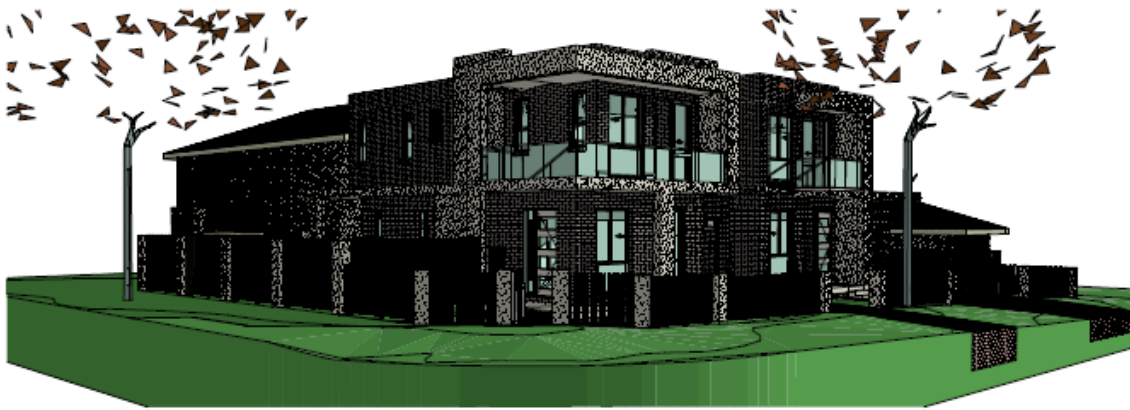


Statement of Environmental Effects for



Demolition of existing onsite structures and construction of a two (2) storey dual occupancy (attached) including torrens title subdivision at 1 Lemnos Avenue Milperra.

Prepared by GM Planning Services
PO Box 91 FORSTER NSW 2428
Ph: Mobile: 0433 810 376
Email: greg@gmplanning.com.au

March 2023

TABLE OF CONTENTS

Title Page	Page 1
Table of Contents	Page 2
1.0 Executive Summary	Page 3
2.0 History	Page 3
3.0 Proposal	Page 3-5
4.0 Site Details and Location + Locality Map	Page 5-7
5.0 Applicable Planning Instruments	Page 8
6.0 Section 4.15 Evaluation	Page 8-39
6.1 Environmental Planning Instrument	Page 8-25
6.2 Draft Environmental Planning Instrument	Page 25
6.3 Development Control Plan	Page 25-37
6.4 -6.10 Other heads	Page 38-39
6.11 Section 4.15 Conclusion	Page 39
7.0 Overall Conclusion	Page 40-41
Attachment A -SSR	Page 42-49

1.0 EXECUTIVE SUMMARY

GM Planning Services has been commissioned by the owner of 1 Lemnos Avenue Milperra to prepare this Statement of Environment Effects to accompany the development application lodged with the Canterbury Bankstown Council.

This development application seeks Canterbury Bankstown Council development consent for the demolition of the existing structures onsite and construction of a two (2) storey dual occupancy (attached) on the abovementioned site as detailed on architectural drawings prepared by Transpacific Group Pty Limited dated March 2023.

The assessment of this proposal against the development standards of the Bankstown Local Environmental Plan 2015 & controls within Bankstown Development Control Plan 2015, demonstrates that the application which proposes demolition of the existing structures onsite and construction of a two (2) storey dual occupancy (attached) that includes torrens title subdivision, as detailed on architectural drawings prepared by Transpacific Group Pty Limited, has resulted in the conclusion that this development application, is considered acceptable, worthy of the support and approvable by Canterbury Bankstown Council.

2.0 HISTORY

No application history available on Council website.

3.0 THE PROPOSAL

GM Planning Services has been commissioned by the owner of 1 Lemnos Avenue Milperra to prepare this Statement of Environment Effects to accompany the development application lodged with the Canterbury Bankstown Council.

This development application seeks Canterbury Bankstown Council development consent for the following development work:

- i) Demolition of the existing dwelling house and other structures on site as identified on architectural drawing WD:02 Site Survey and Demo; and
- ii) Removal of trees and shrubs as identified on architectural drawing WD:02 Site Survey and Demo
- iii) Construction of a two (2) storey dual occupancy (attached) as detailed on the architectural drawings prepared by Transpacific Group Pty Ltd as follows:

(a) Dwelling 1

Ground floor

Provision of an open plan design, that will provide 2 living areas with combined dining area and kitchen centrally located within ground floor with WC and separate laundry with single car; and

First floor

Provision of Master bedroom with walk-in-robe and ensuite and balcony that fronts Lone Pine Avenue, 3 bedrooms with separate bathroom.

(b) Dwelling 2

Ground floor

Provision of an open plan design, that will provide 2 living areas with dining area and kitchen centrally located within ground floor with WC and separate laundry with double car garage; and

First Floor

Provision of Master bedroom with walk-in-robe and ensuite and balcony that fronts Lone Pine Avenue, 3 bedrooms with separate bathroom.

- iv) A torrens title subdivision is proposed as part of this application.

Table 1 Dual Occupancy Dwelling Areas

Dwelling No.	Ground Floor	First Floor	Total Floor Area
Dwelling 1 (Lot A)	56.03m ²	73.32m ²	129.35m ²
Dwelling 2 (Lot 2)	70.72m ²	76.05m ²	146.77m ²
Total area	126.75m ²	149.37m ²	276.12m ²

Table 2 Proposed Torrens Title Subdivision Lot Areas

Site Area	Lot A (Dwelling 1)	Lot B (Dwelling 2)	Total
559.10m ²	261.87 m ²	297.16m ²	559.1m ²

Further, this statement and assessment of this application should be undertaken in conjunction with the following listed documents:

