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# STATEMENT OF ENVIRONMENTAL EFFECTS

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197 COOPER ROAD  
YAGOONA





## Project Details

Project: Demolition of existing structures and construction of a two-storey dwelling with basement level parking  
Property: Lot 8, DP 35104, No. 197 Cooper Road, Yagoona NSW 2199  
LGA: Canterbury-Bankstown Council  
Client: My Hanh Tu

## Document Control

Date	Purpose	Issue	Author	Reviewed
19.12.22	Draft for review	1	MS	MS
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Signed:



**Mark Stephenson**  
UNSW BTP (Hons)

Date: 25 January 2023

### Author

**Civic Town Planning**  
81 Bridie Drive  
UPPER COOMERA QLD 4209  
[mail@civictp.com.au](mailto:mail@civictp.com.au)

ABN: 62 494 302 604

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## **1.0 INTRODUCTION**

### **1.1 Background**

This Statement of Environmental Effects has been prepared to accompany a Development Application submitted to Canterbury-Bankstown Council for demolition of existing structures and construction of a two-storey dwelling house with basement level parking at Lot 8, DP 35104, also known as No. 197 Cooper Road, Yagoona.

The Bankstown Local Environmental Plan 2015 applies to the subject site. The site is zoned R2 Low Density Residential under the LEP. The proposed development would meet the objectives of the zone and is permitted within the R2 zone subject to the consent of Council.

The proposed development is documented in the architectural plans prepared by Happy Homes Architecture, Project No. 2022-197COO, Issue A, dated 24 January 2023.

### **1.2 Report Objectives**

In accordance with Clause 50(1)(a) of the Environmental Planning and Assessment Regulation 2000, this Statement of Environmental Effects includes:

- An analysis of the site and the surrounding locality;
- A comprehensive description of the proposed works and the proposed use of the premises; and
- An assessment against the relevant requirements outlined within the Bankstown Local Environmental Plan 2015 and the Bankstown Development Control Plan 2015.

In accordance with the requirements outlined in Schedule 1 of the Environmental Planning and Assessment Regulation 2000, the purpose of this report is to:

- Identify all potential environmental impacts associated with the proposed development; and
- Provide advice as to how all potential environments impacts can be appropriately and adequately resolved.

## **2.0 SITE ANALYSIS**

### **2.1 Subject Site and Surrounds**

The subject site is legally described as Lot 8, DP 35104, and is known as No. 197 Cooper Road, Yagoona.

The site is located on the eastern side of Cooper Road, directly opposite the T-Junction with Nobbs Road. The block is regular in shape with a frontage of 16.79m to Cooper Road, a depth of 36.575m along the northern and southern side boundaries, a width of 16.75m along the rear boundary, and a total site area of 613.4m<sup>2</sup> (as per survey).

The site comprises a single-storey fibro residence with tiled roof and associated structures including concrete path and driveway, concrete slab in the rear yard and detached metal carport located in the driveway.

The site has a fall of approximately 6.49m from the north-eastern corner at the rear of the site to the north-western corner at the front of the property. The site comprises of landscaped garden areas located in the front and rear yards, as well as a street tree located in Council's nature reserve.

The subject site and surrounding area is zoned R2 Low Density Residential under the provisions of the Bankstown Local Environmental Plan 2015. The locality comprises a mix of single and two-storey dwellings characteristic of the low density zone.

The site is adjoined by a two-storey rendered residence with tiled roof and basement parking to the north at No. 195 Cooper Road, and by a single-storey fibro residence with tiled roof to the south at No. 199 Cooper Road. The site is located opposite O'Neill Park which is zoned RE1 Public Recreation.

A street view photo of the subject site is provided at Figure 1 below. A locality plan and aerial photograph of the subject site and surrounds are provided further below at Figures 2 and 3.



Figure 1: Street view (Source – Google Maps: 2022)



Figure 2: Locality Plan (Source – Six Maps: 2022)



Figure 3: Aerial Photo (Source – Six Maps: 2022)

## 2.2 Development History

A search of Council's online DA tracking system did not reveal any applications pertaining to the subject site.

### 3.0 PROPOSED DEVELOPMENT

#### 3.1 Description of Proposed Development

The application proposes demolition of existing structures and construction of a two-storey dwelling house with basement level parking at Lot 8, DP 35104, also known as No. 197 Cooper Road, Yagoona.

