
STATEMENT OF ENVIRONMENTAL EFFECTS

SECTION 8.2 REVIEW FOR DA-1498/2023
33 RUSSELL STREET, GREENACRE NSW 2190





ABN: 30 605 941 482
PHONE: (02) 8706 9797
EMAIL: info@planzone.com.au
WEB: planzone.com.au
POST: PO Box 3, Liverpool NSW 1871

QA RECORD:

DOC ID: SEE.240114.AA.AH
VERSION: 1.0
ISSUE DATE: 27 February 2024

DISCLAIMER:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, PLANZONE Pty Ltd, its subsidiaries, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

© COPYRIGHT

This document and any attachments referenced herein remain the property of PLANZONE Pty Ltd. Copying, editing, reproducing, disseminating or redistributing this document is not permitted without the prior consent of PLANZONE Pty Ltd.



Planning
Institute
Australia



TABLE OF CONTENTS

	PAGE
1 INTRODUCTION	1
2 THE SITE AND SURROUNDS	3
3 THE PROPOSAL	7
4 PLANNING FRAMEWORK	8
5 SECTION 4.15 EVALUATION EP&A ACT, 1979	8
5.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979	8
5.2 SECTION 4.15(1)(B) OF THE EP&A ACT, 1979	20
5.3 SECTION 4.15(1)(C) OF THE EP&A ACT, 1979	23
5.4 SECTION 4.15(1)(D) OF THE EP&A ACT, 1979	23
5.5 SECTION 4.15(1)(E) OF THE EP&A ACT, 1979	23
6 SECTION 4.46 EVALUATION EP&A ACT, 1979	24
7 DIVISION 8.2 EP&A ACT, 1979	24
8 CONCLUSION	26

FIGURES

	PAGE
FIGURE 1: LOCATION MAP	4
FIGURE 2: AERIAL PHOTO	5
FIGURE 3: STREET VIEW OF THE SUBJECT SITE	5
FIGURE 4: VIEW OF ADJOINING PROPERTY TO THE EAST	6
FIGURE 5: VIEW OF ADJACENT PROPERTY TO THE NORTH	6
FIGURE 6: VIEW OF ADJOINING PROPERTIES TO THE WEST	7
FIGURE 7: BASEMENT LEVEL OVERLAY WITH GROUND FLOOR LEVEL.	15

TABLES

	PAGE
TABLE 1: SUMMARY RESPONSE TO REASONS FOR REFUSAL	2
TABLE 2: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA	3
TABLE 3: DEVELOPMENT AND BUILT FORM SNAPSHOT	8
TABLE 4: CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE	12
TABLE 5: CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 COMPLIANCE TABLE	19
TABLE 6: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021	19
TABLE 7: INTEGRATED DEVELOPMENT TRIGGERS	24
TABLE 8: DIVISION 8.2 MATTERS FOR CONSIDERATION	26



LEGISLATION CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	APPLICABLE?
SEPP NO 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT	N/A
SEPP (SUSTAINABLE BUILDING) 2022	✓
SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008	N/A
SEPP (BIODIVERSITY AND CONSERVATION) 2021	✓
SEPP (HOUSING) 2021	N/A
SEPP (INDUSTRY AND EMPLOYMENT) 2021	N/A
SEPP (PLANNING SYSTEMS) 2021	N/A
SEPP (PRECINCTS - CENTRAL RIVER CITY) 2021	N/A
SEPP (PRECINCTS - EASTERN HARBOUR CITY) 2021	N/A
SEPP (PRECINCTS - REGIONAL) 2021	N/A
SEPP (PRECINCTS - WESTERN PARKLAND CITY) 2021	N/A
SEPP (PRIMARY PRODUCTION) 2021	N/A
SEPP (RESILIENCE AND HAZARDS) 2021	✓
SEPP (RESOURCES AND ENERGY) 2021	N/A
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	✓



1 INTRODUCTION

This Statement of Environmental Effects has been prepared PLANZONE to accompany a application to City of Canterbury-Bankstown Council seeking consent under Division 8.2 of the Environmental Planning and Assessment (the Act), 1979 for a review of the Refusal Determination of DA-1498/2023 that sought consent for the demolition of existing structures and construction of a two-storey dwelling-house, with basement parking and inground swimming pool alterations at 33 Russell Street, Greenacre NSW 2190.

This Statement of Environmental Effects has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* (the Act) and Part 3 of the *Environmental Planning and Assessment Regulation, 2021* (the Regulation), and provides the following:

- Identifies any environmental impacts of the development;
- Indicates how any environmental impacts of the development have been identified;
- Outlines the steps to be taken to protect the environment or to lessen the expected harm to the environment; and
- Considers any matters required to be indicated by any guidelines issued by the Planning Secretary.

