

Statement of Environmental Effects for **Section 8.2 Review of Determination** **DA - 1062/2021**

1 Albury Street, Yagoona, NSW
Semi-detached Dual Occupancy with
Torrens Title Subdivision



Prepared for
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Planning Cube

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1 Introduction

1.1 Background

The Statement of Environmental Effects report support a Section 8.2 Review of Determination Application to Council to review the refusal of development application – DA 1062/2021 under section 8.2 of the EPA Act 1979. The refusal was in relation to a semi-detached dual occupancy development with Torrens Title subdivision at 1 Albury Street, Yagoona.

The review of the determination can be made under section 8.2 of the EPA Act and as specified it in the letter of refusal (Determination Notice no DA1062/2021 dated 17 March 2022) notes (2).

This review has been requested to Council with careful consideration of the council's notice of determination and its reason for refusal specified in the determination letter. The report describes details of the proposed amendment has been made to overcome those reasons of refusal.

1.2 Amendment to the Proposal

The proposed development has been amended to address the reasons for refusal. The amended plans submitted herewith can be summarised as follows:

- Adoption of asymmetrical design to dual occupancy to provide an individual identity to each dwelling
- Existing primary frontage to Albury Street has been retained for one dwelling and the second dwelling is given access to Ferrier Road being the site is a corner lot
- Proposed design has been amended to provide private open space behind the front building line
- An amended stormwater management plan has been submitted

1.3 Previous Development Application

Initial development proposal was to develop two detached dual occupancy and Torrens title subdivision. The application was submitted in November 2021 along with two clause 4.6 exception to development report.

A modification to development proposal was made with minimising FSR and redesigning the development from detached to semi-detached but both dwellings were fronting to Ferrier Road.

1.4 Reason for refusal

The following addresses the reason for refusal listed in the Determination Notice DA1062/2021 latter dated 17 March 2022. The reasons for the refusal are listed and addressed below:

Table 1 Reasons for Refusal

Reasons	Responses
1. <i>The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Bankstown Development Control Plan 2015 Part B1 Section 4.24 with regard adopting an asymmetrical design to provide each dwelling with an individual identity when viewed from the street. The proposed corner dwelling failed to maintain a primary frontage to Albury Street, where the front door and porch, with pedestrian access being provided from Albury Street.</i>	The proposal has been amended with asymmetrical design and separate access from two roads. Primary frontage to Albury street is retained for one dwelling and other dwelling is proposed with frontage to the other road.
2. <i>The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Bankstown Development Control Plan 2015 Part B1 Section 4.14 where the private open space is to remain behind the front building line.</i>	The proposal has been amended with private open space is to remain behind the building line for both dwellings
3. <i>Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory as it fails to demonstrate an acceptable stormwater management plan for the subject land.</i>	The proposal has been amended with providing stormwater management plan

1.5 Amended submission

This report accompanies the architectural plans and existing land survey plan to demonstrate the proposed semi-detached dual occupancy with Torrens Title subdivision at 1 Albury Street, Yagoona, NSW. The proposed built would be two double story semi-detached houses. Each of the houses are fronting two different road of the corner site and both houses have double garage attached to the dwelling.

The proposed development has been assessed based on the characteristics of the site and locality, existing planning controls and requirements under Section 4.15 of the Environmental Planning Act 1979. The objectives of this report are as follows:

- To describe the existing condition of the site and its surrounding environment
- To describe the proposed development and internal arrangements of the site
- To explain applicable planning instruments on the site for proposed development and assess the proposed development under Section 4.15 of the Environmental Planning Act 1979

The statement of Environmental Effects should be read in conjunction with the attached:

- Architectural drawings
- Landscape plan
- Notification Plan
- BASIX certificate
- Waste management plan
- Shadow diagram
- Survey plans
- Stormwater concept plan
- 3D views

2 Site Analysis and the Amended Development Proposal

2.1 The site

The subject site is in the Yagoona suburb under Canterbury-Bankstown (former Bankstown) LGA. The site is known as 1 Albury Street, Yagoona. The site is legally described as Lot 216 in Deposited Plan 12782. The site location is shown in google map in Figure 1.

