

STATEMENT OF ENVIRONMENTAL EFFECTS

Site Details:	Lot 8 DP 13832 No. 7 Cragg Street, CONDELL PARK NSW 2200
Proposal	Development Application (DA) for the demolition of existing structures and the construction of a two-storey dwelling house over basement carparking and ancillary works
Applicant	One of One Design
Consent Authority:	Canterbury-Bankstown Council
Date:	11 April 2022
Author:	TM

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1.EXECUTIVE SUMMARY

The proposal seeks consent for the proposed demolition of existing structures and the construction of a two-storey dwelling house with basement at Lot 8 DP 13832 No. 7 Cragg Street, Condell Park.

The property has a site area of 613m².

The application is also accompanied by the following:

- Survey Plan
- Architectural Plans
- BASIX Certificate
- Concept Stormwater Plans

This application has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* and provides an assessment against Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This statement will address the following:

- The site and its surrounding context;
- Details of the proposal;
- Consideration of the relevant statutory provisions applicable;
- Associated environmental impacts of the use and how those impacts are mitigated;
- Provide a recommendation for the proposed to assist in the assessment and determination of the application by Council.

The proposal has been reviewed by Vertex Planning in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

This statement demonstrates that the proposed is an acceptable form of development that is responsive to the site and satisfies the intended objectives of the zone. The proposed does not unduly result in significant adverse impacts upon the surrounding environment, streetscape, or surrounding properties. Furthermore, the proposal is suitable for the site and not considered to raise any issues which would be contrary to the public interest.

2.INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Development Application for the proposed demolition of existing structures and the construction of a two-storey dwelling house over basement carparking at Lot 8 DP 13832 No. 7 Cragg Street Condell Park which falls under the Canterbury Bankstown Local Government Area.

3. DOCUMENTATION RELIED UPON

This Statement of Environmental Effects relies upon the following documentation submitted:

Document Description	Date	Prepared by	Revision
Survey Plan	16.7.2020	C & A Surveyors	01
Architectural Plans	28.3.2022	One of One Design	A
10.7 Certificate	22.7.2020	Canterbury Bankstown Council	N/A

4.THE SITE

The 613m² rectangular shaped site is legally described at Lot 8 DP 13832 and is located on the western side of Cragg Street Condell Park.

The site has a fall of approximately 4 metres to the front, south-eastern corner of the site.

The site presently contains a single storey dwelling house with attached carport and two detached metal sheds in the rear yard. Vehicular access is

The site does not contain a heritage listed item, is not within a heritage conservation area and is not in the vicinity of a heritage listed item.

The site is not bushfire prone or flood prone.

The site is not identified as being prone to landslip.

The site has not been identified as containing Acid Sulfate Soils.

The site has not been identified as being burdened or benefitted by any easements or restrictions.

