



# STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STRUCTURES, TREE REMOVAL AND THE  
CONSTRUCTION OF A DWELLING HOUSE AND A SWIMMING POOL

6 WATKIN AVENUE | EARLWOOD

CLIENT: TSOUNIS  
REF: 2303  
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## 1 INTRODUCTION

This Statement of Environmental Effects is to accompany a development application to Canterbury Bankstown Council seeking consent to demolish existing structures, remove trees and construct a dwelling house and a swimming pool at No. 6 Watkin Avenue, Earlwood.

The proposal has been designed by 868 Architects and is detailed on the accompanying architectural drawings.

As outlined in this report, the proposal complies with the relevant planning controls as prescribed by Canterbury Bankstown LEP and DCP 2023. This Statement of Environmental Effects is supplemented by the following:

- **Survey Plan:** Prepared by Ballenden Surveyors;
- **Landscape Plan:** Prepared by Site Image Design;
- **Stormwater Plan:** Prepared by Luke Tsougranis & Associates Pty Ltd;
- **Basix Certificate:** Coordinate by 868 Architects.

This Statement of Environmental Effects evaluates the subject site and its context, details the proposed works, and provides an assessment of the proposed development with consideration to the relevant planning framework and the impacts of the development on the natural and built environment in accordance with S.4.15 of the Environmental Planning & Assessment Act, 1979 (Section 4).

This Statement concludes that the application is satisfactory and achieves an appropriate response to development that is anticipated within the R2 – Low Density Residential Zone. In addition, this Statement concludes that the development will have an acceptable impact on the natural and built environment and is recommended for approval.



## 2 SUBJECT SITE AND SURROUNDING DEVELOPMENT

The subject site is located on the southern side of Watkin Avenue and has a rear boundary frontage to Bakers Lane. The site is known as No. 6 Watkin Avenue, Earlwood. The site has a legal description of Lot 22 in DP 10802. Figure 1 below shows the site location.



Figure 1: Subject Site (Source: NSW Planning Portal)

The development site has a long, elongated shape with parallel side boundaries and angled front and rear boundaries. The site has dimensions to the east, west, north and south boundaries of 57.635m, 66.99m, 16.16m and 15.98m, respectively. The site has total area of 960m<sup>2</sup> and falls from south to north, towards Watkin Avenue, by appropriately 8m across its length.

The subject site is located on a favourable north to south axis, consistent with the subdivision pattern of the directly adjoining lot. There are numerous trees lining the site boundaries, all existing trees have been assessed by the Landscaped Architect as environmental weeds or as having low retention value. There is 1 existing tree within the road reserve, which will be retained by the proposal.

Existing on the site is a part 1 and part 2 storey dwelling house that is positioned on the northern half of the site. The dwelling is of masonry construction and with a pitched tiled roof. The dwelling contains a balcony that overlooks the street and an area of private open space within the back yard, as well as a garden shed and 2 light posts. The dwelling consists of pedestrian and vehicular entry accessed from Watkin Avenue, as can be seen in Figure 2.



The existing dwelling has a front setback that steps back from the western neighbour (No. 8) and is aligned with the eastern neighbour (No. 4). The dwelling is elevated above street level. Photographs of the existing dwelling are included at Figures 2 to 4.



Figure 2: Existing dwelling



Figure 3: Backyard of the subject site





Figure 4: Baker Lane elevation

## 2.1 Adjoining Properties & Locality

The subject site shares a common boundary with 3 adjoining properties, however, primarily only with Nos. 4 and 8A Watkin Avenue, as shown in Figure 5.



Figure 5: Aerial View (Source: NSW Planning Portal)

Adjoining the subject site to the west is Nos. 8 and 8A Watkin Avenue, with No. 8 being directly adjacent to the subject site. This property contains a 2 storey attached dual



occupancy development that has 2 storey height and a pitched roof. Located within the backyard of No. 8 is a swimming pool and area of private open space. The building on No. 8 extends closer to Watkins Avenue and into its rear yard by comparison to the built form on the subject site. A street view of No. 8/8A is shown in in Figure 6.



Figure 6: No. 8 & 8A Watkin Avenue

The property at No. 4 Watkin Avenue contains a recently constructed 2 storey dwelling house that is oriented towards the street and backyard of its site. The building is of masonry and clad construction, and has skillion metal roofs. The existing building has similar length along the side boundaries as the dwelling on the subject site, although is positioned on a comparatively smaller site. Figure 7 shows the street frontage of No. 4.



Figure 7: No. 56 Beauford Avenue



Located on the opposite side of Watkin Avenue are 1 and 2 storey dwelling houses, which, due to the natural topographical fall of the area, are positioned partly lower than street level. The dwellings at Nos. 3, 5 and 7 Watkin Avenue are shown in Figure 8.



Figure 8: Nos. 3, 5 & 7 Watkin Avenue

Located to the rear of the site (No. 205 Home Street), on the opposite side of Baker Lane is a recently completed 3-4 storey apartment building, as shown in Figure 9. This site is located within the B2 Local Centre zone.



Figure 9: No. 205 Home Street

The subject site forms part of a low-density residential area that comprises a range of older and newer dwellings, generally set amongst landscaped gardens. There are distant city and district views to the north (Figure 10) and the locality transitions to the B2 Local Centre zone to the south where denser building forms are evolving, as indicated by the LEP zoning map extract provided at Figure 10. Bus service 412 operates along Wardell Road, 100m to the west of the subject site.



