# Statement of Environmental Effects

7 HILLTOP AVENUE, PADSTOW HEIGHTS

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Document Title	Version No.	Prepared By:	Dated:
19237_SEE	В	A Morgan	March 2024

# 1 INTRODUCTION

# 1.1 OVERVIEW

# **Application Details**

Site details	7 Hilltop Avenue, Padstow Heights (Lot 11 DP 30948)	
Owners	M O'Brien	
Council	Canterbury Bankstown Council (the Council)	
Description of proposal	Demolition of existing dwelling and construction of new dual	
	occupancy with strata subdivision	

This Statement of Environmental Effects has been prepared in accordance with the requirements of Division 1, Part 3 of the Environmental Planning and Assessment Regulation 2021 and provides an assessment consistent with the heads of consideration under Section 4.15 of the EP&A Act 1979.

# **Relevant Planning Controls**

State Environmental Planning Policies	<ul> <li>State Environmental Planning Policy (Resilience and Hazards) 2021         <ul> <li>Formally State Environmental Planning Policy No 55-Remediation of Land</li> </ul> </li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021         <ul> <li>Formally State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> </ul> </li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> </ul>	
Regional Planning Policy	Greater Sydney	
Local Planning Policy	Canterbury Bankstown Local Environmental Plan 2023 Canterbury Bankstown Development Control Plan 2023	
Zone	R2 – Low density residential	
Overlays	Height of Building Floor Space Ratio Minimum Lot Size Acid Sulfate	
Critical habitat/threatened species/biodiversity land	N/A	

## 1.2 SUPPORTING DOCUMENTS

This report relies on the following architectural plans:

Name	Plan No.	Date	Prepared by:
Cover	01	N.d.	Artech Studio
Exist/Demo site plan	02	4/3/24	Artech Studio
Proposed site plan	03	4/3/24	Artech Studio
Floor Plan Basement	04	4/3/24	Artech Studio
Floor Plan Lower	05	4/3/24	Artech Studio
Floor Plan Upper	06	4/3/24	Artech Studio
3D views	07	4/3/24	Artech Studio
Elevations A & B	08	4/3/24	Artech Studio
Elevations C & D	09	4/3/24	Artech Studio
Site overshadowing plan - June	10	4/3/24	Artech Studio
Site overshadowing plan - Sept	11	4/3/24	Artech Studio
Floor Space Ratio	12	4/3/24	Artech Studio
Interior 3D	13	4/3/24	Artech Studio

# 2 SITE AND SURROUNDS

# 2.1 SITE DESCRIPTION

#### Physical features

The site is located at the property known as 7 Hilltop Avenue, Padstow Heights (Lot 11 DP 30948). The site is rectangular in shape and has access from Hilltop Avenue.

- Primary frontage width is 15.24m.
- Rear boundary width is 15.24m.
- Side boundaries width are 38.31m and 38.265m.

Site area is 581.73m2 (DP)/583.48m<sup>2</sup> (calculations).

#### Topography

The site characteristics include:

- A highly sloping site towards the front (a drop of more than 3m)
- Grass area at the front and rear of the site

## Existing buildings and structures

The site currently contains a two-storey terrace dwelling and associated pool at the rear yard.

An aerial view is provided in Figure 1.



Figure 1 Aerial photograph of the site (Sixmaps)



Figure 2 Front of dwelling (source: googlemaps)



Figure 3 Existing garage



Figure 4 Side passageway (northern side)



Figure 5 Side passageway (southern side)





Figure 6 Street tree (tree 1)

Figure 7 Existing pool

# 2.2 SITE CONTEXT

The Site is located in the suburb of Padstow Heights within Canterbury Bankstown Council area.

The Site is located approximately 19.3 km south-west from Sydney CBD. The site has relatively good access to public transport.

There is parking available on Hilltop Avenue.

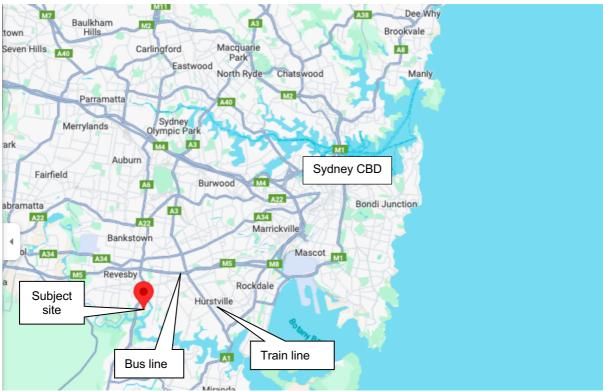


Figure 8 Location map (source: googlemaps)

The immediate locality is characterised by residential uses surrounding the site. The surrounding residential uses are characteristic of a variety of architectural styles.

The context of the site is indicated in figures below.

