

# MAXIMUS DEVELOPMENTS AUSTRALIA

## TOWN PLANNING / URBAN DESIGN / PROJECT MANAGEMENT

12/2 Mowbray Street Sylvania NSW 2224 / 0411 697 051 /  
mark@maximusda.com.au / www.maximusda.com.au

### STATEMENT OF ENVIRONMENTAL EFFECTS

## CONSTRUCTION OF SINGLE STOREY DWELLING HOUSE AND SECONDARY DWELLING ON REAR LOT

**267 MILLER ROAD BASS HILL NSW 2197**



### PROJECT DETAILS

<b>Legal Description</b>	Lot 2 DP 26471	<b>Property Address</b>	267 Miller Road Bass Hill NSW 2197
<b>Project Reference</b>	2022-760		
<b>Date</b>	24/01/23	<b>Revision</b>	B
<b>Client</b>	Inkon Plans	<b>Land Owner</b>	Mr Fadi El-Ali

Mark Raymundo  
BPlan (Hons) UNSW, MUDD UNSW, Grad Cert (Project Management) UTS  
Director – Maximus Developments Australia


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## PROPOSAL

The development application seeks development consent for the construction of a single storey dwelling house and secondary dwelling on the rear lot on land known as 267 Miller Road, Bass Hill NSW 2197.

Development consent DA/321-2022 (17 August 2022) granted for construction of a carport to existing dwelling and Torrens title subdivision into two (2) lots, with construction of a new single-storey secondary dwelling on proposed front lot, and construction of a two-storey dwelling house with inground swimming pool on proposed rear lot on land known as 267 Miller Road, Bass Hill NSW 2197. No physical works have commenced.

Note: A separate section modification had been lodged for the deletion of the approved two storey house and swimming pool on the rear lot however this was not accepted by Council. A separate development application has been sought based on Council's advice as per below.

**Michael Bonnici** <Michael.Bonnici@cbcitty.nsw.gov.au>  
to Inkon, Fadi, me ▾  
Thu, Dec 15, 2022, 8:36 AM ★ ↶ ⋮


Hi Charbel,


You can do that.


The new DA on the proposed rear lot can be assessed and approved with a condition saying no CC prior to the subdivision approved under DA-321/2022 being registered by NSW Land Registry Services.

Once you finish the work on the front lot under DA-321/2022, you should surrender the remainder of that consent for the rear lot as it will be superseded by the new DA.

Michael

**Michael Bonnici** - Senior Town Planner  
T 9707 9772  
E [Michael.Bonnici@cbcitty.nsw.gov.au](mailto:Michael.Bonnici@cbcitty.nsw.gov.au)  
[www.cbcitty.nsw.gov.au](http://www.cbcitty.nsw.gov.au)

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This Statement of Environmental Effects has been prepared in accordance with the Statutory considerations of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (as amended).

## Report Summary

### 1. Strategic Context

Strategic Direction	Authority	Proposal meets objectives and spirit of plan
A Plan for Growing Sydney	NSW Department of Planning	Yes
Canterbury-Bankstown Community Strategic Plan 2028	City of Canterbury-Bankstown	Yes
Bankstown Local Environmental Plan 2015	City of Canterbury-Bankstown	Yes

### Evaluation Planning considerations

Planning Considerations	Compliance
State Environmental Planning Policies	Yes
Bankstown Local Environmental Plan 2015	Yes
Bankstown Development Control Plan 2015	Yes
Draft Canterbury Bankstown Local Environmental Plan 2020	Yes

### 3. Key impacts and considerations

Consideration	Comment	Compliance
Character, bulk and scale	The proposed dwelling house and secondary dwelling have been designed in accordance with Council's controls.	Yes
Car parking	Compliant car parking provided on site which contain adequate vehicular access.	Yes
Trees and landscaping	The proposal does not seek the removal of any trees on site or on the Council reserve.	Yes
Overshadowing / Solar access	No overshadowing impact is minimal given the proposed single storey built form and setbacks proposed.	Yes
Stormwater	Proposal dwelling house and secondary dwelling proposed to drain to the street at the front of the site.	Yes
Privacy	The proposal is not considered to result in unacceptable privacy issues given the nature of	Yes

	the proposal which adopts single storey built form.	
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## Research Background

The proposal has taken in consideration with the Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy (Hazards and Resilience) 2021, State Environmental Planning Policy BASIX 2004, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015 (as amended).