Figure 10: Distant city and district views to the north

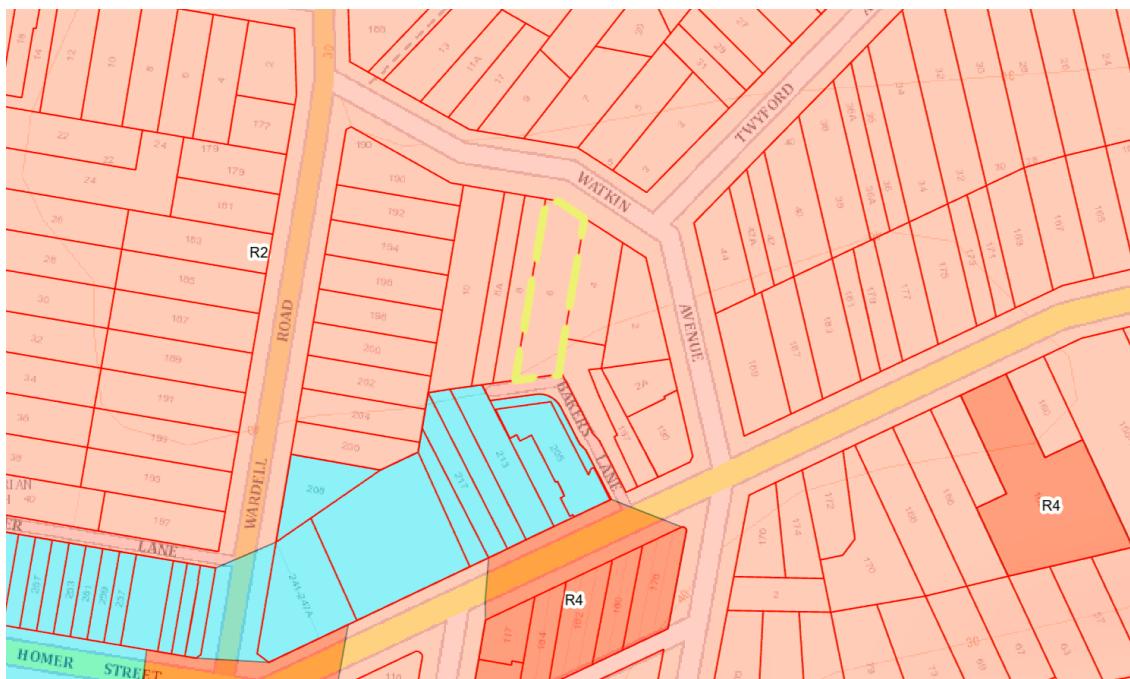


Figure 11: CBLEP 2023 zoning map extract

### 3 PROPOSED DEVELOPMENT

The proposal seeks consent for the demolition of existing structures, tree removal and the construction of a stepped, 2 storey with basement parking, a swimming pool and related ancillary structures.

The proposed development is designed by 868 Architects.

#### 3.1 Demolition

The proposal involves demolition of all existing structures. Demolition will be undertaken by a licenced contractor in accordance with AS 2601: 2001 and any relevant conditions of development consent.

#### 3.2 Proposed Dwelling

The proposal seeks consent for the construction of a stepped 2 storey dwelling house at the site that is designed to step up the site slope and is located in the general location of the existing dwelling. The proposed dwelling is compliant with the FSR and building height development standards, and has compliant side, rear and street setbacks, and is therefore within the permitted envelope for the site.

The proposed lower ground area is at basement level and is to contain a 2 parking spaces, a turn table to enable forward exit of vehicles, bin storage, services room, storage spaces, and stair and lift access to the ground floor above. Access to this level is secured via garage door at the basement entrance point.

The ground level contains a combination of secondary living and bedroom spaces, including a home cinema, a study with associated storage and cabinetry, a guest bedroom with robe space and ensuite bathroom, a separate bathroom and mud room, rainwater tank storage and a plant room, and lift and stair access to the primary living level above, and also to the basement level below. This level provides pedestrian connection to the street via a formalised entry and a series of stairs that transition down the site slope to the footpath within Watkin Avenue.

The first floor level is to contain the primary living areas of the dwelling including an open plan dining, living and kitchen area, a butler's pantry, a laundry, and connection to street frontage balconies and to the backyard of the site. A bedroom is provided at this level with robe and ensuite bathroom, and a main bathroom adjacent. A void is located at the northern end of the floor, which creates a double height space to the pedestrian entry below. The dwelling edges and street fronting balcony is bordered with a landscape planter and portions of stone cladding which combine to create a visual feature when viewed internally, as well as privacy to the neighbouring properties. There are no side facing windows at this level that will allow overlooking of an adjoining property.

The proposed upper-most level is to contain bedroom spaces, including a master bedroom with separate walk-in-robe and an ensuite bathroom, 2 additional bedrooms both with ensuite bathrooms. Access is provided to this level by lift and an internal stair. This level is recessed from the storey below with increased setbacks at all sides, including a 2.24 metre set back to the eastern boundary and a 2.3 metre set back to the



western boundary. The southern facade is designed with operable privacy louvres, and skylights are proposed to the front and rear of the building as well as centrally above the internal corridor and master bedroom walk-in-robe. Highlight windows are shown at the sides of the building in order to protect neighbour privacy. A non-trafficable roof-top planter is provided on the northern side of this level.

### 3.2.1 External Finishes & Appearance

Material treatments include concrete rendered elements, aluminium batten cladding and screens, stone tiles, dark finish window doors and frames, and overflowing landscape planters. The proposal is to have a flat roof with timber soffits for the balconies and angled roof eaves. The building is designed as a series of stepped building forms in order to minimise building height, bulk and scale, and is softened by proposed landscaping. Photomontages of the proposal are provided at Figures 12 and 13.



Figure 12: Photomontage of the proposal – street elevation





Figure 13: Photomontage of the proposal – rear elevation

### 3.3 Swimming Pool and Landscaping

The proposal includes removal of all trees along the side boundaries, which have been assessed by the project landscape architect as either being environmental weeds or as having low retention value. The existing vegetation along the rear property boundary is proposed for retention

The submitted concept Landscape Plan indicates hedge planting along boundaries, useable turf areas within the backyard, and similarly landscaped spaces as layered terracing within the site frontage. The landscape design approach within the front setback accommodates the site slope towards the street, and achieves a higher level of visual interest that integrates well with the planter box edges that line the dwelling levels above. Proposed planting within the planter boxes that border the middle and upper most levels of the dwelling will contain low maintenance species that soften the edges of the building, whilst creating private spaces for the dwelling occupants. The non-trafficable garden at the northern end of the uppermost floor is designed with succulents and cactus plants, which require low maintenance.

The proposal includes generous landscape edges to the western boundary and a combination of landscaping and a maintenance access path to the eastern boundary.

The street boundary is lined within a concrete rendered masonry wall that ranges in height from 0.5m to 1m, and a centrally located pedestrian entrance gate is proposed that has a height of 1.135m.

Located within the backyard of the subject site is a proposed inground swimming pool, spa and associated cabana with a bathroom and storage. An outdoor shower is

proposed adjacent to the eastern boundary. The swimming pool and spa have a combined footprint of 9.85m x 5.59m and is positioned close to the existing ground levels that surround.

The proposed cabana is excavated into the site slope, includes an outdoor entertaining space, outdoor kitchen, bar fridges and storage. The proposed pool filter equipment is located behind the cabana within the southern rear setback.

The backyard is designed as a series of active and passive recreational spaces that are bordered by landscaping. A secondary access point is provided to Baker Lane from the rear boundary.

### **3.4 Stormwater Management**

A stormwater design is submitted with the application, which was prepared by Luke Tsougranis & Associates Pty Ltd. All roof stormwater will be directed to a BASIX compliant rainwater tank that is located at the ground floor, behind the proposed stair access point and adjacent to the eastern side boundary. Overflow stormwater will be diverted to the street drainage system by gravity.

## 4 STATUTORY PLANNING ASSESSMENT

Provided below is a statutory planning assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. This assessment considers the following:

- Relevant planning policies and controls - Section 4.15(1)(a);
- Impacts on the natural and built environment - Section 4.15(1)(b);
- The suitability of the site for the development - Section 4.15(1)(c); and
- The public interest - Section 4.15(1)(e).

### 4.1 Compliance with Planning Controls (Section 4.15(1)(a))

The following provides an assessment of the statutory and non-statutory planning policies that apply to the application under Section 4.15(1)(a) of the Environmental Planning and Assessment Act, 1979. The relevant policies are listed as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- SEPP (BASIX) 2004;
- Canterbury Bankstown Local Environmental Plan 2023; and
- Canterbury Bankstown Development Control Plan 2023.

Below is a consideration of the relevant State and Local planning provisions and an assessment of the proposed development.

