

STATEMENT OF ENVIRONMENTAL EFFECTS 17 HAIG AVENUE GEORGES HALL

Proposal: Demolition of existing structures, 2 lot Torrens title subdivision (battle-axe) and construction of dwelling on rear allotment

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Note:

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1. Introduction

This Statement of Environmental Effects has been prepared for submission to the City of Canterbury Bankstown Council (CBC) for a development that is proposing the “*demolition of existing structures, two lot Torrens title subdivision (battle-axe) and construction of a dwelling on the rear allotment*”. The development site is located at 17 Haig Avenue Georges Hall, legally known as Lot 17 DP 8855.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. The proposed development entails a subdivision and a detached dwelling which are permissible form of development pursuant to the CBLEP 2023.

This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

3. Site and Locality

The subject site is identified as 17 Haig Avenue Georges Hall, legally known as Lot 17 DP 8855. The subject site was zoned R2-Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023.

The development site is benefited by a single storey detached dwelling with associated outbuildings. The site is a regular shaped allotment with a predominant north-south orientation and a site area of 1,277m². The site has a frontage of 20.115m along Haig Avenue a western side boundary of 62.584m an eastern side boundary of 64.820m and a southern rear boundary of 20.240m. The subject site has a slight slope across the site of approximately 2.38m from the northern front boundary to the southern rear boundary.

The surrounding locality is characterised by predominant low-density housing, consisting of single detached dwellings, dual occupancy developments. The development site is located in an R2 zoned land that is surrounded by R2 zoned land to the east, west and north across Haig Avenue. The properties within the immediate vicinity of the subject site consist of predominately single detached dwelling developments.