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**PART A:** Site Description and Proposal

**PART B:** Statutory Considerations

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## PART A: SITE DESCRIPTION AND PROPOSAL

### Description of subject site

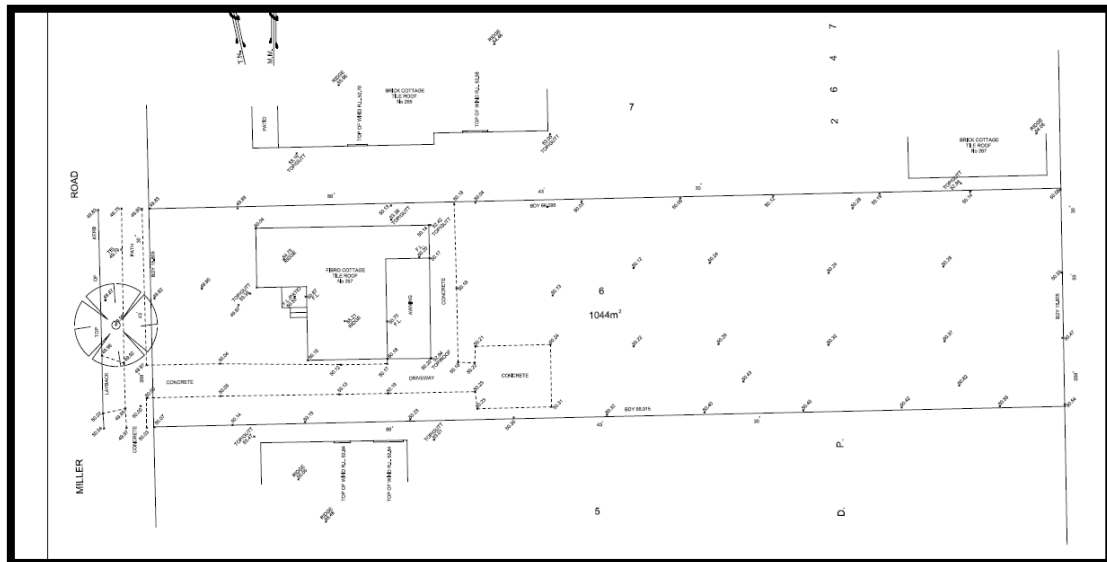
The subject site (whole) is legally described as Lot 6 in DP 26471 and is known as 267 Miller Road, Bass Hill. The site forms a rectangular shaped allotment and is dimensioned 15.805m along the western frontage to Miller Road, 66.015m along the southern side boundary, 15.805m along the eastern rear boundary, 66.015m along the northern side boundary with a total site area of 1,044sqm. The site is considered to be relatively flat with a minor fall to the street. A fibro cottage with tiled gable roof is located at the front western end of the site. A front porch and awning also form part of the dwelling. An attached carport is located along the southern side boundary. A concrete driveway is located parallel with the southern side boundary.

One (1) bottle brush tree is located within the Council reserve. A power pole and power lines are located within the Council road reserve. The site is zoned R2 Low Density Residential under the Bankstown Local Environmental Plan 2015. The site does not appear to be materially affected by any site constraints.

No works have occurred in relation to DA-321/2022. The extent of works in this application relate to the approved rear battle axe allotment which comprises of 465.41sqm.



**Fig 1.** Photograph of dwelling house (subject site) at 267 Miller Road, Bass Hill (Source: Maximus Developments Australia, 2020)



**Fig.2** Extract of survey (Source: Helensburgh Surveying Services).





**Fig 3.** Aerial extract: Subject site and surrounding area (Source: Nearmap, Oct 2022)



**Fig 4.** Zoning Extract of Subject site (R2 Low Density Residential) (Source Department of Planning, NSW Planning Portal 2022).

### Surrounding Context

The immediate surrounding context comprises of dwelling houses and townhouses with various architectural styles and designs. The immediate surrounding area is zoned R2 Low Density Residential under the Bankstown Local Environmental Plan 2015. There are several examples of battle axe allotment subdivisions within Miller Road, Bass Hill with dwelling houses and secondary dwellings located within the rear allotments.



**Fig 5.** Photograph of subject site and adjoining southern dwelling (Source: Maximus Developments Australia, 2020).





**Fig 6.** Photograph of subject site and adjoining northern dwelling (Source: Maximus Developments Australia, 2020).



**Fig 7.** Example of existing battle axe allotment in Miller Road, Bass Hill (Source: Maximus Developments Australia, 2020).

