

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

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### **SECTION 4.55(1A) MODIFIED DEVELOPMENT APPLICATION:**

To Canterbury-Bankstown City Council

For: MR. & MRS. P. & A. KURTIS

At: 200 HENRY LAWSON DRIVE GEORGES HALL

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Prepared by:

**Ergo Designs P/L**

BUILDING DESIGNERS & CONSULTANTS Office 334A Homer Street Earwood 2206 Tel: 9558 1233

**FEBRUARY 2023.**

### **1.00: INTRODUCTION:**

This report has been prepared in support of the **SECTION 4.55(1A) MODIFIED DEVELOPMENT APPLICATION** submitted to Canterbury Bankstown City Council on behalf of **MR. & MRS. P & A. KURTIS**

for the property listed as **Lot 13 D.P 12034** and known as **200 HENRY LAWSON DRIVE GEORGES HALL.**

All the work has been carried out with considerable thought and consultation with Council's officers, in particular with **Customer Service Team-refer to the letter in the appendix.**

The application seeks approval for the following items:

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- The modified development application is seeking to delete from the original D.A approval the front brick fence and associated side returns and retain in place the original metal fence as it stands and at the location that it stands.
  - Reason is that a considerable front portion of the site is affected by RMS under (S 27E(6) Main Roads Act.1924 affecting Lot 28 in DP 223358 (Vide K160042) and until such time that RMS takes over the allocated portion of the land, the owners wish to have full use of the land as well be able to service and keep clean and tidy.
  - Therefore, there is no meaning at this stage building a new front fence instead they can be happy with the existing fence as shown on the photograph above.
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This statement is to be read in conjunction with the attached architectural plans numbered **1118-982 /1 Rev. J dated 31st of January, 2023** and prepared by **Ergo Designs P/L.**

### **COMPLIANCE WITH RELEVANT PLANS, CODES AND PLANNING POLICIES:**

*BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015*

*BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.*

- *PART B1- SECTION 2-DWELLING HOUSES.*
  - *PART B5 –PARKING.*
  - *PART B13- WASTE MANAGEMENT MINIMISATION.*
- BUILDING CODE OF AUSTRALIA-NCC 2019.*

### **2.00: SITE ANALYSIS.**

#### **2.10: Location & features of the site:**

The land is located on the western side of Henry Lawson Drive and is known as **Lot 13 D.P 12034** while the zoning of the land is low density residential **R2 Low Density Residential**

Land dimensions are **13.710 x 66.750/67.055** and the area of the land is approximately **901.00m<sup>2</sup>.**

The site contains a single storey fibro house with a metal pitched roof.

