

Statement of Environmental Effects

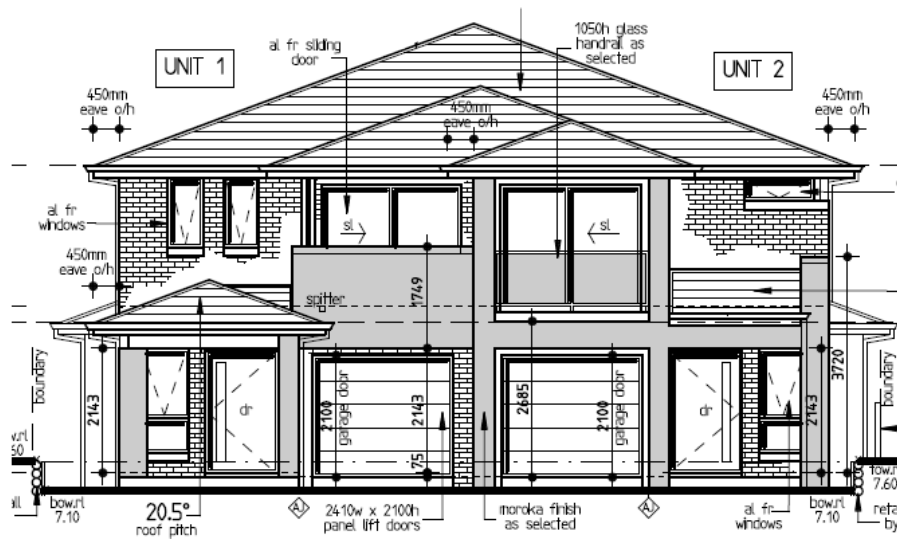
Construction of an attached two storey dual occupancy and torrens title subdivision

Lot 41 DP 35334 (No. 28)

Harcourt Avenue, East Hills NSW 2213.

Canterbury Bankstown Council

Prepared for Lily Homes Pty Ltd – Rev. 2 16/4/22



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Executive Summary

This Statement of Environmental Effects (SEE) accompanies a Development Application in relation to the construction of an attached two storey dual occupancy and torrens title subdivision. Under the current Local Environmental Plan (LEP) applying to the land the development type is permitted.

This SEE provides an assessment of the proposal under Section 4.15 of the Environmental Planning and Assessment Act (*as amended*) 1979 (EP&A Act) in order to achieve better outcomes for and from the development.

This SEE best-addresses Section 4.15 of the EP&A Act and justifies why the subject development should be permitted to be constructed.

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1.0 Introduction

This *SEE* accompanies a Development Application for the proposed construction of an attached two story dual occupancy and torrens title subdivision at 28 Harcourt Avenue, East Hills.

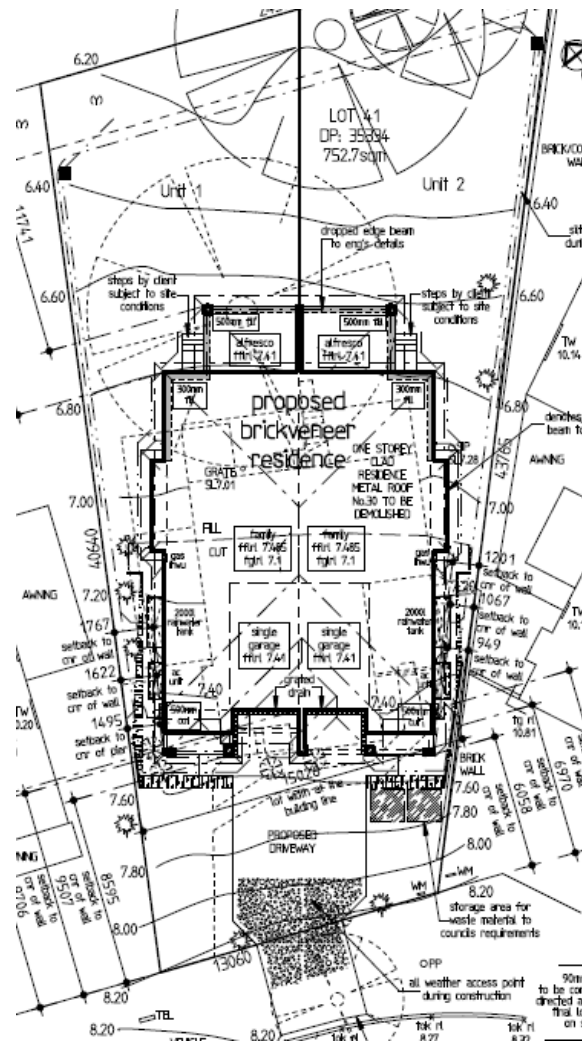
The statement addresses the relevant matters for consideration under Section 4.15 of the *EP&A Act* as well as matters relating to environmental impacts required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (the Regs).