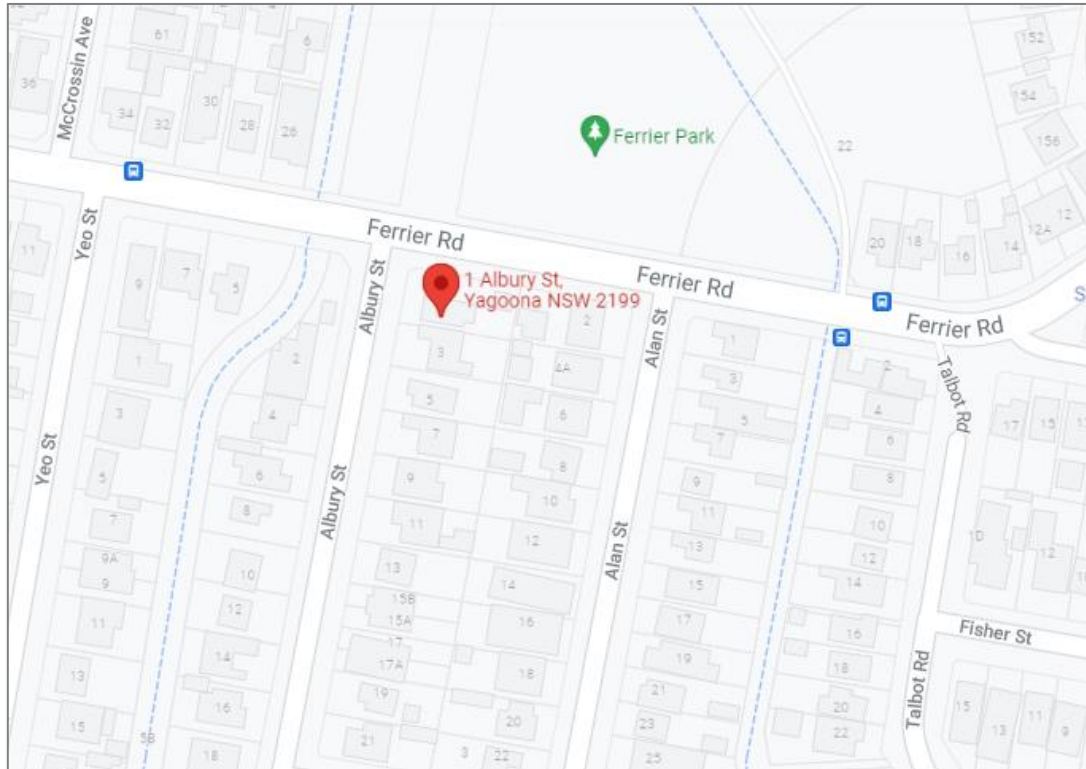


Figure 1: Location of the site in context of Yagoona suburb under Canterbury Bangstown LGA



Figure 2: Location in context of Sydney (Source: Google Map)



Figure 3: Site condition (Source: SIX Map)

The subject site is a corner lot with potential access from Albury Street and Ferrier Road and rectangular in shape. It has 19 m frontage to Albury Street and 39m frontage to Ferrier Road. The site has total area of 752 sqm (source: Survey plan attached).

2.2 Surrounding areas, views, and vistas

The surrounding areas are new growing low density residential. The subject location is adjoining an open space area Ferrier Park. One of the proposed dwellings would be fronting to the open space. Figure 3 explain aerial imagery and views of the site.

Figure 4: Site surrounding views and vistas (Source: SIX map and Google Street View)



Surrounding residential development of the subject site.



