

# **Statement of Environmental Effects: Dual Occupancy**



**Subject Site: 253 Wangee Road,  
Greenacre 2190**

**PREPARED ON BEHALF OF:**

**Platform 5**

**Revision No.1**

**Date: 10 March 2022**

Prepared by:



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## **Proposed Development**

The Applicant is seeking consent for the demolition of the existing structures and construction of an attached dual occupancy and front fence. The proposed works are specifically outlined below:

**Note:** For the purpose of this report, Unit/Dwelling 1 is the dwelling located adjacent to the side western boundary and Unit/Dwelling 2 is the dwelling located adjacent to the side eastern boundary.

### **Demolition**

- Demolition of an existing single storey residential dwelling, detached freestanding brick shed, and ancillary structures.

## **Construction of an Attached Dual Occupancy**

### **Unit/Dwelling 1**

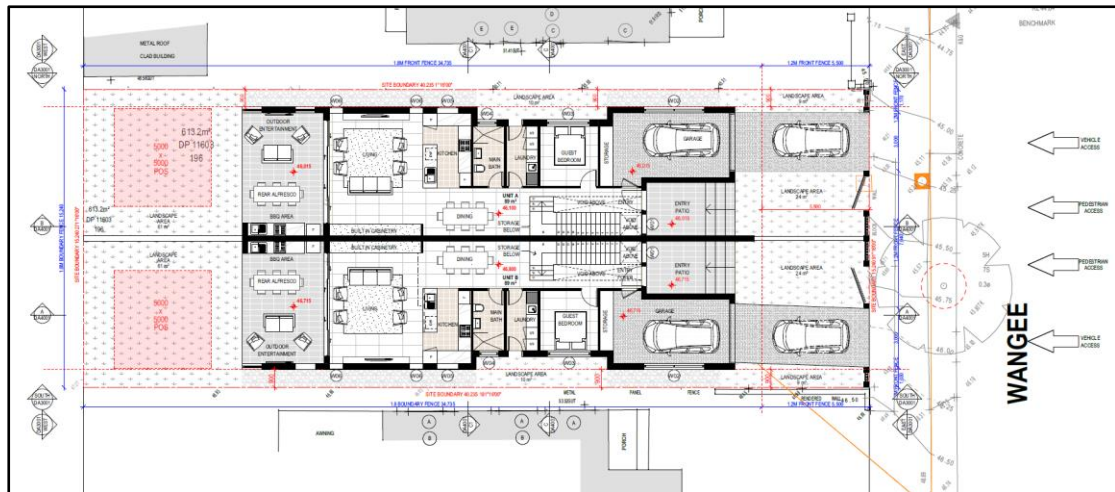
- Ground Floor:
  - Porch attached to front facade, garage, entry, lounge, access stairs, courtyard, kitchen, dining, family, alfresco attached to rear facade, bathroom and a laundry.
- First Floor:
  - Four (4) bedrooms (master bedroom with walk in robe and ensuite, bedroom 4 with attached ensuite), bathroom, access stairs, balcony attached to the front façade with access from the master bedroom and balcony attached to the rear façade with access from bedroom 2.

### **Unit/Dwelling 2**

- Ground Floor:
  - Porch attached to front facade, garage, entry, lounge, access stairs, courtyard, kitchen, dining, family, alfresco attached to rear facade, bathroom and a laundry.
- First Floor:
  - Four (4) bedrooms (master bedroom with walk in robe and ensuite, bedroom 4 with attached ensuite), bathroom, access stairs, balcony attached to the front façade with access from the master bedroom and balcony attached to the rear façade with access from bedroom 2.

### **Ancillary Works**

- Construction of a rendered front boundary fence.



**Figure 1. Proposed Site Plan - 253 Wangee Road Greenacre 2190**  
(Source: Platform 5 Design, 2022)

### **The Site and Locality**

The site is identified as Lot 19, DP 4607, No. 33 Culwulla, South Hurstville. The site is located on the north-western side of Culwulla Street between Salisbury Street to the north-west and Joffre Street to the south-east.

The site is a regular shaped allotment with a 15.24 meter frontage to Culwulla Street, a 45.235 meter and 45.29 meter respective side boundary, a 15.24 meter rear boundary and a total site area of 689.2m<sup>2</sup>.