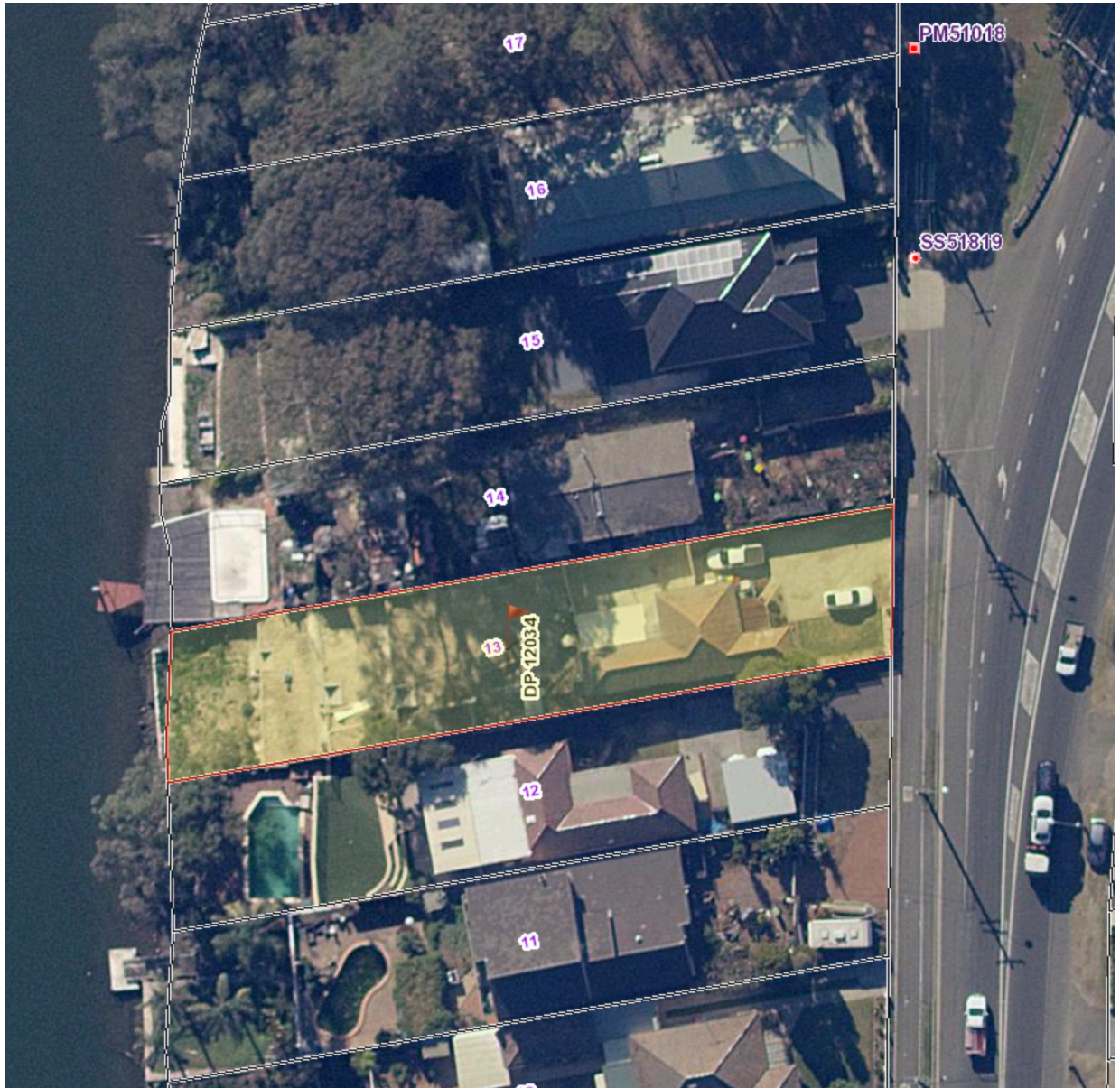
The land has a slight gradual fall towards the rear of the site of approx. 7.63m.

There are no existing trees in the vicinity of the proposed works.