This document should be read in conjunction with the following documents that accompany the Development Application:

<i>Document</i>	<i>Prepared by</i>	<i>Revision</i>	<i>Date</i>	<i>Drawing No.(s)</i>
Architecturals	A & N Designs	D	7/3/22	AND - 34990
Subdivision Plan	A & N Designs	D	7/3/22	AND - 34990
Schedule of Colours/Finishes	Lily Homes	-	-	-
Waste Management Plan	Lily Homes	-	-	-
Survey	United Surveys	A	5/10/21	-
Landscape plans	Michael Siu	1	1/2/22	K26002
Hydraulic Plans	Engineering Studio	A	23/2/22	1 - 6
Stormwater System Report	City of Canterbury Bankstown Council	-	28/9/21	3-8

2.0 Locality and site

The site, comprising Lot 41 in DP 35334, is on the western side of Harcourt Avenue. The site is trapezoidal in shape comprising an area of approximately 752.7m². The site comprises a gradual descent from east to west with a change in level of approximately 2 m.



Extent of proposed works

The allotment of land is burdened by an easement for drainage of water 1.83 m wide which occupies the rear of allotment measured parallel with rear boundary.

Two trees are proposed to be removed as a result of the proposal. Adjoining properties immediately surrounding the development are residential in nature with ancillary outbuildings.

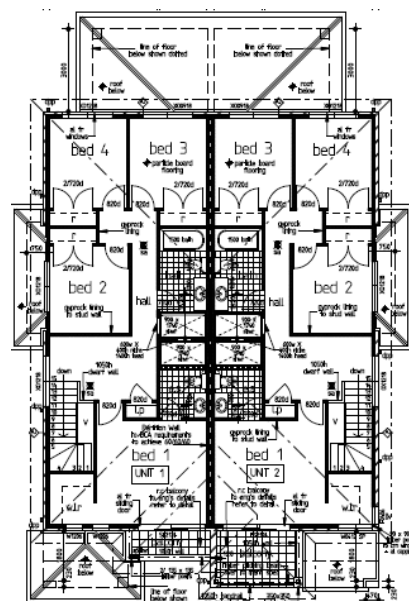
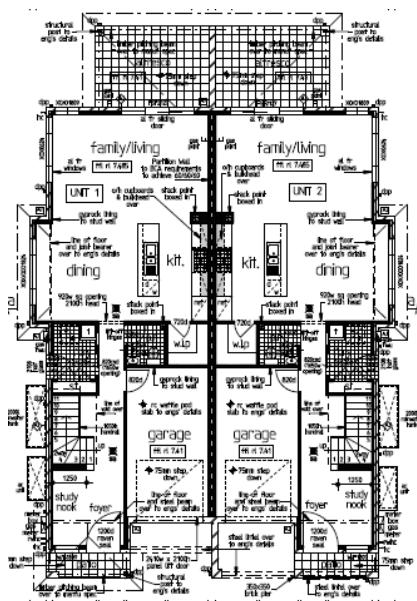
3.0 Subject Development

The Development Application seeks approval for the proposed construction of an attached two storey dual occupancy and torrens title subdivision.

The proposed works will provide ample amenities for growing families in an accessible location.

Below is a basic summary of the key aspects of the development:

	28 Harcourt Avenue, East Hills	
	Unit 1	Unit 2
Site Area	376.3 m ²	376.3 m ²
Width of lot at building line	7.5 m	7.5 m
Floor area	210.8 m ²	214.2 m ²
Building height	8.4 m	8.4 m
Northern set-back	0 m	949 mm
Eastern set-back	8.595 m	6.058 m
Southern set-back	1.495 m	0 m
Western set-back	11.741 m	12 m
Use	Residential	Residential



4.0 Heads of consideration

In determining a development application, a consent authority is to take into consideration those matters that are of relevance to the development under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

This *SEE* addresses all of the heads of consideration under Section 4.15 (1) of the *EP&A Act*, which states:

4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- I the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- I the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*

The following Section provides an assessment under Section 4.15 (1) of the *EP&A Act*.

4.1 SECTION 4.15 (1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPI	<i>Bankstown Local Environmental Plan 2015</i>
Use	<i>Residential</i>
Zoning	<i>Zone R2 – Low Density Residential</i>

Bankstown Local Environmental Plan 2015 Map summary

The following is a map summary of applicable land use controls to the development site as per the Map Index of the EPI.