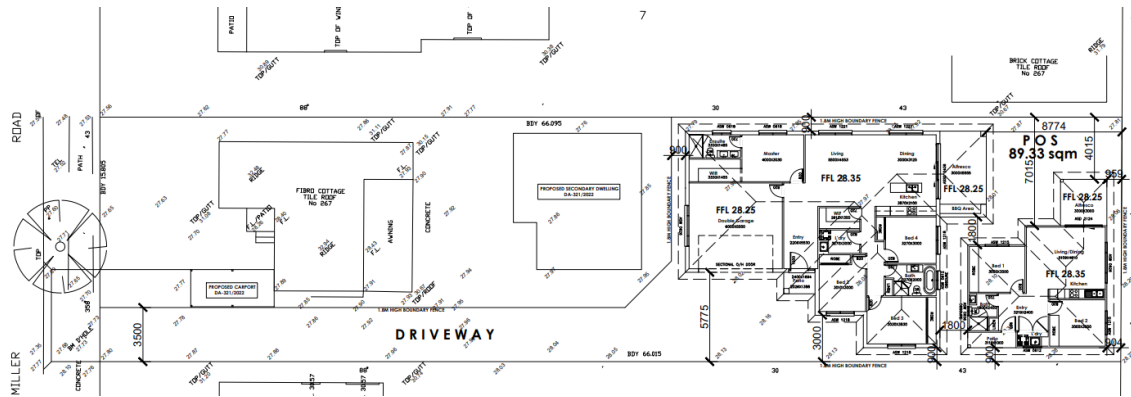
### **Description of proposal**

The development application relates to the construction of a single dwelling house and secondary dwelling within the rear allotment of which described as follows;

Dwelling house: patio, entry, living, dining room, kitchen, wip, laundry, alfresco, two (2) bathrooms, four (4) bedrooms and double garage, (135.5sqm),

Secondary dwelling: patio, enry, laundry, living/dining, kitchen, alfresco, one (1) bathroom, two (2) bedrooms (60sqm),

Driveway, 1.8m high boundary fence, associated building, engineering and landscaping works.

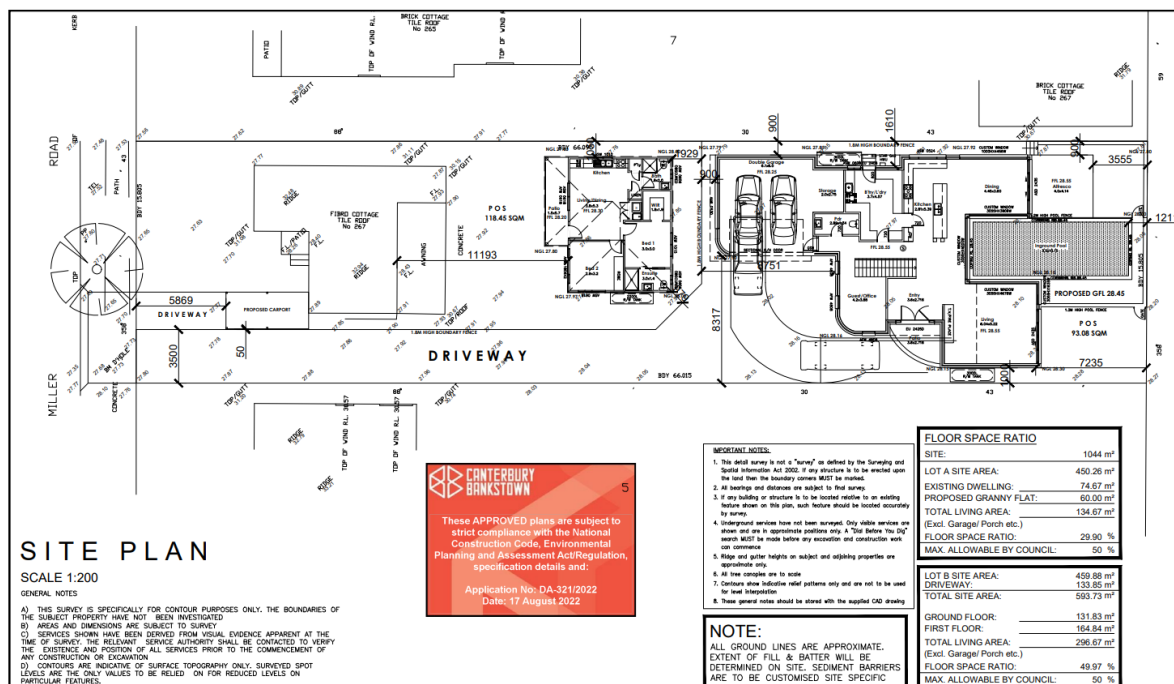


**Fig 7.** Extract of proposed single storey dwelling house and secondary dwelling (Source: Inkon Plans, 2022).

## Background

### DA/321-2022

Development Consent DA/321-2022 granted for Construction of a carport to existing dwelling and Torrens title subdivision into two (2) lots, with construction of a new single-storey secondary dwelling on proposed front lot, and construction of a two-storey dwelling house with inground swimming pool on proposed rear lot on land known as 267 Miller Road, Bass Hill NSW 2197.



**Fig 8.** Extract of approved site plan with two storey dwelling house and swimming pool at rear (Source: Inkon Plans, 2021).