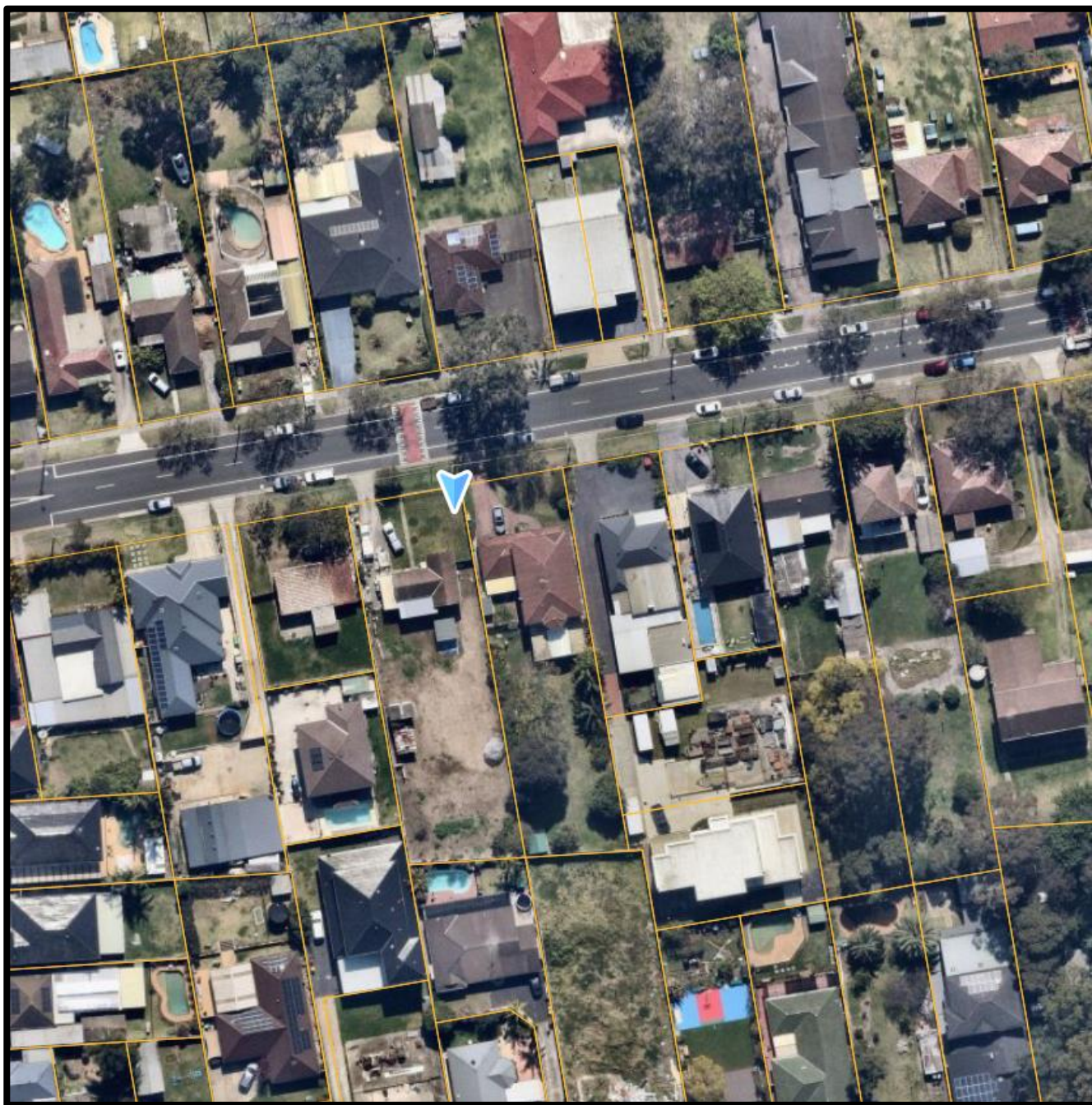


Figure 1: Aerial view of the site identified as 17 Haig Avenue (*source Nearmap Imagery 2023*)



Figure 2: Zoning Map of the area - (source NSW Planning Portal – e-planning spatial viewer)

3. Amended Proposed Development

The amended development consists of:

“Demolition of existing structures, two lot Torrens title subdivision (battle-axe) and construction of a dwelling on the rear allotment”. The development consists of the following

- The proposal is a 2-lot battle-axe subdivision. The front allotment has a size of 642.5m², a frontage of 16.615m, a depth of 38.784m and a rear boundary of 13.615m with a splay of 3m to cater for the access handle. The rear allotment has a site area of 501.2m², excluding the access handle. The site has a maximum depth of 26.036m and a rear boundary of 20.240m.

- The proposed dwelling on the rear allotment is 2 storeys in height. The ground floor comprises of a ground floor living area, a dining room and kitchen and ground floor bedroom. The dwelling is access via a 3.5m access handle and is to a double garage. The first floor consist of 4 bedrooms one of which has an ensuite.

4. Site Constraints

Site Constraint	Yes/No
Bushfire	No
Flooding	No
Heritage Items	No
Aboriginal heritage	No
Environmentally Significant Land	No
Threatened Species/ Flora/ Habitat/ Critical Communities	No
Acid Sulphate Soils	No
Flight Paths	Yes – The subject allotment is located in between 2 ANEF contours. The rear of the parent allotment is located in the 25+ ANEF, with the front portion of the allotment located in the ANEF 20-25. To address this affectation an acoustic assessment has been prepared for the application. The report recommended noise attenuation measures including glazing of windows and insulation methods. The report concluded with the implementation of the recommendations the proposed rear dwelling will comply with AS 2021-2015.
Railway Noise	No
Road Noise/ Classified Road	No

5. Section 4.15 Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Proposal

- (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 11, Georges River Catchment
- (b) State Environmental Planning Policy No.55 – Remediation of land
- (c) State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004
- (d) Canterbury Bankstown Local Environmental Plan (CBLEP) 2023
- (e) Canterbury Bankstown Development Control Plan (CBDCP) 2023

- Chapter 3.5, Section 2 – Battle-axe lots
- Chapter 5, Part 5.1, Section 2 – Dwelling Houses

a. State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 – Waterway Catchments - Georges River Catchment

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Catchment applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves a subdivision and construction of a dwelling and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

b. State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land

In accordance with Clause 4.6(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. The site has been used for residential purposes for a prolonged and extended period of time, therefore would unlikely contain contaminated land.