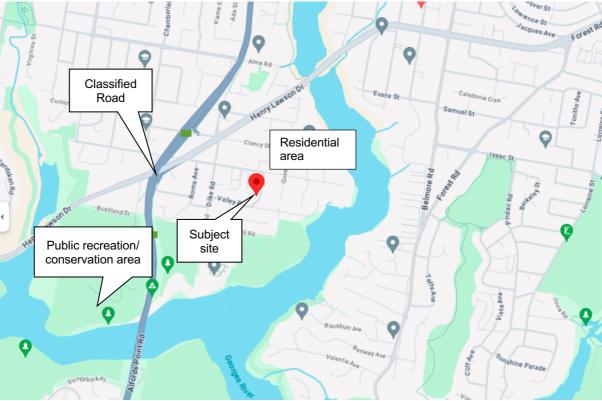


Figure 9 Immediate site surroundings (source: googlemaps)



Figure 10 Modern development on Hilltop Avenue



Figure 11 Traditional development on Hilltop Avenue



Figure 12 Modern 3-storey development on Valley Road



Figure 13 Traditional development on Hilltop Avenue

# 2.3 SITE DEVELOPMENT HISTORY

Council's online Development Application tracker did not identify any recent applications for the subject site.

# 3 PROPOSED DEVELOPMENT

## 3.1 OVERVIEW

This application seeks development consent for demolition of existing dwelling and construction of new dual occupancy on site.

## Demolition

- Demolish existing two-storey dwelling
- Fill in part of the pool

#### Basement level

· New carparking and access to ground level

#### Ground level

• Primary living areas

#### First floor

Bedrooms

Architectural Plans of the proposed development have been prepared by Artech Studio and are included in Appendix.