**PART B: STATUTORY CONSIDERATIONS****PART 4 DIVISION 4.3 SECTION 4.15 (1)(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT****ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)**

The proposal has been considered against Section 1.3 Objects of the Act as per below;

<b>Object Reference</b>	<b>Object</b>	<b>Comment</b>	<b>Satisfies objective</b>
<b>(a)</b>	To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal is considered not to result in any adverse impacts in relation to natural and other resources.	Yes
<b>(b)</b>	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	A new BASIX Certificate accompanies this application for a new dwelling and secondary dwelling.	Yes
<b>(c)</b>	To promote the orderly and economic use and development of land	The proposal results in orderly and economic use of the land given the nature of the residential use.	Yes
<b>(d)</b>	To promote the delivery and maintenance of affordable housing,	N/A	-
<b>(e)</b>	To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Not affected by the Threatened Species Act 1995.) Replacement trees proposed to replenish the tree canopy and landscaped area on site.	Yes
<b>(f)</b>	To promote the sustainable management of built and cultural	Not affected by European or	Yes

	heritage (including Aboriginal cultural heritage),	Aboriginal cultural heritage	
(g)	To promote good design and amenity of the built environment	The proposal seeks a single storey built form for the dwelling house and secondary dwelling.	Yes
(h)	To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Noted.	Yes
(i)	To provide increased opportunity for community participation in environmental planning and assessment.	To be notified in accordance with the provisions of the Bankstown Development Control Plan 2015 and Community Engagement Strategy.	Yes

As per the table above, the proposal is considered to reasonably satisfy the underlying intent of the Objects of the Act.

#### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000 (AS AMENDED)**

The application has been prepared in accordance with the Statutory requirements within Schedule 1 and is considered to be acceptable and sufficient for the purposes of assessment.

#### **STATE ENVIRONMENTAL PLANNING POLICY (HAZARDS AND RESILIENCE) 2021**

Previous considerations undertaken as part of original assessment of the subdivision under DA-321/2022. The proposal is not considered to be inconsistent with the SEPP.

#### **STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004**

A valid BASIX Certificate accompanies this development application for a dwelling house and secondary dwelling. The BASIX certificate satisfies all the benchmark criteria. In this regard, the requires of the SEPP have been reasonably satisfied.



**DRAFT CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2020**

Canterbury Bankstown Local Environmental Plan 2020 currently has not effect as this is not considered to be certain or imminent.

**DRAFT CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2020**

The draft Canterbury Bankstown Development Control Plan 2020 has no effect until the gazettal of the Canterbury Bankstown Local Environmental Plan 2020

**BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015**

The proposed works sought are not considered to be inconsistent with the R2 Low Density Zone Objectives.

- *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 proposal seeks development consent for a dwelling house and secondary dwelling of which complies with the development standards being Floor Space Ratio and Height of Building. The proposal complies with landscaping, setbacks, car parking, privacy and solar access controls. On this basis, the proposal is considered to reasonably satisfy the zone objectives.

Given the extent of proposal works, the relevant consideration have been addressed below.

Control	Requirement	Proposal	Complies
4.3 Height of buildings	J= 9m	Height of building less than 9m.	Yes
	(2B) Despite subclause (2), the following restrictions apply to development on land in Zone R2	Secondary dwelling less than 6m, 3m wall height	Yes

	<p>Low Density Residential— 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,</p> <p>(b) for a dwelling house or a dual occupancy—the maximum wall height is 7 metres</p>	Wall height less than 7m	Yes
4.4 Floor Space Ratio	<p>D = 0.5:1</p> <p>Lot: 465.41sqm</p>	<p>135.24sqm (dwelling) 60sqm secondary dwelling Total = 195.25sqm (0.32:1)</p>	Yes
4.5 Calculation of Floor Space Ratio and Site Area	Calculation as per defined	Calculated as per definition clause.	Yes
4.6 Exception to Development Standard	Objectives and requirements under Clause must be satisfied	The proposal complies with the applicable Development Standards regarding minimum allotment size, floor space ratio and height. Therefore No Clause 4.6 Exception to Development Standard has been sought.	Yes

5.10 Heritage conservation	Heritage preservation	The site is not listed as heritage item under and State or Local Heritage Register or is within the immediate vicinity as such.	Yes
6.1 Acid sulphate soils	Objectives to be satisfied	Not affected by Acid Sulphate Soils.	Yes
6.2 Earthworks	Objectives to be satisfied	Earthworks proposed, commensurate with dwelling houses and secondary dwellings on relatively flat sites.	Yes
6.3 Flood planning	Objectives to be satisfied	Not affected by flooding	Yes

### **BANKSTOWN DEVELOPMENT CONTROL PLAN 2015**

The proposal has been considered in accordance with the following key considerations

### **BANKSTOWN CITY COUNCIL DEVELOPMENT CONTROL PLAN 2015 – SECTION 2 DWELLING HOUSES**

Given the extent of works, the proposal has been considered against the following key provisions as per below;