Eastern view along the subject site



Western view along the subject site



Park and open space at north of the subject site



View of the property from Ferrier Road

2.3 Description of the Amended Proposal

The proposed development involves semi-detached dual occupancy and Torrens Title subdivision.

2.3.1 Semi-detached Dual Occupancy

The subject lot has 752 sqm area with approximately 19m frontage to Albury Street and 39m frontage with Ferrier Road. The Bankstown Local Environment Plan Clause 4.1A explains the provisions for semi-detached dual occupancy as follows:

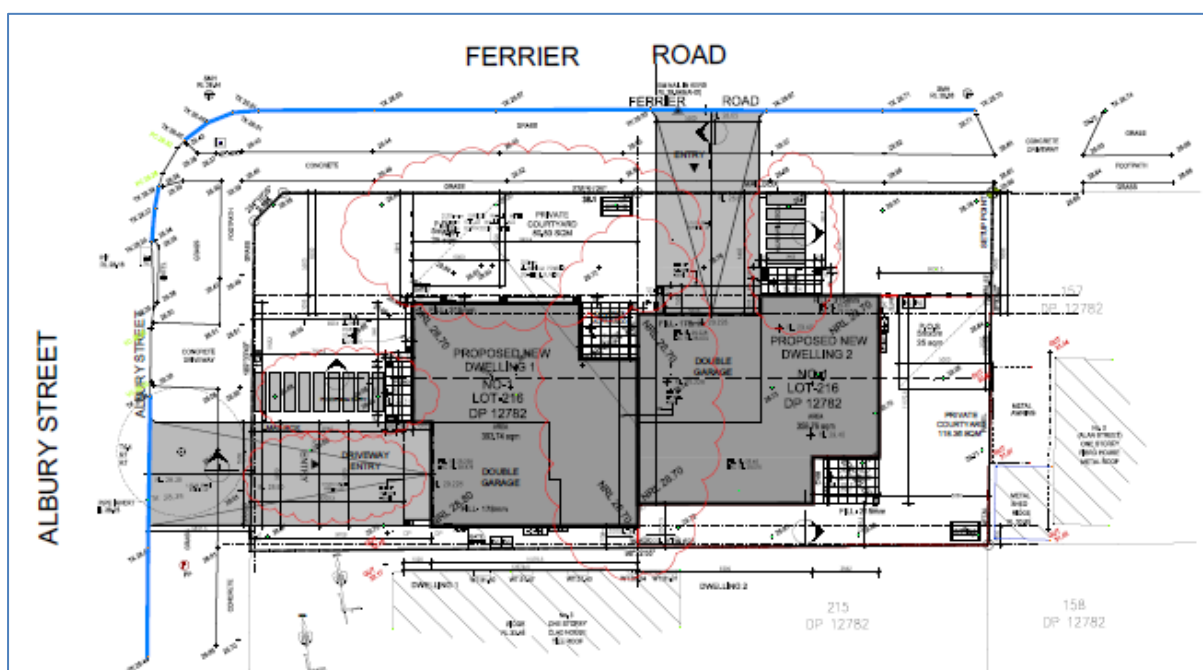
(2)(a) a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 500 square metres and is at least 15 metres wide at the front building line,

And Front building line has been defined in the LEP Dictionary which is as follows:

- (a) for a lot that has only one road frontage – the line the consent authority is satisfied is the minimum setback a building should be from the road alignment, or
- (b) for a lot that has more than one road frontage – the shortest of the lines (excluding an access handle or right of way for access) that can be calculated under paragraph (a).

The subject site contains more than 700 sqm area with 19m width on the shorter side.

Articulated balcony and façades are designed with distinct look to separate one house from other. Each of them has double internal garage and direct access from road.



Site Plan of the semi-detached dwelling

The proposed dual occupancy has been designed with access from two different streets. This approach has created good street view of the corner site. Each house has double garage and necessary open spaces to comply with Bankstown LEP.