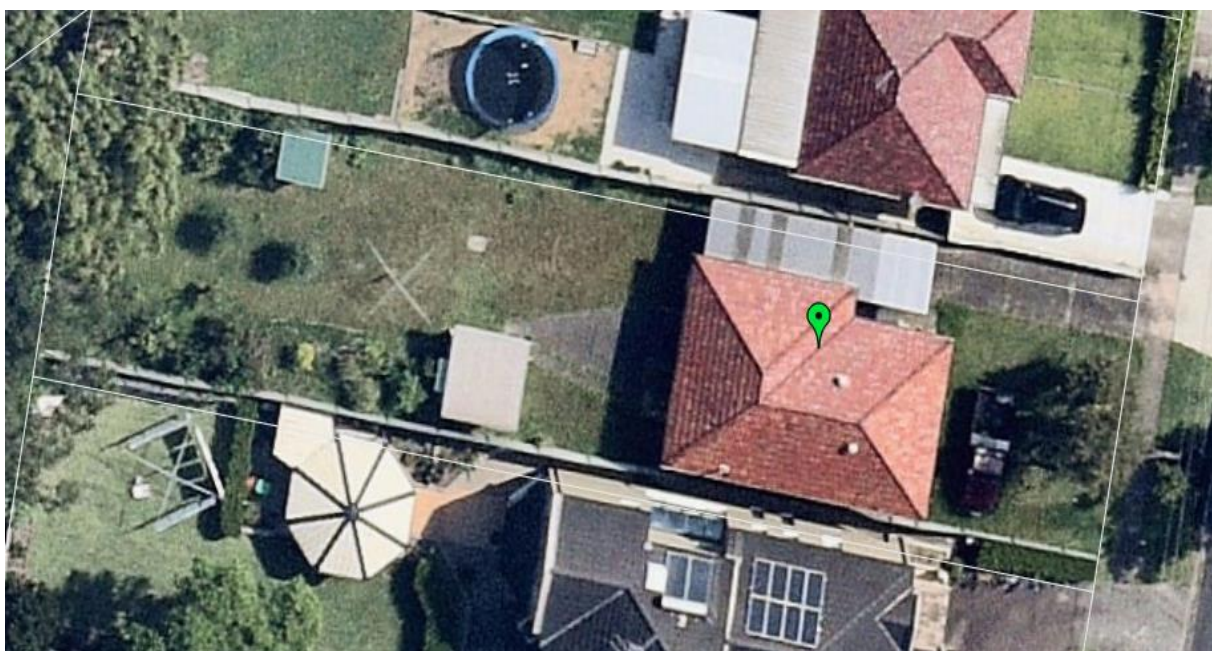


FIGURE 1: THE SUBJECT SITE

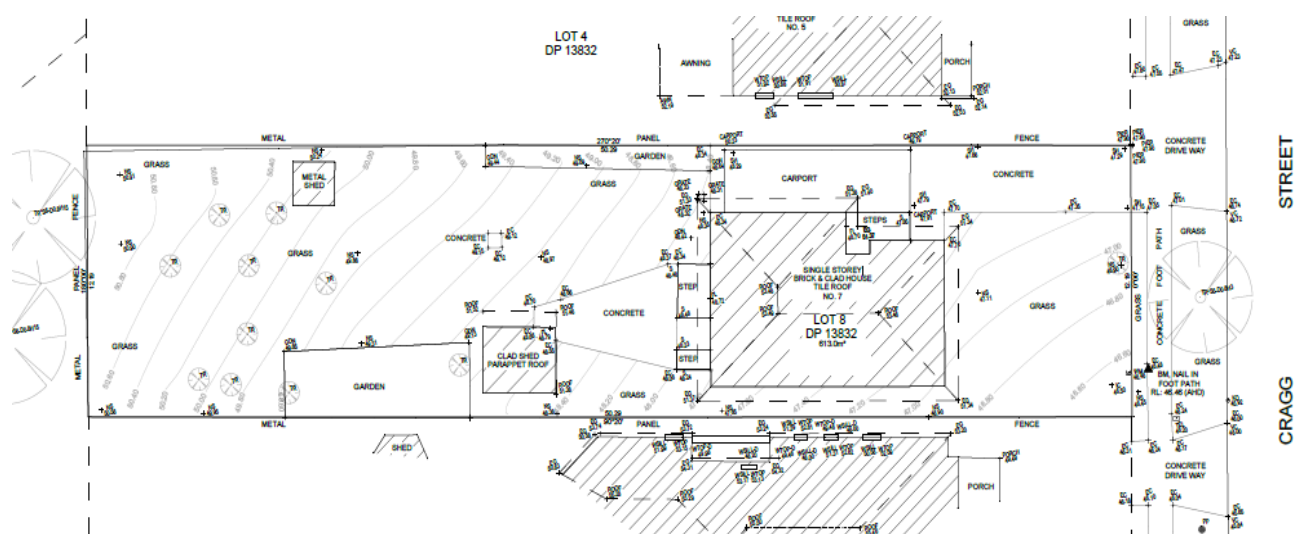


FIGURE 2: EXISTING SURVEY PLAN OF SUBJECT SITE.



FIGURE 3: THE SUBJECT SITE VIEWED FROM THE STREET

5.THE PROPOSAL

The application proposes the following works:

- Demolition of existing structures on the site and site preparation works including the removal of shrubs and one tree on the road reserve.
- The construction of a two-storey dwelling house with basement car parking for two vehicles, an ensuite and a storage area.
- The proposed two storey dwelling house would contain a living room, guest bedroom with ensuite, an open dining/family/kitchen space, a study, a laundry with WC, a rear alfresco and front a balcony. Three bedrooms, two ensuites, a bathroom, a rumpus room and balcony would be located on the first floor.
- The construction of a driveway to the proposed basement garage and vehicular crossing
- The installation of a lift.
- Associated landscaping; and
- The erection of a front fence and gate.