# 3.1.1 PROPOSED PLANS

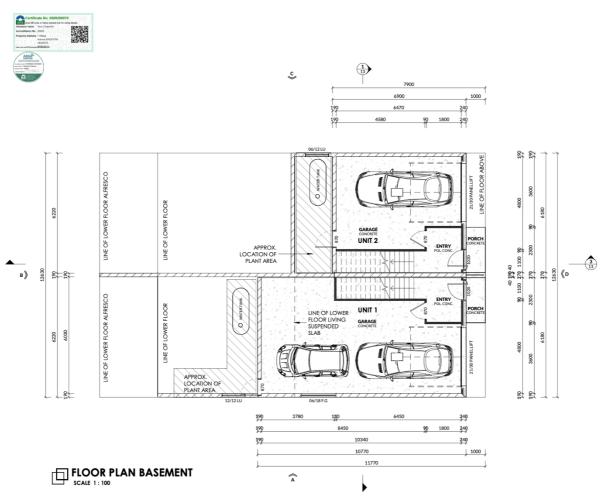


Figure 14 Garage level

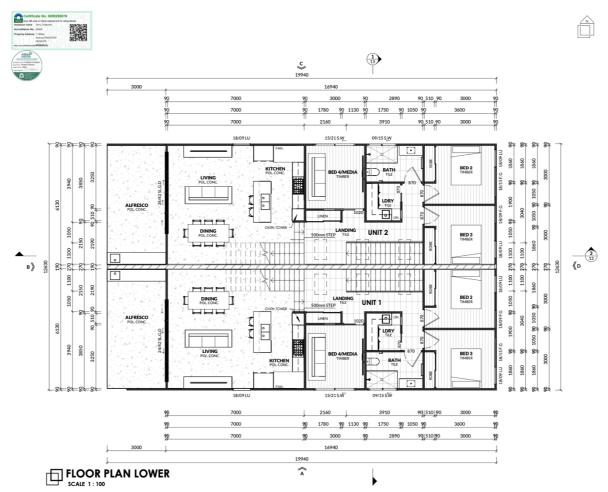


Figure 15 Ground level/first floor

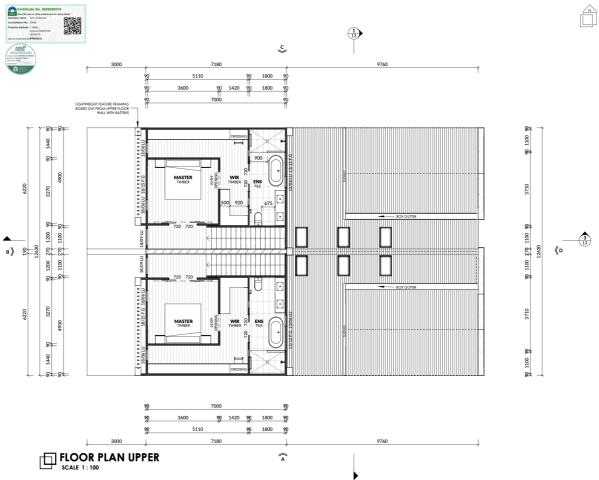


Figure 16 Second floor/ first floor

# 3.1.2 PHOTOMONTAGE



Figure 17 Photomontage

# 3.1.3 PROPOSED LANDSCAPE PLANS

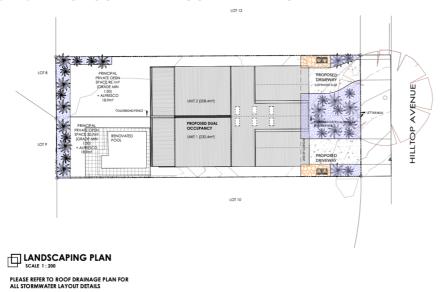


Figure 18 Landscape plans

# 3.1.4 SCHEDULE OF MATERIALS

MATERIAL & FINISHES SCHEDULE				
MATERIAL	SUPPLIER	COLOUR/SPECS	THUMBNAIL	
RIVEWAY	TBC	TBC		
OOF	COLORBOND	SURFMIST - UPPER FLOOR ROOF MONUMENT - LOWER FLOOR ROOF		
SUTTER	COLORBOND	SURFMIST - UPPER FLOOR ROOF MONUMENT - LOWER FLOOR ROOF		
ASCIA	COLORBOND	N/A		
OOWNPIPES	ТВС	MONUMENT		
EXTERNAL	JAMES HARDIE	STRIA CLADDING INSTALLED VERTICALLY- MONUMENT		
EXTERNAL RENDER	TBC	COLORBOND - SHALE GREY - LOWER FLOOR BLOCKWORK		
WINDOWS	BRADNAMS	COLORBIND - NIGHTSKY		
RICK	ТВС	RECLAIMED RED BRICK	THE STATE OF THE S	
GARAGE DOOR	TBC	TIMBER LOOK - TBC		
TIMBER IGHWEIGHT EATURE FRAMING	TBC	AXON CLADDING FINE TEXTURE - MONUMENT		
FEATURE BATTENS	ТВС	MONUMENT		
ENCE	твс	твс		

Figure 19 Schedule of materials

## 3.1.5 CURRENT AND FUTURE CONTEXT

The proposed development is located within a residential zone. The current context of the site promotes low density-built form. The proposed dual occupancy will continue to comply with the current and future context of the site.

#### 3.2 NUMERICAL OVERVIEW OF THE DEVELOPMENT

The key numerical details are outlined in the Table below. The table also summarises the proposal with respect to the core LEP controls.

Development Element	Requirement	Proposed	Compliance
Site area	450 m <sup>2</sup> for dual occupancy	581.73m <sup>2</sup>	Yes
Car Parking	Max 2 spaces	Max 2 spaces	Yes
Total GFA	290.86m <sup>2</sup>	289.9m <sup>2</sup>	Yes
Total FSR	0.5:1	0.5:1	Yes
Maximum Height in Metres	Unknown	7.590m	Yes
Landscaping	45% of area between primary street frontage and building and one canopy tree (75I)	62m2	Yes
Private open space	80m <sup>2</sup> with minimum width of 5m	67.5m2 (Unit 2) 32.1 (Unit 1)	No – merit assessment required No – merit assessment required
Setbacks			
- Front	6.5m	6.5m	Yes
- Left side	0.9m for wall height of 7m and 1.5m for wall height more than 7m	1m	Yes
- Right side	0.9m for wall height of 7m and 1.5m for wall height more than 7m 1m	1m	Yes
- Rear	None prescribed	11.845m	Yes

#### 3.3 OTHER IMPACTS OF USE

The residential use for the site will be continued. There will be no additional impact on the neighbouring properties as a result of this use.

## 3.4 ENVIRONMENTAL IMPACTS OF DEVELOPMENT

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table** below.

Consideration	Identified by	Consultant	Summary	Reference
Arborist report	Site inspection	Arbor Express	A total of 4 individual trees are proposed for retention. Tree 3 is located within the footprint of the development and must be removed for the development to	Arbor

proceed. Tree 3 has a low
retention value and should be
removed regardless of
whether or not the
development proceeds.

#### 3.5 ANY GUIDELINES ISSUED BY THE PLANNING SECRETARY

NSW Department of Planning and Environment – Application requirements [March 2022]

# 4 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

This section contains the assessment of the environmental effects of the proposed development as described in the preceding sections. Under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, when determining a development application, the consent authority must take into account a range of matters relevant to the development including:

- the provisions of environmental planning instruments
- impacts on the built and natural environment
- the social and economic impacts of the development,
- the suitability of the site,
- whether the public interest would be served by the development.

The below assessment includes only those matters under Section 4.15 (formally known as Section 79C) which were deemed relevant to the proposal.

# 4.1 ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES UNDER SECTION 4.15 (1A)

# 4.1.1 ENVIRONMENTAL PLANNING INSTRUMENTS

The following documents were identified as being relevant pertaining to the proposed development:

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
  - o Chapter 4: Remediation of Land
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - o Chapter 2: Vegetation in non-rural areas
- Canterbury Bankstown Local Environmental Plan (LEP) 2023

#### 4.1.1.1 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 commenced on 1 October 2023 and applies to the subject site. The aim of the policy is to:

- "(a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water.
- (h) to ensure good thermal performance of buildings"

#### Response

A BASIX certificate has been with the application for the for the dual occupancy development and is compliant with the State Government's water and energy reduction targets.