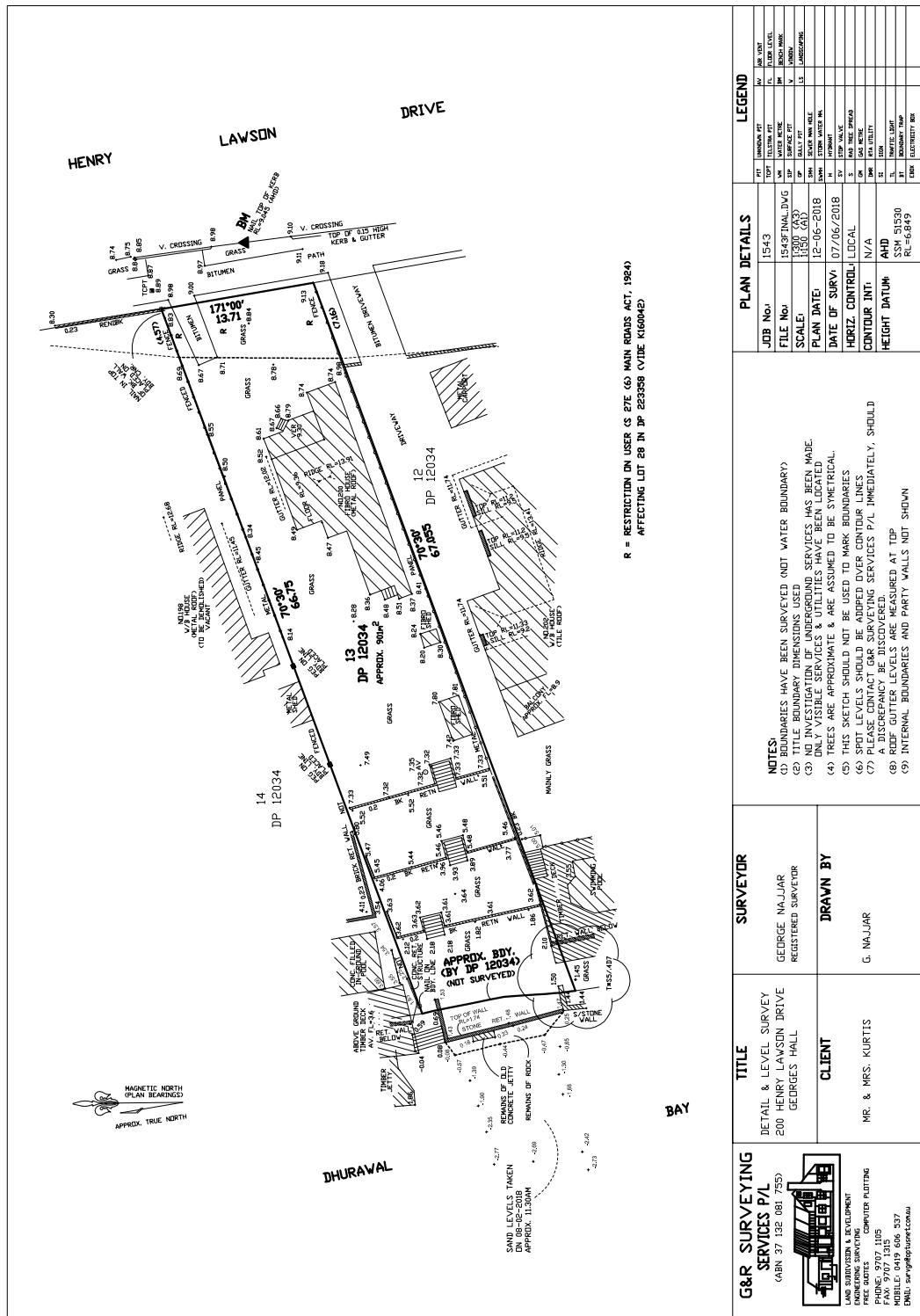
Both adjoining properties are single storey dwellings.

The site is affected with class 5-Acid Sulphate Soils- see statement below.





Aerial Photograph.



**SURVEY:**

**3.00: COMPLIANCE WITH RELEVANT PLANS, CODES & PLANNING POLICIES.****3.10: BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015.**

The zoning of the site being **R2 Low Density Residential** under the provisions of this current LEP this zone does allow such a use.

**Permitted with consent**

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Child care centres; 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; Hospitals; Information and education facilities; Jetties; Multi dwelling housing; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Water recreation structures; Water supply systems*

LEP MAP REQUIREMENT	CONTROLS	PROPOSAL
Land area		Approx.. 901.00m2
Land Zoning		R2 Low Density Residential.
FSR ratio	.50:1	.24:1 = 216.60m2
Height of Buildings	9.0m	7.428m max. above natural ground level
Heritage	Not affected	N/A
Flood Planning	affected	<p>A storm water system report has been obtained from Council- see appendix – which indicate:</p> <ol style="list-style-type: none"> <li>1. No flood/overland flow study is required.</li> <li>2. For a detached dwelling the following minimum flood levels are required;</li> <li>3. The 20 year flood level at the site is 5.5, AHD</li> <li>4. The 100 year floor level is 6.30m AHD.</li> <li>5. Habitable floor levels are to be at least 500mm above this level at RL 6.8 AHD</li> </ol> <hr/> <ol style="list-style-type: none"> <li>6. Proposed ground floor level shall have a floor level of 9.40m AHD</li> <li>7. Proposed basement floor level shall have a floor level of 6.80m AHD</li> </ol>
Acid Sulfate Soils	affected class 5	<a href="#">As per original D.A approval.</a>
Aircraft noise	affected	An acoustic engineering noise report is included with the application –see appendix and relevant specifications are included on the plans.
Land Reservation Acquisition Classified Road. RMS Road widening affectation.	The site is affected by SP2 Infrastructure: Road Infrastructure Facility (pub:2015-03-05)	<a href="#">Details are shown on the Survey plan included with the statement and application and the design has taken on board the concerned area affected and set the building accordingly- see architectural site plan.</a>
Foreshore Area Foreshore Building line.	Affected by Foreshore Area (pub.2015-03-05). Affected by Foreshore Building line (pub.2015-03-05).	The proposal has considered both the Foreshore Area and Foreshore Building line controls as specified in the <b>BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015</b> & <b>BANKSTOWN DEVELOPMENT CONTROL PLAN 2015</b> . Controls & standards and complies to both the objectives and controls accordingly and a Cl. 4.6 is included with the statement.