The proposed development is illustrated and detailed in the following plans and documents:

- Survey plan prepared by SurvTech Land & Property Surveyors, Reference No. 01069 dated 15 April 2022;
- Architectural plans prepared by Happy Homes Architecture, Project No. 2022-197COO, Issue A, dated 24 January 2023; and
- Stormwater drainage plans prepared by KD Stormwater Pty Ltd, Job No. DG 2605, Issue A, dated 12 December 2022.

##### 3.1.1 Proposed Works

###### Demolition

- Demolition of all existing structures on site, comprising a single-storey fibro residence with tiled roof and associated structures including concrete path and driveway, concrete slab in the rear yard and detached metal carport located in the driveway.

###### Dwelling

- Construction of a two-storey dwelling comprising the following:

###### Basement level

- Garage parking for 2 vehicles
- Storage
- Store room
- Lift and stairs

###### Ground floor level

- Front balcony and entry
- External stairs with side access
- Entry foyer
- Formal lounge
- Guest bedroom with patio and ensuite
- Study
- Lift and stairs
- Combined living, dining and kitchen with walk-in pantry
- Separate bathroom and laundry
- Covered outdoor entertaining area
- Powder room adjacent to alfresco area
- Rainwater tank

### First floor level

- 4 bedrooms
- Walk-in-robe and ensuite for master bedroom
- Front and rear balcony
- Bathroom
- Rumpus and sunroom
- Lift and stairs

### GFA / FSR

The gross floor area (GFA) and resultant floor space ratio (FSR) for the proposed development have been calculated as follows:

- |   |                      |
|---|----------------------|
| ○ Site Area:  | 613.4m <sup>2</sup>  |
| ○ Proposed GFA:                                     | 303.71m <sup>2</sup> |
| ○ FSR: (386.6m <sup>2</sup> / 793.0m <sup>2</sup> ) | 0.495:1              |

### **Landscaping**

- The site is proposed to be extensively landscaped using both soft and hard surface landscaping.

### **Stormwater Management**

- The site has a fall of approximately 6.49m from the north-eastern corner at the rear of the site to the north-western corner at the front of the property. In this regard, stormwater disposal for the proposed development can be directed and drained to Council's system in Cooper Road.

## 4.0 ENVIRONMENTAL ASSESSMENT

### 4.1 Statutory Framework

#### 4.1.1 Environmental Planning and Assessment Act 1979

This Statement has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The proposed development has been considered having regard to the requirements of Part 4 of the Act.

#### 4.1.2 Bankstown Local Environmental Plan 2015

As identified in blue in Figure 4 below, the site is zoned R2 Low Density Residential pursuant to the Bankstown Local Environmental Plan 2015.