Acid sulfate soils map	<i>Class 5</i>
Foreshore building line map	<i>Not affected</i>
Bushfire prone land	<i>Not Affected</i>
Floor space ratio map	<i>0.5:1</i>
Heritage map	<i>Not affected</i>
Height of buildings map	<i>9 m</i>
Key sites map	<i>Not affected</i>
Land reservation acquisition map	<i>Not affected</i>
Land zoning map	<i>R2 - Low Density Residential</i>
Minimum lot size	<i>450 m²</i>
Floor Space Ration	<i>Not Affected</i>
Special areas map	<i>Not affected</i>
Residential Density Map	<i>Not affected</i>
Local Aboriginal Land Council	<i>Gandagara</i>

Flooding	<i>Affected</i>
Biodiversity Mapping	<i>Not Affected</i>

Proposed Use

The R2 – Low Density Residential zoning permits dual occupancies and ancillary development with development consent. The subject development type is consistent the zoning of the land.

Zone Objectives

The EPI provides for certain ‘objectives’ of the R2 – Low Density Residential zone. These objectives are detailed below together with a comparison against the outcomes of the subject development:

Zone R2 – Low Density Residential

Objectives of zone

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

Subject development: the proposal will allow lower income households to enjoy a large home whilst still having ample access to retail and transport facilities within the community

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents***

Subject development: the proposal will provide two new homes with ample off-street car parking, a disposition of rooms that provides ample internal amenity as well as accessible private open space areas

- ***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***

Subject development: the proposal is a form of residential development

- ***To allow for the development of low density housing that has regard to local amenity***

Subject development: although a dual occupancy is proposed, the proposal is not deemed an overdevelopment of the site. Maximum floor areas have not been exceeded, minimum setback requirements have been achieved and the maximum building height permitted has not been exceeded. The proposal presents well and gives the impression of two articulated homes that have minor impact on the streetscape

- ***To require landscape as a key characteristic in the low density residential environment***

Subject development: the proposal is accompanied by a landscape design prepared by a landscape architect

Relevant aspects of Bankstown Local Environmental Plan 2015:

<i>Bankstown LEP 2015</i>		
Clause	Comment	Compliance
1.3	The Bankstown LEP 2015 applies	Achieved
2.2	The land is zoned R2 low Density Residential	Achieved
4.1	Minimum lot size of 450 m ² applies	Achieved
4.1A (2) (a)	The allotment achieves the minimum site area of 500 m ² for the purposes of the erection of an attached dual occupancy	Achieved
4.1A (2) (a)	The allotment achieves the minimum lot width of 15m for the purposes of an attached dual occupancy when measures parallel to the primary road frontage.	Achieved
4.1A (4) (a)	Subdivision of a dual occupancy (attached) is permitted if the size of each lot to be created will be at least 250 m ²	Achieved
4.3	The proposal is less than the maximum permitted height	Achieved
4.4	The proposal is less than the permitted 0.5:1 FSR	Achieved

State Environmental Planning Policy No 55 – Remediation of Land:

The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements

Clauses 5 and clause 7 of the SEPP are addressed below:

<i>State Environmental Planning Policy No 55 – Remediation of Land</i>		
Clause	Comment	Compliance
5	The policy applies to the land	Achieved
7	<p>The land has been home to a residential dwelling for at least the last 20 x years.</p> <p>The allotment is not within an investigation area nor has any previous remedial works been undertaken on site. Further, no uses have been undertaken on the allotment that would suspect contaminated lands.</p> <p>It is therefore reasonably expected that the allotment is not considered contaminated land.</p>	Achieved

State Environmental Planning Policy (Transport and Infrastructure) 2021:

The Infrastructure SEPP (State Environmental Planning Policy (Transport and Infrastructure) 2021) sets out the planning rules and controls for infrastructure in NSW. The SEPP simplifies the planning process for providing essential infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

The Infrastructure SEPP assists the NSW Government, private infrastructure providers, local councils and communities and plays a key role in helping to deliver the NSW Government's infrastructure works.

The SEPP also provides buffers and construction requirements for uses and development types within proximity to such infrastructure.

<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>		
Clause	Comment	Compliance
2.99	The allotment is not within 150m of a rail corridor	Achieved
2.119	The allotment is not within 150m of a classified road	Achieved

4.2 SECTION 4.15 (1)(A)(II) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPI	N/A
Use	N/A
Zoning	N/A
Applicability to proposal	N/A

4.3 SECTION 4.15 (1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN

Development Control plan	Applicability
Bankstown Development Control plan 2015	Part B1 – Residential Development Part B5 – Car Parking Part B13 – Waste Management and Minimisation

Bankstown Development Control Plan 2015 is the relevant DCP that applies to this land. The relevant Sections of this DCP are investigated below and compared to the subject development.