- Architectural drawings listed as follows in Table 1

Table 3 Architectural Drawing Table

Plan Name	Drawing No. & Date
SITE PLAN	WD:01 Rev DA 15/03/2023
SITE SURVEY AND DEMO	WD:02 Rev DA 15/03/2023
SHADOW DIAGRAM	WD:03 Rev DA 15/03/2023
FENCE DETAILS	WD:04 Rev DA 15/03/2023
GROUND FLOOR	WD:101 Rev DA 15/03/2023
FIRST FLOOR	WD:102 Rev DA 15/03/2023
ROOF PLAN	WD:103 Rev DA 15/03/2023
RCP:GF	WD:104 Rev DA 15/03/2023
RCP:1F	WD:105 Rev DA 15/03/2023
SECTIONS 1	WD:106 Rev DA 15/03/2023
SECTIONS 2	WD:107 Rev DA 15/03/2023
ELEVATIONS 1	WD:108 Rev DA 15/03/2023
ELEVATIONS 2	WD:109 Rev DA 15/03/2023
DETAILS 1	WD:300 Rev DA 15/03/2023

DETAILS 2

WD:301 Rev DA 15/03/2023

- Landscape Plans prepared by Greenland Design; and
- Stormwater Drainage Concept Plan prepared by HYTEN ENGINEERING
- BASIX Certificate; and
- Waste Management Plan.

4.0 SITE DETAILS AND SURROUNDING DEVELOPMENT

4.1 Site Details

The development site is legally described as Lot 80 within Deposited Plan 231642 being N° 1 Lemnos Avenue Milperra and located on the south western corner of the intersection of Lemnos Avenue with Lone Pine Avenue.

The site is regularly shaped with having dimensions and site area as follows:

Front boundary (Lemnos Ave)	20.186m (15.011m + 5.175m)
Rear boundary	18.70m
Northern side boundary (Lone Pine Ave)	26.213m
Southern side boundary	30.28m
Site area	559.10m ² (by calc)

The site is identified on the locality plan provided at **Figure 1** courtesy of Google Maps & aerial photo provided at **Figure 2**, courtesy of Six Maps.

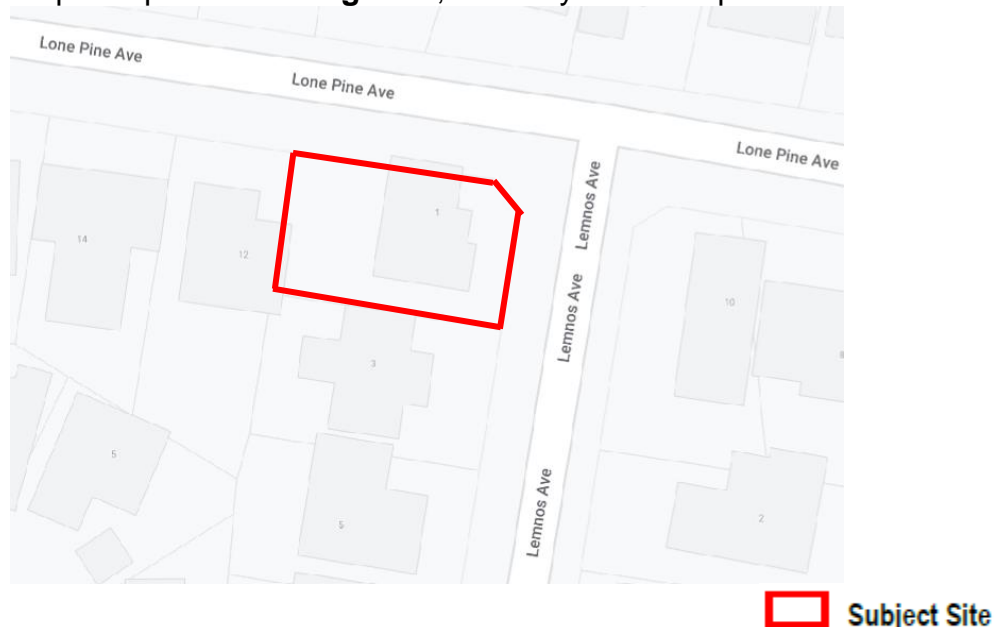


Figure 1 -Locality Map




 Subject Site

Figure 2 -Aerial Map

The site contains a part one (1) & part two (2) storey brick and tile roofed dwelling house with inground pool within the rear yard as illustrated in the following photographs:



Photo 1 shows site from Lemnos Avenue



Photo 2 shows site from Lone Pine Avenue



Photo 3 shows rear yard with inground swimming pool to be demolished

4.2 Surrounding Development

The development located within a residential area surrounded by typical single and two (2) dwelling houses.

5.0 APPLICABLE PLANNING INSTRUMENTS

The applicable planning instruments to this application are:

- Bankstown Local Environmental Plan 2015; and
- Bankstown Development Control Plan 2015.

6.0 SECTION 4.15 EVALUATION ASSESSMENT

6.1-4.15 (a)(i) Environmental Planning Instruments:

6.1.1 (a)(i) Bankstown Local Environmental Plan 2015

The site is located within the old Bankstown Council area prior to amalgamation of Bankstown Council area with Canterbury Council area to form the Canterbury Bankstown Council.

Accordingly, the Bankstown LEP 2015 is the applicable planning instrument to this project.

The LEP clauses are reproduced below with an assessment provided on how this project will meet the intended outcomes to be achieved under these clauses where applicable.