Under the provisions of Section 8.2 of the Act, the application seeks the consent authority to review the determination to application DA-1498/2023. This application seeks to address Council's Notice of Determination – **Refusal** determined on 19 January 2024 for the following reasons:

NO.	REASON	RESPONSE
1.	<i>The proposed development exceeds the maximum wall height permitted in accordance with Clause 4.3 of CBLEP 2023 [Pursuant to S4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans demonstrating compliance with this Clause.
2.	<i>The proposed development exceeds the maximum floor space ratio in accordance with Clause 4.4 of CBLEP 2023[Pursuant to S4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans demonstrating compliance with this Clause.
3.	<i>The proposed development fails to comply with Subchapter 3.2 Clause 3.7 of Canterbury Bankstown Development Control Plan 2023 with regard to mechanical parking devices [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans demonstrating compliance with this Clause. The mechanical parking facility has been removed in accordance with DCP.
4.	<i>The scale and compatibility of the development is not consistent with the requirements of Clause 2.2 of Subchapter 5.1 of Canterbury Bankstown Development Control Plan 2023 with regard to the siting of the dwelling house [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans demonstrating compliance with this Clause.

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



NO.	REASON	RESPONSE
5.	<i>The proposed development fails to Comply with Clause 2.9 of Subchapter 5.1 of Canterbury Bankstown Development Control Plan 2023 with regard to the basement projecting beyond the ground floor perimeter of the dwelling [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].</i>	Refer to Table 5 of Canterbury-Bankstown Compliance Table – Clause 2.9 within this Statement seeking variation to this control pursuant of Section 4.15(3A)(b) of the Act.
6.	<i>The proposed development fails to comply with Clause 2.10 of Subchapter 5.1 of Canterbury Bankstown Development Control Plan 2023 with regard to the provision of private open space [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans demonstrating compliance with this Clause.
7.	<i>The proposed development fails to demonstrate compliance with Clauses 2.12 & 2.13 of Subchapter 5.1 of Canterbury Bankstown Development Control Plan 2023 with regard to access to sunlight [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans and Shadow Diagrams demonstrating compliance with this Clause.
8.	<i>The proposed development fails to demonstrate compliance with Clause 2.10 of Subchapter 5.1 of Canterbury Bankstown Development Control Plan 2023 with regard to visual privacy [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].</i>	Refer to modified Architectural Plans and Window Schedule demonstrating compliance with this Clause.
9.	<i>The proposed development is unsatisfactory as it fails to demonstrate compliance with Councils Development Engineer Standards [Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979].</i>	Refer to amended Engineering plans accompanying this 8.2 in separate cover.
10.	<i>The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the Environmental Planning & Assessment Act 1979]</i>	Refer to this Statement and accompanying supporting documentation detailing the subject site suitability and compatibility.

TABLE 1: SUMMARY RESPONSE TO REASONS FOR REFUSAL

This application proposes to address each point, with a careful collaboration between Architects, Engineers and Planner's to take account changes to the overall building scope and design in response to the initial assessed application DA-1498/2023.

The amended development responds to the characteristics of the site and is set amongst a fully landscaped site and surrounds. The orientation and design ensure that the dwelling is provided with ample amenity through the provision of natural light and cross flow ventilation and a functional private open space area for the dwelling. Accordingly, the development achieves a high level of compliance with the requirements prescribed in *Canterbury-Bankstown Local Environmental Plan 2023* (the LEP) and *Canterbury-Bankstown Development Control Plan 2023* (the DCP) with a variation sought to the DCP in response **Reason for refusal – (Reason 5)** which will be addressed in separate section in this Statement.



Upon completion, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will integrate with the character of existing developments in the streetscape. The proposed alterations and additions will significantly enhance the existing streetscape and provide a catalyst for future similar developments of a high standard in the locality.

The site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development and accordingly, the proposed development will be in the local and wider public interest.

The DA is made pursuant to Part 4 of the Act and is not Integrated or Designated Development under the provisions of the Act. The development has a Capital Investment Value of less than \$30 million and the application is not one that requires determination by the Local Planning Panel by Ministerial Direction issued under Section 9.1 of the Act as detailed below:

DEVELOPMENT	TRIGGER	✓/✗
11. Conflict of Interest	N/A	N/A
12. Contentious Development	The consideration of submissions cannot be made at the time of preparing this Statement.	N/A
13. Departure from Development Standards	The DA does not seek consent for a departure from a development standard under Clause 4.6 of the LEP.	N/A
14. Sensitive Development	(a) The DA is not designated development. (b) The DA does not seek consent for a residential flat building. (c) The DA does not seek consent for demolition of a heritage item. (d) The DA is not for a licensed premises. (e) The DA is not for a sex-services or restricted premises. (f) The DA does not propose to enter into a planning agreement.	N/A

TABLE 2: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

Accordingly, Council is the consent authority for the purpose of determining the DA unless submissions are received that would trigger a requirement for the application to be referred to the Local Planning Panel for determination.