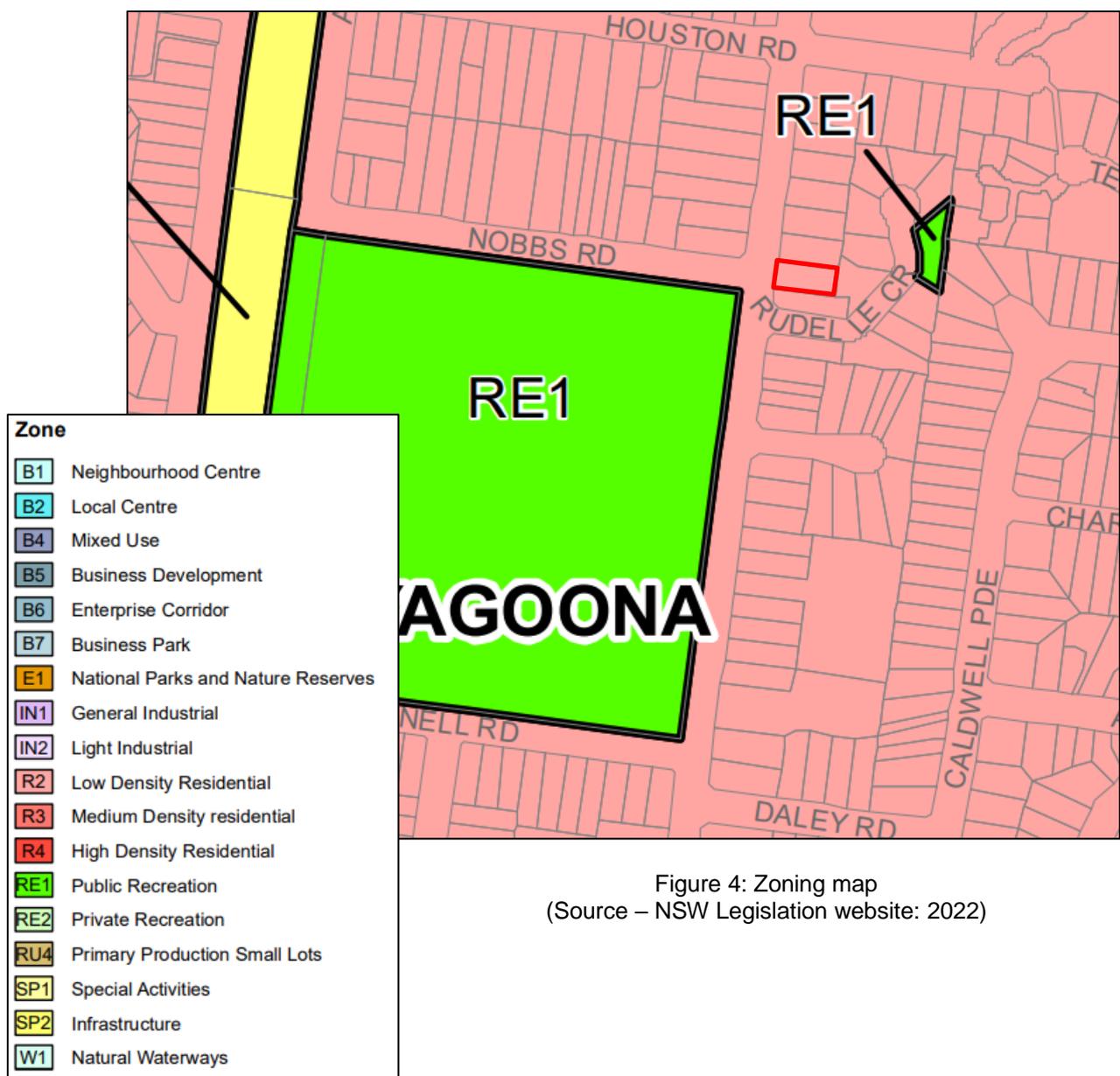


Figure 4: Zoning map  
(Source – NSW Legislation website: 2022)

The Bankstown LEP 2015 Land Use Table is replicated below:

## **Zone R2 Low Density Residential**

### **1 Objectives of 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.*

### **2 Permitted without consent**

*Home occupations*

### **3 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*

### **4 Prohibited**

*Any development not specified in item 2 or 3*

### **Comment:**

The site is zoned R2 Low Density Residential under the provisions of the Bankstown Local Environmental Plan 2015. The proposed dwelling house is permitted within the R2 zone with consent and is considered to be consistent with the objectives of the zone. Compliance with the relevant development standards contained within the Bankstown LEP 2015 is demonstrated in Table 1 below.

**Table 1 – Compliance with Bankstown LEP 2015**

<b>BANKSTOWN LEP 2015</b>			
<b>Clause</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<b>Part 1 Preliminary</b>			
<b>1.3 Land to which this Plan applies</b>	(1) This Plan applies to the land identified on the Land Application Map.	The site is identified on the Land Application Map.	Yes
<b>Part 2 Permitted or prohibited development</b>			
<b>2.2 Zoning of land to which Plan applies</b>	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map.	The site is zoned R2 Low Density Residential.	Yes
<b>2.6 Subdivision—consent requirements</b>	(1) Land to which this Plan applies may be subdivided, but only with development consent.	Subdivision is not proposed to be carried out.	N/A
<b>2.7 Demolition requires development consent</b>	The demolition of a building or work may be carried out only with development consent.	The application proposes demolition of existing structures, and in this regard, consent is sought.	Yes
<b>Part 4 Principal development standards</b>			
<b>4.1 Minimum subdivision lot size</b>	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.  - A minimum lot size of 450m <sup>2</sup> applies to the subject site.	Subdivision is not proposed to be carried out.	N/A
<b>4.3 Height of buildings</b>	(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.  - A maximum building height of 9 metres applies at the subject site.	The overall maximum height of the proposed building is 8.4m, which has been calculated as follows:  Max. ridge height of 65.096m minus 56.69m NGL.	Yes