Bankstown Development Control Plan 2015 – Part B1 – Residential Development

Clause	Comment	Complies	
		Yes	No
Section 4 – Dual Occupancies			
Subdivision			
4.1	The resultant development will result in a lot size of 376.3m ² per lot	Yes	
4.2	The proposal does not comprise a detached dual occupancy	Yes	
4.3	The proposal does not comprise a secondary dwelling	Yes	
Storey limit			
4.4	The proposal is limited to two storeys	Yes	
4.5	The allotment is does not comprise excessive grades or contours and the proposal's slab level is similar to the pre-existing dwelling on the allotment	Yes	
4.6	Cut and fill proposed is limited to 500mm in depth	Yes	
Setback restrictions			
4.7	The subject allotment does not adjoin an existing animal boarding or training establishment	Yes	
Setbacks to the primary and secondary road frontages			
4.8	The nearest façade of each unit to the primary road is setback a minimum 6.97m	Yes	
4.9	The allotment is not bounded by a secondary road	Yes	
Setbacks to the side boundary			
4.10	The proposal is a minimum 900mm from each side boundary	Yes	
4.11	The maximum height of any wall above NGL is approximately 6m	Yes	
4.12	Informational	Yes	

4.13	<i>The proposal does not comprise a basement</i>	Yes
Private open space		
4.14	<i>A minimum 80m² of POS is achieved within the rear yard of each proposed allotment</i>	Yes
Access to sunlight		
4.15	<i>Living rooms located at the rear of the dwelling are provided with sufficient afternoon sun</i>	Yes
4.16	<i>The adjoining allotment to the north is provided with no loss of natural light as a result of the proposal The adjoining allotment to the south is provided with un-interrupted early morning sun</i>	Yes
4.17	<i>Both the subject allotment and adjoining allotments achieve natural lighting to POS areas late in the afternoon</i>	Yes
4.18	<i>No solar panelling or the like has been discovered on the adjoining property to the south</i>	Yes
Visual privacy		
4.19	<i>The proposed first floor side facing bedroom windows do not appear to create a loss of amenity through overlooking of adjoining indoor areas</i>	Yes
4.20	<i>Only bedroom windows are side facing on the first floor</i>	Yes
4.21	<i>The proposal does not comprise an upper floor side or rear balcony</i>	Yes
4.22	<i>The proposal does not comprise a roof top balcony</i>	Yes
Building design		
4.23	<i>Demolition of existing dwelling subject to separate approval</i>	Yes
4.24	<i>The proposed front façade comprises an asymmetrical design through the use of differing openings, balcony balustrade type, lower and upper roof differences. Living rooms are located on both the lower and upper level of the front façade</i>	Yes
4.25	<i>The proposed roof pitch is 20.5 degrees</i>	Yes
4.26	<i>The proposal does not comprise an attic</i>	Yes
4.27	<i>The proposal does not comprise any dormers</i>	Yes
4.28	<i>The allotment is not within the foreshore protection area</i>	Yes
Building design (car parking)		
4.29	<i>The allotment is not bounded b Birdwood Road, Bellevue Avenue or Rex Road in Georges Hall</i>	Yes
4.30	<i>The proposal will result in each unit comprise 1 x covered car parking space behind the building line and an additional open hardstand space in front of the building line for each unit</i>	Yes
4.31	<i>The proposal is limited to a single garage for each unit</i>	Yes
4.32	<i>The proposal is limited to a single garage for each unit</i>	Yes
Landscaping		
4.33	<i>The proposal seeks consent for the removal of 1 x tree on the allotment and 1 x tree within the road reserve</i>	Yes

4.34	<i>A landscape plan prepared by a suitably qualified landscape architect accompanies this application</i>	Yes
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Bankstown Development Control Plan 2015 – Part B5 – Parking

Clause	Comment	Complies	
		Yes	No
Off-street parking			
2.1	A minimum of 2 x off-street car parking spaces will be provided per dwelling	Yes	
Off-street paring design and layouts			
3.1	Part B1 of the DCP has been assessed in the table above	Yes	
Off-street parking access and circulation			
4.1	There are no other alternate options in respect of driveway location	Yes	
4.4	The proposed driveway is a minimum 6m wide	Yes	

Bankstown Development Control Plan 2015 – Part B13 – Waste Management and Minimisation

Clause	Comment	Complies	
		Yes	No
Residential development			
4	Please refer to architectural plans and waste management plan accompanying this application	Yes	

4.4 SECTION 4.15 (1)(A)(IIIa) – ANY PLANNING AGREEMENT ENTERED INTO

The development is not associated with any planning agreement or any draft planning agreement entered into under Section 7.4 of the EP&A Act.