#### 4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP replaces former SEPP No. 33, SEPP No. 55 and SEPP (Coastal Management) 2018 and commenced on 1 March 2022. The SEPP contains separate chapters which prescribe controls to replace the abovementioned repealed SEPPs. Provided below is a response to Chapter 4 Remediation of Land. Chapter 2 Coastal Management and Chapter 3 Hazardous and offensive Development are not relevant to the site and subject proposal.

##### Chapter 4 – Remediation of Land

A review of aerial photographs indicates that the subject site has been historically used for residential purposes, with no other known use of the property. On this basis, there are no reasons to suspect that it is contaminated or requires any remediation works. The provisions of Chapter 4.6 of the SEPP are therefore satisfied, and the consent authority is able to support the proposed development.

#### 4.1.2 SEPP (BASIX) 2004

The proposal is defined as BASIX affected development and under the SEPP a BASIX Certificate is required. A BASIX Certificate has been obtained for the proposal which demonstrates that the development, once operational, will comply with the thermal, water and energy requirements of the SEPP. Where required the BASIX commitments have been indicated on the DA drawings.

#### 4.1.3 Canterbury Bankstown LEP 2023

CBLEP 2023 identifies the subject site as being located within the *R2 – Low Density Residential* zone. Amongst other things, dwelling houses and swimming pools are permissible with consent from Council. The proposal is therefore permissible development with consent. In addition, the proposal is consistent with the consistent with the relevant zone objectives, as detailed below:

- *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.*

A review of relevant LEP maps indicates that the site is not flood affected, bushfire prone, as containing terrestrial biodiversity, natural landform nor as riparian land.

Provided at Table 1 is a consideration of the development standards and relevant LEP provisions that apply to the subject site and proposed development.

TABLE 1: RELEVANT PROVISIONS OF CBLEP 2023		
Provision	Proposal	Complies
<b>4.3 Building Height</b> Maximum 8.5m	As detailed in the submitted sectional drawings, the proposal is below the maximum height requirement.	Yes
<b>4.4 Floor Space Ratio</b> Area 2 – Maximum 0.5:1 Max gross floor area of 480m <sup>2</sup> based of the site area of 960m <sup>2</sup> .	Proposed GFA = 479m <sup>2</sup> FSR of 0.5:1	Yes
<b>6.1 Acid Sulfate Soils</b> Class 5	The site is located and on a hill and will not impact on the watertable. As such no acid sulfate soils management plan is required.	Yes
<b>6.2 Earthworks</b> 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	The proposed excavation for the lower ground floor levels will not give rise to any off-site drainage impacts.	Yes

TABLE 1: RELEVANT PROVISIONS OF CBLEP 2023		
Provision	Proposal	Complies
locality of the development,	The proposal will not affect the ability to use the property for residential purposes.	Yes
(b) the effect of the development on the likely future use or redevelopment of the land,	The excavated material from the site will be natural material and generally reused on site where possible or disposed of to the appropriate facility.	Yes
(c) the quality of the fill or the soil to be excavated, or both,	Excavation is within commonly expected limits and is not expected to impact on the structural integrity of adjoining properties. It is anticipated that Council will require dilapidation surveys as part of the Construction Certificate process.	Yes
(d) the effect of the development on the existing and likely amenity and structural integrity of adjoining properties,	No imported fill required.	Yes
(e) the source of any fill material and the destination of any excavated material,	Relics are not likely to be discovered at the site given the existing building located and adjoining disturbed open spaces.	Yes
(f) the likelihood of disturbing relics,	Standard construction management techniques, and erosion and sediment controls measured will be employed to prevent any adverse impacts on the adjacent waterway.	Yes
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	As above, typical construction management measures including silt fencing will mitigate impacts of excavation.	Yes
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		

In light of the above, the proposal is consistent with all relevant provisions of CBLEP 2023.

#### 4.1.4 Canterbury Bankstown DCP 2023

A response to the relevant provisions of CBDCP 2023 as they apply to dwelling houses, swimming pools and ancillary structures in the R2 Zone is provided in Table 2.

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDCP 2023		
Provision	Proposal	Complies
<b>Chapter 3 – General Requirements</b>		
<b>3.2 Parking</b> 2 spaces required	2 spaces provided.	
<b>3.3 Waste Management</b>  3.3 Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins.	Basement bin storage location provided.	Yes
3.4 The location of the bin storage area must not adversely impact on the	Basement bin storage location provided.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
streetscape, building design or amenity of dwellings.		
3.5 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, odour and traffic.	Basement bin storage location provided.	Yes
3.6 The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, 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 areas of the building/dwelling and must avoid stairs or slopes.	Convenient location proposed, which is directly accessed from the proposed lift and stair access.	Yes
3.8 Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection.	Basement bin storage location provided.	Yes
3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide.	Noted.	-
<b>3.7 Landscape</b> Existing vegetation and natural features		
2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.	The proposed landscaping will substantially improve the appearance of the site and its contribution to the local character. It includes a range of canopy trees, mid-storey plantings, ground covers and feature plants, as detailed in these submitted landscape plans.	Yes
2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.	Excavation is limited to the building footprint and will contain parking and ancillary structures. Soil will be reused on-site where possible and otherwise disposed of at the appropriate off-site facility. Given the site cross fall, cut and fill has been balanced to create an appropriate relationship with the neighbouring properties as shown in the submitted Short Section.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<u>Trees</u> 2.6 Development must consider the retention of existing trees in the building design.	Existing trees on the site boundaries are proposed for removal, which have been assessed by the project landscape architect as environmental weeds or as having low retention value. Removal of these trees will be suitably offset by the proposed landscaping. Existing vegetation that lines the rear boundary of the subject site will be retained.	Yes
2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and: (a) Canopy trees are to be of a minimum 75 litre pot size. (b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate. (c) Place evergreen trees well away from the building to allow the winter sun access. (d) Select trees that do not inhibit airflow. (e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.	Refer to the submitted landscape plans for details. Council may also choose to impose suitable consent conditions to supplement the submitted landscape plans.	Yes
2.8 Development must provide street trees that will contribute to the canopy where possible.	The existing street tree is proposed to be retained.	Yes
<b>Chapter 5 – Residential Accommodation</b>		
<b>Section 2 – Dwelling Houses</b> <u>2.1 Minimum lot size and frontage</u> C1 The minimum primary street frontage width for dwelling houses is 15m.	15.24m, as existing.	Yes
<u>2.2 Site coverage</u> Maximum building footprint of 430m <sup>2</sup> Maximum total site coverage of 40%	338m <sup>2</sup> 35.2%	Yes Yes
<u>2.3 Landscaping</u> Min. deep soil area – 25% with min. dimension of 2.5m.	25% (240m <sup>2</sup> ) with min. 2.5m dimension.	Yes
<u>2.4 Layout and Orientation</u> C1 Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	High levels of solar access, natural light and ventilation will be available.	Yes
C2 Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space	Overshadowing is compliant with the DCP provisions and reasonably shared between the neighbouring	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
and solar cells.	properties given the favourable north to south orientation of the site. Refer to discussion provided at Section 4.2.	
C3 Coordinate design for natural ventilation with passive solar design techniques.	High levels of solar access, natural light and ventilation will be available.	Yes
C4 Site new development and private open space to avoid existing shadows cast from nearby buildings.	The development is appropriately cited to maximise the opportunities available, including solar access, cross ventilation and view corridors.	Yes
C5 Site a building to take maximum benefit from cross-breezes and prevailing winds.	As above.	Yes
C6 Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Excellent passive surveillance of the street frontage will be available from the proposed balconies and adjacent habitable room windows.	Yes
<u>2.5 Height</u> <ul style="list-style-type: none"> <li>Max. 2 storey form</li> </ul>	Above the existing ground level, the dwelling has been designed as a series of stepped two storey elements and primarily presents to the front, side and rear boundaries as a two storey form. There is a centralised portion of the building where it faces west which has partial height of three storeys, however, this is a confined portion of the building that is nonetheless compliant with the LEP height limit and there is no unreasonable overshadowing or privacy impacts created on the western neighbour. The variation will not be visible from the public domain and is a direct result of the site slope.	On-merit
<ul style="list-style-type: none"> <li>Max. 7m wall height</li> </ul>	The eastern facade exceeds the 7m wall height limit by 400 millimetres and the western facade also exceeds the 7 metre height limit, although it is a maximum of 1.4 metres. For the same reasons as identified above relating to the storey height variation, these variations are considered acceptable as there will be no unreasonable amenity impacts on the neighbouring properties, the proposed dwelling sitting comfortably	On-merit



TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<ul style="list-style-type: none"> <li>Finished ground floor level is not to exceed 1m above the natural ground level.</li> </ul>	<p>between the neighbouring dwellings (refer to the Short Section provided at drawing No. 30), and the uppermost level is recessed to have generous site setbacks of 2.24 metres and 2.3 metres, which vastly exceed the DCP requirements.</p> <p>Generally compliant, although due to the site slope, the western side of the dwelling has ground floor level that is 2.5m above the adjacent ground level. It is noted that there are no side facing windows that will allow for overlooking of adjoining neighbours, hence, there is no associated impact with the variation and is therefore deemed acceptable.</p>	On-merit
<p><u>Basement and sub-floor projection</u> Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.</p>	<p>The proposed basement is concealed below ground level as detailed within the submitted sections.</p>	Yes
<p><u>Basement and sub-floor</u> Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.</p>	<p>Basement parking provided, which can easily be accommodated on the subject site with its slope towards the street and ability to achieve appropriate driveway gradients and a basement level that is concealed below ground level. Provision of basement parking benefit streetscape appearance through the removal of large garage doors and allows for increased landscaping with a single driveway width within the site frontage.</p>	Yes
<p><u>2.6 Setbacks</u></p> <ul style="list-style-type: none"> <li>Front – min. 6m or average of neighbours, max. 2m recess for building entry</li> </ul>	<p>6.6m front setback proposed (noted 1.5m setback encroachment permitted for balconies), which is balanced between the varied setbacks of the neighbouring buildings including 2.7m carport and 9m building setback on No. 8 and 4.4m setback to the dwelling balcony on No. 4. The dwelling appropriately addresses the angled alignment of the street as can be seen in the submitted sun-eye diagrams.</p>	Yes
<ul style="list-style-type: none"> <li>Side – 1m</li> <li>Rear – 6m</li> </ul>	<p>Min. 1.5m 22.7m</p>	<p>Yes Yes</p>

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<u>Exceptions and other requirements</u>		
C3 External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.	Noted.	-
C4 For first floor additions, front and side setbacks may match the ground floor wall alignment of the existing dwelling for a depth of 10m or 50% of the length of the facade, whichever is the greater.	Not applicable.	N/A
C5 Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	1.5m.	Yes
C6 Swimming pools must not be located within any front setback.	Backyard location proposed.	Yes
C7 One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.	Noted.	-
C8 For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback.	Basement parking proposed.	N/A
C9 Car parking structures must satisfy the Building Code of Australia requirements.	Noted.	Yes
C12 The following minor building elements may project up to 1m into the minimum side setback area:	Noted.	-
<ul style="list-style-type: none"> <li>a. Roof eaves, awnings, pergolas and patios;</li> <li>b. Stair or ramp access to the ground floor;</li> <li>c. Rainwater tanks; and</li> <li>d. Terraces above basement parking that are no higher than 1m above ground level</li> <li>e. (except dwelling houses, semi-detached dwellings and dual occupancy).</li> </ul>	Roof eaves in the form of contemporary planter boxes have been excluded as they are the same horizontal width as a traditional eave (600mm) and serve the same weather protection function.	Yes
C13 Elements that articulate a front	Noted.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the required front setback articulation zone.		
C14 On steeply sloping land basements and basement parking are acceptable only if they:		
a. Do not extend beyond the exterior walls or ground floor patios of the dwelling.	Confined within the building footprint.	Yes
b. Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room.	Complies.	Yes
c. Are not capable of future alteration to accommodate any habitable room.	Complies.	Yes
<b>2.8 General design</b>		
<u>Contemporary built form</u>		
C1 Contemporary architectural designs may be acceptable if:		
(a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours.	No heritage listing on or near to the site.	Yes
(b) The proposed addition is not visually prominent from the street or from a public space.	Not applicable.	N/A
(c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	Not applicable.	N/A
C2 New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	Not applicable.	N/A
C3 Access to upper storeys must not be via external stairs.	None proposed.	Yes
C4 All dwellings must contain one kitchen and laundry facility.	Complies.	Yes
C5 Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	Not applicable.	N/A
C6 Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the	Not applicable.	N/A

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
street or other public space.		
<u>Building entries</u>		
C7 Entries to residential buildings must be clearly identifiable.	Clearly visible and legible pedestrian entry proposed.	Yes
C8 The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.	Not applicable.	N/A
C9 A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	Complies.	Yes
C10 Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures. Internal dwelling layout	Direct lines of sight available.	Yes
C11 Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.	Complies.	Yes
C12 The primary living area and principal bedroom must have a minimum dimension of 3.5m.	Primary living – min. width of 6.3m Master bedroom– min. width of 4.6m	Yes
C13 Secondary bedrooms must have a minimum dimension of 3m.	3.4m.	Yes
C14 Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	Ample storage options available within the dwelling.	Yes
<u>Facade treatment</u>		
C15 Development on corner lots must address both street frontages through façade treatment and articulation of elevations.	Not applicable.	N/A
C16 Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	Non-reflective and contemporary finishes and materials proposed.	Yes
C17 Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	Various horizontal projections and articulated elements proposed that create varying shading, light and visual interest.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
C18 Facades visible from the street should be designed as a series of articulating panels or elements.	High levels of articulation and visually interest proposed to the street fronting façade.	Yes
C19 The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	Not applicable.	N/A
C21 Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall of other protruding feature) of at least 0.5m for residential buildings.	As above, complies.	Yes
C22 Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.	Stepped 2 storey height proposed.	Yes
C23 Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	Contrasting masonry, stone and timber/aluminium elements proposed.	Yes
C24 Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	Not applicable.	N/A
<u>Pavilions</u> C25 The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	Complies.	Yes
C26 Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	Not applicable.	N/A
C27 Pavilion elements shall have a depth between 10-15m.	Not applicable.	N/A
C28 Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	Not applicable.	N/A
<u>Windows</u> C29 Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	Noted.	-
C30 Large windows should be screened	BASIX compliant.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
with blinds, louvres, awnings or pergolas and be draft insulated.		
C31 Windows must be rectangular.	Complies.	Yes
C32 Square, circle and semi-circle windows are acceptable in moderation.	Noted.	-
C33 Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	Noted.	-
C34 Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Complies, and the proposal is BASIX compliant.	Yes
<u>Ventilation</u> C36 Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).	Th dwelling will have excellent cross ventilation.	Yes
C37 Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.	Not applicable.	N/A
<u>2.9 Roof design and features</u> C1 Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.	Contemporary flat roof proposed to minimise building height.	Yes
C2 Avoid complex roof forms such as multiple gables, hips and valleys, or turrets.	As above.	Yes
C3 Roof pitches are to be compatible and sympathetic to nearby buildings.	The area displays a variety of pitched roofs, skillion roofs and flat roofs. The proposal is consistent with this variety.	Yes
C4 Parapet roofs that increase the height of exterior walls are to be minimised.	Not applicable.	N/A
C5 Use minor gables only to emphasise rooms or balconies that project from the body of a building.	Not applicable.	N/A