Table 4 – BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015 ASSESSMENT TABLE		
Applicable Standard	Proposal	Compliance
Part 2 Permitted or prohibited development	See comments on this issue provided at the end of this table	
2.3 Zone objectives and Land Use Table	See response on this issue provided at the end of this table	Refer to response
2.4 Unzoned land	N/A	N/A
2.5 Additional permitted uses for particular land	N/A	N/A
2.6 Subdivision—consent requirements	N/A as normal torrens title subdivision is not proposed however torren title subdivision of the dual occupancy is proposed	N/A
2.7 Demolition	Consent is sought under this clause for the demolition proposed under this application as identified on drawing WD:02	Yes
2.8 Temporary use of land	N/A	N/A
Land Use Table	See response on this issue provided at the end of this table	Refer to response
Zone R2 Low Density Residential	See response on this issue provided at the end of this table	Refer to response

Table 4 – BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015 ASSESSMENT TABLE		
Applicable Standard	Proposal	Compliance
Part 3 Exempt and complying development	N/A as this proposal cannot be undertaken as either exempt or complying development.	N/A
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	N/A as the proposal does not seek subdivision of land other torren title subdivision of the dual occupancy under Clause 4.1A	N/A refer to Clause 4.1 below
4.1AA Minimum subdivision lot size for community title schemes	N/A as the proposal does not seek the subdivision of land.	N/A
4.1A Minimum lot sizes and special provisions for dual occupancies	See response on this issue provided at the end of this table	Refer to response
4.1B Minimum lot sizes and special provisions for certain dwellings	N/A as the proposal does not seek retention of a dwelling	N/A
4.1C Minimum lot sizes for certain land	N/A as the proposal does not seek the subdivision of land.	N/A
4.2 Rural subdivision	N/A	N/A
4.3 Height of buildings	See response on this issue provided at the end of this table	Refer to response
4.4 Floor space ratio	See response on this issue provided at the end of this table	Refer to response
4.4A Additional gross floor area for more sustainable development in Bankstown CBD commercial core	N/A as site not located within Bankstown CBD commercial core	N/A
4.5 Calculation of floor space ratio and site area	Noted	Noted
4.6 Exceptions to development standards	N/A	N/A
Part 5 Miscellaneous provisions		
5.1 Relevant acquisition authority	N/A	N/A
5.1A Development on land intended to be acquired for public purposes	N/A	N/A
5.2 Classification and reclassification of public land	N/A	N/A

Table 4 – BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015 ASSESSMENT TABLE		
Applicable Standard	Proposal	Compliance
5.3 Development near zone boundaries [Not adopted]	N/A	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A	N/A
5.5 Controls relating to secondary dwellings on land in a rural zone [Not adopted]	Not adopted	N/A
5.6 Architectural roof features	N/A as no architectural roof features are proposed	N/A
5.7 Development below mean high water mark	N/A	N/A
5.8 Conversion of fire alarms	N/A	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster [Not adopted]	Not adopted	N/A
5.9AA (Repealed)	Repealed	Repealed
5.10 Heritage conservation	N/A as site not identified as heritage item or being located within a conservation area on the Heritage Map (2)	N/A
5.11 Bush fire hazard reduction	N/A	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A as the site is not owned by the crown nor is the proposal for infrastructure construction.	N/A
5.13 Eco-tourist facilities	N/A	N/A
5.14 Siding Spring Observatory—maintaining dark sky [Not adopted]	Not adopted	N/A
5.15 Defence communications facility [Not adopted]	Not adopted	N/A
5.16 Subdivision of, or dwellings on, land in certain	N/A	N/A

Table 4 – BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015 ASSESSMENT TABLE		
Applicable Standard	Proposal	Compliance
rural, residential or conservation zones [Not applicable]		
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [Not applicable]	N/A	N/A
5.18 Intensive livestock agriculture	N/A as application for construction of dual occupancy	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A as application for construction of dual occupancy	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A as application for construction of dual occupancy	N/A
5.21 Flood planning	See response on this issue provided at the end of this table	Refer to response
5.22 Special flood considerations [Not adopted]	N/A	N/A
5.23 Public bushland	NA as site does not adjoin any public bushland	N/A
5.24 Farm stay accommodation [Not adopted]	Not adopted	N/A
5.25 Farm gate premises [Not adopted]	Not adopted	N/A
Part 6 Additional local provisions		
6.1 Acid sulfate soils	See response on this issue provided at the end of this table	Refer to response
6.2 Earthworks	N/A as no major earthworks are proposed to be undertaken however refer to response at the end of this table	Refer to response
6.3 (Repealed)	Repealed	Repealed
6.4 Biodiversity	N/A as site uncoloured on Biodiversity map (2)	N/A
6.4A Riparian land and watercourses	N/A as site uncoloured on Riparian Lands and Watercourses map (2)	N/A

Table 4 – BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015 ASSESSMENT TABLE		
Applicable Standard	Proposal	Compliance
6.5 Limited development on foreshore area	N/A	N/A
6.6 Development in areas subject to aircraft noise	N/A	N/A
6.7 Special provisions applying to business premises	N/A	N/A
6.8 Special provisions applying to centre-based child care facilities	N/A	N/A
6.9 Restrictions on development in Zone B4 Mixed Use	N/A	N/A
6.10 Location of sex services premises	N/A	N/A
6.11 Development on Riverlands Golf Course site	N/A	N/A
6.12 Design excellence at certain sites at Bankstown	N/A	N/A
6.13 Sun access to certain public space in Bankstown	N/A	N/A
6.14 Exception to maximum height of buildings—Chullora Marketplace	N/A	N/A
6.15 Exception to floor space ratio	N/A	N/A
6.16 Additional building heights and floor space—30 and 46 Auburn Road, Regents Park	N/A	N/A

Assessment Comments on matters referred to in the above Assessment Table

Part 2 Permitted or prohibited development

LAND USE TABLE AND R2 LOW DENSITY RESIDENTIAL

Response

The application proposes demolition of the existing onsite structures and construction of a two (2) storey dual occupancy (attached) onsite.

The definition of a “dual occupancy” provided in the dictionary of the Bankstown LEP 2015 states:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note—

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

The definitions of dual occupancy (attached) and dual occupancy (detached) as indicated in the above definition of dual occupancy states as follows:

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note—

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

On the extract of the zoning map (2) below indicates that the site zoning is R2 Low Density Residential, and the applicable Land Use Table is provided as follows:



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

As illustrated by the yellow highlighting and underlining in the above land use table, “dual occupancies” are permissible in the R2 Low Density Residential.

As the definition of “dual occupancy” incorporates both dual occupancy (attached) and dual occupancy (detached), therefore either development form of dual occupancy, will be permissible onsite.