FIGURE 4: FRONT ELEVATION PHOTO RENDER

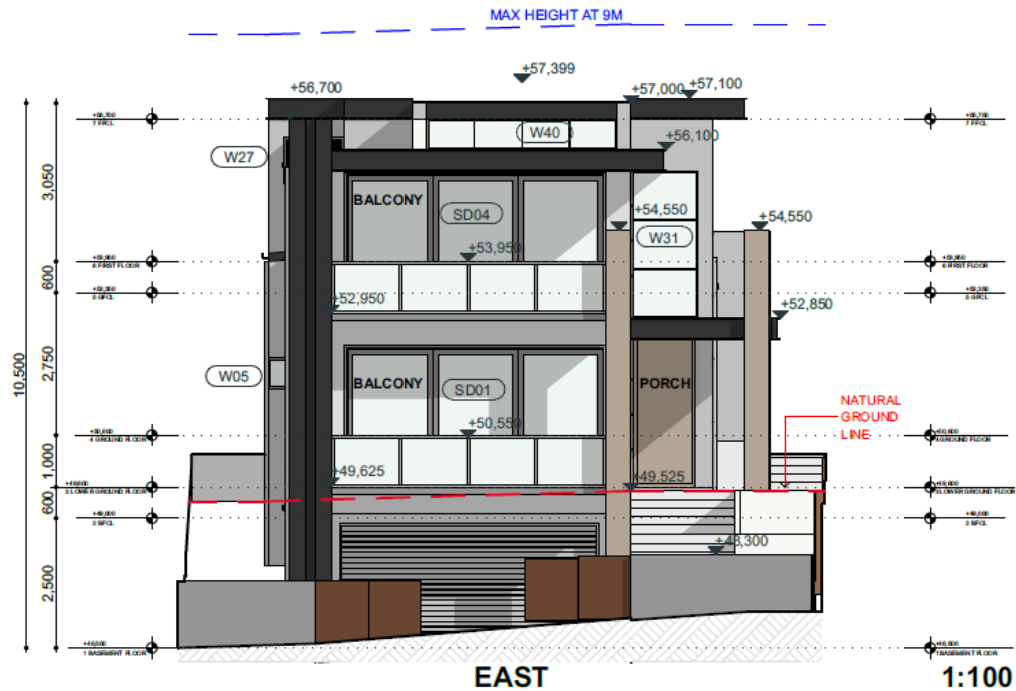


FIGURE 5: FRONT ELEVATION

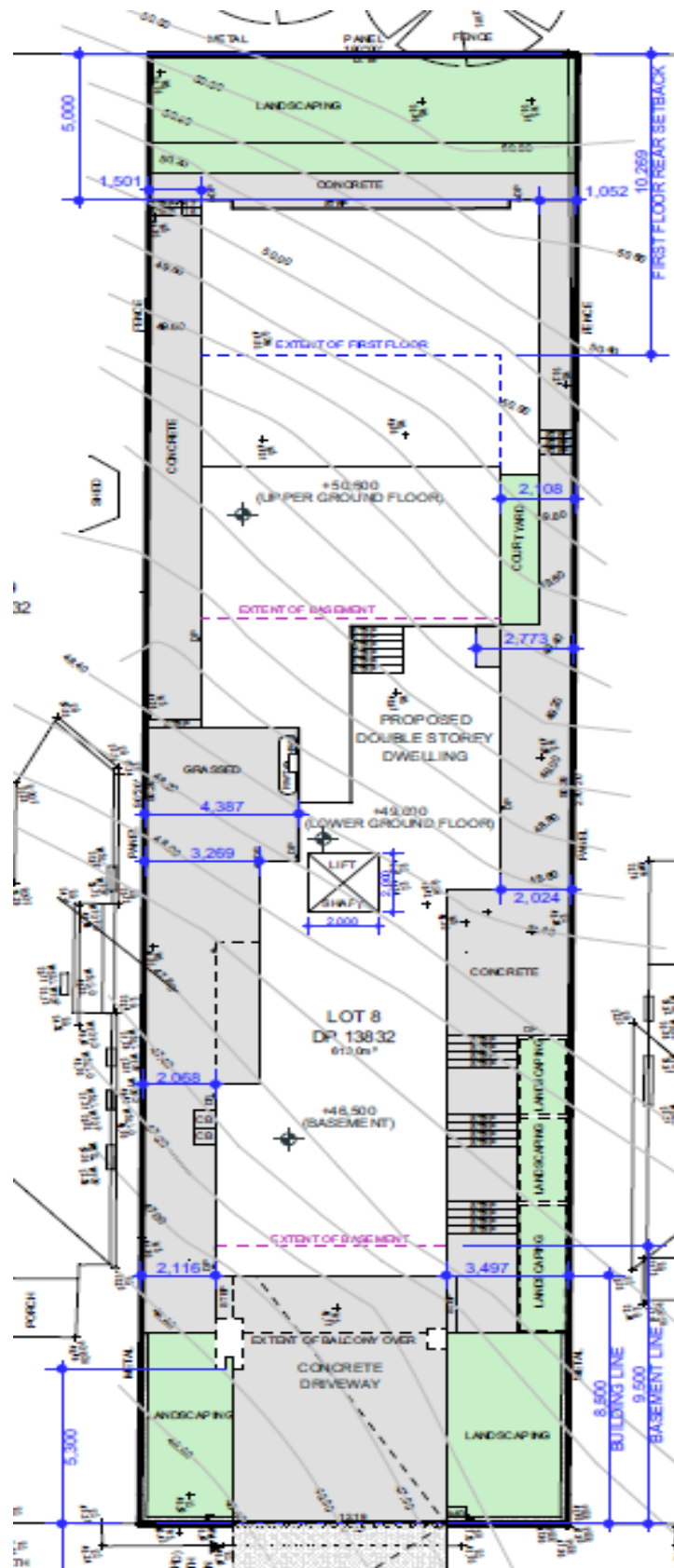


FIGURE 6 SITE PLAN OF PROPOSED DWELLING HOUSE.

6. STATUTORY CONTROLS

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Section 4.46 and 4.47(2)

The proposal is not considered to be integrated development.

6.1.2 Section 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

6.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the biodiversity and amenity values of trees within non-rural areas of the state. The Biodiversity and Conservation SEPP states that a Development Control Plan may make a declaration in any manner relating to species, size, location, and presence of vegetation. The application would result in the removal of one street tree which is located within the building envelope. This tree cannot be retained. Replacement plantings to offset the loss of this tree are proposed on the subject site.

Chapter 6 Bushland in urban areas

Chapter 6 aims to protect and preserve bushland within the urban areas to retain its value to the community as part of the natural heritage, retain aesthetic value and value as a recreational, educational, and scientific resource.

The subject site does not adjoin any areas of bushland. Therefore, it is considered that the proposal will not be inconsistent with the provisions of Chapter 6.

Chapter 11 – Georges River Catchment

The site is located within the catchment of the Georges River. Chapter 11 of the B&C SEPP contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation, and tourism. The objectives of Chapter 11 are as follows:

- (a) To maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,
- (b) To protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,
- (c) To ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries, to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,
- (d) (Repealed)
- (e) To provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.

Comment: The application is supported by a Sediment and Erosion Control Plan detailing sediment and erosion control measures proposed to be installed during works should the application be approved to prevent sediment entering Council's stormwater drainage system.

6.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of land

Chapter 4 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 through:

- Specifying when consent is required, and when it is not required, for a remediation work
- 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
- Requiring that a remediation work meet certain standards and notification requirements

Pursuant to Clause 4.6 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.

The site is zoned R2 and historically has been used for residential purposes. Given the nature of the proposed works and surrounding uses there is nothing to indicate that the site would be affected by soil contamination. As such the site is considered suitable for proposed dwelling.

6.1.5 Bankstown Local Environmental Plan 2015 (BLEP)

The site is subject to the provisions of Bankstown Local Environmental Plan 2015 (BLEP 2015).

