



# STATEMENT OF ENVIRONMENTAL EFFECTS

## PROJECT:

Section 4.55 Modification to approved DA plans of internal layout, façade, elimination of proposed excavation and addition of swimming pools at the rear.

## ADDRESS:

43 Arab Road Padstow

## CLIENT:

Mick

## DATE:

24.10.2023

## Campbell Hill Group

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## 1.0. EXECUTIVE SUMMARY

On behalf of our client and developer of the project above, we hereby lodge a section 4.55 modification application for the approved development application 609/2018 and this Statement of Environmental Effects for the modification to the internal layout, façade, elimination of proposed excavation and addition of swimming pools at the rear. The proposal still seeks the demolition of existing structures and the construction of an attached dual occupancy with Torrens Title Subdivision.

The development application is accompanied by a site survey and site analysis plan, which illustrates the existing site characteristics such as topography, existing built-forms, vegetation and location of amenities. A survey accompanies the application and illustrates the contours of the site with the existing services at 43 Arab Road Padstow. The Statement of Environmental Effects provides a detailed assessment of the development proposal against all relevant Environmental Planning Instruments and Development Control Plans.

## 2.0. SITE AND SURROUNDINGS

The development site is a primarily regular shaped allotment. The development site is predominant West orientation with a total site area of 668.89m<sup>2</sup>. The development site has a primary frontage to Arab Rd of 15.24m. The development has a West side boundary measuring 42.67m, an East side measuring 45.11m and a Southern rear boundary of 15.43m. The subject site has a slight slope across the site towards the rear. Vehicular access to the site is from Arab Road. The development site currently contains a single storey dwelling proposed to be demolished and removed. The site is identified as Lot 1 DP 508510. The surrounding locality is predominately characterised by detached single storey dwelling houses of brick or clad construction and attached two storey dwellings of brick or clad construction. Located directly adjacent to the development site to the West is a 7m wide canal and to the East is a double storey brick dwelling. The subject allotment is a R2 Low density residential zone.

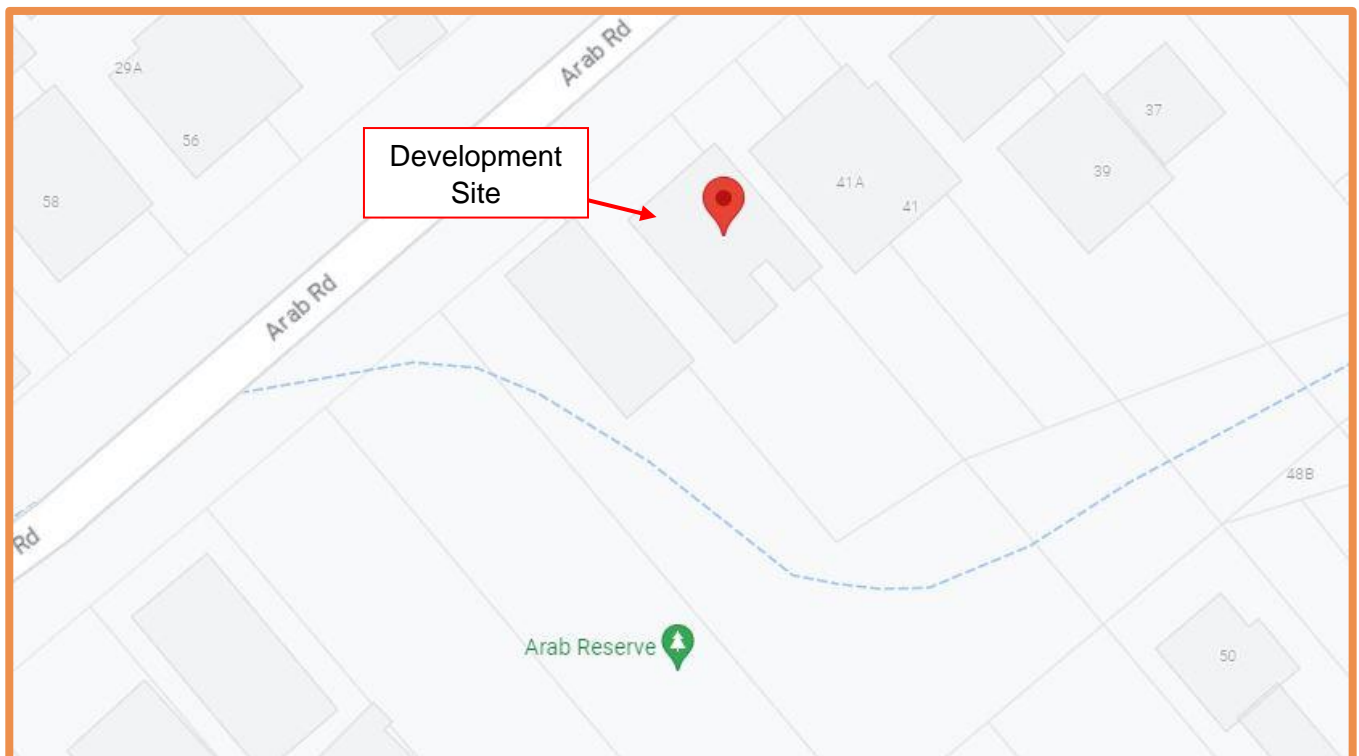


Figure 1: Aerial Photograph of Development Site (Source: Google)