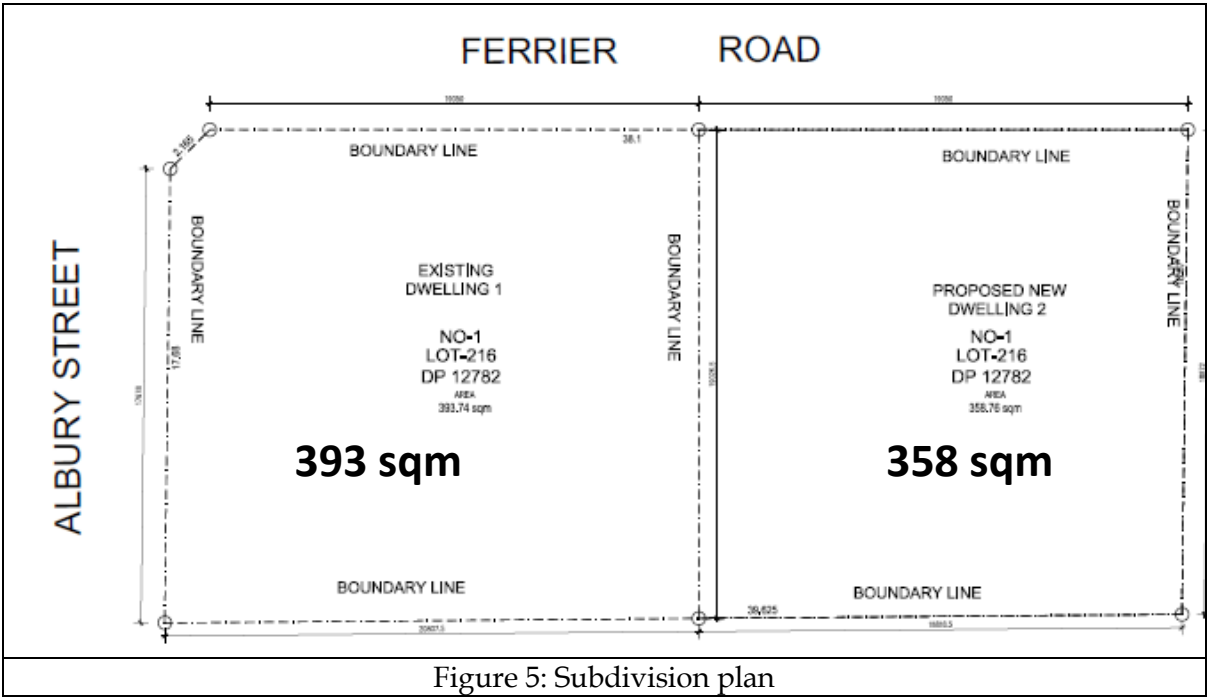
2.3.2 Torrens Title Subdivision

The Bankstown LEP clause 4.1A(4) has following provision for subdividing a detached dual occupancy:

- (4) The consent authority may grant development consent for the subdivision of –
 - (a) a dual occupancy (attached), if the size of each lot to be created will be at least 250 square metres, or

(b) a dual occupancy (detached), if the size of each lot to be created will be at least 350 square metres.

The proposed semi-detached dual occupancy would subdivide the site into two lots which area is more than 350 sqm for each. Figure 8 shows the area and dimension of the proposed subdivision. Both subdivided lots have direct access to a primary street.



2.4 Similar development in the surrounding locality

There are few instances of similar development has been observed in the suburb. Two examples are given bellow which are corner sites and recently being developed as semi-detached dual occupancy.



3 Section 4.15 (1)(a) Assessment (EPA Act 1979)

The following headings provide an assessment of the development application having regard to the relevant matters for consideration under Section 4.15 (1)(a) of the Environmental Planning and Assessment Act, 1979.