4.5 SECTION 4.15 (1)(A)(IV) – THE REGULATIONS

The subject development is in relation to residential accommodation.

The development is not subject to the Government's Coastal policy. No master plans are applicable to the development.

4.6 SECTION 4.15 (1)(B) – THE LIKELY IMPACTS OF THAT DEVELOPMENT

The subject development has minimal impact on the environment, neighbourhood and locality. This is due to the scale and lay-out of the development. The likely impacts of the development are provided as follows:

CONTEXT AND SETTING	The streetscape is residential in nature with low density housing. This aspect will be maintained
UTILITIES	Relevant utility providers will be informed of the development at Construction Certificate stage in order to advise of their requirements if affected
PUBLIC DOMAIN	The development will in no manner impact on the public domain
HERITAGE	There are no heritage provisions applicable to the site. The site is not located within a heritage conservation area and no item of environmental heritage is located on the allotment
OTHER LAND RESOURCES	The development site does not sustain any land resources
AIR & MICROCLIMATE	The development will have no significant impact on air and microclimate
ACCESS, TRANSPORT & TRAFFIC	The subject development is not of type or scale to effect any access, transport or traffic requirements
ENERGY	A BASIX certificate forms part of this Development Application
WATER	The development will have no significant impact on water resources or conservation for that matter.
SOILS	Refer to structural engineering details at CC stage
NOISE/VIBRATION	The subject structure is not capable of providing noise and vibration infringements
WASTE	All waste generation and disposal will be undertaken in accordance with the waste management plan
FLORA & FORNA	The development does not encroach within any conservation area
SAFETY, SECURITY & AND CRIME PREVENTION	Existing safety and public viewing areas will be maintained as a result of the proposal. Habitable rooms have been placed within the front façade to both the ground floor and first floor
SOCIAL IMPACT	Given the nature of the development, no significant social impacts will be in effect
ECONOMIC IMPACT	The proposal will provide additional work to local industry and trade as well as provide large housing to lower income earners

NATURAL HAZARDS	The allotment is not mapped as affected by any natural hazards except for flooding
TECHNOLOGICAL HAZARDS	No known technological hazards pose a risk for the development
SITE DESIGN & INTERNAL DESIGN	Site design is of similarity to other developments in the street and locality
CONSTRUCTION	Engineering details form part of this development Application
CUMULATIVE IMPACTS	There are no significant or potential cumulative impacts that will detrimentally affect the site or the locality. The minimal cumulative impacts of the development are therefore considered to be acceptable for the site and area

4.7 SECTION 4.15 (1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

DOES THE STRUCTURE FIT THE LOCALITY	The proposed structure is considered to fit in the locality well and will compliment the neighbouring residential development.
ARE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT	The site attributes are considered to be conducive to the development. There are no risks or factors associated with the site that will significantly affect the development, or that cannot be ameliorated with the structure

4.8 SECTION 4.15 (1)(E) – THE PUBLIC INTEREST

The type of development will require neighbour notification. The development will have minimal impact on both public infrastructure and the locality as a whole.

It is evident that the proposed works will not significantly affect any neighbouring dwellings in terms of privacy, overshadowing, amenity, economic loss. This will be tested throughout the development application assessment process.

4.9 SECTION 4.15 (1) – CONCLUSION

The heads of consideration have been assessed and reviewed against the subject structure based on its merits. The subject structure is permissible and in general conformity with the relevant LEP and DCP.

5.0 Conclusion

The subject development will enhance the aesthetics of the allotment and provide two functional dwellings with no appreciable adverse impact on the amenity of the adjoining neighbour or the locality.

No adverse effects on neighbouring properties or the locality have been identified. The development will meet the objectives of the relevant EPI and DCP and will be in harmony with the future outlook of the locality.

6.0 Summary

The subject development was assessed in accordance with the provisions of Section 4.15 of the EP&A Act. Any non - compliances with the relevant LEP and DCP were identified and compared with the development based on its merits and the Objectives of the relevant LEP and DCP. It was found that the subject development complies with the development standards and objectives of Camden Council's development controls.

7.0 Stakeholders

<i>Name</i>	<i>Status</i>	<i>Contact</i>	<i>Email</i>
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