Control	Proposal	Complies
Subdivision 2.1 Council may allow the subdivision of land to create not more than 4 battle-axe lots, provided that the average area of the lots, exclusive of any access corridor, is not less than 450m <sup>2</sup> , and each lot contains a rectangle with sides of 10 metres and 15 metres behind the setbacks of the proposed dwelling house.	Single battle axe allotment proposed which form Lot B at the rear.	Yes
2.2 Where the subdivision of land is creating: (a) a single battle-axe lot, the minimum width of an access handle is 3.5	3.5m for access handle which services Lot B (one	Yes

metres; or (b) 2 or more battle-axe lots, the minimum width of an access handle is 3.5 metres plus a passing bay at 30 metre intervals. Vehicle access to battle-axe lots must be provided via access handles and not rights-of-way.	lot only). No right of way is proposed.	
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.	Lot A: Ground floor additions to an existing single storey dwelling proposed.  Lot B: The rear comprises of a two storey dwelling.  The site is not affected by this clause.	Yes  N/A  N/A
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.	Proposed works to dwelling house, new secondary dwelling, new dwelling at rear and subdivision are compatible with the slope and contours of the site and adjoining properties.	Yes
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.	Less than 600mm fill proposed as part of this application for the extent of works.	Yes
Setback restrictions 2.6 The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	The site is not located within 9m of an existing animal boarding or training establishment.	Yes



<p>Setbacks to the primary and secondary road frontages</p> <p>2.7 The minimum setback for a building wall to the primary road frontage is:</p> <p>(a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.</p>	<p>Lot A: 5.5m to ground floor Single storey proposed.</p> <p>Lot B: This control is not applicable as this lot forms a battle axe allotment which is situated behind Lot A.</p>	<p>Yes</p> <p>N/A</p>
<p>2.8 The minimum setback to the secondary road frontage is:</p> <p>(a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.</p>	<p>The site does not contain a secondary road frontage.</p>	<p>Yes</p>
<p>Setbacks to the side boundary</p> <p>2.9 For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre.</p>	<p>Lot A: 900mm side setback proposed to southern side boundary due to subdivision alignment and 900mm to northern side boundary which is unchanged.</p> <p>Lot B: 900mm (min) to northern side boundary, 7,235mm from solid wall to eastern rear boundary, 1,000mm (min) to southern side boundary.</p>	<p>Yes</p> <p>Yes</p>
<p>2.10 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.</p> <p>Council may vary this requirement where a second storey addition to an existing dwelling house demonstrates it must use the ground floor walls for structural support.</p>	<p>Lot A and B: Walls are less than 7m in height.</p>	<p>N/A</p>
<p>2.11 The basement level must not project beyond the ground floor perimeter of the dwelling house.</p>	<p>No basement proposed as part of this application for both dwellings.</p>	<p>N/A</p>

<p>Private open space</p> <p>2.12 Dwelling houses must provide a minimum 80m<sup>2</sup> of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5 metres throughout.</p>	<p>Minimum 80sqm of private open space provided behind the front building line with a minimum dimension of 5m.</p>	<p>Yes</p>
<p>Access to sunlight</p> <p>2.13 At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</p>	<p>Compliant levels of solar access achieved given the orientation of the site which is orientated west to east.</p>	<p>Yes</p>
<p>2.14 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p>	<p>Lot A and B: Compliant levels of solar access achieved given design and the orientation of the site.</p>	<p>Yes</p>
<p>2.15 A minimum 50% of the private open space required for the dwelling house and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p>	<p>Lot A and B: Compliant levels of private open space achieve sunlight access in accordance with this clause due to the orientation of the site.</p>	<p>Yes</p>
<p>2.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>	<p>Lot A and B: The extent of works are relate to the ground floor of which unlikely to result in any unacceptable impact regarding solar access.</p>	<p>Yes</p>
<p>Visual privacy</p> <p>2.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p>	<p>Lot A: The extent of works are at the ground level and are unlikely to result in any unacceptable privacy impact.</p>	<p>Yes</p>

<p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5 metres above floor level;</p> <p>or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>	<p>Lot B: The proposal seeks a primarily low habitable use rooms on the first floor which comprise of bedrooms and bathrooms and a small gym area which forms part of the master bedroom. Proposed windows do not directly look into any adjoining neighbouring properties.</p>	
<p>2.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	<p>No new windows proposed.</p>	<p>N/A</p>
<p>2.19 Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p>	<p>Lot A and B: No upper or side balconies proposed.</p>	<p>N/A</p>
<p>2.20 Council does not allow dwelling houses to have roof-top balconies and the like.</p>	<p>Lot A and B: The proposal does not seek a rooftop balcony.</p>	<p>Yes</p>
<p>Building design</p>	<p>The new elements seek a relatively flat</p>	<p>Yes</p>