Bankstown LEP 2015	
Zone of the land	R2 - Low Density Residential
Definition of Development	Dwelling house
Is the development permissible in the zone?	Dwelling house – Yes

Part 2 Permitted or prohibited development

Permissibility

The submitted 10.7 Certificate identifies that the subject site in its entirety is zoned R2 Low Density Residential. Dwelling houses are permitted in the R2 Low Density zone pursuant to compliance with the relevant Principal Development Standards, Miscellaneous Provisions and Local Provisions. Below each aspect of the BLEP

Objectives of the R2 Low Density Residential 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.*

Zone objectives

Comment: The proposed development is considered to satisfy the objectives for residential developments. The proposal provides for housing within a low-density environment. The proposed dwelling house would be consistent with the surrounding low density residential streetscape.

Permitted without consent

Home occupations

Permitted with consent

Bed and breakfast accommodation; 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

Prohibited

Any development not specified in item 2 or 3

Permissibility

Comment: As indicated above dwelling houses are permissible with consent in the R2 Low Density Residential zone pursuant to the Bankstown Local Environmental Plan 2015.

Part 4 Principal development standards

Principal Development Standards	
Satisfies the zone objectives?	Yes
Satisfies Clause 4.1 Minimum Subdivision Lot size?	N/A
Satisfies Clause 4.3 Height of Buildings?	Yes - The proposed building height is 7.5 metres which complies with the maximum 9 metre building height.
Satisfies Clause 4.4 Floor Space Ratio?	Yes, FSR of 0.49:1 complies with maximum 0.5:1
Satisfies Clause 4.5?	Yes, calculated per LEP definition.

Height of Buildings

The subject site has a maximum building height of 9 metres per Clause 4.3 of the Bankstown Local Environmental Plan 2015 and associated Height of Building Map. Any building proposed on the site shall not exceed the maximum building height permitted.

Comment: The proposed secondary dwelling would have a maximum building height of 9 metres. This complies with the maximum 9 metre requirement.

Floor Space Ratio

The subject site has a maximum floor space ratio of 0.5:1.

Gross floor area of the Bankstown Local Environmental Plan 2015 is defined as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement—

- (l) storage, and
- (ii) vehicular access, loading areas, garbage, and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (l) terraces and balconies with outer walls less than 1.4 metres high, and
- (i) voids above a floor at the level of a storey or storey above.

Comment: As indicated below the proposed dwelling would have a total gross floor area of 304.8m² excluding basements, voids, plant rooms, lifts, and balconies. Considering the site area of 613m² the calculated floor space ratio is 0.49:1 The proposed development would comply with the 0.5:1 floor space ratio maximum under the Bankstown Local Environmental Plan 2015.

<u>COMPLIANCE AREA CALCULATON (SITE AREA 613.00M²)</u>
<u>(FLOOR AREA CALCULATIONS EXCLUDES GARAGE, VOIDS / SHAFTS PORCH, ALFRESCO AND THE AREA OF EXTERNAL SKIN WALL)</u>
BASEMENT FLOOR:107.50 M ²
GROUND FLOOR: 151.80M ²
ALFRESCO: 59.70 M ²
FIRST FLOOR: 153.30 M ²
BALCONIES: 24.00 M ²
 TOTAL COMPLIANCE AREA: 496.300 M ²
 F.S.R. = GROSS FLOOR AREA / SITE AREA:
GROUND FLOOR: 151.80 M ²
FIRST FLOOR: 153.30 M ²
 TOTAL PROPOSED GROSS FLOOR AREA: 332.40 M ²
 PERMISSIBLE FSR = 0.5:1 (306.50 M ²)
PROPOSED FSR = 304.80 M ² / 613.00 M ² OR 0.49:1

FIGURE 6: PROPOSED DWELLING HOUSE FSR CALCULATIONS.

Part 5 Miscellaneous provisions

BLEP 2015 Provisions	Comment
Clause 5.4 - Controls relating to miscellaneous permissible uses	Not applicable to subject site.
Clause 5.7 - Development below mean high water mark	Not applicable to subject site.
Clause 5.10 - Heritage Conservation	Not applicable to subject site. The site does not contain a heritage listed item and is not located within a Heritage Conservation Area.

Part 6 Additional local provisions

BLEP 2015 Provisions	Comment
Clause 6.1 - Acid sulphate soils	Not applicable. The site does not contain acid sulphate soils.
Clause 6.2 - Earthworks	No significant earthworks are proposed which result in the development to be inconsistent with the provisions of Clause 6.2.

(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)*

Comment: There are no draft environmental planning instruments applicable to the subject proposal.