Figure 2: Zoning Map of Development Site (Source: NSW Planning Portal)



Figure 3: Street view of Development Site (Source: Google)

## 3.0. PROPOSAL

### 3.1. Modification details

The section 4.55 Modification seeks approval to modify the approved DA 609/2018 in modifying the following

- **Modification to the internal layout** of the proposed dual occupancy,
- **Façade modification** to complement a better streetscape and incorporate a more modern aesthetic appeal.
- **Elimination of the proposed excessive excavation.** The modified proposal does not propose any excavation of the site or require any retaining walls as the development is well integrated with the site topography
- **addition of swimming pools** at the rear of each proposed dwelling.

The proposed modifications to the approved development is substantially the same development as the development originally determined yet with better design solutions and a more sustainable proposal.

The specific details of the proposal are as follows:

#### Dwelling 43:

- Ground Floor: Front lounge, Kitchen, open living/dining area, W/C, laundry, study room rear alfresco and single garage.
- First Floor: Master bedroom with ensuite and walk-in robe, two (2) bedrooms and shared bathroom, study room and storage/linen.

#### Dwelling 43A:

- Ground Floor: Front lounge, Kitchen, open living/dining area, W/C, laundry, study room rear alfresco and single garage.
- First Floor: Master bedroom with ensuite and walk-in robe, two (2) bedrooms and shared bathroom, study room and storage/linen.

### 3.2. Site Access and Car Parking

Vehicular access to both dwellings is from Arab Road driveways of 3.4m wide each. Each dwelling is provided with a single garage.

### 3.3. Landscaping

Landscaping consists of established deep soil areas for each dwelling associated with the rear private open space and within the front setback area. The application does not propose to remove any trees other than the ones already approved to be removed under the approved development application 609/2018.

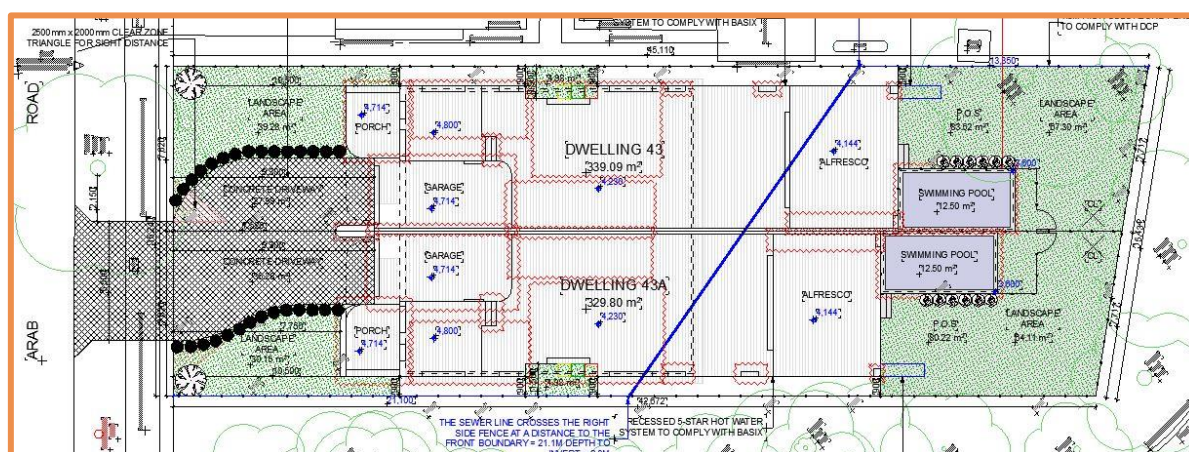


Figure 4: Submitted landscape Plan (Source: Campbell Hill Group)

## 4.0. DEVELOPMENT COMPLIANCE

The following Planning instruments have been considered in the planning assessment of the proposal.

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Bankstown local environmental Plan (BLEP) 2023
- Bankstown Development Control Plan (BDGP) 2023

Basix Certification No. 1405347S (Dwelling 43)- Basix Certification No.1406535S (Dwelling 43A) have been prepared by Campbell Hill Group, dated 11 July 2023, satisfying the minimum requirements of the building sustainability Index.