2.21 The maximum roof pitch for dwelling houses is 35 degrees.	roof pitch which is below 35 degrees.	
2.22 Council may allow dwelling houses to have an attic provided the attic design: (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.	Lot A and B: The proposal does not seek an attic.	N/A
2.23 The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	Lot A and B: The proposal does not seek dormers.	N/A
2.24 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	Lot A and B: The site is not affected by this criterion of this clause	N/A
Building design (car parking) 2.25 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: (a) comply with the road pattern shown in Appendix 2; and (b) ensure vehicle access from Balmoral Crescent to land at Nos. 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.	Lot A and B: The site is not affected by this criterion of this clause.	N/A
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	Lot A: The proposal seeks to provide one car space behind the building line and one car space forward of the building line which is uncovered.  Lot B: Two car spaces are proposed to be contained within a double garage.	Yes  Yes  Yes



(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.	<p>Lot A: The proposal seeks to provide one car space located behind the front building line with a minimum front setback of 6m.</p> <p>Lot B: As this lot form a battle axe allotment, car parking is located more than 6m behind the building line.</p>	N/A
<p>2.27 Despite clause 2.26, Council may allow an existing dwelling house (approved prior to 21 October 1997) to erect a carport forward of the front building line solely where:</p> <p>(a) two car parking spaces behind the front building line is not possible due to the side boundary setbacks being less than 3 metres; and</p> <p>(b) the carport achieves a high quality design with a pitched roof that complements the dwelling house; and</p> <p>(c) the carport is setback a minimum 1 metre from the primary and secondary frontages.</p>	The dwelling house was likely to be approved before 21 October 1997 given the condition of the existing dwelling. The site is not affected by this criterion of this clause given the proposed subdivision works sought.	N/A
2.28 Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade.	<p>Lot A: The design of the proposed carport is minimal and adopts an open style carport with a flat roof which is compatible with the existing built form.</p> <p>Lot B: Not applicable.</p>	<p>Yes</p> <p>N/A</p>
<p>2.29 Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <p>(a) the building is at least 2 storeys in height, and</p> <p>(b) the garage is architecturally integrated with the upper storey by:</p>	<p>Lot A: The proposal seeks only two car parking spaces in the form of one carport and one open hardstand space.</p> <p>Lot B: The proposed allotment does not directly face the</p>	<p>Yes</p> <p>N/A</p>

<p>(i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and</p> <p>(ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.</p> <p>This clause prevails where there is a numerical inconsistency with another clause in Part B1 of this DCP.</p>	street with exception to the access handle.	
<p>Landscaping</p> <p>2.30 Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house.</p>	Lot A and Lot B: The proposal seeks to retain the street tree on the Council reserve.	Yes
<p>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):</p> <p>(a) a minimum 45% of the area between the dwelling house and the primary road frontage; and</p> <p>(b) a minimum 45% of the area between the dwelling house and the secondary road frontage; and</p> <p>(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</p> <p>(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.</p>	Lot A and Lot B: Additional planting can be conditioned to embellish the site.	Yes

## BANKSTOWN CITY COUNCIL DEVELOPMENT CONTROL PLAN 2015 – SECTION 2 DWELLING HOUSES

Given the extent of works, the proposal has been considered against the following key provisions as per below;

Control	Proposal	Complies
<p>Subdivision</p> <p>2.1 Council may allow the subdivision of land to create not more than 4 battle-axe lots, provided that the average area of the lots, exclusive of any access corridor, is not less than 450m<sup>2</sup>, and each lot contains a rectangle with sides of 10 metres and 15 metres behind the setbacks of the proposed dwelling house.</p>	Existing approved battle axe allotment.	Yes
<p>2.2 Where the subdivision of land is creating:</p> <p>(a) a single battle-axe lot, the minimum width of an access handle is 3.5 metres; or</p> <p>(b) 2 or more battle-axe lots, the minimum width of an access handle is 3.5 metres plus a passing bay at 30 metre intervals.</p> <p>Vehicle access to battle-axe lots must be provided via access handles and not rights-of-way.</p>	As above.	Yes
<p>Storey limit (not including basements)</p> <p>2.3 The storey limit for dwelling houses is 2 storeys.</p> <p>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.</p>	<p>Lot B: The rear comprises of a single storey dwelling.</p> <p>The site is not affected by this clause.</p>	<p>Yes</p> <p>N/A</p>
<p>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.</p>	Proposed works for dwelling house, new secondary dwelling, are compatible with the slope and contours of the site and adjoining properties.	Yes
<p>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:</p>	Less than 600mm fill proposed as part of this application for the extent of works.	Yes

(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.		
Setback restrictions 2.6 The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	The site is not located within 9m of an existing animal boarding or training establishment.	Yes
Setbacks to the primary and secondary road frontages 2.7 The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	This control is not applicable as this lot forms a battle axe allotment which is situated behind the street facing lot.	N/A
2.8 The minimum setback to the secondary road frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	The site does not contain a secondary road frontage.	Yes
Setbacks to the side boundary 2.9 For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre.	Single storey proposed which is less than 7m in height with 900mm (min) setbacks to the (W)(N)(S) and 8.77m to the (B) boundary.	Yes
2.10 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres. Council may vary this requirement where a second storey addition to an existing dwelling house demonstrates it must use the ground floor walls for structural support.	Walls are less than 7m in height.	N/A
2.11 The basement level must not project beyond the ground floor perimeter of the dwelling house.	No basement proposed as part of this application for both dwellings.	N/A