3.1 State Environmental Planning Policies

The following compliance table contains analysis of potentially relevant State Environmental Planning Policies (SEPP's)

Planning Control	Assessment	Compliance
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 A valid BASIX Certificate is required with the BASIX commitments identified on the plans	Two separate BASIX certificate have been provided under separate cover and commitments are identified on plans.	✓
State Environmental Planning Policy No 55 – Remediation of Land Remediation of Land contains planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.	The subject site does not contain contamination. Accordingly, the proposed use is considered suitable.	✓
State Environmental Planning Policy (Infrastructure) 2007 Clause 87 (Impact of rail noise or vibration on non-rail development) of the SEPP specifies acoustic requirements for residential development in close proximity to the adjacent rail corridor.	The site is not within close proximity to a rail corridor. Accordingly, the proposed use is considered suitable.	✓

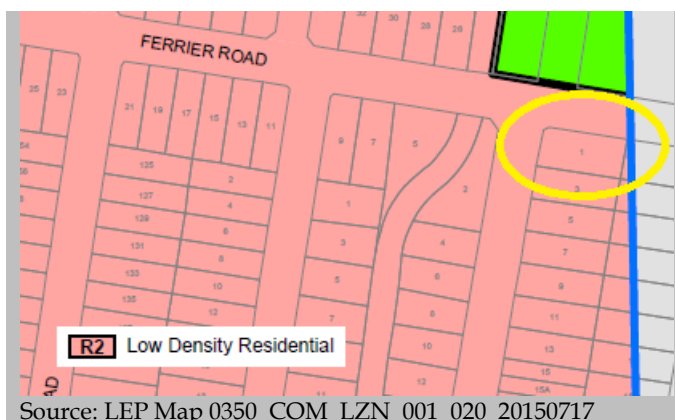
3.2 Bankstown Local Environmental Plan 2015

3.2.1 Land Zoning (BLEP 2015 Part 2)

The subject site is zoned **R2 -Low Density Residential** under the Bankstown Local Environmental Plan 2015. Dual Occupancy development is permitted on this zone with consent.

The objectives of the R2 zone are:

- a) *To provide for the housing needs of the community within a low density residential environment.*
- b) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- c) *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.*
- d) *To allow for the development of low density housing that has regard to local amenity.*
- e) *To require landscape as a key characteristic in the low density residential environment.*



Permitted with consent

*Bred 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; Attached dwellings; Seniors housing; Tank-based aquaculture; Water recreation structures; Water supply systems*

The proposed development is consistent with the objectives of the zone. Dual occupancies development is permitted with consent to the Council.

3.2.2 Minimum lot sizes and special provision for dual occupancy (LEP 2015 Clause 4.1A)

(1) *Objectives of this clause are as follows:*

- a) *to ensure that lot sizes are sufficient to accommodate development that is consistent with the objectives and planning provisions for dual occupancies,*
- b) *to minimise any likely adverse impact of development on the amenity of the area.*

(2) *Development consent must not be granted to development for the following purposes –*

- a) *a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 500 square metres and is at least 15 metres wide at the front building line,*

- b) a dual occupancy (detached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 700 square metres and is at least 20 metres wide at the front building line,*
- c) a dual occupancy on a lot being land identified as "Area 2" on the Special Provisions Map.*
- (3) Despite subclause (2), development consent must not be granted to development for the purpose of a dual occupancy unless the consent authority is satisfied that each dwelling will have a frontage to a road.*
- (4) The consent authority may grant development consent for the subdivision of –*
 - a) a dual occupancy (attached), if the size of each lot to be created will be at least 250 square metres, or*
 - b) a dual occupancy (detached), if the size of each lot to be created will be at least 350 square metres.*

The subject land is zoned R2 Low Density Residential. It has total area of 752 sqm with 19m frontage to the front building line with Albury Street. The other frontage (being corner lot) has 39m with Ferrier Road. Clause (2)(a) satisfy as the frontage.

The proposed development would subdivide the land into two smaller lots with both having direct access to a road. Clause (3) fully satisfy as the lot 1 would be using it existing access to Albury Street and the lot 2 would create a new access to Ferrier Road.