An assessment of the proposal against the Bankstown Local Environmental Plan (BLEP) 2023 and the Bankstown Development Control Plan (BDGP) 2023 is provided below.



#### 4.1. Permissibility

The subject land is zoned R2 Low Density Residential in accordance with the BLEP 2023. The proposed development is defined as 'dwelling houses and 'subdivision' which are permissible in the R2 Low Density Residential Zone with development consent.

"Dwelling house" is defined as below in the BLEP 2023;

"Dwelling house means a building containing only one dwelling"

#### 4.2. Consistency with Zone Objectives

The subject site is zoned R2 Low Density Residential, pursuant to the BLEP 2023. The objectives of the R2 Low Density Residential Zone are as follows;

- *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.*

The proposed subdivision will allow for the provision of the housing needs of the community once developed. The subdivision will allow for the development of low-density housing that has regard to the local amenity once the subject site is further developed. Therefore, having regard to the above it is considered the subdivision of the exiting allotment will remain consistent with the objectives of the R2 Low Density Residential Zone.

#### 4.3. BLEP 2015 Compliance

The BLEP 2023 contains a number of principle development standards which are discussed with respect to the proposal as follows:

DEVELOPMENT PROVISION	PROVISION	COMMENT	COMPLIANCE
CLAUSE 4.1A MINIMUM LOT SIZES AND SPECIAL PROVISIONS FOR DUAL OCCUPANCIES	Development consent must not be granted to development for the purposes of dual occupancies on a lot in Zone R2 in Area 1 unless the lot is at least - For dual occupancies (attached) 500m <sup>2</sup>	The proposed site has a total area of 668.89m <sup>2</sup>	Development complies
	The width of the lot at the front building line is at least - for dual occupancies (attached) 15m	The proposed site has a total lot width of 15.24m	Development complies

	Development consent must not be granted to the subdivision of a dual occupancy in zone R2 in Area 1 unless each resulting lot will be at least - for dual occupancies (attached) 250m <sup>2</sup>	Each subdivided lot has a total area exceeding 250m <sup>2</sup>  Dwelling 43 has a lot size of 339.09m <sup>2</sup>  Dwelling 43A has a lot size of 329.80m <sup>2</sup>	Development complies
CLAUSE 4.3 - HEIGHT OF BUILDINGS	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map.  MAX HEIGHT = 9m	The proposed development does not exceed a height of 9m at any point	Development Complies
CLAUSE - 4.4 FLOOR SPACE RATIO	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.  FSR = 0.5:1	Overall FSR = 0.49:1  <b><u>DWELLING 43</u></b> MAX FSR ALLOWED = 169.55m <sup>2</sup> TOTAL FSR PROPOSED = 169.10m <sup>2</sup>  <b><u>DWELLING 43A</u></b> MAX FSR ALLOWED = 164.90m <sup>2</sup> TOTAL FSR PROPOSED = 164.03m <sup>2</sup>	Development Complies

#### 4.4 BDCP 2015 Compliance

The Bankstown development Control Plan 2023 is applicable to the proposed development. The key controls are discussed in the table as follow:

Chapter 5 Residential Accommodation Section 4 Dual Occupancies			
CONTROLS	REQUIREMENTS	PROPOSED	COMPLIANCE
4.1 SUBDIVISION	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 <sup>2</sup> per dwelling.	The proposed development does not include secondary dwellings at the rear of the dual occupancy	Development Complies
4.2 STOREY LIMIT	The storey limit for dual occupancies is two storeys	The proposed dual occupancy is a total of 2 storeys	Development Complies

4.3	The siting of dual occupancies, and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	This modification eliminates the previously approved excavation of the site.  The proposed dual occupancy does not propose any excessive excavation and is well integrated with the natural site slope. Landscaping has been designed to accommodate for the site attributes and features.	Development Complies
4.4	Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site except where: (a) the dual occupancy is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 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 site.	This modification eliminates the previously approved excavation of the site.  No reconstituted ground level has been proposed. The proposal follows the natural ground slope.	Development complies
4.5	The erection of dual occupancies is prohibited within 9 meters of an existing animal boarding or training establishment.	Proposed dual occupancy is not within 9 meters of an existing animal boarding or training establishment.	Development complies
STREET SETBACK 4.6 - 4.7	The minimum setback for a building wall to the primary street frontage is:  (a) 5.5 metres for the first storey (i.e., the ground floor); and  (b) 6.5 metres for the second storey.	Proposed dual occupancy complies with the minimum setback.	Development complies
SIDE SETBACK 4.8 - 4.11	For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the site is 0.9 metre. Council may increase the minimum	Side setback varies throughout the building with a minimum of 0.9m – 1.5m	Development complies