#### 4.1.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILLIENCE AND HAZARDS) 2021

#### 4.1.1.2.1 CHAPTER 4: REMEDIATION OF LAND

State Environmental Planning Policy (Resilience and Hazards) 2021 commenced on 1 March 2022. Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 provides a Statewide planning approach for the remediation of land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or the environment. Clause 4.6 requires the consent authority to consider whether land is contaminated when determining a development application.

#### Response

The current and previous use of the site as residential accommodation is unlikely to have resulted in a contamination of site. Additionally, Section 10.7 Certificate did not identify the site as being known to be contaminated.

## 4.1.1.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

#### 4.1.1.3.1 CHAPTER 2: VEGETATION IN NON-RURAL AREAS

State Environmental Planning Policy (Biodiversity and Conservation) 2021 commenced on 1 March 2022. Chapter 2 of the SEPP requires consent authorities to approve the clearing of certain vegetation. The aim of Chapter 2 is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

#### **Response**

A total of 4 individual trees are proposed for retention. Tree 3 is located within the footprint of the development and must be removed for the development to proceed. Tree 3 has a low retention value and should be removed regardless of whether or not the development proceeds (refer to submitted Arborist report).

#### 4.1.1.4 CANTEBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN (LEP) 2023

#### 4.1.1.4.1 ZONING

The site is located in R2 – Low Density Residential within Canterbury Bankstown Council. The objectives of R2 – Low Density Residential zone are as follows:

Objective	Response
To provide for the housing needs of the community within a low density residential environment	The proposed dual occupancy will maintain the low-density residential environment.
To enable other land uses that provide facilities or services to meet the day to day needs of residents	The proposed use will not hinder other uses which provide facilities or services to meet the 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	Not applicable.
To ensure suitable landscaping in the low density residential environment	The proposed design incorporates suitable landscaping as associated with dual occupancy development.
To minimise and manage traffic and parking impacts	The proposed development will incorporate car parking on site. There will be no perceived traffic or parking impacts on the surrounding road network.
To minimise conflict between land uses within this zone and land uses within adjoining zones	Noted.

To promote a high standard of urban design and local amenity.

The proposed design is of high quality and is appropriate within the local amenity.

#### **Permissibility**

Dual occupancies are a permitted use within the R2 Low Density Residential zone.

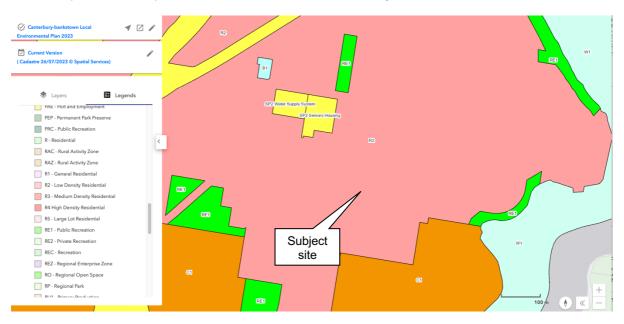


Figure 20 Land zoning (source: Canterbury Bankstown LEP 2023 mapping)

#### 4.1.1.4.2 FLOOR SPACE RATIO

Canterbury Bankstown LEP 2023 prescribes the site as having a maximum permissible FSR of 0.5:1.

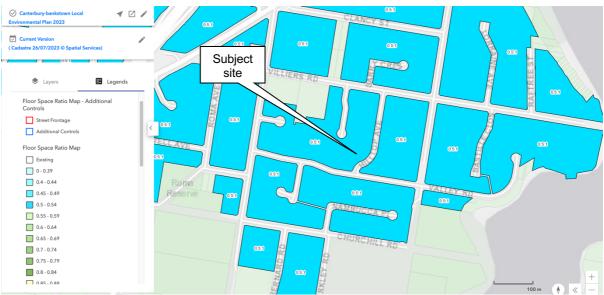


Figure 21 Floor Space Ratio (source: Canterbury Bankstown LEP 2023 mapping)

#### Response

The proposal has an FSR of **0.5:1** and therefore complies with the provisions of Canterbury Bankstown LEP 2023.

#### 4.1.1.4.3 HEIGHT OF BUILDINGS

Canterbury Bankstown LEP 2023 identifies the site as having a maximum height limit of 9m.

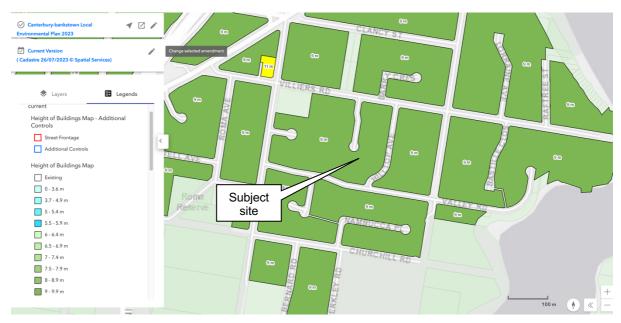


Figure 22 Height of buildings map (source: Canterbury Bankstown LEP 2023 mapping)

#### Response

The proposal complies with the clause.