The subdivided lots have following area:

Lot	Area (sqm)
1 (Fronting Albury Street)	393.74
2 (Fronting Ferrier Road)	358.76

Above lot area satisfy the clause 4.1A(4)(b) for detached dual occupancy. Therefore, Torrens Title subdivision has been proposed.

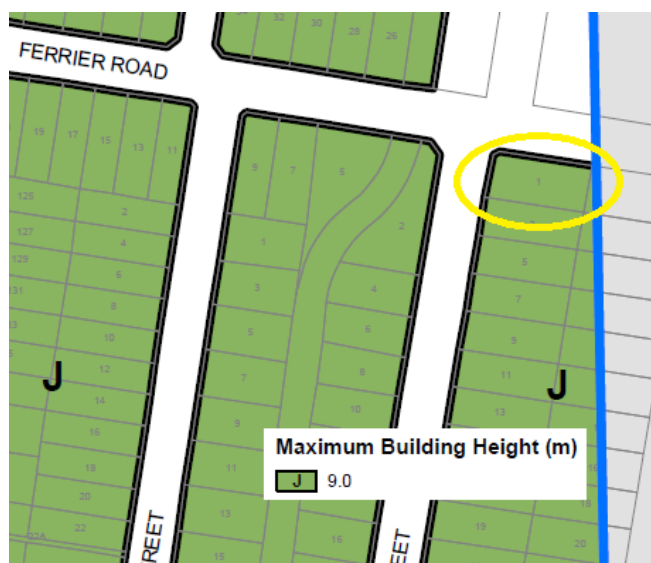
3.2.3 Height of Buildings (CLEP 2015 Part 4, Clause 4.3)

- (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 –

- a) for a secondary dwelling that is separate from the principal dwelling – the maximum building height is 6 metres and the maximum wall height is 3 metres,
- b) for a dwelling house or a dual occupancy – the maximum wall height is 7 metres.

(2C) In this clause, **wall height** means the vertical distance between ground level (existing) and the underside of the eaves at the wall line or the top of the parapet or the flat roof (whichever is the highest).



Ref: BLEP Map 0350_COM_HOB_001_020_20150717

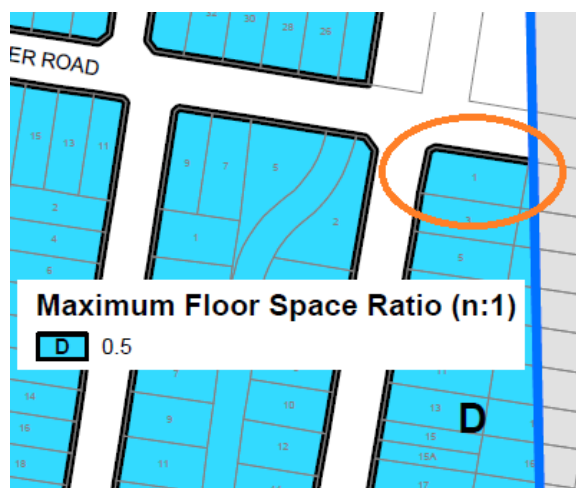
Maximum allowable height is 7 meters for dual occupancy in R2 zone. Proposed height of the development is below 7 metres and comply with above clauses.

3.2.4 Floor Space Ratio (CLEP 2015 Part 4, Clause 4.4)

(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.



The subject site is labelled 'D' in the FSR map, which indicate maximum floor space ratio 0.5:1. The proposed FSR is 0.5:1, which is complying.