<p><b>4.4 Floor space ratio</b></p>	<p>(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.</p> <ul style="list-style-type: none"> <li>- A maximum floor space ratio of 0.5:1 applies at the subject site.</li> </ul>	<p>FSR for the proposed development is calculated as follows:</p> <ul style="list-style-type: none"> <li>- Site Area = 613.4m<sup>2</sup></li> <li>- Proposed GFA = 303.71m<sup>2</sup></li> <li>- FSR (303.71m<sup>2</sup> / 613.4m<sup>2</sup>) = 0.495:1</li> </ul>	<p>Yes</p>
<p><b>4.6 Exceptions to development standards</b></p>	<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <ul style="list-style-type: none"> <li>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</li> <li>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ul>	<p>N/A</p>	<p>N/A</p>
<p><b>Part 5 Miscellaneous provisions</b></p>			
<p><b>5.1 Relevant acquisition authority</b></p>	<p>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation</p>	<p>The site is not identified as land required to be acquired.</p>	<p>N/A</p>

	to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).		
<b>5.1A Development on land intended to be acquired for public purposes</b>	(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.	The site is not identified as land required to be acquired for a public purpose.	N/A
<b>5.10 Heritage conservation</b>	(5) <b>Heritage assessment</b> The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	There are no heritage items located on, or in the vicinity of the subject site, nor is the site located within a Heritage Conservation Area.	N/A
<b>5.21 Flood planning</b>	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the	As shown on Council's Flood Planning Map, the site is not affected by flood.	N/A

	<p>development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>		
<b>Part 6 Additional local provisions</b>			
<b>6.1 Acid sulfate soils</b>	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils.	N/A
<b>6.4 Biodiversity</b>	(2) This clause applies to land identified as 'Biodiversity' on the Terrestrial Biodiversity Map.	The subject site is not identified as 'Biodiversity' on Council's Terrestrial Biodiversity Map.	N/A
<b>6.4A Riparian land and watercourses</b>	(2) This clause applies to all of the following: (a) land identified as "Riparian land" on	The subject site is not identified on Council's Riparian Lands and Watercourses Map.	N/A

	the Riparian Lands and Watercourses Map, (b) land identified as “Watercourse” on that map.		
<b>6.5 Limited development on foreshore area</b>	(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—  (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).	The subject site is not identified on Council’s Foreshore Building Line Map.	N/A
<b>6.6 Development in areas subject to aircraft noise</b>	(2) Development consent may be granted to development that is the erection of a dwelling (other than a dwelling house) on land in the vicinity of the Bankstown Airport where the ANEF contour is between 20 and 25 only if the dwelling meets the standards specified in AS 2021—2000.	The subject site is not affected by aircraft noise.	N/A

#### 4.1.3 Draft Canterbury Bankstown Consolidated Local Environmental Plan

The NSW Department of Planning, Industry and Environment is currently reviewing the Draft Consolidated LEP which plans to replace Bankstown LEP 2015 and Canterbury LEP 2012. The Department has not indicated when this review may be completed.

The subject site is not affected by any of the proposed amendments. The primary planning provisions of the Bankstown LEP 2015, such as zoning, floor space ratio, building height, etc., remain unchanged.

#### 4.1.4 Bankstown Development Control Plan 2015

The Bankstown Development Control Plan 2015 supports the Bankstown Local Environmental Plan 2015 by setting additional development controls for residential development located in the former Bankstown LGA.

Compliance with the relevant provisions of the Bankstown Development Control Plan 2015 is outlined in Table 2 below:

**Table 2 – Compliance with Bankstown DCP 2015**

<b>BANKSTOWN DCP 2015</b>			
<b>Clause</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<b>Part B – General Controls</b>			
<b>Part B1 – Residential Development</b>			
<b>SECTION 2–DWELLING HOUSES</b>			
	<b>Storey limit (not including basements)</b>		
<b>2.3</b>	The storey limit for dwelling houses is 2 storeys.	2 storeys proposed.	Yes
	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.	The site is not located in the foreshore protection area.	N/A
<b>2.4</b>	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.	The design of the dwelling takes advantage of the slope through the provision of a basement level, in a similar manner as the adjoining dwelling located at No. 195 Cooper Road.	Yes
<b>2.5</b>	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	Only cut proposed.	N/A

	greater than 1 metre above the ground level (existing) of the allotment.		
<b>2.7</b>	<b>Setbacks to the primary and secondary road frontages</b>  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	5.9m proposed for the first storey 7.7m proposed for the second storey	Yes  Yes
<b>2.8</b>	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.	N/A	N/A
<b>2.9</b>	<b>Setbacks to the side boundary</b>  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.	Min. 1.5m setbacks to the side boundaries are provided to the ground floor level.	Yes
<b>2.10</b>	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.	Min. 1.5m setbacks to the side boundaries are provided to the upper floor level.	Yes
<b>2.11</b>	The basement level must not project beyond the ground floor perimeter of the dwelling house.	The basement level does not project beyond the ground floor perimeter of the dwelling house.	Yes
<b>2.12</b>	<b>Private open space</b>  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	At least 80m <sup>2</sup> of private open space will be provided behind the front building line (min. dimensions of 5m).	Yes

	provided the minimum width of each area is 5 metres throughout.		
<b>2.13</b>	<p><b>Access to sunlight</b></p> <p>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>	As shown on the submitted shadow diagram, the proposed living area will receive the required sunlight at mid-winter.	Yes
<b>2.14</b>	<p>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>	Adjacent dwellings and their living areas will continue to receive the required sunlight at mid-winter.	Yes
<b>2.15</b>	<p>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>	At least 50% of the private open space area will receive the required sunlight at mid-winter.	Yes
<b>2.16</b>	<p>Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>	There are no PV panels on the southern adjoining dwelling.	Yes
<b>2.17</b>	<p><b>Visual privacy</b></p> <p>Where development proposes a window that directly looks into the living area or bedroom window of</p>	<p><u>Ground floor level</u>                      Privacy will be maintained by a standard 1.8m high fence,</p>	Yes

	<p>an existing dwelling, the development must:</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; or</p> <p>(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>offset windows and privacy screening.</p> <p><u>First floor level</u>                  Privacy will be maintained through privacy screening, offset windows and hi-light windows.</p>	<p>Yes</p>
<p><b>2.18</b></p>	<p>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>Privacy will be maintained by a standard 1.8m high fence, off-set windows, privacy screening and hi-light windows.</p>	<p>Yes</p>
<p><b>2.19</b></p>	<p>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>No privacy concerns for upper level rear balcony which will be partially recessed into the building.</p>	<p>Yes</p>
<p><b>2.20</b></p>	<p>Council does not allow dwelling houses to have roof-top balconies and the like.</p>	<p>N/A</p>	<p>N/A</p>

	<b>Building design</b>		
<b>2.21</b>	The maximum roof pitch for dwelling houses is 35 degrees.	20 degree roof pitch proposed.	Yes
<b>2.22</b>	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.	N/A	N/A
<b>2.23</b>	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.	NA	N/A
<b>2.24</b>	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).	N/A	N/A
	<b>Building design (car parking)</b>		
<b>2.25</b>	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.	N/A	N/A
<b>2.26</b>	Development must locate the car parking spaces behind the front building line with at least one covered car parking space for	The proposed basement-level garage will be located behind the front building line where at least one covered	Yes

	<p>weather protection. Despite this clause, Council may allow one car parking space to locate forward of the front building line provided:</p> <p>(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</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.</p>	<p>parking space will be provided for weather protection.</p> <p>If required, additional uncovered car parking spaces can be accommodated in a stacked arrangement on the driveway in front of the garage.</p> <p>The proposed garage will be setback at least 6m from the primary frontage.</p>	<p>Yes</p> <p>Yes</p>
<b>2.27</b>	<p>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>	N/A	N/A
<b>2.28</b>	<p>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>	<p>The proposed garage will be located behind the main building line and does not detract from the street facade.</p>	Yes
<b>2.29</b>	<p>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</p>	N/A	N/A