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
C6 Mansard roofs (or similar) are not permitted.	Flat roof proposed.	Yes
C7 Pitched roofs should not exceed a pitch of 30 degrees.	As above.	Yes
C8 Relate roof design to the desired built form and context.	The proposal is for a residential dwelling with contemporary appearance and functionality.	Yes
C9 Roofs with greater pitches will only be considered on merit taking into account matters such as streetscape, heritage value and design integrity.	Not applicable.	N/A
<u>AMENITY</u>		
<u>2.10 Solar access and overshadowing</u>		
Solar access to proposed development Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June.	The site and proposed dwelling has northern orientation and therefore achieves easily solar access compliance.	Yes
Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area.	In excess of 3 hours to the backyard and street fronting balconies will be achieved.	Yes
Dwellings must comply with the following: (a) At least one living room window and at least 50% or 35m <sup>2</sup> with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space.	As above, the proposal is easily compliant.	Yes
(b) Receive a minimum of 3 hours sunlight between 8.00am and 4.00pm on 21 June.	As above, the proposal is easily compliant.	Yes
(c) Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	Not applicable.	N/A
<u>Solar access to neighbouring development</u>		
C4 Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	The north-south orientation of the site allows for shadowing to be shared between the eastern and western neighbours during either the morning or afternoon period. In excess of the required 3 hours will be achieved to each adjoining property.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
C5 If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	Not applicable.	N/A
C6 Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight.	Not applicable, the adjoining properties do not contain solar hot water or PV systems.	N/A
C7 Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	Complies.	Yes
<u>2.11 Visual privacy</u> C1 Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	The proposal adopts defensive side elevations to as a result, achieves excellent reciprocal privacy outcomes.	Yes
C2 Minimise direct overlooking of rooms and private open space through the following: (a) Provide adequate building separation, and rear and side setbacks; and (b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.	Compliant side setbacks are proposed, resulting in acceptable building separation. Complies.	Yes Yes
C3 If living room windows or private open spaces would directly overlook a neighbouring dwelling: (a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or (b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	Not applicable.	Yes
<u>2.12 Acoustic privacy</u> C1 Protect sensitive rooms, such as	The proposal adopts defensive side	Yes



TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.	elevations to as a result, achieves excellent reciprocal aural privacy outcomes.	Yes
C2 Bedroom windows in new dwellings that would be located at or close to ground level are to be raised above, or screened from, any shared pedestrian pathway.	As above.	
<b><u>FENCES AND ANCILLARY DEVELOPMENT</u></b> <b><u>2.13 Fences</u></b>		
C1 Provide boundary definition by construction of an open fence or hedge to the front street boundary.	The existing site has a masonry fence to the street and there is a consistent theme of masonry fences with nil boundary street setbacks on neighbouring properties, and also properties on the opposite side of the street. The proposal has a front boundary fence that ranges in height from 0.5m to 1m with terraced landscaping behind. Due to the cross slope of the site and street, the proposed pedestrian entrance gate has a maximum height of 1.135m, is to be open form construction and will offer good lines of sight to the street from the dwelling entrance point.	On-merit
C2 Front fences within the front boundary setback are to be no higher than 1.2m.	Max. height of 1.135m proposed.	Yes
C3 Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m.	Low height side fencing proposed within the site frontage. 1.8m high fencing will be maintained for the remaining side and rear boundaries.	Yes
C4 On corner sites where the facade of a building presents to two street frontages, fences are to be no higher than 1.2m.	Not applicable.	N/A
C5 Front fences shall not be taller than 1.2m.	1.135m proposed.	Yes
C6 Screens with a minimum of 50% transparency may be up to 1.8m high along the front boundary.	Not applicable.	N/A
C7 Landscaping should not include visually solid hedges that may conceal intruders.	Not applicable.	N/A

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<b>2.14 Outbuildings and swimming pools</b>		
<b>Outbuildings</b>		
C1 Council allows a maximum of one outbuilding on a site.	1 outbuilding is proposed in the form of a pool cabana.	Yes
C2 The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that:		
(a) it is separate from the principal dwelling and any secondary dwelling on the same site, and	The pool cabana is separate from the dwelling.	Yes
(b) it is not used as a separate dwelling, and	Complies.	Yes
(c) it does not contain cooking facilities, toilet and shower, and	A toilet is proposed along with an outdoor kitchen, as is appropriate for a pool cabana structure.	On-merit
(d) it does not function or can be adapted to function for industrial purposes.	Complies.	Yes
C3 The maximum site cover of the outbuilding is:		
(a) 36m <sup>2</sup> where the site is less than 300m <sup>2</sup> in area	-	-
(b) 45m <sup>2</sup> where the site is 300m <sup>2</sup> to 600m <sup>2</sup> in area	-	-
(c) 60m <sup>2</sup> where the site is greater than 600m <sup>2</sup> in area.	Cabana footprint of 4.87m x 8.371m (40.77m <sup>2</sup> ) + awning (18m <sup>2</sup> ) = 58.77m <sup>2</sup>	Yes
For the purposes of this clause, site cover means the site area covered by the outbuilding and any attached roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like.	Noted.	-
C4 The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	The proposal is compliant as detailed previously in this compliance table.	Yes
C5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.	Single storey proposed.	Yes
C6 The maximum building height for the outbuilding is 4.5m above ground level (existing).	Max. 3.05m proposed.	Yes
C7 The outbuilding must locate behind the front building line.	Backyard location.	Yes
C9 The minimum setback to a dwelling, building, roof, awning, balcony, deck,	1.8m separation distance proposed.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.		
C10 The maximum roof pitch for the outbuilding is 25 degrees.	Flat roof proposed.	Yes
C11 Council does not allow the outbuilding to have roof-top balconies and the like.	None proposed.	Yes
C12 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 outbuilding.	No significant trees for retention, however, new landscaping proposed will complement the proposal and improve the natural environmental contribution of the site to the area.	Yes

In summary, the proposal is compliant with the core DCP provisions, with proposes variations being acceptable in the circumstances, as detailed above. Accordingly, the proposal is suitable for the site and its context.