Accordingly, the dual occupancy (attached) development form proposed, under this application, is therefore permissible onsite, with Council consent.

In relation to whether this application will satisfy the R2 Low Density Residential, objectives, the following information provided is considered to demonstrate that this application satisfy the zone objectives:

- To provide for the housing needs of the community within a low density residential environment.

The surrounding development to the site fundamentally consists of single and two (2) storey dwelling houses. As indicates earlier, this application proposes construction of a two (2) dual occupancy (attached).

This proposal form of development will offer a housing choice for the community with the R2 Low Density Residential zone that should provide for the housing needs in this location.

As such, it is considered that this application will meet this zone objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The provision of a dual occupancy (attached) development on this site will not prohibit other land uses to provide facilities or services for the day to day needs of the residents.

As such, it is considered that this application will meet this zone objective.

- *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.*

This objective is not applicable as the application proposes a residential development.

- *To allow for the development of low density housing that has regard to local amenity.*

As indicated above the surrounding development is typical single and two (2) housing development.

The design of the two (2) storey dual occupancy (attached) development has taken key architectural elements and incorporated into the overall design to reflect the surrounding streetscape. Further the application is both floor space ratio and height compliant and car parking compliant.

As such it is considered that this application should produce any detrimental impacts that would have affect on the area's local amenity.

As such, it is considered that this application will meet this zone objective.

- *To require landscape as a key characteristic in the low density residential environment.*

A detailed landscape plan that indicates provision of substantial landscaping onsite is proposed that will be a key characteristic of the site in this low density residential zone.

As such, it is considered that this application will meet this zone objective.

Part 4 Principal Development Standards

4.1A Minimum lot sizes and special provisions for dual occupancies

(1) *The objectives of this clause are as follows—*

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

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

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

(b) a dual occupancy (detached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 700 square metres and is at least 20 metres wide at the front building line,

(c) a dual occupancy on a lot being land identified as "Area 2" on the [Special Provisions Map](#).

(3) Despite subclause (2), development consent must not be granted to development for the purpose of a dual occupancy unless the consent authority is satisfied that each dwelling will have a frontage to a road.

(4) The consent authority may grant development consent for the subdivision of—

(a) a dual occupancy (attached), if the size of each lot to be created will be at least 250 square metres, or

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

Response

This application proposes construction of a dual occupancy (attached) and the site is zoned R2 Low Density Residential under the LEP 2015.

Subclause 2(a) above, indicates that for the dual occupancy (attached) to be approved, the site must have a minimum site area of 500m² and have a minimum site width of least 15m wide at the front building line.

The following table provides assessment of the site against the subclause 2(a) development standards:

Table 5 Minimum Site Area and Minimum Site Width Assessment Table					
Minimum Site Area	Site Area	Compliance	Minimum Site Width	Site Width	Compliance
500m ²	559.1m ²	Yes	15m	18.7m	Yes

As indicated in Table 5 above, the site exceeds both the minimum site area and site width development standards and therefore meets subclause 2(a) standards.

Also, as part of the application, torren title subdivision of the dual occupancy is proposed.

Subclause 4 indicates that the site area of each lot created under the torren title subdivision for a dual occupancy (attached) development must be at least 250m².

The following table provides assessment of the site against the subclause 4 development standards:

Table 6 Minimum Subdivision Lot Area Assessment				
Minimum Lot Area per dual occupancy (attached) lot	Lot A Lot area (Dwelling 1)	Compliance	Lot B Lot area (Dwelling 2)	Compliance
250m ²	261.87m ²	Yes	297.16m ²	Yes

As indicated in Table 6 above, the proposed Lot areas will exceed the minimum Lot area development standard of 250m² and therefore the subdivision part of the application meets subclause 4 development standard.

Accordingly, the information provided in both Table 5 & 6 indicates that the dual occupancy (attached) including the proposed torrens title subdivision, is approvable, as the application will satisfy Clause 4.1A development standards of the minimum site area (500m²), site width (15m) and minimum subdivision lot area (250m²) for a dual occupancy (attached).

4.3 Height of buildings

(1) *The objectives of this clause are as follows—*

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,*
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,*
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to define focal points by way of nominating greater building heights in certain locations.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

(2A) *Despite subclause (2)—*

- (a) for land in Zone B2 Local Centre—if a lot is in “Area 1” as identified on the [Height of Buildings Map](#) and has a width of less than 20 metres at the road frontage, the maximum building height is 17 metres, and*
- (b) for land in Zone B6 Enterprise Corridor—if a lot is in “Area 2” as identified on the [Height of Buildings Map](#) and has an area less than 5,000 square metres, the maximum building height is 11 metres.*

(2B) *Despite subclause (2), the following restrictions apply to development on land in Zone R2 Low Density Residential—*

- (a) for a secondary dwelling that is separate from the principal dwelling—the maximum building height is 6 metres and the maximum wall height is 3 metres,*
- (b) for a dwelling house or a dual occupancy—the maximum wall height is 7 metres,*
- (c) for boarding houses—*
 - (i) the maximum building height for a dwelling facing a road is 9 metres and the maximum wall height is 7 metres, and*
 - (ii) the maximum building height for all other dwellings at the rear of the lot is 6 metres and the maximum wall height is 3 metres.*

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

Response

The Bankstown LEP 2015 Height of Building Map (map 2) extract provided below, indicates the site is located within Area J that is allocated a maximum height of 9.0 metres.