With consideration to the above mentioned points there is no sufficient evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary at this stage. Based on the conclusions above it is considered that the site is suitable for the proposed development and land use and has adequately addressed Clause 4.6(1) of the SEPP.

c. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)

BASIX Certificates have been provided for the proposal. The BASIX certificates demonstrate that the development has incorporated sufficient energy and water saving protocols to demonstrate satisfactory compliance with the BASIX SEPP.

d. Canterbury Bankstown Local Environmental Plan (CBLEP) 2023

(i) Zoning

The subject site is zoned R2-Low Density Residential, pursuant to the CBLEP 2023.



Figure 4: Zoning Map – (Source NSW DPIE e-planning spatial viewer)

(ii) Permissibility

The development proposes the “*demolition of existing structures, two lot Torrens title subdivision (battle-axe) and construction of a dwelling on the rear allotment*”.

The proposed development consists of 2 distinct elements, both of which are permissible pursuant to the CBLEP 2023. Firstly, the proposal involves “subdivision”. Subdivision is a permissible form of development pursuant to Clause 2.6 of the CBLEP 2023. Clause 2.6 of the CBLEP 2023 states the following;

2.6 Subdivision—consent requirements

(1) *Land to which this Plan applies may be subdivided, but only with development consent.*

Notes—

1

*If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.*

2

*Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is **complying development**.*

Comment: Development consent is being sought pursuant to Clause 2.6(1)

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note—

*The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.*

Comment: The development site does not contain a secondary dwelling and therefore is not inconsistent with Clause 2.6(2).

Based on the assessment of Clause 2.6 above, subdivision is a permissible form of development in this instance and can be proposed.

Secondly, the proposal involves the construction of a dwelling. This element of the proposal is best defined as a “dwelling house”. Dwelling Houses are permissible with consent in the R2 Zone, as indicated in the extract from the CBLEP 2023 below.

3 Permitted with consent

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; **Dwelling houses**; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

(iii) Objectives of the Zone

The objectives of the 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 uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low-density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

Comment: The development is consistent with the applicable objectives of the R2 zone in that it is providing for a development that will facilitate for the housing needs of the community in a low-density

residential environment. The proposal contributes to the variety of housing types within the surrounding low-density environment.

The proposal has been designed to ensure a high level of residential amenity is maintained for surrounding residents and potential future residents of the proposed development. The development has given careful consideration of the design and ensured that solar access and privacy impacts to adjoining sites is not diminished by the proposal.

The development has been designed to comply with all development standards and is of a bulk and scale that is consistent with the existing and future character of the area, particular when having regard to the streetscape and design character created by the two adjoining dual occupancy developments.

(iv) Summary of the Development Standards Applicable under the CBLEP 2023

Development Provision	Requirement	Proposed
2.6 Subdivision – Consent Requirements	Subdivision requires Development Consent	Complies: Assessment against Clause 2.6 provided previously in this report.
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Complies. The applicant is seeking consent for demolition of existing structures as part of this DA.
4.1 Minimum lot size	Minimum Lot Size of 450m ²	Complies Lot 1 = 642.5m ² Lot 2 = 501.2m ² (excluding access handle)
4.3 Height of Buildings	Max Height 9m Max Wall Height 7m	Complies Height of building is 6.7m Wall Height is 6.7m
4.4 Floor Space Ratio	Max FSR 0.5:1	Complies Rear Allotment is proposed at 249m ² , which equates to 0.5:1
<u>6.7 Development in areas subject to aircraft noise</u> Given the location of the site being affected by 2 x ANEF contours, one being 25+ ANEF at the rear allotment and the other being the ANEF Contour 20-25.		