## 4.2 Impacts on Natural & Built Environment (Section 4.15(1)(b))

### Natural Environmental Impacts

The proposed dwelling has been designed to generally occupy parts of the site that accommodate the existing dwelling and areas that have previously been altered to accommodate residential use.

As detailed in the submission prepared by the Landscape Architects, the site does not contain any significant native trees and all trees along the side boundaries are proposed for removal, whilst trees along the rear boundary are to be retained.

The submitted Landscape Plan indicates terraced landscaping within the site frontage, line the dwelling entrance and adjacent driveway. Within the backyard, a comprehensive landscape scheme is proposed which will complement the contemporary buildings. The proposal includes a range of new canopy trees, hedges, feature plants and ground covers, as well as areas of useable turf.

The proposed landscape design will improve the natural attributes of the site and create a built form within a landscape setting, as desired within the R2 zone.

Accordingly, the proposal results in acceptable natural environmental impacts.

### Built Environmental Impacts

The proposed development is designed to achieve full compliance with the core LEP and DCP provisions, with variations only proposed in response to the specific constraints of the site, and with no material adverse impacts on neighbour amenity. The proposal will

provide improved occupant amenity and functionality, within a contextually appropriate manner.

As outlined below, the proposal will only have reasonable amenity relationship with the neighbouring properties, thus further demonstrating that the proposed development is entirely reasonable in the circumstances.

Solar access: The shadow impacts at mid-winter are detailed on the accompanying shadow and sun eye view diagrams. In terms of achieving appropriate solar access to neighbouring properties, the DCP requires that:

*Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.*

As outlined previously, given the favourable north to south orientation of the site, shadowing is shared between the adjoining neighbours during either the morning or afternoon period. In excess of the required 3 hours will be achieved to each adjoining property. This is demonstrated in the mid-winter sun eye view diagrams copied below.