3.2.5 The Bankstown Local Environmental Plan 2015 summary Table

Item	Requirements	Proposal	Compliance
Minimum subdivision lot size for detached dual occupancy - clause 4.1A	Minimum 350m ²	Above 350m ² each	✓
Height of building, clause 4.3	Maximum of 7 metres	6.85m	✓
Floor space ratio, clause 4.4	Maximum of 0.5:1	0.5:1	✓

3.3 Bankstown Development Control Plan 2015

3.3.1 Bankstown DCP Part B1 Residential Development – Section 4 Dual Occupancy

Item	Relevant DCP requirements	Proposal	Compliance
Objectives	<p>The objectives are:</p> <ul style="list-style-type: none"> 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 dual occupancies are compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas. c) To ensure the building form and building design of dual occupancies 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 dual occupancies do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy. 	<p>The proposed dual occupancy is designed with semi-detached development and having direct access to two separate street. It would enhance the street view of the street corner. Necessary set back and open space have been applied to comply with LEP and DCP requirements.</p>	✓

Item	Relevant DCP requirements	Proposal	Compliance
	<p>e) To ensure the building form of dual occupancies in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p> <p>f) To minimise the visual impact of off-street parking on the streetscape.</p>		
Subdivision			
Clause 4.2	The two dwellings forming a dual occupancy (detached) may be subdivided to a minimum lot size of 350m ² per dwelling.	Torrens title subdivision has been proposed and both resultant lots are more than 350m ²	✓
Storey limit			
Clause 4.4	The storey limit for dual occupancies is 2 storeys.	The proposed development would be two storey building.	✓
Clause 4.5	The siting of dual occupancies, 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.	The proposed development would follow natural ground level	✓
Clause 4.7	The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment.	There is no animal boarding or training establishment in the near vicinity of the site	✓
Setbacks			
Clause 4.8	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	Front setback is proposed to be 6.5 metres for dwelling 1 and 5.5	✓

Item	Relevant DCP requirements	Proposal	Compliance
	b) 6.5 metres for the second storey.	metres for dwelling 2 where garage setback is 6.5m from their respective primary street	
Clause 4.9	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.	Both streets have been considered as primary street, therefore 5.5 metres setback has been ensured.	✓
Clause 4.10	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.	Side and rear boundary setbacks have been proposed to be at least 900 millimetres for both dwelling.	✓
Clause 4.11	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.	Not wall is proposed to be more than 7 metres high.	✓
Clause 4.12	The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	Side setbacks are kept obstacle free.	✓
Clause 4.13	The basement level must not project beyond the ground floor perimeter of the dual occupancy.	There is no basement level proposed in the development	✓
Private Open Space			
Clause 4.14	Dual occupancies must provide a minimum 80m ² of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	Dwelling 1 has got 80 sqm and dwelling 2 has got 118 sqm private open space and both are proposed at behind the front building line.	✓
Access to Sunlight: Clause 4.15	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may	living area of each dwelling receive more than 3 hours of sunlight	✓

Item	Relevant DCP requirements	Proposal	Compliance
	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.	between 8.00am and 4.00pm at the mid-winter solstice.	
Clause 4.16	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.	The living area of adjoining property (south or east) would have at least 3 hours of sunlight (refer to shadow diagram)	✓
Clause 4.17	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 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	More than 50% of private open space receive 3 hours of sunlight. (Refer to shadow diagram)	✓
Clause 4.18	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Not available	✓
Visual privacy			
Clause 4.19	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	Not Available	✓

Item	Relevant DCP requirements	Proposal	Compliance
	height of 1.5 metres above floor level; or d) use another form of screening to the satisfaction of Council.		
Clause 4.20	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or b) the window has a minimum sill height of 1.5 metres above floor level; or c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	Not available	✓
Clause 4.21	Council may allow dual occupancies 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: (a) does not have an external staircase; and (b) does not exceed a width of 1.5 metres throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.	Not available	✓
Clause 4.22	Council does not allow dual occupancies to have roof-top balconies and the like.	Not available	✓
Building Design			
Clause 4.23	Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the allotment.	Demolition plan attached	✓