	<p>by:                  (i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and                  (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. This clause prevails where there is a numerical inconsistency with another clause in Part B1 of this DCP.</p>		
<b>2.30</b>	<p><b>Landscaping</b></p> <p>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 application does not propose any tree removal.	N/A
<b>2.31</b>	<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> <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, plant native trees with a mature height greater than 12 metres adjacent to the waterbody.</p>	<p>Refer to the submitted landscape plan which is considered to be satisfactory.</p> <p>&gt;45% provided</p> <p>N/A</p> <p>Achievable</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>

<b>SECTION 14–ANCILLARY DEVELOPMENT (OUTDOOR STRUCTURES)</b>			
	<b>Front fences</b>		
<b>14.1</b>	The maximum fence height for a front fence is 1.8 metres.	The proposed height of the front fence is 2.2m. However, this height has been designed to achieve consistency with the neighbouring fence, which is also 2.2m, and to account for the slope of the site.	No, however, considered satisfactory in this instance.
<b>14.2</b>	<p>The external appearance of a front fence along the front boundary of an allotment or facing a classified road must ensure:</p> <p>(a) the section of the front fence that comprises solid construction (not including solid piers) must not exceed a fence height of 1 metre above natural ground level; and</p> <p>(b) the remaining height of the front fence must comprise open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.</p> <p>Despite this clause, the solid construction of a fence behind the front building line of dwelling houses and dual occupancies on corner allotments may achieve a fence height up to 1.8 metres.</p>	<p>The height of the plinth is 1m.</p> <p>Above the plinth, the fence is open style vertical metal slats.</p> <p>Notes</p>	<p>Yes</p> <p>Yes</p>
	<b>Dividing Fences</b>		
<b>14.5</b>	Dividing fences require development consent where the average fence height exceeds 1.8 metres.	The height of the side and rear boundary fences is 1.8m above existing NGL. The retaining walls below the proposed colorbond fence are due to excavation of the sloping site to achieve level platforms.	Yes

## 5.0 ENVIRONMENTAL PLANNING AND ASSESSMENT (EP&A) ACT 1979

### 5.1 Section 4.15 Evaluation

The following provides an assessment of the proposal against the relevant provisions of Section 4.15 Evaluation (previous section 79C) of the EP&A Act 1979.

#### (1) *Matters for consideration—general*

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

##### **(a) *the provisions of:***

##### **(i) *any environmental planning instrument, and***

The Bankstown Local Environmental Plan 2015

The proposed development is permitted with consent in the R2 Low Density Residential zone. The proposal meets the objectives of the zone and complies with the relevant provisions of the Bankstown LEP 2015.

##### **(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), and***

There are no Draft EPIs affecting the subject site.

##### **(iii) *any development control plan, and***

The Bankstown Development Control Plan 2015

The proposal complies with the relevant controls a dwelling house and is worthy of approval based on both performance and merit.

##### **(iiia) *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, and***

There is no planning agreement proposed by the Applicant.

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

There are no matters prescribed by Clause 92 of the Regulation which are applicable to this Development Application.

##### **(v) *(Repealed)***

***that apply to the land to which the development application relates,***

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

It is considered unlikely that any adverse environmental, social or economic impacts would occur as a result of the proposed development.

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

The site is located in an established residential area and is considered suitable for the proposed development. The proposal is permitted within the R2 Low Density Residential zone, meets the objectives of the zone, and has demonstrated compliance with the relevant development controls contained within Council's DCP.

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

Any submissions will be considered by Council in the assessment and determination of the Development Application.

**(e) *the public interest.***

The proposed development is considered to be in the public interest as it allows for the orderly and economic use of land and complies with Council's controls without impact to adjoining and surrounding properties.

## **6.0 CONCLUSION**

### **6.1 Conclusion and Recommendation**

This Statement of Environmental Effects has been prepared to accompany a Development Application submitted to Canterbury-Bankstown Council for the demolition of existing structures and the construction of two-storey dwelling with basement parking at Lot 8, DP 35104, also known and No. 197 Cooper Road, Yagoona.

The site is zoned R2 Low Density Residential pursuant to the Bankstown Local Environmental Plan (LEP) 2015. The proposed development is permitted within the zone and is considered to be consistent with the objectives of the zone. The proposed development complies with the relevant provisions of the Bankstown Local Environmental Plan 2015 and complies with the relevant controls contained within the Bankstown Development Control Plan 2015.

The development is considered to be in the public interest and is worthy of approval based on merit. Accordingly, it is recommended that the application be approved as submitted.

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