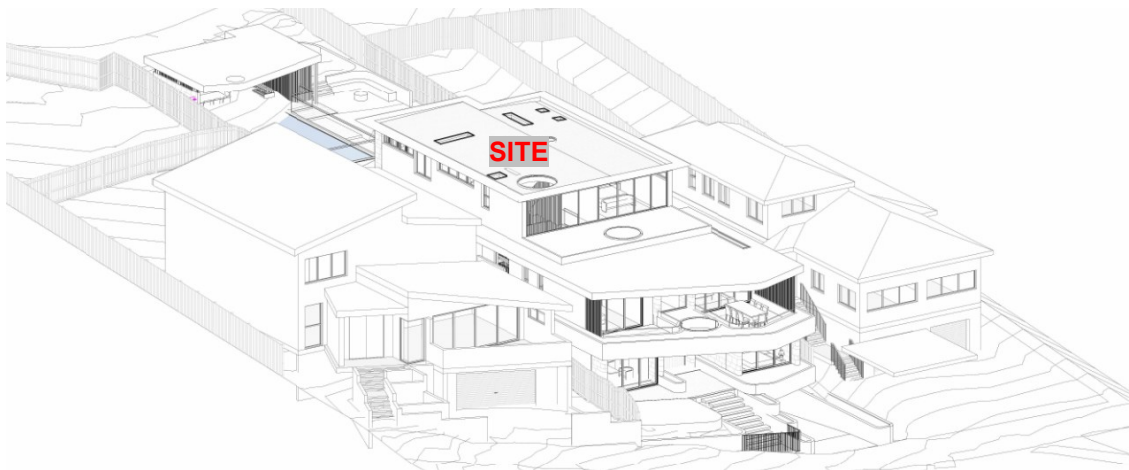


Figure 14: 9am sun eye view diagram

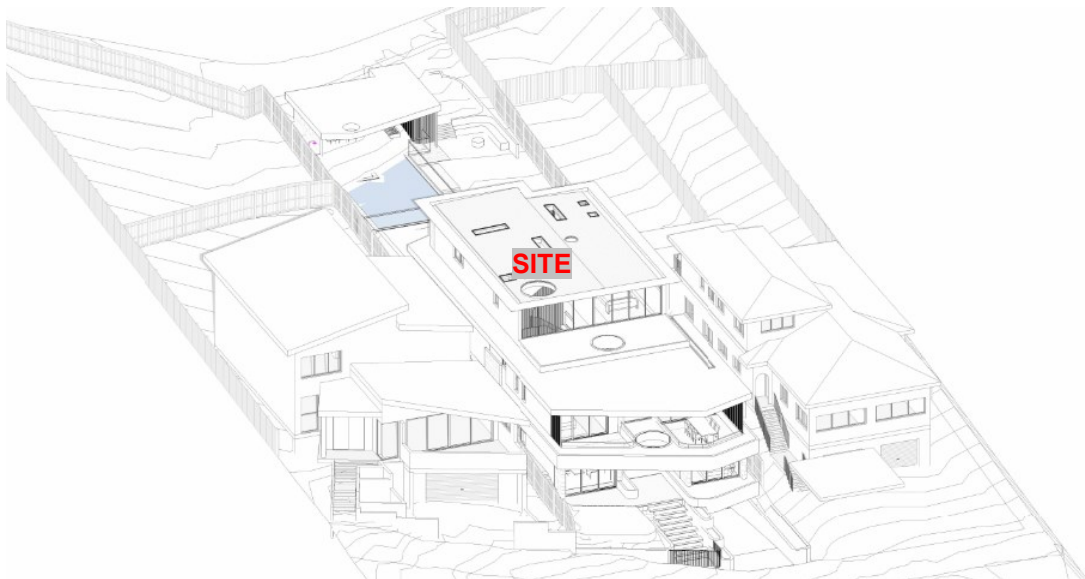


Figure 15: 10am sun eye view diagram

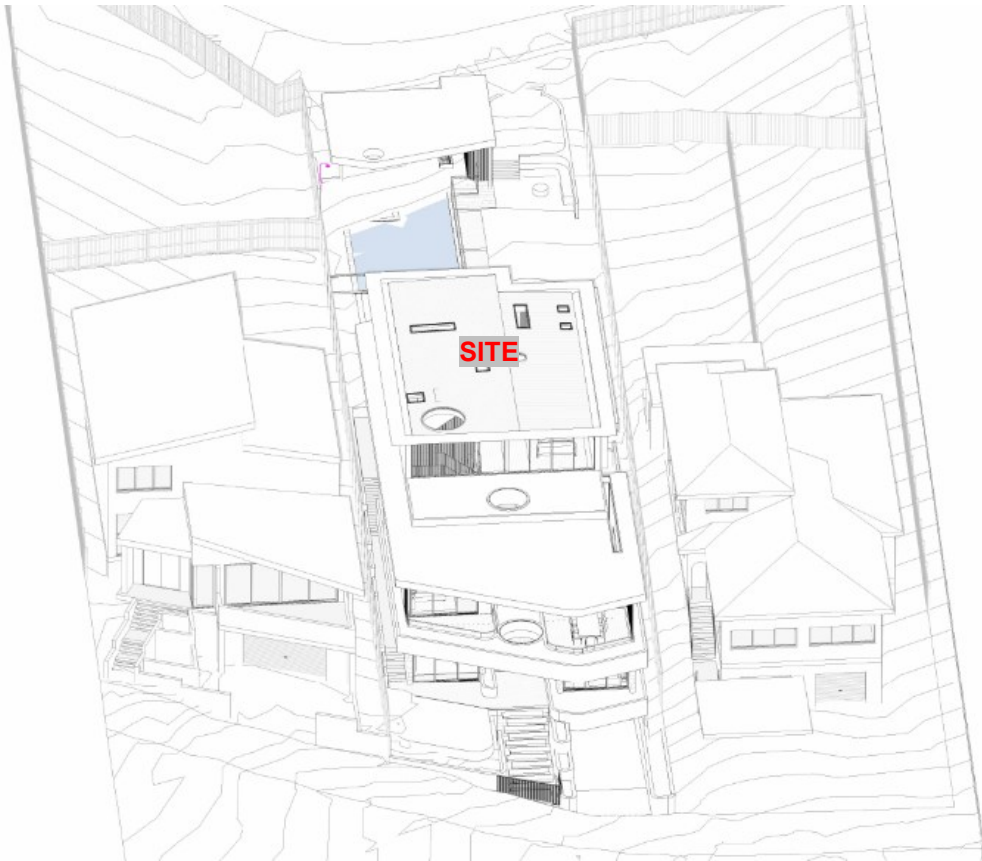


Figure 16: 11am sun eye view diagram

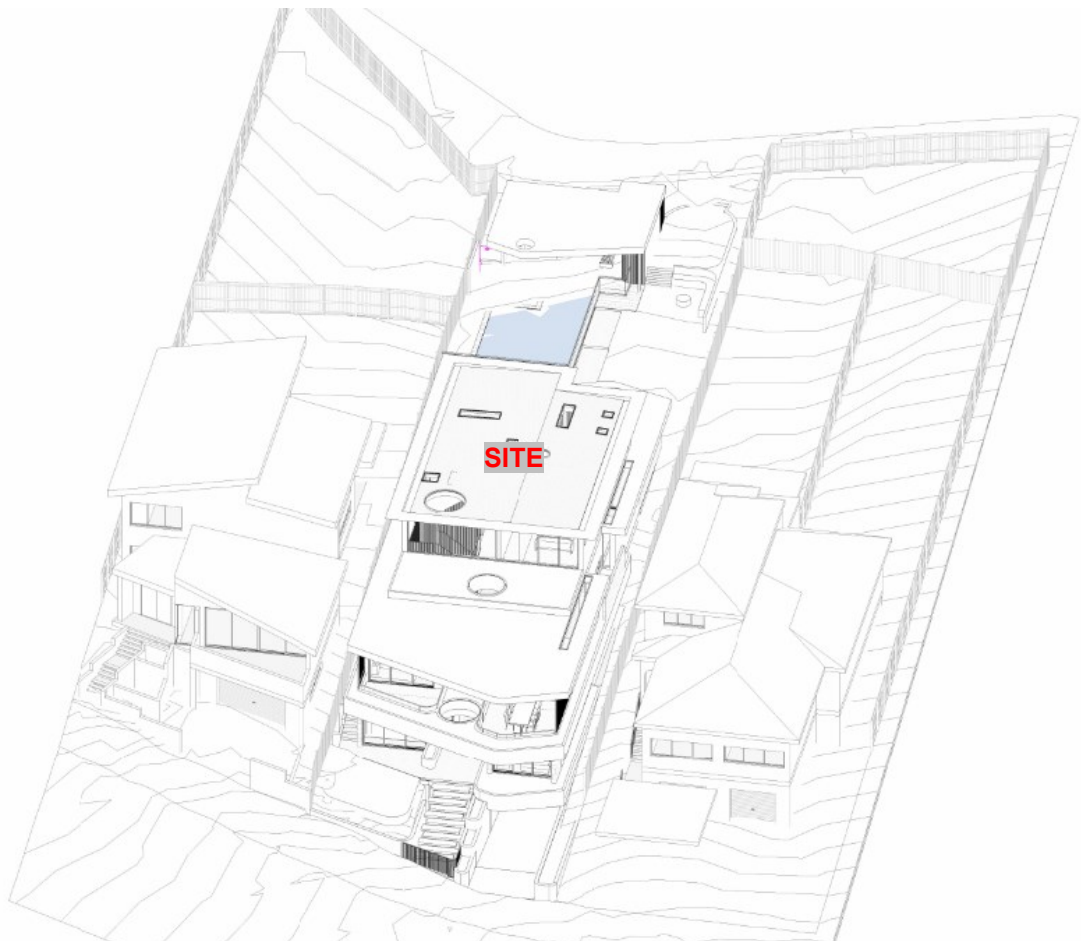


Figure 17: Midday sun eye view diagram

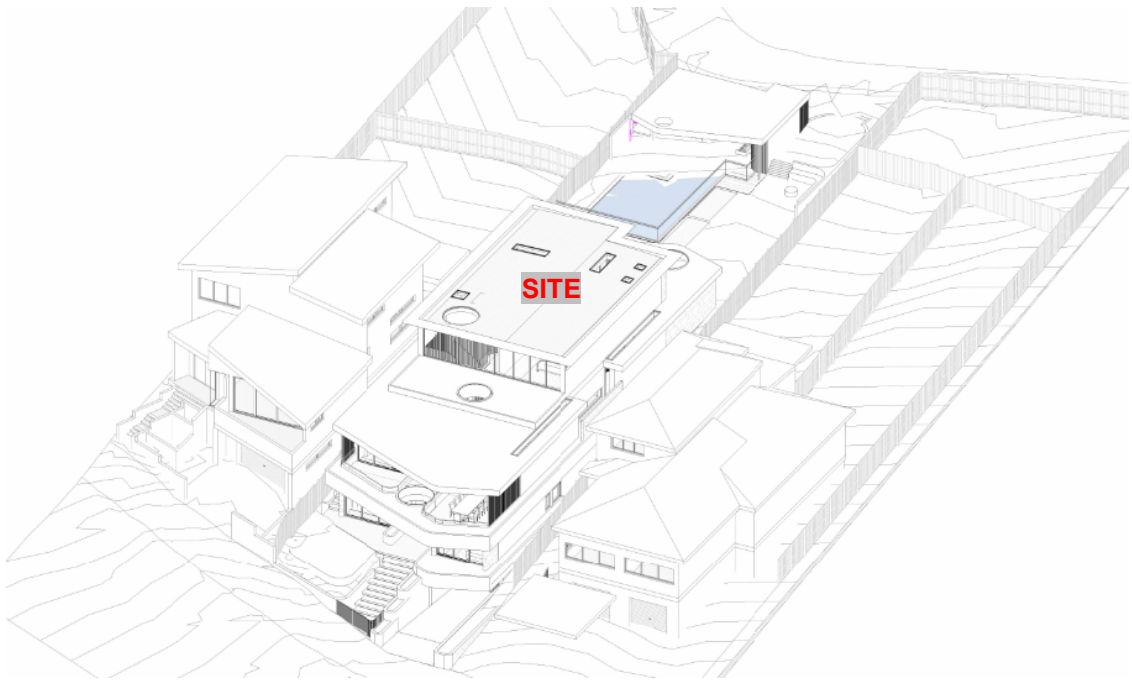


Figure 18: 1pm sun eye view diagram

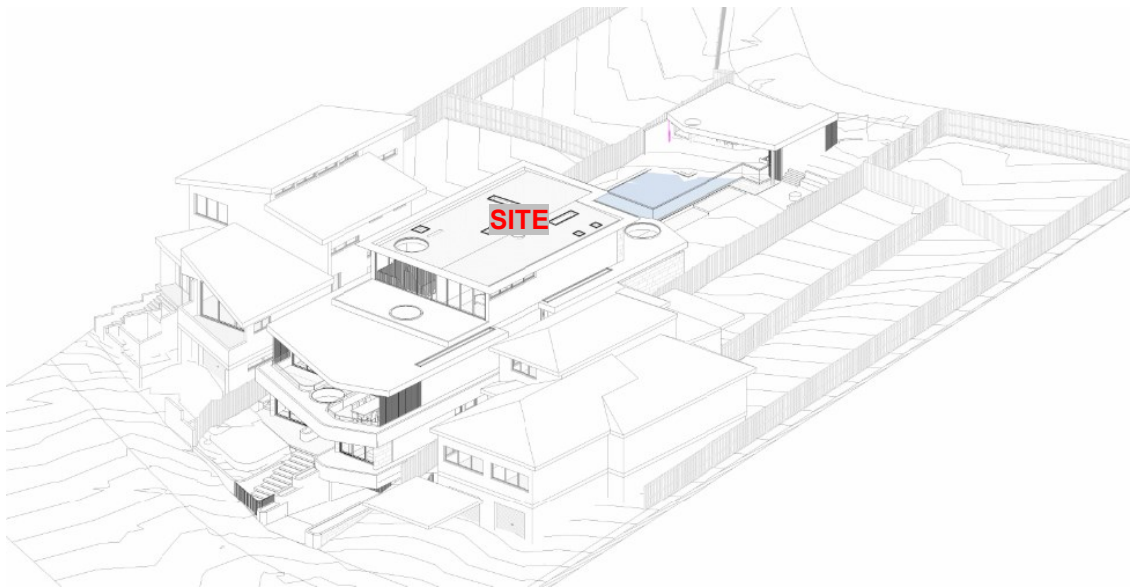


Figure 19: 2pm sun eye view diagram

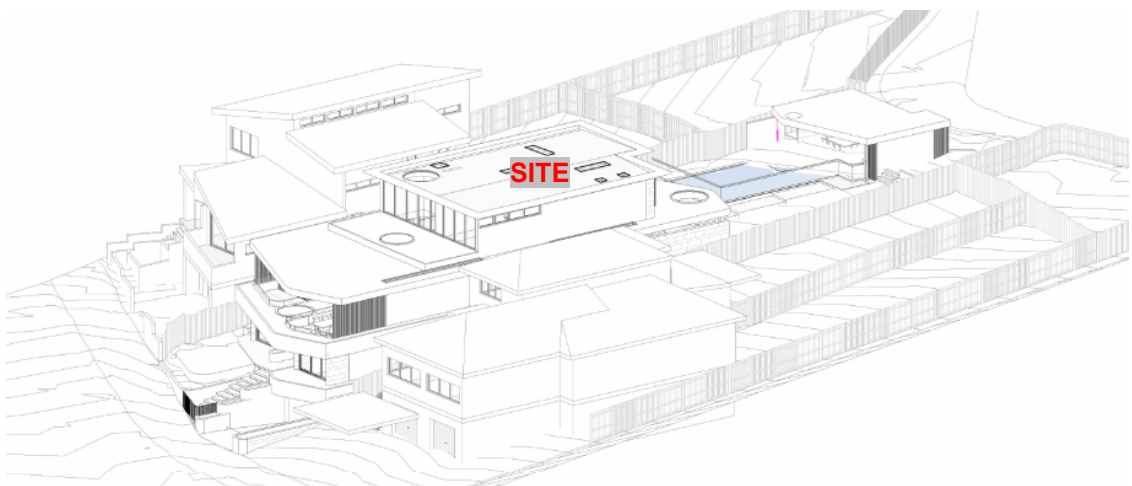


Figure 20: 3pm sun eye view diagram

The proposal is compliant with the solar access and overshadowing provisions of the DCP and is therefore acceptable.

Privacy: The proposal will provide living areas at ground level and bedrooms at the upper level with defensive side elevations, and complaint side setbacks. The design approach is common for the neighbouring sites and new development in the area where northern city and district views are available from elevated living areas looking towards the street.

As demonstrated in the submitted elevation plans, the building is positioned into the site and will not include any elevated walkways or habitable room windows that allow for overlooking of an adjoining property. Similarly, the proposed cabana is excavated into the site in order to minimise overall height and create a suitable horizontal connection to the proposed swimming pool and rear dwelling alfresco area, which is also benched into the site.

For these reasons, the proposal will maintain an appropriate degree of privacy and separation to the adjoining properties.

View Impacts: The subject site and adjoining properties enjoy distant city and district views in a northerly direction. The views are captured from a variety of habitable room windows and balconies, and will not be altered by the proposed development given its alignment between the 2 existing dwellings and stepped building form.

The dwelling at No. 8 Watkin Avenue may obtain views across and over the subject site in a more north-easterly direction, however, these views will largely be retained and would only be impacted by a development form that is compliant with the LEP height limit, well setback from the street and in excess of the required side boundary setbacks. In addition, any view that may be obtained by looking across the side common boundary with the subject site and it would not be reasonable for it to be maintained when the primary view to the north is unaltered by the proposal.