Existing on site is a single storey residential dwelling with one (1) tree located in the rear yard and one (1) tree located on Council' verge. Both trees are to be retained and protected.

The site has a fall of 1.9 meters measured from the rear boundary (RL 51.6) to the front boundary (RL 49.7).

Surrounding the site are residential dwellings of one and two storey levels. The subject allotment is also located approximately 267.0 meters south-east from 'Bell Park'.

The area is generally residential in character.



**Figure 2:** Satellite locality map - No. 253 Wangee Road Greenacre 2190 (Source: Near Maps, 2021)



**Figure 3:** Zoning Map - No. 253 Wangee Road Greenacre 2190 (Source: NSW ePlanning Portal, 2021)

### **Environmental Planning and Assessment Act 1979**

The following is an assessment of the application pursuant to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

In accordance with Section 4.55(3) a consent authority must consider the relevant matters referred to in Section 4.15(1) in assessing and application for modification of development consent. The consent authority must also consider the reasons given for the grant of the consent that is sought to be modified.

The application has been lodged pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA & Act), which provides. A table summarising the above has been provided above.



Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	It is considered that the proposed development is not consistent with the Draft Canterbury Bankstown Consolidated Local Environmental Plan. Demonstration that the development as modified is substantially the same is addressed further within this statement.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the <i>Bankstown Development Control Plan 2015</i> (BDCP) section in this report and are satisfactory. (ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2000	In accordance with the provisions of Councils Public Notification, the application will be required to be placed on neighbour notification where adjoining property owners will be notified. Any concerns raised by objectors will be considered through the assessment of the application. If required, the applicant may provide responses if deemed necessary.

Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.
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### **State Environmental Planning Policy**

**The development is subject to the following State Environmental Planning Policies:**

#### **State Environmental Planning Policy No. 55 - Remediation of Land (SEPP55)**

In accordance with Clause 7(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. As such the site is considered suitable in its current state for continued residential use and the proposed residential development.

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

A BASIX Certificate has been previously issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

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

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

- a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and*
- b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).*

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 5(1) of the SEPP as the site is within both Strathfield Council and the R2 Low Density Residential zone.

Pursuant to Clause 8(1) of the SEPP, clearing does not require authority under the policy as it is a type of clearing that is authorised under Section 60O of the Local Land Services Act 2013 (specifically, that associated with a development consent issued under Part 4 of the Environmental Planning and Assessment Act 1979).

**Comment:** The proposed development does not involve the removal of any significant trees or vegetation. In this regard, the provisions of this SEPP are considered to be met.

### **Draft Remediation of Land SEPP**

The Draft Remediation of Land SEPP was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent;
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

**Comment:** The proposal is not inconsistent with the provisions of this Draft Instrument.

### **Local Environmental Plan**

The site is subject to the Bankstown Local Environmental Plan (BLEP) 2015. The proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

## **Part 2 – Permitted or Prohibited Development**

### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2 - Low Density Residential and the proposal, seeking to modify the previously issued consent for; a '*Dual occupancy*'. Which is a permissible form of development with Council's consent.

- *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.

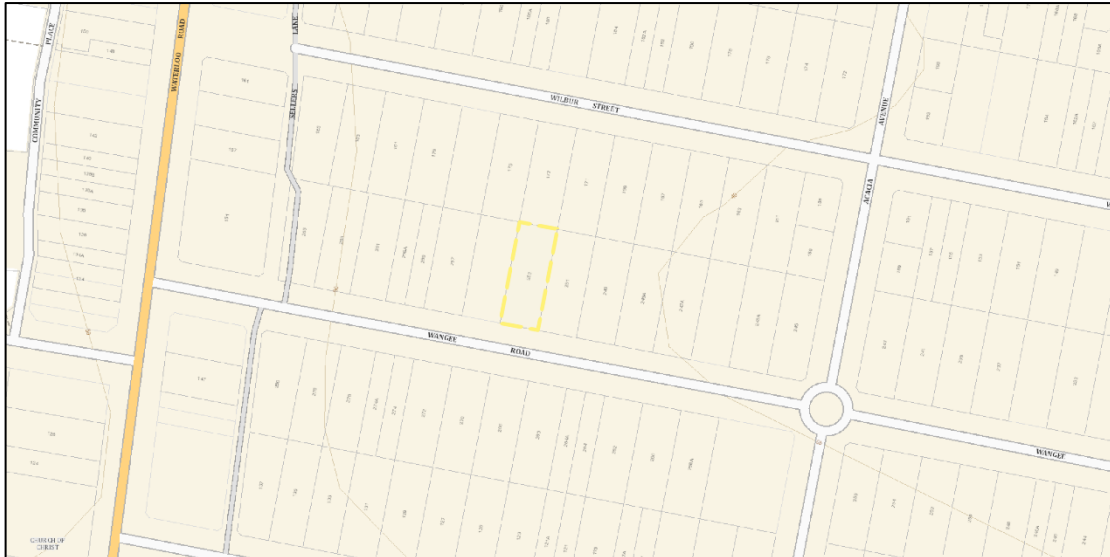
**Comment:** The zoning objectives have been noted above, the proposed amendments are considered ancillary to the primary use of this modification.

