adverse impact detailed in Clause 13.

The LEP which is relevant to the proposal is:

***Bankstown Local Environmental Plan 2015***

The proposal is considered to satisfy the above relevant Local Environmental Planning Instrument as the development is within zoning regulations. It remains consistent with the relevant objectives of the LEP as it promotes the orderly and economic

development of the LGA in a manner consistent with the need to protect the environment and does not adversely affect the identity of the area.

#### **Natural Environment Impacts – s4.15(1)(b)**

The works proposed will not affect the natural environment. Waste will be managed and collected effectively. Furthermore, there is no endangered flora or fauna on the site that might be affected.

Throughout the period of construction, all measures will be taken to ensure that any noise, dust and vibration will be kept to a minimum.

#### **Social and Economic Impacts – s4.15(1)(b)**

The proposal is unlikely to have any social or economic impacts on the surrounding area.

#### **Built Environment Impacts – s4.15(1)(b)**

The proposed two storey dwelling house has been designed to have minimal impacts on the surrounding built environment.

#### **Suitability of the Site for the Development – s4.15(1)(c)**

The site is well located in terms of suitability, as the proposal is situated in a residential zone.

## 9 Conclusion

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This report has addressed the requirement and relevant provisions of the Council's Local Environmental Plan and Development Control Plan as well as any relevant NSW Planning Legislation.

The assessment illustrates that the proposed demolition of existing structures, removal of five (5) trees and construction of a two (2) storey dwelling house with basement will have no adverse effects on the surrounding community development. The site will be upgraded and will improve the amenity of the local community. The works will be consistent with the residential appearance of the surrounding dwellings and will be beneficial to the current appearance of the subject property.

If you require additional information or clarification, please do not hesitate to contact the undersigned on 0460 888 777 or via email at [planning@es.com.au](mailto:planning@es.com.au)

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