For the above reasons, the proposal will reasonably share the existing views with the neighbouring properties.

#### Economic & Social Impacts

There will be neutral to positive social and economic impacts of the proposal.

### **4.3 The Suitability of the Site (Section 4.15(1)(C))**

The site is within an established residential area and it does not contain any identified hazards that would suggest that the proposed development is unsuitable at the site. The proposed works will not compromise the natural environmental qualities of the area, but will make a positive urban design contribution. The site will therefore be suitable for the proposed development.

### **4.4 The Public Interest (Section 4.15(1)(e))**

The proposed development is permissible with development consent, is consistent with zone objectives and complies with all relevant aspects of the LEP and DCP, except as justified in this report and relating to the site-specific reasons.

Accordingly, the proposed development is in the public interest and satisfies the requirements of 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.



## 5 CONCLUSION

The proposal seeks to demolish the existing structures, remove trees and to enable the construction of a dwelling house, swimming pool and site landscaping.

The proposal is permissible with consent and is highly compliant with the relevant numerical controls of the LEP and DCP, and the impacts of the development on the natural and built environment are within expected limits.

The proposal will result in new dwelling accommodation that will offer high occupant amenity and functionality, is consistent with the local character and will not give rise to any unreasonable adverse impacts on the environment or amenity of the surrounding properties.

In the absence of any material impacts, the proposal serves the public interest and is assessed as appropriate with respect to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. It is accordingly requested that Council grant development consent to the development as proposed.