(iii) *Any development control plan*

6.1.7 Bankstown Development Control Plan 2015 (BDCP)

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Bankstown Development Control Plan 2015.

Part B1 Bankstown DCP			
Element	Requirement	Proposal	Complies
Stormwater	to street or drainage easement via OSD	To street drainage system via OSD and rainwater tanks	Yes
Number of Storeys	2 Storey Max	2 storeys	Yes
	Setbacks		
Front	5.5 metres for ground floor and 6.5 metres for second storey	6 metres	Yes
Side (north)	1.5 metre	1.2m	Yes
Side (south)	1.5 metre	1.375m	Yes
Rear (dwelling house)	Not specifically stated	3m	Yes
	Landscape Area/Open Space Requirements		
Private Open Space	80m ²	>80m ²	Yes
Landscaped Area	Minimum of 45% in front yard	25.6%	No 15m ² less

The objectives of Section 2 Dwelling Houses of Part B1 of the BDCP are:

- (a) To ensure lot sizes provide adequate space for dwellings, setbacks to adjoining residential land, landscaped areas, open space, driveways, vehicle manoeuvring areas and the like.
- (b) To ensure the building form, building design and landscaping of dwelling houses are compatible with the prevailing suburban character of the residential areas.
- (c) To ensure the building form and building design of dwelling houses provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.
- (d) To ensure the building form and building design of dwelling houses do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.
- (e) 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.
- (f) To minimise the visual impact of off-street parking on the streetscape.

These objectives are supported by the following development controls:

Storey limit (not including basements)

2.3 The storey limit for dwelling houses is 2 storeys. 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.

2.4 The siting of dwelling houses and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.

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

(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.

Comment: The application proposes excavation to enable the construction of a basement for car parking and storage. The proposed basement would comply with the above objectives and no excessive cut and fill is proposed to elevate the building platform. All excavation would be limited beneath the building footprint and be limited for parking and storage. The proposal complies with this part.

Private open space

2.12 Dwelling houses must provide a minimum 80m² 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.

Comment: The application proposes an alfresco and landscaped area in the rear of the yard which measures in total would be greater than 80m² in area. The proposal complies with this part.

Access to sunlight

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.

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.

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.

2.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.

Comment: The submitted shadow diagrams indicate compliance with the above.

Visual privacy

2.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:

- (a) offset the windows between dwellings to minimise overlooking; or*
- (b) provide the window with a minimum sill height of 1.5 metres above floor level; or*
- (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or*
- (d) use another form of screening to the satisfaction of Council.*

Comment: The proposed dwelling would comply with these controls. Notwithstanding should Council require additional privacy measures additional information can be provided to address any concerns.

Building design

2.21 The maximum roof pitch for dwelling houses is 35 degrees.

Comment: The proposed roof pitch is less than 35 degrees.

Building design (car parking)

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. Despite this clause, Council may allow one car parking space to locate forward of the front building line provided: (

- a) 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*
- (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.*

Comment: The proposed development would provide two parking spaces in accordance with the requirements of the DCP which are behind the building line. The proposed basement would be located below existing ground level and the proposed development would comply with Clause 4.3 of the LEP in terms of building height. The proposed head height and driveway gradients would permit B85 design vehicle to enter the basement and the proposed parking would permit for sufficient vehicular circulation in accordance with AS 2890.1.

Landscaping

2.31 Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):

(a) a minimum 45% of the area between the dwelling house and the primary road frontage; and

(b) a minimum 45% of the area between the dwelling house and the secondary road frontage; and

(c) plant at least one 75 litre tree between the dwelling house and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); and

(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.

Comment: The proposal would not provide a minimum 45% of landscaped area in the front building line with a shortfall of 15m². A variation is requested due to the following reasons:

- The site has a width of 12 metres and to construct a driveway access to the site that would be wide enough to allow safe and direct access and egress to the basement parking would take the majority of area within the front building line. As such compliance with this aspect would be difficult. The application proposes landscaped area elsewhere on the site in particular along the side boundaries and in the rear yard. It is requested that this variation be considered on its merits.

Tree Removal

The objectives of Part B11 Tree Management Order are as follows:

(a) To sustainably manage the tree resources to improve the visual, physical, and environmental amenity of the City of Bankstown.

(b) To promote the use of professional standards and best practices in tree management.