The Statement should be read in conjunction with the following plans and supporting documentation:

- Architectural Plans prepared by RM Designers;
- NatHERS Certificate prepared by SYMEC Group;
- Traffic Impact Statement prepared by Fernway Engineering;
- Survey Plan prepared by NSW Land Services;
- Concept Stormwater Plans prepared by SDS Engineering;
- Waste Management Plan prepared by RM Designers;
- BASIX Certificate prepared by SDS Engineering; and
- Development cost summary report prepared by PBA.

This Statement of Environmental Effects undertakes an assessment of the proposal against the requirements and the matters for consideration under Sections 1.7, 4.15, 4.46. 8.2 and 8.3 of the Act and should be read in conjunction with the plans and documents accompanying the application.

2 THE SITE AND SURROUNDS



ADDRESS: 33 Russell Street, Greenacre NSW 2190

LEGAL DESCRIPTION: Lot 20 in DP 26321

SITE AREA: 634.2 m² (survey)

DIMENSIONS
NORTHERN FRONT: 16.635 metres
EASTERN SIDE: 39.445 metres
WESTERN SIDE: 40.115 metres
SOUTHERN REAR: 15.24 metres

ORIENTATION: The subject site is located on the north-western side of Russell Street, Greenacre as shown in Figure 1.

LOCATION MAP:



FIGURE 1: LOCATION MAP

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY



AERIAL MAP:



FIGURE 2: AERIAL PHOTO

EXISTING IMPROVEMENTS:

The subject site contains a single storey dwelling house, shed and inground swimming pool. An aerial map is provided above and photographs illustrating the site and existing structures are provided below:



FIGURE 3: STREET VIEW OF THE SUBEJCT SITE

EXISTING VEGETATION:

The existing subject site consists of one main tree at the rear setback and low-medium dense shrubs across the site. The application does not propose tree removal, clearance of native vegetation or any vegetation of significance.

SURROUNDS:

The local surrounding area is characterised by low density residential uses on all sides.



FIGURE 4: VIEW OF ADJOINING PROPERTY TO THE EAST



FIGURE 5: VIEW OF ADJACENT PROPERTY TO THE NORTH



FIGURE 6: VIEW OF ADJOINING PROPERTIES TO THE WEST

PAST USES AND DEVELOPMENT HISTORY:	A review of 1943 aerial imagery and previous development history for the site indicates that the lot was vacant lot and review of 1945-1955 aerial imagery shows the lot as used for residential purposes for a lengthy period of time. A review of Council's DA tracking system has revealed DA-1498/2023 was REFUSED for 'Demolition of existing structures and construction of a two-storey dwelling-house, with basement parking and inground swimming pool' for the subject site. This application seeks for a Section 8.2 Review from Council to review the refused determination.
---	---

3 THE PROPOSAL

PROPOSED DEVELOPMENT:	The subject application seeks consent for Division 8.2 of the Environmental Planning and Assessment (the Act), 1979 for a review of the Refusal Determination of DA-1498/2023 that sought consent for the demolition of existing structures and construction of a two-storey dwelling-house, with basement parking and inground swimming pool alterations at 33 Russell Street, Greenacre NSW 2190.
DEFINED LAND USE:	“ Dwelling house means a building containing only one dwelling. ”
DEMOLITION:	The application proposes demolition works as shown on the demolition plans.
EARTHWORKS:	Earthworks are proposed as part of this application for swimming pool and basement parking.
SITE AREA:	634.2m ²
GROSS FLOOR AREA:	GROUND FLOOR: 172.97m ² FIRST FLOOR: 143.16m ² TOTAL GFA: 316.13 m ²
FLOOR SPACE RATIO:	STANDARD: 0.5:1 PROPSOED: 0.49:1
BUILDING HEIGHT:	STANDARD: 9 m PROPSOED: 6.94 metres

LEGEND:
✓ COMPLIES
✗ DOES NOT COMPLY
S SATISFACTORY



FRONT SETBACK:	GROUND FLOOR: 8.577 metres PROPOSED FIRST FLOOR: 8.915 metres	
REAR SETBACK:	GROUND FLOOR: 13 metres PROPOSED FIRST FLOOR: 10.020 metres	
SIDE SETBACKS:	EASTERN BOUNDARY	WESTERN BOUNDARY
	GROUND 1.651 meters	900 mm
	FIRST FLOOR 1.568 metres	900 mm
CAR PARKING:	The application proposes 2-space basement parking.	
PRIVATE OPEN SPACE:	STANDARD: 80 sqm PROPOSED: Over 80 sqm of POS is proposed are shown on Architectural Plans including swimming pool, alfresco and rear landscaped area.	
LANDSCAPED AREA:	PROPOSED: 163.74 m ²	
STORMWATER:	Concept stormwater drainage plans provided in a separate cover.	