#### 4.1.1.4.4 MINIMUM LOT SIZE

Canterbury Bankstown LEP 2023 identifies the site as having a minimum lot size of 450m<sup>2</sup>.



Figure 23 Minimum lot size map (source: Canterbury Bankstown LEP 2023 mapping)

#### Response

The proposal complies with the clause.

#### 4.1.1.4.5 ACID SULFATE

Canterbury Bankstown LEP 2023 identifies the site as being Class 5 Acid Sulfate and the provisions of Clause 6.1 apply.

- "6.1 Acid sulfate soils
- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

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

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been—
- (a) prepared for the proposed works in accordance with the Acid Sulfate Soils Manual, and
- (b) provided to the consent authority.
- (4) Development consent is not required under this clause for the carrying out of works if-
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
- (b) the preliminary assessment has been provided to the consent authority, and
- (c) the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Development consent is not required under this clause for the carrying out of the following works by a public authority, including ancillary work such as excavation, construction of access ways or the supply of power—
- (a) emergency work that involves the repair or replacement of the works of the public authority, required to be carried out urgently because the works—
- (i) have been damaged, or
- (ii) have ceased to function, or
- (iii) pose a risk to the environment or to public health and safety,
- (b) routine maintenance work that involves the periodic inspection, cleaning, repair or replacement of the works of the public authority, other than work that involves the disturbance of more than 1 tonne of soil
- (c) minor work that costs less than \$20,000, other than drainage work.
- (6) Development consent is not required under this clause to carry out works that—
- (a) involve the disturbance of less than 1 tonne of soil, and
- (b) are not likely to lower the watertable"

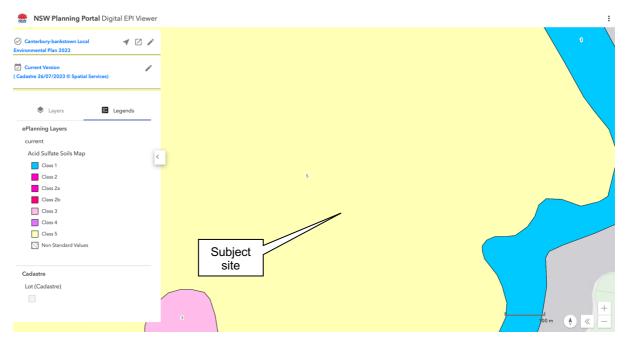


Figure 24 Acid sulfate map (source: Canterbury Bankstown LEP 2023 mapping)

#### Response

The proposal complies with the clause.

#### 4.1.1.4.6 OTHER LOCAL ENVIRONMENTAL PLAN CLAUSES

- 4.1A Minimum lot sizes and special provisions for dual occupancies
- (1) The objectives of this clause are as follows—
- (a) to ensure lots are large enough to accommodate proposed dwellings, setbacks to adjoining land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
- (b) to ensure lots are large enough to protect special attributes, including natural or cultural features, heritage items, heritage conservation areas, trees and natural topographical features,
- (c) to minimise the likely adverse impact of development on the amenity of the area.
- (2) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Zone R2 in Area 1 unless—
- (a) the lot is at least—
- (i) for dual occupancies (attached)—500m2, and
- (ii) for dual occupancies (detached)—700m2, and
- (b) the width of the lot at the front building line is at least—
- (i) for dual occupancies (attached)—15m, and
- (ii) for dual occupancies (detached)—20m, and
- (c) each dwelling will have a frontage to a road.
- (3) 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—
- (a) for dual occupancies (attached)—250m2, and
- (b) for dual occupancies (detached)—350m2.
- (4) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Area 2 unless—
- (a) the lot is at least 600m2, and
- (b) the width of the lot at the front building line is at least 15m, and
- (c) each dwelling will have a frontage to a road.
- (5) Development consent must not be granted to the subdivision of a dual occupancy on a lot in Area 2 unless—
- (a) each resulting lot will be at least 300m2, and
- (b) there will be 1 dwelling on each lot created.

#### Response

The subject site is not located in Area 1 or Area 2 therefore this clause is not applicable.

- 6.2 Earthworks
- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or
- (b) the earthworks are ancillary to-
- (i) development that is permitted without development consent under this plan, or
- (ii) development for which development consent has been granted.
- (3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following—
- (a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill and the soil to be excavated,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of the fill material and the destination of the excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,
- (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

#### Response

The proposed earthworks were considered against the provisions of this clause. It is deemed that the objectives of this clause are achieved. The proposed earthworks will not have a detrimental impact on the environmental functions and processes of subject site or neighbouring dwellings.