Figure 5: ANEF Map – (Source CBC Planning Maps)

Clause 6.7 states the following

- (1) *The objectives of this clause are as follows—*
 - (a) *to prevent certain noise sensitive developments from being located near Bankstown Airport and its flight paths,*
 - (b) *to assist in minimising the impact of aircraft noise from Bankstown airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
 - (c) *to ensure that land use and development near Bankstown airport do not hinder or have other adverse impacts on the ongoing, safe and efficient operation of Bankstown airport.*
- (2) *Development consent must not be granted to development involving the erection of a dwelling, other than a dwelling house, on land near Bankstown Airport in an ANEF contour between 20 and 25 unless the consent authority is satisfied the dwelling meets the standards specified in AS 2021:2015.*

Comment: The dwelling house is located in the ANEF contour 25+ and thus does not apply

- (2) *Development consent must not be granted to development involving the erection of a dwelling house or seniors housing on land near Bankstown Airport in an ANEF contour over 25 unless the consent authority is satisfied that the nature of occupation or internal noise attenuation measures enable reasonable amenity for the occupants.*

Comment: An acoustic report has been prepared with the recommendations adopted in the dwelling design of the rear allotment. The report recommended noise attenuation measures including glazing of windows and insulation methods. The report concluded with the implementation of the recommendations the proposed rear dwelling will comply with AS 2021-2015.

- (3) *Development consent must not be granted to development for the purposes of dual occupancies, multi dwelling housing, attached dwellings, boarding houses or centre-based child care facilities on land near Bankstown Airport in an ANEF contour over 25.*

Comment: N/A no dual occupancy proposed in ANEF 25+

- (4) Development consent must not be granted to development involving the erection of hotel or motel accommodation, office premises or public administration buildings on land near Bankstown Airport in an ANEF contour over 25 unless the consent authority is satisfied the building meets the standards specified in AS 2021:2015.

Comment: N/A

- (6) In this clause—

ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Bankstown Airport prepared by the Department of the Commonwealth responsible for airports.

AS 2021:2015 means AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting and construction.

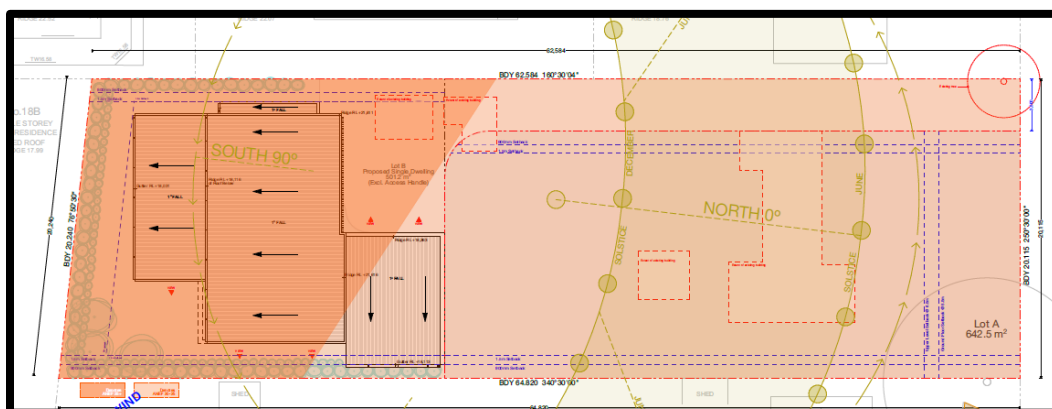


Figure 6: Site plan with ANEF overlay. Front allotment falls within the 20-25 contour with the rear allotment falling within the 25+ contour.