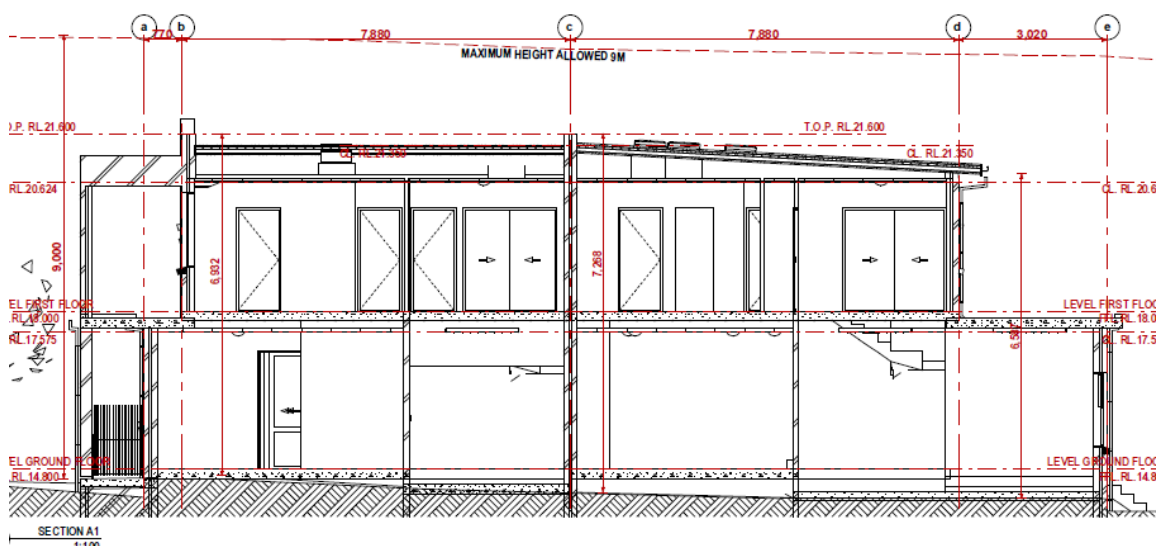
Bankstown Local Environmental Plan 2015

Height Of Buildings Map - Sheet HOB_002

Maximum Building Height (m)

J 9.0

The following extract from architectural drawing no.s WD:106, illustrates on Section A1 that new building will be height compliant as it will be below the 9.0m height requirement as illustrated by the 9.0m height line provided on this section.



As illustrated on the architectural drawing extract above, this proposal that is to involve construction of a two (2) storey dual occupancy (detached) will be below with the maximum height limit development standard for Area J of 9.0 metres under the Bankstown LEP 2015.

The following table provides the overall height of the dual occupancy (attached) which illustrates compliance.

Table 7 Height of Building Assessment Table		
Maximum Height Standard in Area J	Proposed Height	Compliance
9.0m	Height Proposed – 6.932m to 7.268m	Yes

Accordingly, this application is both supportable and approvable by Canterbury Bankstown Council.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site,
- (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
- (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the maximum floor space ratio for non-residential development on land in Zone R2 Low Density Residential is 0.4:1.

(2B) Despite subclause (2), the maximum floor space ratio for development for the purpose of high technology industries on land in Zone R2 Low Density Residential and identified as “Area 6” on the [Floor Space Ratio Map](#) is 0.6:1.

(2C) Despite subclause (2), the maximum floor space ratio for development on land in Zone B2 Local Centre—

(a) that has a width of less than 20 metres at the front building line and is identified as “Area 1” on the *Floor Space Ratio Map* is 1:1, and

(b) that has a width of less than 18 metres at the front building line and is identified as “Area 7” on the *Floor Space Ratio Map* is 2:1.

(2D) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 30 metres at the front building line and is identified as “Area 4” on the *Floor Space Ratio Map* is 2:1.

(2E) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 18 metres at the front building line and is identified as “Area 2” on the *Floor Space Ratio Map* is 1:1.

(2F) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 18 metres at the front building line and is identified as “Area 3” on the *Floor Space Ratio Map* is 2:1.

(2G) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that does not provide at least a 20 metre wide mid-block connection for public use and is identified as “Area 5” on the *Floor Space Ratio Map* is 2:1.

Response

The Bankstown LEP 2015 Floor Space Ratio Map (map 2) extract provided below indicates the site is located within Area D that is allocated a maximum Floor Space Ratio (FSR) of 0:5:1.





Bankstown Local Environmental Plan 2015

Floor Space Ratio Map - Sheet FSR_002

Maximum Floor Space Ratio (n:1)

B	0.4
D	0.5

The following tables below provides the floor space ratio calculation information.

Table 8 Floor Space Ratio Assessment Table for un-subdivided lot				
Site Area	Proposed Total Floor area	Proposed FSR	Maximum Allowable FSR and GFA	Complies
559.1m ²	Dwelling 1- 129.35m ² Dwelling 2- 146.77m ² Total=276.12m ²	0.49:1	0.5:1 or 279.55m ²	Yes

As illustrated in the above table, this application is 0.01:1 or 3.43m² or 1.22% below the maximum floor space allowable of 279.55m² or 0.5:1. Accordingly this application meets and is below the maximum floor space ratio development standard specified in this clause.

In relation to the compliance with the FSR upon subdivision of the dual occupancy (attached), Table 8 illustrates that each dwelling will be below the maximum FSR:

Table 9 Floor Space Ratio Assessment Table for subdivided lot				
Site Area	Proposed Total Floor area	Proposed FSR	Maximum Allowable FSR and GFA for each lot	Complies
Lot A – 261.87m ² (Dwelling 1)	Dwelling 1- 129.35m ²	0.49:1	0.5:1 or 183.95m ²	Yes
Lot B -297.16 m ² (Dwelling 2)	Dwelling 2- 146.77m ²	0.49:1	0.5:1 or 183.95m ²	Yes

Accordingly, the information provided in both Table 8 & 9 indicates that the dual occupancy (attached) including the proposed torrens title subdivision is approvable as the application will satisfy Clause 4.4 development standards for Floor Space Ratio of 0.5:1.

Part 5 Miscellaneous provisions

5.21 Flood planning

(1) *The objectives of this clause are as follows—*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(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 development—*

- (a) is compatible with the flood function and behaviour on the land, and*
- (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*
- (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*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (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.*

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

(4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

(5) *In this clause—*

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

Response

The Stormwater System Report provided in Attachment A identifies that the site is located within the Kelso Swamp Catchment Study and that the estimated 100

year ARI* flood level at the site is RL 14.3 AHD and that habitable floor levels should be at least 500mm above the flood level.