#### Part 4 – Principal Development Standards

Applicable Clause	LEP	Development Standards	Development Proposal	Comment
<b>4.3</b> Height of Buildings				
(2B) Despite subclause (2), the following restrictions apply to development on land in Zone R2 Low Density Residential—				
(a) for a dwelling house or a dual occupancy—the maximum wall height is 7 metres.			Dwelling/Unit 1: 7.0m Dwelling/Unit 2: 6.7m	Yes Yes

#### Part 5 – Miscellaneous Provisions

Applicable Clause	LEP	LEP Provisions	Development Provisions	Comment
<b>5.4</b> Controls relating to miscellaneous permissible uses		Not applicable to subject site.		
<b>5.7</b> Development below mean high water mark		Not applicable to subject site.		
<b>5.10</b> Heritage Conservation		Site has not been identified as a heritage item and neither is it located in a heritage conservation area as per BLEP 2015 Heritage Map.		



**Figure 4:** Heritage Map - No. 253 Wangee Road Greenacre 2190 (Source: NSW ePlanning Portal, 2021)

- (ii) ***any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and***

**Comment:** The proposal is not inconsistent with the provisions of this Draft Instrument.

- (iii) ***any development control plan,***

The proposed development is subject to the provisions of the Bankstown Development Control Plan. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

<b>BANKSTOWN DEVELOPMENT CONTROL PLAN 2015</b>			
<b>Section 4 Dual Occupancies</b>			
<b>Standard</b>	<b>DCP Control</b>	<b>Proposal</b>	<b>Compliance</b>
No of Storeys	2 storeys maximum	2 storeys	Yes
Fill	Any reconstituted ground level of an allotment is not to exceed 600mm above the natural ground level of adjoining allotments	Less than 600mm	Yes
Front setback	Ground floor - 5.5m	5.5m to blade wall of dwelling	Yes

	First floor - 6.5 Garage - 6	6.5m to first floor 6.8m to garage	
Side setback	<p>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. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining property.</p> <p>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.</p> <p>The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such</p>	<p>Building wall height is less than 7m.</p> <p>The building is setback a minimum of 900mm from the side boundary.</p> <p>Setbacks clear of all obstacles</p>	Yes

	as a hot water unit, waste storage area, storage shed and the like.		
Secondary street setback	3m to wall  5.5m to garage	N/A	N/A
Private open space	80sqm per dwelling with minimum width of 5m throughout	80sqm per dwelling. Dimensions greater than 5m throughout	Yes
Solar access (subject site)	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 3.00pm at the mid-winter solstice	Yes – sun shadow diagrams have been submitted with the application. Solar access will be provided to the primary living areas which have windows orientated to the rear of the property.	N/A
Solar access (adjoining)	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 3.00pm at the mid-winter solstice	Yes. Neighbouring dwellings to the north, east and west will receive at least 3 hours of sunlight from 9am to 12pm at the winter solstice.	N/A
Solar access (private open space)	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3	The private open space for each dwelling provides a north and eastern aspect. The solar access for each is compliant and the entire space will achieve more than 3 hours sunlight  The adjoining dwelling will receive more than 3 hours solar access to the private open space	