### **3.20: BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.**

### **3.21: PART B1- SECTION 2-DWELLING HOUSES.**

#### **Objectives**

The objectives are:

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

<b>CONTROLS</b>	<b>STANDARDS</b>	<b>PROPOSAL</b>
<b>Storey limit (not including basements)</b>	<p><b>2.3</b> 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><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.</p> <p><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:</p> <ul style="list-style-type: none"> <li>(a) the dwelling house is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or</li> <li>(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.</li> </ul>	As per original D.A approval.
<b>Setback restrictions</b>	<p><b>Setbacks to the primary and secondary road frontages</b></p> <p><b>2.7</b> The minimum setback for a building wall to the primary road frontage is:</p> <ul style="list-style-type: none"> <li>(a) 5.5 metres for the first storey (i.e. the ground floor); and</li> <li>(b) 6.5 metres for the second storey.</li> </ul> <p><b>2.8</b> The minimum setback to the secondary road frontage is:</p> <ul style="list-style-type: none"> <li>(a) 3 metres for a building wall; and</li> <li>(b) 5.5 metres for a garage or carport that is attached to the building wall.</li> </ul> <p><b>Setbacks to the side boundary.</b></p> <p><b>2.9</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.</p> <p><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.</p>	As per original D.A approval.
<b>Private open space</b>	<p style="text-align: center;">2</p> <p>Dual occupancies must provide a minimum 80m<sup>2</sup> 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.</p>	As per original D.A approval.
<b>Access to sunlight</b>	<p>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 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>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>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.</p> <p>Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>	As per original D.A approval.



<b>Visual privacy.</b>	<p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"> <li>(a) offset the windows between dwellings to minimise overlooking; or</li> <li>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</li> <li>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</li> <li>(d) use another form of screening to the satisfaction of Council.</li> </ul> <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> <ul style="list-style-type: none"> <li>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</li> <li>(b) the window has a minimum sill height of 1.5 metres above floor level; or</li> <li>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</li> <li>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>(a) does not have an external staircase; and</li> <li>(b) does not exceed a width of 1.5 metres throughout; and</li> <li>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</li> </ul> <p>Council does not allow dual occupancies to have roof-top balconies and the like.</p>	<p>As per original D.A approval.</p>
<b>Building design</b>	<p><b>2.21</b> The maximum roof pitch for dwelling houses is 35 degrees.</p> <p><b>2.22</b> Council may allow dwelling houses to have an attic provided the attic design:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) ensures the attic does not give the external appearance of a storey.</li> </ul> <p><b>2.23</b> The design of dormers must:</p> <ul style="list-style-type: none"> <li>(a) be compatible with the form and pitch of the roof; and</li> <li>(b) must not project above the ridgeline of the main roof; and</li> <li>(c) must not exceed a width of 2 metres; and</li> <li>(d) the number of dormers must not dominate the roof plane.</li> </ul> <p><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).</p>	<p>As per original D.A approval.</p>
<b>Building design (car parking).</b>	<p><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 weather protection. Despite this clause, Council may allow one car parking space to locate forward of the front building line provided:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.</li> </ul> <p><b>2.27</b> 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> <ul style="list-style-type: none"> <li>(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</li> <li>(b) the carport achieves a high quality design with a pitched roof that complements the dwelling house; and</li> <li>(c) the carport is setback a minimum 1 metre from the primary and secondary frontages.</li> </ul> <p><b>2.28</b> 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><b>2.29</b> 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> <ul style="list-style-type: none"> <li>(a) the building is at least 2 storeys in height, and</li> <li>(b) the garage is architecturally integrated with the upper storey by: <ul style="list-style-type: none"> <li>(i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and</li> <li>(ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.</li> </ul> </li> </ul> <p>This clause prevails where there is a numerical inconsistency with another clause in Part B1 of this DCP.</p>	<p>As per original D.A approval.</p>