<p>Private open space</p> <p>2.12 Dwelling houses must provide a minimum 80m<sup>2</sup> of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5 metres throughout.</p>	<p>Minimum 80sqm of private open space provided behind the front building line with a minimum dimension of 5m within north-east corner.</p>	<p>Yes</p>
<p>Access to sunlight</p> <p>2.13 At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</p>	<p>Compliant levels of solar access achieved given the orientation of the site which is orientated west to east and is assisted by the single storey built form.</p>	<p>Yes</p>
<p>2.14 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p>	<p>Compliant levels of solar access achieved given design and the orientation of the site.</p>	<p>Yes</p>
<p>2.15 A minimum 50% of the private open space required for the dwelling house and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p>	<p>Compliant levels of private open space achieve sunlight access in accordance with this clause due to the orientation of the site.</p>	<p>Yes</p>
<p>2.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>	<p>The extent of works are relate to the ground floor of which unlikely to result in any unacceptable impact regarding solar access.</p>	<p>Yes</p>
<p>Visual privacy</p> <p>2.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p>	<p>The extent of works are at the ground level and are unlikely to result in any unacceptable privacy impact.</p>	<p>Yes</p>

(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.	Proposed windows do not directly look into any adjoining neighbouring properties.	
2.18 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.	No new windows proposed which overlook adjoining POS.	N/A
2.19 Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design: (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.	No upper or side balconies proposed.	N/A
2.20 Council does not allow dwelling houses to have roof-top balconies and the like.	The proposal does not seek a rooftop balcony.	Yes
Building design 2.21 The maximum roof pitch for dwelling houses is 35 degrees.	The new elements seek a relatively flat roof pitch which is below 35 degrees.	Yes
2.22 Council may allow dwelling houses to have an attic provided the attic design: (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.	The proposal does not seek an attic.	N/A

2.23 The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	The proposal does not seek dormers.	N/A
2.24 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The site is not affected by this criterion of this clause	N/A
Building design (car parking) 2.25 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: (a) comply with the road pattern shown in Appendix 2; and (b) ensure vehicle access from Balmoral Crescent to land at Nos. 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.	The site is not affected by this criterion of this clause.	N/A
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.	Two car spaces are proposed to be contained within a double garage.          As this lot form a battle axe allotment, car parking is located more than 6m behind the building line.	Yes          N/A
2.27 Despite clause 2.26, Council may allow an existing dwelling house (approved prior to 21 October 1997) to erect a carport forward of the front building line solely where:	New dwelling house sought within rear.	N/A

<p>(a) two car parking spaces behind the front building line is not possible due to the side boundary setbacks being less than 3 metres; and</p> <p>(b) the carport achieves a high quality design with a pitched roof that complements the dwelling house; and</p> <p>(c) the carport is setback a minimum 1 metre from the primary and secondary frontages.</p>		
2.28 Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade.	Not applicable.	N/A
<p>2.29 Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <p>(a) the building is at least 2 storeys in height, and</p> <p>(b) the garage is architecturally integrated with the upper storey by:</p> <p>(i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and</p> <p>(ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.</p> <p>This clause prevails where there is a numerical inconsistency with another clause in Part B1 of this DCP.</p>	The proposed allotment does not directly face the street with exception to the access handle.	Yes
<p>Landscaping</p> <p>2.30 Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house.</p>	The proposal does not seek the removal of any street tree or trees on site.	Yes
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 landscape plan has been provided which indicates proposed landscaping on site. Additional planting can be conditioned to embellish the site if required.	Yes

<p>(a) a minimum 45% of the area between the dwelling house and the primary road frontage; and</p> <p>(b) a minimum 45% of the area between the dwelling house and the secondary road frontage; and</p> <p>(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</p> <p>(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.</p>		
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### **BANKSTOWN CITY COUNCIL DEVELOPMENT CONTROL PLAN 2015 – SECTION 3 SECONDARY DWELLINGS**

Control	Proposal	Complies
<p>Subdivision</p> <p>3.1 The subdivision of secondary dwellings is prohibited.</p>	No subdivision proposed as part of application.	Yes
<p>Lot size</p> <p>3.2 A secondary dwelling is permissible on an allotment with a minimum lot size of 450m<sup>2</sup>.</p>	465.41sqm	Yes
<p>Site cover</p> <p>3.3 Council must not consent to development for the purpose of secondary dwellings unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60m<sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.</p>	The proposal seeks a maximum FSR of 0.32:1 for this allotment which complies with the LEP.	Yes
<p>Storey limit (not including basements)</p> <p>3.4 The storey limit for attached secondary dwellings is 2 storeys. In addition, attached</p>	Single storey built form proposed.	Yes