- 6.3 Stormwater management and water sensitive urban design
- (1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland, waterways and ground water systems.
- (2) This clause applies to land in Zones R2, R3, R4, B1, B2, B4, B5, B6, B7, IN1, IN2, SP1, SP2, RE1 and RE2.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and
- (d) includes riparian, stormwater and flooding measures, and
- (e) is designed to incorporate the following water sensitive urban design principles—
- (i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,
- (ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,
- (iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.

#### **Response**

A stormwater and drainage plan is provided with the proposed design. The objectives of this clause are met as the proposed works will minimise any potential adverse impacts of urban stormwater on the subject site as well as neighbouring sites.

# 4.1.2 ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION

Not applicable.

# 4.1.3 CANTEBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN (DCP) 2023

Canterbury-Bankstown Development Control Plans 2023 (Canterbury-Bankstown DCP 2023) are outlined below:

**CHAPTER 1: INTRODUCTION** 

Noted.

CHAPTER 2: SITE CONSIDERATIONS

Assessed below where applicable.

**CHAPTER 3: GENERAL REQUIREMENTS** 

Assessed below where applicable.

CHAPTER 4: HERITAGE

Not applicable.

CHAPTER 5: RESIDENTIAL ACCOMODATION

Chapter 5.1 is applicable and assessed below.

CHAPTER 6: STRATEGIC CENTRES

Not applicable.

CHAPTER 7: COMMERCIAL CENTRES

Not applicable.

**CHAPTER 8: EMPLOYMENT LANDS** 

Not applicable.

CHAPTER 9: INDUSTRIAL PRECINCTS

Not applicable.

CHAPTER 10: OTHER DEVELOPMENT

Not applicable.

CHAPTER 10: KEY DEVELOPMENT SITES

Not applicable.

#### 4.1.3.1 CHAPTER 2 SITE CONSIDERATIONS

#### 2.1 SITE ANALYSIS

The submitted architectural plans provide analysis of site conditions.

As the proposal is for dual occupancies, a through site analysis is not required under Chapter 2.1.

#### 2.2 FLOOD RISK MANAGEMENT

The site is located in the Davies Road Stormwater Catchment Flood Study. However, a review of the associated mapping do not identify the subject site as being within any flood risk areas. Therefore, no further requirements arise under Chapter 2.2 Flood Risk Management.

#### 2.3 TREE MANAGEMENT

All trees on site will be retained with the exception of a coco palm tree. Further assessment is provided in the arborist report.

#### 2.4 PIPELINE CORRIDORS

Not applicable.

4.1.3.2 CHAPTER 3 GENERAL REQUIREMENTS

#### 3.1 DEVELOPMENT ENGINEERING STANDARDS

Section 1 – Introduction Noted.

Section 2 – Civil engineering requirements

Clause	Controls	Assessment	
	The objectives of this clause are met. The proposed design incorporates a second driveway to provide assess to the dual occupancy.		
The proposed design meets Austra	lian Standards where applicable	and provides a good outcome on site.	
Vehicular footway crossing design	-	Not applicable.	
and construction		The proposed driveway does not cross a Council	
		footpath.	
Vehicular footway crossing design	-	Not applicable.	
criteria		The proposed driveway does not cross a Council	
		footpath.	

Internal driveway requirements	2.3 The on-site driveway layout must be designed so that a car may be able to access and exit all required car spaces in one motion. In addition, a required car parking space must be located so as to be outside and clear of any vehicular manoeuvring area or right of carriage way. Austroads standard turning path templates are to be used to determine acceptability.	N/A
Sight distance requirements	2.4 Adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway. Refer to the Australian Standard AS 2890.1 for minimum sight distance requirements. If adequate sight distance for the access to any development cannot be achieved and considered a concern, the applicant may be required to install regulatory signs, at the boundary of the development, as agreed with Council.	Complies.

Section 3 – Stormwater drainage systems
Stormwater drainage plan accompanies this application.

#### 3.2 PARKING

The objectives of this clause are met. The proposed car parking complies with the maximum off-street car parking rates as prescribed within this chapter. The proposed dual occupancies are 3 x bedrooms and both include 2 x car parking spaces. The carparking spaces and access all meet Australian standards.

#### 3.3 WASTE MANAGEMENT

The objectives of this clause are met.

The residential uses will provide sufficient space for general waster, recycling and garden organic bins as prescribed by Council. Architectural plans show the proposed storage of waste bins.

#### 3.4 SUSTAINABLE DEVELOPMENT

Not applicable.

#### 3.5 SUBDIVISION

Strata subdivision is sought for the proposed development.

#### **3.6 SIGNS**

Not applicable.