<b>Landscaping</b>	<p><b>2.30</b> 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> <p><b>2.31</b> 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 water body.</p>	As per original D.A approval.
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**3.20: BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.****3.22: PART B5 – PARKING.****Objectives:**

The objectives of Part B5 of this DCP are:

- (a) To have car parking meet the demands of new development.
- (b) To have the layout and design of car parks function efficiently and safely.
- (c) To have development achieve the parking requirements.
- (d) To have the design of open-air car parks incorporate landscaping areas to minimise the visual impact.
- (e) To have a balance between parking requirements, visual aesthetics and pedestrian safety, which includes access for people with disabilities and convenience for drivers.

CONTROLS	STANDARDS	PROPOSAL
<b>Dwelling houses:</b>	2 car spaces per dwelling behind the front building line.	As per original D.A approval.

**3.20: BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.****3.23: PART B13- WASTE MANAGEMENT MINIMISATION.****Objectives**

The objectives of Part B13 of this DCP are:

- (a) To ensure development is designed to maximise resource recovery and encourage source separation of waste, reuse and recycling by ensuring development provides adequate and appropriate bin storage and collection facilities.
- (b) To ensure development incorporates well-designed and responsive bin storage and collection facilities that are convenient and accessible to occupants.
- (c) To maximise residential amenity and minimise adverse environmental and health related impacts associated with waste management such as odour from bin storage areas and noise from collection areas.
- (d) To ensure bin storage and collection facilities are designed to integrate with and meet the minimum requirements for Council's domestic waste services.
- (e) To ensure development facilitates all waste streams being handled, stored and collected in a manner to reduce risk to health and safety of all users including maintenance (such as caretakers), collection staff and contractors (and required vehicles and equipment).

CONTROLS	STANDARDS	PROPOSAL
<b>SECTION 2– DEMOLITION AND CONSTRUCTION.</b>	All development applications are to be accompanied by a Waste Management Plan prepared in accordance with the Waste Management Guide for New Developments and the Bankstown Demolition and Construction Guidelines.	As per original D.A approval.
<b>Waste generation rates per residential development type.</b>	<p>Dwelling houses and dual occupancies      GENERAL</p> <p>WASTE 120L per week</p> <p>120lt bin (weekly)      RECYCLING</p> <p>120L per week</p> <p>240l bin (fortnight)</p> <p>GARDEN ORGANICS</p> <p>120L per week</p> <p>240lt bin. (fortnight)</p>	As per original D.A approval.
<b>All residential development types</b>	Each dwelling is to have a waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials. Development must provide a bin storage area. The bin storage area must be of adequate size to accommodate all allocated bins. The location of the bin storage area should not adversely impact on the streetscape, building presentation or amenity of occupants and adjoining dwellings.	As per original D.A approval.



#### **4.00: BUILDING CODE OF AUSTRALIA. (NCC 2019)**

The property conforms to all Building Code requirements (NCC 2019).

The plans included with the application cover all relevant parts of the BCA-volume 2-class 1 buildings applicable for the proposal.

Smoke alarm detectors are to be installed as per : CI E2.2 BCA; Spec E2.2a BCA; AS 1603; AS1670;AS3786 &AS1851.8.

All window openings to the sides are of a minimum setback of .90m.