<p>secondary dwellings 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.</p> <p>3.5 The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.</p> <p>3.6 The siting of secondary dwellings 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.</p> <p>3.7 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:</p> <p>(a) the secondary dwelling is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or</p> <p>(b) the fill is contained within the ground floor perimeter of the secondary dwelling to a height no greater than 1 metre above the ground level (existing) of the allotment.</p>		
<p>Setback restrictions</p> <p>3.8 The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.</p>	<p>The site is not located within 9m of an existing animal boarding or training establishment.</p>	<p>Yes</p>
<p>Setbacks to the primary and secondary road frontages</p> <p>3.9 The minimum setback for a building wall to the primary road frontage is:</p> <p>(a) 5.5 metres for the first storey (i.e. the ground floor); and</p> <p>(b) 6.5 metres for the second storey.</p> <p>3.10 The minimum setback to the secondary road frontage is:</p> <p>(a) 3 metres for a building wall; and</p>	<p>The site does not front a primary or secondary street.</p>	<p>N/A</p>

(b) 5.5 metres for a garage or carport that is attached to the building wall.		
<p>3.11 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 and rear boundaries of the allotment is 0.9 metre.</p> <p>3.12 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side and rear boundaries of the allotment is 1.5 metres.</p>	The proposal seeks a minimum setback of 900mm (S) and 959mm (E)	Yes
<p>Private open space</p> <p>3.13 Secondary dwellings must not result in the principal dwelling on the allotment having less than the required landscaped area and private open space.</p>	Lot A: Compliant levels of principal private open space provided between the existing dwelling and secondary dwelling.	Yes
<p>Access to sunlight</p> <p>3.14 At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</p> <p>3.15 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> <p>3.16 A minimum 50% of the private open space required for the principal dwelling on the allotment and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p>	<p>Lot A: 3 hours compliant levels of solar access achieved.</p> <p>The adjoining dwellings achieve compliant levels of solar access to adjoining properties.</p> <p>Compliant levels of solar access achieved in relation to this clause which is assisted by the orientation of the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>





## **BANKSTOWN CITY COUNCIL DEVELOPMENT CONTROL PLAN 2015 – SECTION 5 PARKING**

As previously addressed within this report, the proposal provides two (2) car parking spaces within the dwelling house to service the proposal. This complies with the Australian Standards in relation to gradient, dimensions and vehicular access. In this regard, the proposal is considered to be consistent with aim of this subsection.

## **BANKSTOWN CITY COUNCIL DEVELOPMENT CONTROL PLAN 2015 – SECTION 5 PARKING**

A waste management plan accompanies this development application in relation to disposal, reuse and recycling of materials. In this regard, the proposal is considered to be consistent with aim of this subsection.

## **PART 4 DIVISION 4.3 SECTION 4.15 (1)(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**

### **Natural Environment Impacts**

The proposal does not result in any amenity or drainage impacts. No trees are proposed to be removed as part of this application. In this regard, no unacceptable unreasonable natural environmental impacts are generated by this proposal.

### **Built Environment Impacts**

The proposal also considered to satisfy and meet the objectives and intent and requirements of the planning controls. In this regard, the proposal is not considered to result in any unacceptable unreasonable adverse built environment impacts by virtue of the design which complies with floor space, height, setbacks and landscaping.

### **Economic Impacts**

The proposal is not considered to result in any unacceptable economic impacts given that the residential purpose.

### **Social Impacts**

The proposal is not considered to result in any unacceptable social impacts given the nature of the residential use.



## **PART 4 DIVISION 4.3 SECTION 4.15 (1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

### **Suitability of the site**

The proposal is considered to be suitable for the subject given that the proposal seeks development consent for a dwelling house and a secondary dwelling of which are permissible uses within the R2 Low Density Residential Zone within the Bankstown Local Environmental Plan 2015.

## **PART 4 DIVISION 4.3 SECTION 4.15 (1)(E) THE PUBLIC INTEREST**

### **Public Interest**

The proposal is considered to be in the public interest given that the high level of compliance sought which is consistent with the envisaged development within the zone.

## **PART C: CONCLUSION**

The proposal is considered to be appropriate as the considerations against the Statutory provisions have been met. The proposal satisfies the Environmental Planning and Assessment Act 1979 (as amended), Environmental Planning and Assessment Regulation 2000 (as amended), State Environmental Planning Policy (Hazards and Resilience) 2021, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015 (as amended). In this regard, it is considered that the proposal is worthy of approval.

Kind regards,

**Mark Raymundo**

*BPlan (Hons) UNSW, MUDD UNSW,*

*Grad Cert (Project Management) UTS, Certificate Real Estate Practice TAFE*

**Principal**

**Maximus Developments Australia**