(i) **Canterbury Bankstown Development Control Plan (CBDPC) 2023**

An assessment against the applicable guidelines of the CBDPC 2023, specifically Chapter 3.5, Section 2 – Battle-axe lots and Chapter 5, Section 5.1, section 2 is provided below;

CBDPC 2023 – Chapter 5 Residential Accommodation		
Chapter 3 – General Requirements		
Part 3.5 – Subdivision		
Section 2 – Battle-axe lots		
Control	Required	Complies
Lot Dimensions and access handles		
2.1	Council may allow the subdivision of land to create not more than four battle-axe lots provided that:	Complies Lot 1 = 642.5m ² Lot 2 = 501.2m ² (excluding

	<p>(a) the area of each lot, exclusive of any access corridor, is not less than 450m²; and</p> <p>(b) each lot contains a rectangle with sides of 10m and 15m behind the setbacks of the proposed building.</p>	<p>access handle)</p> <p>As indicated in the submitted plans a rectangle of 10m x 15m is able to be accommodated on each allotment, behind the required setbacks</p>
2.2	<p>Where the subdivision of land is creating:</p> <p>(a) a single battle-axe lot, the minimum width of an access handle is 3.5m; or</p> <p>(b) two or more battle-axe lots, the minimum width of an access handle is 3.5m plus a passing bay at 30m intervals.</p>	<p>Complies</p> <p>A single battle-axe is proposed and proposes an access handle of 3.5m.</p> <p>N/A</p>
2.3	<p>Vehicle access to battle-axe lots must be provided via access handles and not rights-of-way.</p>	<p>Complies</p> <p>Access to the rear lot is proposed via a 3.5m access handle and no ROW</p>
2.4	<p>The access handle must be constructed in concrete, be unobtrusive in colour and be designed to enable vehicles to enter and leave the site in a forward direction:</p> <p>(a) Where the access handle serves only one lot, two concrete strips within the access handle are permitted, each to be 1m wide and spaced 0.75m apart.</p> <p>(b) Where the access handle is to serve two or more lots, it must be constructed with kerb and gutter on at least one side, with sealed pavement and drainage discharged.</p>	<p>Complies</p> <p>Satisfactory</p> <p>N/A</p>

Section 2 – Dwellings		
Control	Required	Complies
Storey Limit		
2.1	The storey limit for dwellings is two storeys.	Yes – Proposed rear dwelling is 2 storeys
2.2	The siting of dwelling houses, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Yes – The proposed development has been designed to cater for the existing slope of the land. There are no elevated platforms or excessive excavation proposed
2.3	Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where: (a) the 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 allotment.	The proposed development is not proposing excessive amounts of fill. The reconstituted ground level is well under 600mm
Setback Restrictions		
2.4 –	The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A
Street setbacks		

2.5 – Primary Setback	a) 5.5m to first storey (i.e., ground floor) b) 6.5m to second storey	N/A – The rear dwelling has no primary setback as the allotment has no primary street frontage.
2.6 – Secondary frontage	a) 3m to building wall b) 5.5m to garage or carport	N/A
Side setbacks		
2.7 – For building wall <7m	0.9m	Yes – A side setback of 900mm is provided along the eastern side boundary A side setback of 1.5m is provided along the western side boundary
2.8 – For building wall >7m	1.5m	N/A
2.9 – Basement	The basement level must not project beyond the ground floor perimeter of the dwelling house.	N/A
Private Open Space		
2.10 – Private Open Space	Dwelling houses 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.	Yes – POS located at the rear of the proposed dwelling in the form of 2 areas. The rear alfresco provides an area of 7.27m x 5m, which equates to 36.4m ² . An additional area with dimensions of 8.379m x 6.5m at the rear yard is provided which equates to 54.5m ² . The total of both areas equates to 90.9m ²
Access to sunlight		
2.11 – Living Area	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	Yes – The living room in the rear dwelling receives more than 3 hours of sunlight to the living and dining rooms, as there are windows orientated north with no identifiable obstructions in front. Moreover there is living room having windows orientated to the east and