Item	Relevant DCP requirements	Proposal	Compliance
Clause 4.24	<p>The design of dual occupancies must ensure:</p> <ul style="list-style-type: none"> a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and d) the garage, driveway and front fence do not dominate the front of the building and front yard; and e) the two dwellings on a corner allotment each face a different frontage. 	<p>Streetscape view is attached. Each dwelling has a front porch and balcony facing the street.</p> <p>Garage and front fencing is not dominating the front of the buildings.</p> <p>The two dwellings are facing different street frontage.</p>	✓
Clause 4.25	The maximum roof pitch for dual occupancies is 35 degrees.	The proposed roof pitch is less than 35 degree	✓
Clause 4.26	<p>Council may allow dual occupancies to have an attic provided the attic design:</p> <ul style="list-style-type: none"> 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 b) ensures the attic does not give the external appearance of a storey. 	Not available	✓
Building design (car parking)			
Clause 4.30	<p>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 per dwelling to locate forward of the front building line provided:</p>	Double internal garage is proposed for both dwellings	✓

Item	Relevant DCP requirements	Proposal	Compliance
	<ul style="list-style-type: none"> 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. 		
Clause 4.31	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. Council does not permit internal stacked or tandem garages.	Internal garage has been proposed for two dwellings facing different street. Therefore, they are not dominating the streetscape.	✓
Landscaping			
Clause 4.33	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 dual occupancy.	There is no such tree in the site	✓
Clause 4.34	<p>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):</p> <ul style="list-style-type: none"> a) a minimum 45% of the area between the dual occupancy and the primary road frontage; and b) a minimum 45% of the area between the dual occupancy and the secondary road frontage; and c) plant at least one 75 litre tree between the dual occupancy 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 	More than 45% of the area between the dual occupancy and primary road is landscaped. There is two 45 litre trees have been proposed at the front of the each dwelling.	✓

Item	Relevant DCP requirements	Proposal	Compliance
	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.		

4 Section 4.15 (1) (b) to (e) Assessment (EPA Act 1979)

4.1 Section 4.15 (1) (b) – Impact of the Development

There are no likely impacts on natural or built environment as this an established residential area and this development is no surprise to the community. There is no vegetation or animal habitat will be affected and there is no requirement for ground levelling.

4.2 Section 4.15 (1) (c) – Suitability of the site

The proposed development is permissible in the R2 zone. There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.

4.3 Section 4.15 (1) (d) – Any Submission Made

Initial development application was made in November 2021 with DA 1062/2021 with subsequent amendment. The application has been refused on 17th March 2022. A review request has been made in accordance with Section 8.2 of the EPA Act with addressing all reasons of refusal. Necessary report and drawings have been amended to address those reasons of refusal.

4.4 Section 4.15 (1) (e) – The Public Interest

The proposal will not give rise to any significant environmental impacts on adjoining properties and will not adversely impact the visual amenity and character of the streetscape. The proposal is therefore considered to be in the public interest.

5 Conclusion & Recommendation

The amended proposal consists of semi-detached development with Torrens Title subdivision at 1 Albury Street, Yagoona. This statement of Environmental Effects was prepared in accordance with the provisions of Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979 and all relevant environmental planning instruments.

The proposal has been amended with semi-detached dual occupancy, provided separate access from both streets, proposed an asymmetric view on both streets, proposed private open space behind the building line and addressed stormwater management plan on the site. After assessing the development proposal against the relevant Council planning controls, it has been determined that the development is compliant with the relevant controls and of a complementary nature to the surrounding built environment. It is considered that the proposed development is in keeping with relevant objectives and performance criteria provided in the SEPPs, Bankstown LEP and DCP. The development will place no significant impacts on the surrounding environment and will enhance the prevalent form of livelihood in the locality. Being the site is located at the corner of Albury Street and Ferrier Road, access from both street would enhance the corner view of the street.

Accordingly, it is recommended that Canterbury-Bankstown Council grant consent to the development application due to its compatibility with the surrounding environment, high architectural design, and compliance with Council's planning controls.