#### 3.7 LANDSCAPING

# Section 1 – Introduction Noted.

# Section 2 – Landscape design

Clause	Controls	Assessment
The objectives of this clause are me	et. The proposal achieved sufficient landscaping for the site.	
Existing vegetation and natural features	<ul><li>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</li><li>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil.</li></ul>	Complies.
Design and location	<ul> <li>2.3 The landscape design is to contribute to and take advantage of the site characteristics.</li> <li>2.4 The landscape design is to improve the quality of the streetscape and communal open spaces by: <ul> <li>(a) providing appropriate shade from trees or structures;</li> <li>(b) defining accessible and attractive routes through the communal open space and between buildings;</li> <li>(c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant;</li> <li>(d) improving the microclimate of communal open spaces and hard paved areas;</li> <li>(e) locating plants appropriately in relation to their size including mature size;</li> <li>(f) softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale;</li> <li>(g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter.</li> <li>2.5 The landscape of setbacks and deep soil zones must:</li> <li>(a) provide sufficient depth of soil to enable the growth of mature trees;</li> <li>(b) use a combination of groundcovers, shrubs and trees;</li> <li>(c) use shrubs that do not obstruct sightlines between the site and the public domain;</li> <li>and</li> <li>(d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer.</li> </ul> </li> </ul>	Complies. No major changes to existing site conditions.
Trees	2.6 Development must consider the retention of existing trees in the building design.	Complies. Only one tree is proposed to be removed which is a weed (coco palm). Merit assessment required.

2.7 Development must plant at least one canopy tree for every 12m of front	This cannot be achieved as tree is a large street
and rear boundary width and:	tree present in a location which would interfere with
(a) Canopy trees are to be of a minimum 75 litre pot size.	a new canopy tree.
(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.	Noted.
2.8 Development must provide street trees that will contribute to the canopy	
where possible.	

Section 3 - Biodiversity

Noted. The site does not contain any identified biodiversity values.

#### 4.1.3.3 CHAPTER 5 RESIDENTIAL ACCOMMODATION

## **Chapter 5.1 Former Bankstown Area**

Section 1 – Introduction Noted.

Section 2 – Dwelling houses Not applicable.

Section 3 – Secondary dwellings Not applicable.

Section 4 – Dual occupancies

Clause Controls Assessment

The proposal complies with the objectives of the clause. The proposal is for low scale development which follows existing subdivision patterns. The proposal achieves the desired future character for low density residential zoning.

The proposal complies with the objectives for dual occupancies. The proposed design provides sufficient amenity for its residents. The proposed design will not adversely impact on neighbouring properties.

Subdivision	4.1 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 450m2 per dwelling.	Complies.
Storey limit (not including basement)	4.2 The storey limit for dual occupancies is two storeys.  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.  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.	Merit assessment required.  Due to the slope of the site, the proposed development will appear is part-two part-three storey development from streetscape. The design responds to the topography of the site and should be accepted on merit. There are numerous examples within the surrounding area of three storey developments.  Complies.  The proposed design corresponds to the topography of the site.  Complies.
Setback restrictions	4.5 The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A
Street setbacks	<ul> <li>4.6 The minimum setback for a building wall to the primary street frontage is:</li> <li>(a) 5.5 metres for the first storey (i.e. the ground floor); and</li> <li>(b) 6.5 metres for the second storey.</li> <li>4.7 The minimum setback to the secondary street frontage is:</li> <li>(a) 3 metres for a building wall; and</li> <li>(b) 5.5 metres for a garage or carport that is attached to the building wall.</li> </ul>	Complies. The minimum setback is achieved for second storey. Other levels have an increased setback.
Side setbacks	4.8 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 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. 4.9 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. 4.10 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.	N/A Complies.

Private open space	<ul><li>4.11 The basement level must not project beyond the ground floor perimeter of the dual occupancy.</li><li>4.12 Dual occupancies must provide a minimum 80m2 of private open space</li></ul>	Merit assessment required.  Due to the slope of the site, some of the basements will project beyond the ground floor perimeter.  Merit assessment required.
	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.	Unit 1 has a POS of 50.7m2 and has additional outdoor space for the pool. Due to the slope of the site, this is deemed appropriate to avoid further excavation. Unit 2 has a POS 96.1m² which <b>complies.</b>
Access to sunlight	<ul> <li>4.13 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.</li> <li>4.14 At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the midwinter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</li> <li>4.15 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.</li> <li>4.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.</li> </ul>	Complies. Overshadowing diagrams provided show sufficient solar access to subject site and neighbouring properties.
Visual privacy	4.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:  (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council. 4.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:	Complies. There doesn't appear to be direct overlooking into neighbouring properties.  Complies.