(c) To list the controls for the pruning, removal, and replacement planting of trees in the City of Bankstown.:

These objectives are supported by Section 2 Tree Management and Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021

Comment: The proposed development would require the removal of one tree. This tree is within the building footprint and cannot be retained. A replacement planting and additional landscaping is proposed to offset the loss of this tree as shown on the submitted Landscape Plan.

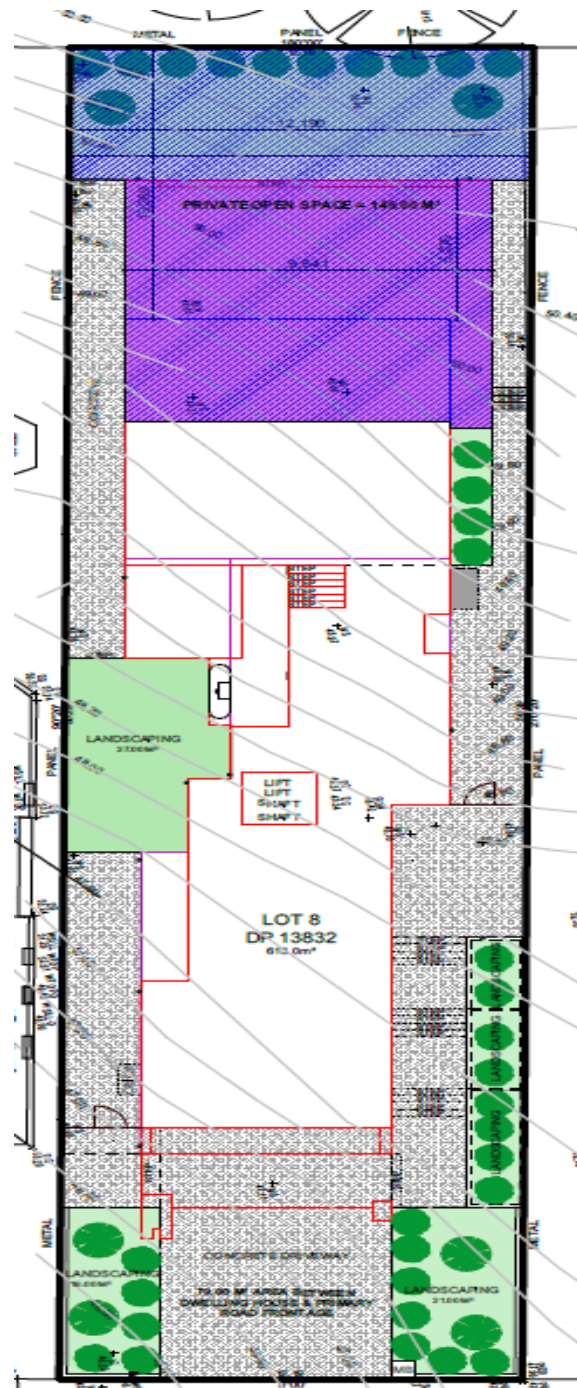


FIGURE 7: PROPOSED LANDSCAPE PLAN

lii a) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.

Comment: No planning agreements are being entered into as part of this application.

(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning and Assessment Regulation 2021

Comment: The application has been accompanied with sufficient information prepared in accordance with the Environmental Planning and Assessment Regulation 2021.

(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.

Comment: The proposal does not result in any significant impacts upon any adjoining properties or environment and is satisfactory in terms of likely impacts.

(c) The suitability of the site for the development.

The subject site is appropriately zoned for the proposed use, and it is considered not to result in adverse material or environmental impact. Therefore, it is considered that the development is suitable for the site.

(d) Any submissions made in accordance with this Act or the regulations

The application will be notified in accordance with the City of Canterbury Bankstown Community Participation Plan. Any submissions received as a result of notification will be considered.

(e) The public interest

This statement demonstrates that, the proposal is not considered to raise any issues that would be contrary to the public interest.

7. CONCLUSION AND RECOMMENDATION

After consideration of the proposal against the relevant statutory requirements, the proposed development is considered to be suitable for the site and not contrary to the public interest. Therefore, Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 it is recommended that Council as the consent authority grant consent to the proposed demolition of structures and construction of a two-storey dwelling house over basement and ancillary works at Lot 8 DP 13832 No. 7 Cragg Street, Condell Park.