ALL WINDOWS WITH A FLOOR LEVEL HIGHER THAN 2m ABOVE NATURAL GROUND LEVEL TO CONFORM TO BCA 2019 (NCC 2019)  
VOL. 2 PART 3.9.2.5- PROTECTION OF OPENABLE WINDOWS.

#### **5.00: ENVIRONMENTAL PLANNING AND ASSESSMENT ACT CONSIDERATIONS:**

##### **5.10: Air and Noise:**

- There are no existing or proposed sources of odours and or fumes to be emanating from the premises.
- The proposed use of the building is to be residential only and shall have no impact on the air quality as a result there is no issue in terms of odours or fumes.
- Noise emanating from the building is not an existing issue nor a future problem, however the building is located under the Bankstown airport flight path as a result an acoustic engineering noise report is included with the application –see appendix and relevant specifications are included on the plans.

##### **5.20: Drainage, Soil and Water Management:**

- All sewerage effluent disposal shall remain connected to existing Sydney Water sewer line.
- The property is subject to flooding and a SSR report is included with the application which shows the required flood level to be provided for the newly constructed building – this has been provided on the plans included with the application.
- All proposed storm water shall be directed and discharged to the rear directly into the river via a rainwater tank and a silt arrestor as per as per storm water drainage concept plan and details included with application.
- A rain water tank shall be installed as per BASIX Certificate included with the application.

##### **5.30: Erosion and Sedimentation Control:**

All proposed works shall be restricted to take place totally within the confines of the site and the property as whole and no materials or debris shall be stored or thrown into public areas.

All soil and water erosion and sediment control measures shall easily be taken care as per soil, water and site management plan included with the application and include items such as location of material and stockpile, etc.

##### **5.40: Site Management:**

Being ordinary single storey structure in a typical neighbourhood with ample of on site working area, all works and machinery shall work and shall be accommodated on the site and the owner being a person with experience in building matters shall conduct all necessary site management in an appropriate and qualified manner.

##### **5.50 : Acid Sulphate Soils and Soil Contamination:**

As mentioned above the site has been identified to have Acid Sulphate Soils-class 5 and accordingly as stated above in this statement The proposed building is to be situated on the high part of the land which is less affected with acid sulphate soils. The proposed basement floor level on the other hand although slightly excavated into the ground, these excavation shall be limited to not more than 600mm which shall have minor to no exposure of any contaminated soils as a result there is no issue.

##### **Conclusion:**

The design is compatible and will have little to no impact on the neighbouring properties and will blend in the neighbourhood and match with other similar developments, in the area.

The proposed dwelling is appropriate for the site and the area, and should be viewed with favourable consideration by the Council.

# APPENDIX



16 December 2022

Alexandra Kurtis  
200 Henry Lawson Drv  
GEORGES HALL NSW 2198

<b>PORTAL REF NUMBER:</b>	PAN-292512
<b>PROPOSAL:</b>	<b>REMOVAL OF APPROVED FENCE FROM ORIGINAL DA</b>
<b>PROPERTY:</b>	Lot 13 DP 12034, No. 200 Henry Lawson Drive, GEORGES HALL NSW 2198
<b>SUBJECT:</b>	Portal Application not accepted

Dear Sir/Madam,

Thank you for submitting your application for the above property via the NSW Planning Portal. Your application is being returned , the following are required;

1. This is a Section 4.55 (1a) modification.
2. 1 x site plan showing that the proposed fence has been removed.
3. Statement of environmental effects / cover letter.
4. Neighbour notification plan.

Should you require any further information in regards to your application please contact Customer Service on 9707 9000.

Yours faithfully,

A handwritten signature in black ink, appearing to be "CS".

**CUSTOMER SERVICE TEAM**

BANKSTOWN CUSTOMER SERVICE CENTRE  
Upper Ground Floor, Civic Tower, 66-72 Rickard Road,  
Bankstown NSW 2200, PO Box 8, Bankstown NSW 1885

CAMPBIE CUSTOMER SERVICE CENTRE  
137 Beamish Street, Campsie NSW 2194  
PO Box 8, Bankstown NSW 1885

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