	primary source of sunlight to the living areas.	west, which will retain solar access in the morning to the easter and to the west in the afternoons.
2.12 – Living Area adjoining dwelling	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	Yes – Adjoining dwelling to the east receives 3 hours of solar access.
2.13 – Solar access to POS	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.	Yes – The POS of the proposed dwellings receives 3 hours of solar access to the POS for the dwelling at the equinox. The rear POS areas retains solar access between 8am and 12 middays to the majority of the POS areas. Similarly, the adjoining dwellings retain solar access to the POS areas for the majority of the day at the equinox.
2.14 – Solar Hot Water Systems	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Yes – Proposal does not overshadow existing hot water systems or solar panels
Visual Privacy		
2.15 – Window Location	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	Yes – The location of the windows along the side and rear elevations have been designed with high sills to alleviate privacy impacts on adjoining properties.

	<p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>	
2.16 – Windows directly looking into POS	<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>	Yes – All first-floor rear windows have been designed with high sills to alleviate privacy impacts on adjoining dwellings
2.17 – Balcony Location	<p>Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p>	NA – Balconies proposed only facing the street.

2.18 – Roof top Balconies	Council does not allow dwelling houses to have roof-top balconies and the like.	N/A – No balconies proposed
Building Design		
2.19 – Roof Pitch	The maximum roof pitch for dwelling houses is 35 degrees.	Yes – Roof pitch is 1 degree
Building Design (Car Parking)		
2.24 – Location of car spaces	<p>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>	Yes – A double garage is proposed for the rear allotment and is located behind the front building line of the front living area
2.26 – Garages with up to two car parking spaces	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.	Yes – The garage is well integrated into the dwelling and does not dominate the streetscape.
Landscaping		
2.28 – Retention of Vegetation	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	Yes – There is no significant vegetation worthy of retention in this instance.

	dwelling house	
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e. Section 4.15(1)(a)(iii) –Any Planning Agreement or Draft Planning Agreement

There is no planning agreement or draft planning agreement applying to the site.

f. Section 4.15(1)(a)(iv) –The Regulations

The applicable provisions of the *Environmental Planning and Assessment Regulation 2021* has been considered in the assessment of this application and it is considered the proposal is consistent with the EP&A Regulation 2021.

g. Section 4.15(1)(b) – The Likely Impacts of the Development

It is considered that the proposal will have limited impacts on the existing and future character of the locality. The proposal provides for a development that will easily cater for a suitable residential development that will not compromise the amenity of the surrounding locality. The proposal provides for lot sizes well in excess of the minimum lot size and has demonstrated it can accommodate a built form and dwelling designs that is consistent with the objectives and intent of the current development standards under the CBLEP 2023 and relevant guidelines of the CBDP 2023.

h. Section 4.15(1)(c) – The Suitability of the Site for the Development

The subject development is permissible in the zone and the proposal satisfies the key planning controls for site as detailed above and is generally considered to be suitable for the site. The development has been designed to limit the amenity impacts on adjoining developments and has demonstrated that the amenity impacts on adjoining sites are already pre-existing and are not exacerbated by the development.

7. Conclusion

The application has been assessed against the relevant provisions of the EP&A Act 1979, applicable development standards of the CBLEP 2023 and guidelines contained with the CBDP 2023. It is considered the development proposing the “*demolition of existing structures, two lot Torrens title subdivision (battle-axe) and construction of a dwelling on the rear allotment*” at 17 Haig Avenue Georges Hall, legally known as Lot 17 DP 8855 is a suitable form of development consistent with the development standards applicable to the site and is a development form that is consistent with the existing and future character of the area.

The proposal provides for a development that is consistent with the prevailing subdivision pattern and predominant building form in the immediate locality and is consistent with the objectives of the R2 – Low Density zone applicable to the site.