	<p>setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining site.</p> <p>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 site is 1.5 metres</p> <p>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</p> <p>The basement level must not project beyond the ground floor perimeter of the dual occupancy.</p>	No portion of the building exceed the 7m height.	
<p><b>PRIVATE OPEN SPACE</b></p> <p>4.12</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>	<p>With proposed dual occupancies provide an excess of 80m<sup>2</sup> of private open space with a width of more than 5m located at the rear of the site.</p>	<p>Development complies</p>
<p><b>ACCESS TO SUNLIGHT</b></p> <p>4.13- 4.16</p>	<p>At least one living area of each dwelling must receive a minimum three 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 site must receive a</p>	<p>Proposed dual occupancy receives an excess of the minimum sunlight requirements between the specified times. This is evident on the sun study provided with the architectural plans.</p>	<p>Development complies</p>

	<p>minimum three 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 site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, 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 site and neighbouring sites.</p>	<p>Proposed dual occupancy provides a private open space with a minimum 50% receiving sunlight, with adjoining site receiving an excess of 3 hours of sunlight between the requested time frames.</p> <p>Development does not overshadow any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.</p>	<p>Development complies</p> <p>Development complies</p>
VISUAL PRIVACY 4.17	<p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a</p>	<p>Proposed development does not overlook into any existing dwellings, all windows provided are 1.5m above the floor level.</p>	<p>Development complies</p>

	<p>minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>		
4.18	<p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	Proposed development complies with all window related clauses.	Development complies
4.19 - 4.20	<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> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council</p>	No side or rear balcony proposed.	N/A

	<p>such as partially recessing the balcony into the building.</p> <p>Council does not allow dual occupancies to have roof-top balconies and the like.</p>		
BUILDING DESIGN 4.21	Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site.	All existing structures on site will be demolished as demonstrated on the provided demolition plan prior to construction of the proposed development.	Development complies
4.22	<p>The design of dual occupancies must ensure:</p> <p>(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</p> <p>(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</p> <p>(c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and</p> <p>(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and</p> <p>(e) the two dwellings on a corner site each face a different frontage.</p>	The proposed dual occupancy ensures a street façade of (attached) properties adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street.	Development complies
4.23	The maximum roof pitch for dual occupancies is 35 degrees.	The proposed development has a roof pitch at 5 degrees.	Development complies
4.24	Council may allow dual occupancies to have an	Proposed development does not have an attic.	N/A

	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.		
4.25	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.	Proposed development does not propose any dormers.	N/A
4.26	Development in the foreshore protection area must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The proposed Development is not in the foreshore protection area.	N/A
BUILDING DESIGN (CAR PARKING) 4.27	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 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings.	Development not on the specified Roads.	N/A
4.28	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	Each Proposed dwelling proposed a single garage.	Development Complies.



	one car parking space per dwelling to locate forward of the front building line provided: (a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.		
4.29	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.	The proposed development anticipates a single garage for each property.	Development Complies
4.30	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: (a) the building is at least two storeys in height, and (b) the garage is architecturally integrated with the upper storey by: (i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. This clause prevails where there is a numerical inconsistency with	Development does not propose a garage with more than two car parking spaces.	N/A

	another clause in this chapter of the DCP.		
LANDSCAPE 4.31	Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy.	Trees currently on site will be retained and protected. Except those already approved to be removed under the approved DA609/2018	Development Complies
4.32	Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species): (a) a minimum 45% of the area between the dual occupancy and the primary street frontage; and (b) a minimum 45% of the area between the dual occupancy and the secondary street frontage; and (c) plant at least one 75 litre tree between the dual occupancy and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury Bankstown); and (d) for development in the foreshore protection area plant native trees with a mature height greater than 12 metres adjacent to the waterbody.	Proposed Development has a 50% area of landscape between the dual occupancy and the primary frontage, this exceeds the minimum required 45%. Relevant trees according the DCP requirements have been proposed to be planted on the landscape plan.	Development Complies

## 5.0. CONCLUSION

In conclusion it can be considered that the proposed development at No.43 Arab Rd Padstow is a development that has been designed generally in accordance with the applicable EPI's and DCP's. The proposed development has been designed to accommodate the existing site attributes and is of an appropriate bulk and scale. The proposal has also incorporated design techniques to alleviate any detrimental privacy or overshadowing on adjoining sites.

The proposed development has been designed having regard to the existing and desired future character of the area. The proposed development is considered consistent with the objectives of the R2 Low Density Residential zone and will provide for an aesthetically pleasing design and planning outcome.

The proposed modifications to the approved development at No. 43 Arab Rd Padstow is substantially the same development as the development originally determined.

Council is urged to reconsider their initial assessment and based on the merits of the outcome, support the application in its current state.

Yours Faithfully,

Campbell Hill Group

Prepared By,

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Experienced graduate Architect  
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