The ground floor levels proposed will comply as ground floor levels proposed, will be RL14.8m that is 0.5m above the flood level of RL14.3m.

Accordingly, the design addresses the flood planning matter.

6.1 Acid sulfate soils

(1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

(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.*

<i>Class of land</i>	<i>Works</i>
1	<i>Any works.</i>
2	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>
3	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>
4	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>
5	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>

(3) *Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

(4) *Despite subclause (2), development consent is not required under this clause for the carrying out of works if:*

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) *Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):*

- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*
- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:*
 - (a) the works involve the disturbance of less than 1 tonne of soil, and*
 - (b) the works are not likely to lower the watertable.*

Response

The Acid Sulfate Soils Map (2) identifies the site is located within a Class 5 area.

This clause states as follows in relation to Class 5:

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

As illustrated on architectural drawing no. WD:01 that the RL level on the site is RL14.4 AHD.

Drawing WD:106 that provides the Section views indicates that the underside of the ground floor slab will at ground level or above. No major excavation works are proposed. As such the site level will not be lowered below 5m AHD

As the site is well above the 5m AHD the works will not lower the site below this level. It considered that this development standard within this Clause is not applicable to this development application and as such no further investigation is warranted on this aspect.

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless—*
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

Response

The earthworks proposed as part of this application would be considered as only minor earthworks that should have no detrimental effect on existing drainage patterns or soil stability of the area.

Accordingly, it is considered that this development will meet the intention of this control.

Overall Comment on Bankstown LEP 2015

The above information reveals this application is compliant with the zone objectives and relevant development standard of the Bankstown LEP 2015. Accordingly, this application is approvable by Council.

6.2-4.15 (a)(ii) Draft Environmental Planning Instruments:

There is no draft Environmental Planning Instrument that has been advertised which effects this development application.

6.3-4.15 (a)(iii) Development Control Plans:

6.3.1 (a)(iii) Bankstown Development Control Plan 2015

The applicable Development Control Plan to this development proposal is the Bankstown Development Control Plan 2015.

The development application will be now assessed under the applicable parts of the above DCP below:

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
B1 RESIDENTIAL DEVELOPMENT		

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
SECTION 4 – DUAL OCCUPANCIES		
Subdivision		
4.1 The two dwellings forming a dual occupancy (attached) may be subdivided to a minimum lot size of 250m ² per dwelling.	Refer to Table 6 on page 17 of this statement that indicates the lot sizes will exceed the minimum 250m ² development standard of Clause 4.1A	Yes
4.2 The two dwellings forming a dual occupancy (detached) may be subdivided to a minimum lot size of 350m ² per dwelling.	NA as application for a dual occupancy (attached) development	NA
4.3 For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m ² per dwelling.	NA as application for a dual occupancy (attached) development	NA
Storey limit (not including basements)		
4.4 The storey limit for dual occupancies is 2 storeys. In addition, dual occupancies 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.	<u>Dwelling 1</u> Storey Height-2 Wall Height-6.587m Bld Height-6.932m <u>Dwelling 2</u> Storey-2 Wall Height 6.587m Bld Height-7.268m	Yes Yes Yes Yes Yes Yes
4.5 The siting of dual occupancies, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Refer to architectural drawings and landscape plan for detail on compliance	Yes
4.6 Any reconstituted ground level on the allotment must not exceed	NA as slab on ground construction proposed	NA

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
a height of 600mm above the ground level (existing) of an adjoining property except where: (a) the dual occupancy 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 dual occupancy to a height no greater than 1 metre above the ground level (existing) of the allotment.		
Setback restrictions		
4.7 The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment.	NA	NA
Setbacks to the primary and secondary road frontages		
4.8 The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	Lemnos Avenue setback GF – 5.7m FF -- 6.5m	Yes Yes
4.9 The minimum setback to the secondary road frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	Lone Pine Avenue setback Bld Wall-3.028m Garage-5.528m	Yes Yes
Setbacks to the side boundary		
4.10 For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the	Lemnos Avenue 5.7m Lone Pine Avenue 3.028m Southern side boundary 0.9m Rear boundary 5.0m	Yes Yes Yes Yes

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
drip line of a tree on an adjoining property.		
4.11 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.	NA	NA
4.12 The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	Refer to architectural drawings for detail	Yes
4.13 The basement level must not project beyond the ground floor perimeter of the dual occupancy.	NA	NA
Private open space		
4.14 Dual occupancies must provide a minimum 80m ² of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	Dwelling 1 - POS 89.13m ² Dwelling 2 - POS 98.38m ²	Yes Yes
Access to sunlight		
4.15 At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may 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.	Refer to drawing WD:101 that provides the ground floor plan for both dwellings. Each dwelling will be provided with a living room that faces north that will receive the required 3hours of sunlight	Yes
4.16 At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice.	Refer to drawing WD:03 that demonstrates compliance with this requirement	Yes

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.		
4.17 A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	Refer to drawing WD:03 that demonstrates compliance with this requirement	Yes
4.18 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	No hot water system, photovoltaic panel or other solar collectors are provided on neighbouring properties. Therefore, this control requirements not applicable	NA
Visual privacy		
4.19 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.	Refer to drawings WD:108 and WD:109 that provide the north and east elevations and the west and south elevations respectively. The north and east elevations look over Lone Pine Ave and Lemnos Ave respectively. Therefore, no visual privacy issue. In relation to the west and south elevations the fences along the common boundaries with the neighbouring properties will screen the ground floor	Yes

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
	windows and maintain existing visual privacy. The first floor windows are either bedroom or stairwell respectively and should have no detrimental impact on neighbouring properties given the use of the rooms	
4.20 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5 metres above floor level; or (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	Refer to response provided in 4.19 above. Ground floor windows will be screened by fencing and first floor windows are bedroom windows with one window servicing the stairwell	Yes
4.21 Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design: (a) does not have an external staircase; and (b) does not exceed a width of 1.5 metres throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially	NA	NA