	hours of sunlight between 9.00am and 5.00pm at the equinox.		
Visual privacy (living areas)	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling the development must offset the windows; provide a minimum sill height of 1.5 metres above floor level; provide fixed obscure glazing; or use another form of screening.	Adjoining dwellings to the east and west two storey dwellings. There is no direct overlooking as the windows have been offset. In addition, the adjoining allotments to the east and west are maximised sites in terms of development.	Yes
Visual privacy (open space)	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where the window is to a bedroom, bathroom, toilet, laundry or storage room; the window has a minimum sill height of 1.5 metres above floor level; the window has obscure glazing	<p>The proposed dwellings are located at or very close to ground level and therefore visual privacy from the ground floor of the dwellings will be achieved by the boundary fence.</p> <p>The windows on the first floor that have been setback over 17.0m from the rear. Therefore, no privacy impacts are sought on the rear allotments.</p>	Yes

	to a minimum height of 1.5 metres above floor level; or the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.		
	The design of dual occupancies must ensure: (a) the street facade of attached dual occupancies adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or (b) the street facade of attached or detached dual occupancies incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of	Each dwelling has an individual identity and entrance	Complies



	<p>adjoining dwelling houses; and</p> <p>(c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and</p> <p>(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and</p> <p>(e) the two dwellings on a corner allotment each face a different frontage.</p>	<p>Each dwelling has a porch and living area fronting the street on the ground floor</p> <p>Compiles</p>	<p>Yes</p> <p>Yes</p>
Roof pitch	Max. 35 degrees	1 to 3 degrees	Yes
Landscaping	<p>(a) a minimum 45% of the area between the dual occupancy and the primary frontage; and</p> <p>(b) a minimum 45% of the area between the dual occupancy and the secondary frontage; and</p> <p>(c) plant at least one 75 litre tree between the dual occupancy</p>	<p>Lot 1 = 0.45 x 52.5m<sup>2</sup> = 23.6 m<sup>2</sup> Required = 33m<sup>2</sup> Proposed</p> <p>Lot 2 = 0.45 x 52.5m<sup>2</sup> = 23.6 m<sup>2</sup> Required = 33m<sup>2</sup> Proposed</p> <p>N/A</p> <p>A large tree can be accommodated between the building</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

	and the primary frontage	line and the frontage of Wangee Road.	
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### **Streetscape Character and Amenity**

The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building Scale, Rhythm of Built Elements in the Streetscape, Fenestration and External Materials, and Street Edge.

### **Open Space**

The proposed development satisfies the relevant objectives and controls of the DCP, providing nominated principle open private open space areas and various landscaped areas.

### **Vehicular access, Parking and Circulation**

The proposed development satisfies the relevant objectives and controls of the DCP as a two (2) carparking spaces garage has been provided within the previous approval. The proposed development also demonstrates compliance with the AS2890.1 (B85 design vehicle) provisions within the hardstand component of the dwellings, as identified on the previously submitted architectural plans.

### **Privacy**

The proposed development satisfies the relevant objectives and controls of the DCP as it is considered there are no adverse amenity impacts.

### **Solar Access**

The proposed development satisfies the relevant objectives and controls of the DCP.

- (iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,**

Not applicable.

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

The proposed development is of a scale and character that is in keeping with other dwellings being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the surrounding natural and built environment.

**(c)    *the suitability of the site for the development,***

The subject site is appropriately zoned for the proposed development. The site is free of any significant unresolvable environmental site constraints and is consistent with the scale and design of the locality whilst having regard to its size and shape, its topography, vegetation, and relationship to adjoining developments. The site is therefore considered suitable for the development. The proposal has been designed to cater for the sites existing vegetation.

**(d)    *any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Councils Public Notification, the application will be required to be placed on neighbour notification where adjoining property owners will be notified. Any concerns raised by objectors will be considered through the assessment of the application. If required, the applicant may provide responses if deemed necessary.

**(e)    *the public interest.***

The proposal is generally in accordance with the relevant statutory provisions. The site is suitably zoned for the proposed development and will provide opportunity for housing provision in a way that does not compromise the existing locality. Therefore, the development is considered not to be contrary to the public interest.

**Conclusion**

The application has been assessed having regard to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 and other relevant statutory provisions. This statement along with the submitted documentation demonstrates that the proposal does not result in any adverse impacts and is suitable for the site.

Therefore, it is recommended that Council as the consent authority grant consent for the proposed development.