	<ul> <li>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</li> <li>(b) the window has a minimum sill height of 1.5 metres above floor level; or</li> <li>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</li> <li>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</li> <li>4.19 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:</li> <li>(a) does not have an external staircase; and</li> <li>(b) does not exceed a width of 1.5 metres throughout; and</li> <li>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</li> <li>4.20 Council does not allow dual occupancies to have roof-top balconies and the like.</li> </ul>	The proposal follows existing subdivision patterns where windows face rear private open space. It does not appear that there will be any direct overlooking into neighbouring properties.  N/A
Building design	4.21 Dayolopment for the purpose of dual accupancies must demolish all	N/A Merit assessment
Building design	4.21 Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site.  4.22 The design of dual occupancies must ensure:  (a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or  (b) the street facade of dual occupancies (attached) or dual occupancies (detached)incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and (c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and  (d) the garage, driveway and front fence do not dominate the front of the building and front yard; and  (e) the two dwellings on a corner site each face a different frontage.  4.23 The maximum roof pitch for dual occupancies is 35 degrees.  4.24 Council may allow dual occupancies to have an attic provided the attic design:  (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and  (b) ensures the attic does not give the external appearance of a storey.  4.25 The design of dormers must:	Part of existing garage and driveway will be retained to avoid unnecessary excavation.  Complies.  Noted.  Complies.  Complies.  N/A  Complies.  N/A  N/A

	<ul> <li>(a) be compatible with the form and pitch of the roof; and</li> <li>(b) must not project above the ridgeline of the main roof; and</li> <li>(c) must not exceed a width of 2 metres; and</li> <li>(d) the number of dormers must not dominate the roof plane.</li> <li>4.26 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).</li> </ul>	N/A
Building design (car parking)	<ul> <li>4.27 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road inGeorges Hall must: <ul> <li>(a) comply with the road pattern shown in Appendix 2; and</li> <li>(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 as shown in Appendix 3.</li> <li>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 one car parking space per dwelling to locate forward of the front building line provided:</li> <li>(a) the car parking space forward of the front building line is uncovered and</li> </ul> </li> </ul>	N/A Complies.
	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. 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	Complies.
	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 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.	Complies. Only one tree is proposed to be removed which is a weed (coco palm).

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 he 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 (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.

#### Complies.

Landscape plan is provided within the architectural set.

Section 5 – Semi-detached dwellings Not applicable.

Section 6 - Attached dwellings Not applicable.

Section 7 – Multi dwelling housing Not applicable.

Section 8 – Residential flat buildings and shop top housing in Zone R4 Not applicable.

Section 9 – Boarding houses Not applicable.

Section 10 – Group homes Not applicable.

Section 11 – Liveable housing
Not applicable.
Section 12 – Ancillary development (outbuildings)
Not applicable.

Section 13 – Ancillary development (outdoor structures)

Not applicable.

Section 14 – Site facilities Not applicable.

#### 4.1.4 PLANNING AGREEMENTS OR DRAFT PLANNING AGREEMENTS

None applicable.

#### 4.1.5 THE REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2021.* 

# 4.2 IMPACTS OF DEVELOPMENT ASSESSED UNDER SECTION 4.15 (1)(B) OF THE EP&A ACT 1979

The proposal has been assessed against the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality under Section 4.15 (1)(b). The proposal's potential impacts on the following have been assessed:

Potential Impacts	Response
Context and setting	The proposal is located in an area zoned R2 – Low Density Residential.
	The context/setting of the site is appropriate for the proposed dwelling. The proposal will not have any adverse impacts on the natural and built environment.
Access, Transport and Traffic	Appropriate access and carparking is provided for the dwellings.
Energy	A BASIX Certificate has been submitted as part of this application.
Noise and Vibration	It is deemed the proposal will not have any changes in the current noise levels of the property. The current noise levels are deemed acceptable for the existing dwelling.
Construction	Appropriate construction management will be implemented to ensure there are no off-site impacts resulting from construction activities on the site.

# 4.3 SUITABILITY OF THE SITE UNDER SECTION 4.15 (1)(C) OF THE EP&A ACT 1979

The site is suitable for the proposal as it will maintain current use which is permissible under Canterbury Bankstown Local Environmental Plan 2023.

# 4.4 SUBMISSIONS MADE UNDER SECTION 4.15 (1)(D) OF THE EP&A ACT 1979

The proposal will be publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2021* and any relevant matters raised by any submissions received by Council will be addressed as required.

# 4.5 PUBLIC INTEREST UNDER SECTION 4.15 (1)(E) OF THE EP&A ACT 1979

The proposal is in the public interest as it will provide a low density residential development which is integrated within existing streetscape.

# 5 CONCLUSION

Council's development consent is sought for the alterations and alterations and garage at 7 Hilltop Avenue, Padstow Heights (Lot 11 DP 30948).

The proposal has been assessed against the applicable planning framework and achieves high compliance with the planning provisions in Canterbury Bankstown Local Environmental Plan 2023, Cantebury Bankstown Development Control Plan 2023 as well as any applicable state provisions.

The proposed development is considered appropriate on planning and design grounds for the following reasons:

- The proposed use is permissible under the zoning
- The proposal is integrated within the design and character of the existing building and is consistent with the character of surrounding site
- The proposal will not have any significant adverse impact on neighbouring properties
- The proposal will provide a positive visual outcome for the site

In light of the merits of the proposal and in the absence of any significant adverse environmental, heritage or social impacts, we have no hesitation in recommending that the development application be approved subject to standard conditions.

Regards,

Anja Morgan

Principal planner BUrb&EnvPlan, MBA

Easton Planning Consultants