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
recessing the balcony into the building.		
Building design		
4.23 Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the allotment.	All onsite structures are proposed to be demolished and or removed from site	Yes
4.24 The design of dual occupancies must ensure: (a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or (b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and (c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and (d) the garage, driveway and front fence do not dominate the front of the building and front yard; and (e) the two dwellings on a corner allotment each face a different frontage.	Refer to architectural drawings that illustrate the design proposed will satisfy this requirement	Yes
	Refer to architectural drawings that illustrate the design proposed will satisfy this requirement	Yes
	Proposed front porch of each dwelling will face a street	Yes
	Garages proposed are incorporated into building elevation and therefore should not dominate front of building especially given the design of single garage look to dwelling 2.	Yes
	Each dwelling provides a front door to each street (Lemnos Ave and Lone Pine Ave) to provide the visual impression that each dwelling faces each street	Yes

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
4.25 The maximum roof pitch for dual occupancies is 35 degrees.	Refer to drawing WD:103 that indicates roof pitch to be 3 degrees	Yes
4.26 Council may allow dual occupancies 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.	NA	NA
4.27 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	NA
4.28 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).	NA	NA
4.29 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.	NA	NA

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
<p>4.30 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <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>Refer to drawing WD:101 that indicates the garages proposed will be located behind the front building line off Lone Pine Ave and incorporated into each of the dual occupancy (attached) dwellings</p>	<p>Yes</p>
<p>4.31 Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade. Council does not permit internal stacked or tandem garages.</p>	<p>Refer to drawing WD:04 that illustrates how the garages proposed will visually integrate into the Lone Avenue street facades and not visually dominate the streetscape. Further the car parking layout does not propose stacked or tandem garage arrangement</p>	<p>Yes</p>
<p>4.32 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</p>	<p>Refer to response provided in 4.31 above for detail on how this application complies with this control</p>	<p>Yes</p>

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
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.		
Landscaping		
4.33 Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy.	Refer to landscape plan that indicates what trees and shrubs are to be removed and replaced.	Yes
4.34 Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species): (a) a minimum 45% of the area between the dual occupancy and the primary road frontage; and (b) a minimum 45% of the area between the dual occupancy and the secondary road frontage; and (c) plant at least one 75 litre tree between the dual occupancy and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); and (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater	Refer to landscape plan that provides the detail to demonstrate compliance with this control	Yes

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
than 12 metres adjacent to the waterbody.		
PART 11 TREE MANAGEMENT ORDER		
SECTION 2 TREE MANAGEMENT		
Works Requiring a Permit		
2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.	Refer to landscape plan that indicates what trees and shrubs are to be removed and replaced.	Yes
2.2 Development consent is required to remove any tree: (a) located on a property listed as a heritage item in Schedule 5 of Bankstown Local Environmental Plan 2015; or (b) located on biodiversity lands listed on the Biodiversity Protection Map under the Bankstown Local Environmental Plan 2015.	Refer to landscape plan that indicates what trees and shrubs are to be removed and replaced.	Yes
PART B12 FLOOD RISK MANAGEMENT		
SECTION 2 – CRITERIA FOR DETERMINING APPLICATIONS		
2.2 Flood risk precinct		
2.2.2 Medium flood risk precinct	The Stormwater System Report provided in Attachment A identifies the northeast part of the site is located within a Medium Risk Area. However most the site is not flood affected.	Noted
SECTION 4–SPECIAL CONSIDERATIONS		
4.1 Kelso Park, East Hills Levee Floodplain	The Stormwater System Report identifies that the site is located within the Kelso Swamp Catchment Study and that the estimated 100	Yes floor levels comply as floor levels proposed will be RL14.8m which is 0.5m

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
	year ARI* flood level at the site is RL 14.3 AHD and that habitable floor levels should be at least 500mm above the flood level	above the flood level of RL14.3m
SECTION 5-FENCING		
5.2 Development controls		
5.2.1 Performance criteria (a) Fencing is to be constructed in a manner which does not significantly increase flood damage or risk on surrounding land. (b) Fencing shall be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of floodwaters.	Refer to landscape plan that provides fencing details	Yes
PART B13 WASTE MANAGEMENT AND MINIMISATION		
SECTION 2-DEMOLITION AND CONSTRUCTION		
1.1 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	Refer to separate Waste Management Plan	Yes
SECTION 4-RESIDENTIAL DEVELOPMENT		
All residential development types		
2.1 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.	Each kitchen will be provided with waste storage cupboard as part of kitchen design	Yes
2.2 Development must provide a bin storage area. The bin storage	Adequate area exists in POS to accommodate waste bins	Yes

TABLE 10 - BANKSTOWN DEVELOPMENT CONTROL PLAN 2015		
DEVELOPMENT CONTROL	PROPOSAL	COMPLIANCE
area must be of adequate size to accommodate all allocated bins.		
2.3 The location of the bin storage area should not adversely impact on the streetscape, building presentation or amenity of occupants and adjoining dwellings	Adequate area exists in POS to accommodate waste bins that will be screened from both Lemnos Avenue and Lone Pine Avenue	Yes
2.4 The location of the bin storage area should ensure this area: (a) is screened or cannot be viewed from the public domain; and (b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise and odour	Refer to response provided in 2.3 above	Yes
2.5 The location of the bin storage area is to be convenient to use for the dwelling occupants, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin–carting route from the bin storage area to the collection point must not pass through any internal rooms of the dwelling and must avoid stairs or slopes.	Refer to response provided in 2.3 above	Yes

Overall Comment on DCP 2015 Compliance

It is considered that the assessment of this application against Bankstown DCP controls provided in Table 10 demonstrates that this application will meet the applicable DCP controls.

Having regard to the above information it is considered that Council can now approve this development application for the demolition proposed and the construction of a two (2) storey dual occupancy (attached) at 1 Lemnos Avenue Milperra.

6.4-4.15C (a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and:

This control is not applicable to this application as there is no planning agreement that has been entered into or proposes to be entered into as part of this application.

6.5-4.15(a)(iv) Regulations:

No regulations affect this proposal.

6.6-4.15(a)(v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),

N/A

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

6.7-4.15(b) Likely impacts on the Natural and Built Environment:

Please refer to the early comments on the development in relation to the DCP requirements. It has been demonstrated earlier that this development application should be acceptable in this location.

6.8-4.15(c) Suitability of the site for the Development:

It has been shown that the site can adequately accommodate this development proposal. The application meets applicable objectives of the R2 Low Density Residential and the applicable development standards of the Bankstown LEP 2015. As well as the applicable Bankstown DCP 2015 controls.

6.9-4.15(d) Any Submissions:

Not applicable at this time.

6.10-4.15(e) Public Interest:

The development application has been shown to meet the applicable objectives of the R2 Low Density Residential and the applicable development standards of the Bankstown LEP 2015. As well as the applicable Bankstown DCP 2015 controls. Therefore, this information demonstrates that this application should be in the public's interest.

6.11-4.15 Conclusion

The above report clearly demonstrates this application satisfies the all the matters under Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended.

7.0 OVERALL CONCLUSION

The site is zoned R2 Low Density Residential under the Bankstown Local Environmental Plan 2015.

This zoning permits construction of both dual occupancy (attached) & (detached) subject to Council consent.

This development application seeks Canterbury Bankstown Council development consent for demolition of onsite structures and construction of a two (2) storey dual occupancy (attached), as detailed on architectural drawings prepared by Transpacific Group Pty Limited prepared by Transpacific Group Pty Limited.

As shown on drawing no. 230105/WD:108/rev.DA, one entrance to Dwelling 1 is proposed from Lemnos Avenue and another from Lone Pine Avenue as to dual occupancy (attached) will visually present as an individual dwelling to each street frontage. Also this drawing indicates that garages and access will be provided from Lone Pine Avenue.

The design will provide an articulated architectural design to both street frontages that should add visual interest to both street frontages and to the corner intersection of Lemnos Avenue and Lone Pine Avenue.

It has been shown in Tables 4 & 10, earlier in the statement and the additional information especially in the other tables. This development application has satisfied all the relevant objectives, standard and controls within the Bankstown LEP 2015 & DCP 2015.

Also, it has been shown that this application meets the evaluation criteria for Development Application assessment under Section 4.15 of this Section of the Environmental Planning and Assessment Act 1979 as amended.

It is further considered that this proposal will:

- Not detract from the visual quality of the area; and
- Will be compatible in physical height, mass, scale and bulk to the surrounding developments; and
- be commensurate with the existing visual character of the area as indicated in Table 10 (DCP Assessment Table); and
- have no adverse effects on the surrounding environment of the area; and
- satisfy the requirements of the relevant Local Environmental Plan and Development Control Plan.

Having regard to all facts, information and conclusions presented in this statement.

It is now recommended that this development application for demolition of onsite structures and construction of a two (2) storey dual occupancy (attached), as detailed on architectural drawings prepared by Transpacific Group Pty Limited at 1 Lemnos Avenue (corner Lone Pine Avenue) Milperra, be approved by Canterbury Bankstown Council.

A handwritten signature in black ink, appearing to read 'Greg Foster', with a small dot at the end.

Prepared by Greg Foster, Principal of GM Planning Services

ATTACHMENT A

STORMWATER SYSTEM REPORT



Level 1, 66 - 72 Rickard Road, Bankstown NSW
PO Box 8, Bankstown NSW 1835
Tel: (02) 9707 9010 - Fax: (02) 9707 9408
DX 11220 BANKSTOWN
council@cbc.city.nsw.gov.au

CITY OF CANTERBURY BANKSTOWN

To: Transpacific Group Pty Ltd
PO Box 441
LEICHHARDT NSW 2040

STORMWATER SYSTEM REPORT 1 Lemnos Avenue, MILPERRA NSW 2214

Date: 10-Jan-2023
Ref: WP-SIAONL-27/2023
Development type: Dual Occupancy

NO

FLOOD/OVERLAND FLOW STUDY REQUIRED

The site may be affected by the following Council stormwater system components:

- Stormwater inundation from excess stormwater runoff from the upstream catchment and associated with the drainage system through Lemnos Avenue.

The front side of the may be subject to stormwater inundation from this overland flowpath during large storm events. Refer to the attached "100 Year ARI Flood & PMF Extent Maps from Kelso Swamp Catchment Study". Provision should be made on site, and at boundary fences, for this stormwater runoff to pass unobstructed over the site. Stormwater flowing naturally onto the site must not be impeded or diverted.

The estimated 100 year ARI* flood level at the site is RL 14.3 m AHD**.

For this development, a flood /overland flow study to determine the 100 year ARI* water surface level is not necessary.

The Development Application submission shall be based on an AHD datum for levels where sites are affected by overland flow / flooding. Refer Bankstown Council's *Development Engineering Standards****.

The proposed development including floor levels, shall comply with the development controls specified in Part B12 Schedule 5, of Bankstown's Development Control Plan 2015 - Catchments Affected by Stormwater Flooding.

Habitable floor levels are to be [generally] at least 500mm above the 100 year ARI* flood level

Runoff on the site, and naturally draining to it is to be collected and disposed of to Council's requirements detailed in Bankstown Council's *Development Engineering Standards****.

This report relates to the exposure of the subject site to Council's stormwater system, both underground and overland. It does not assess the suitability or otherwise of this site for the proposed development.

* Average Recurrence Interval

** Australian Height Datum

*** Bankstown Council's *Development Engineering Standards* and Bankstown's *Development Control Plan 2015* is available from Council's Customer Service Centre.

PMF Probable Maximum Flood

Pushpa Goonetilleke
ENGINEER









LEGEND



Jetty



Parcel Associate

Parcel Frontage



Parcel Boundary



Parcel Easements (Line)



Parcel Easements (Polygon)



Contours (Major 10m)



Contours (Intermediate 5m)



Contours (Minor <5m)



Drains



Pits