TABLE 3: DEVELOPMENT AND BUILT FORM SNAPSHOT

4 PLANNING FRAMEWORK

The *Environmental Planning and Assessment Act, 1979* (the Act) prescribes the following matters that have been taken into consideration in the assessment of the subject application, as detailed under the respective headings within Sections 5, 6 and 7 of this Statement:

- Section 1.7 - Significant effect on threatened species, populations or ecological communities, or their habitats;
- Section 4.15 - Evaluation:
 - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
 - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
 - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
 - Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
 - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
 - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
 - Section 4.15(1)(c) - The suitability of the site for the development;
 - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
 - Section 4.15(1)(e) - The public interest.
- Section 4.46 - Integrated Development.
- Section 8.2 – Determinations and decisions subject to review.

5 SECTION 4.15 EVALUATION EP&A ACT, 1979

5.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979

(i) SECTION 4.15(1)(A)(I)

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable to this development:

LEGEND:
 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



- State Environmental Planning Policy (Sustainable Building) 2022;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Canterbury-Bankstown Local Environmental Plan 2023.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Pursuant to the provisions of the *Environmental Planning & Assessment Regulations 2021*, the proposed development is defined as *BASIX affected development*. A *BASIX Certificate* for the proposed alterations and additions accompanies the application indicating full compliance with the BASIX requirements by achieving or surpassing the minimum water, energy, and thermal comfort scores.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

There are no provisions in the above SEPP's that are of relevance to this application. Previous development consent DA-1498/2023 acts as address this section, and Section 8.2 Review aims to address the reasons of refusal as detailed in this Statement.

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

Canterbury-Bankstown Local Environmental Plan 2023 (the LEP) is the principal environmental planning instrument that applies to the land and contains all the applicable development standards for the development of the site. An assessment against the applicable LEP provisions is provided below.

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
PART 1 - PRELIMINARY			
1.2	Aims of Plan	<p>The proposed development achieves the aims of the LEP in the following ways:</p> <ul style="list-style-type: none"> (c) The development does not pose any impacts on the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown; (d) The development is compatible with the desired future character and amenity of the locality, as demonstrated in this Statement; (e) The development is not proposed on land that is sensitive to urban and natural hazards; (f) The development maintains residential accommodation that will meet the changing needs of the population; (j) The development achieves good urban design in terms of the site layout, building form, streetscape and public and private safety; (k) The development does not generate intensive car usage and traffic; (l) The development will not pose any cumulative impact on the health of the natural environment and waterways and on the capacity of 	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		infrastructure and the road network; (m) The development will support healthy living and enhance the quality of life and the social well-being and amenity of the community by providing a larger format dwelling to meet the changing needs of occupants; (n) The development does not require any upgrades to existing infrastructure; and (o) The development has been designed in an ecologically sustainable manner.	
1.4	Definitions are contained in the dictionary	The proposed development is defined as a “dwelling house”.	✓
PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT			
2.2	Zoning of Land	The site is zoned R2 Low Density Residential zone.	✓
2.3	Zone objectives and Land Use Table	<p>ZONE OBJECTIVES:</p> <p>The proposed development is consistent with the objectives of the zone, as it provides for housing needs of the community within a low-density residential environment. The proposed development is compatible with the existing dwelling stock within the locality and will provide for a suitable level of amenity for occupants as well as maintain suitable levels of amenity for adjoining properties in the locality.</p> <p>LAND USE TABLE:</p> <p>Development for the purpose of a “dwelling house” is permitted with consent in the zone.</p>	✓
2.5	Additional permitted uses for particular land	The site is not afforded with additional permitted uses in Schedule 1 of the LEP.	N/A
2.6	Subdivision - consent requirements	No subdivision is proposed as part of this application.	N/A
2.7	Demolition requires development consent	The application does propose demolition works as demonstrated on demolition plans.	✓
PART 4 - PRINCIPAL DEVELOPMENT STANDARDS			
4.3	Height of Buildings	<p>STANDARD: 9 metres</p> <p>PROPOSED: 6.94 metres</p>	✓
4.3 (2C)	Wall height	<p>STANDARD: 7 metres</p> <p>PROPOSED: Below 7 m as shown on Architectural plans</p>	✓
4.4	Floor Space Ratio	<p>STANDARD: 0.5:1</p> <p>PROPOSED: 0.49:1</p>	✓
4.5	Calculation of floor space ratio and site area	The floor space ratio and site area have been calculated pursuant to the provisions of this Clause.	✓
4.6	Exceptions to development standards	The application does not seek consent for any exceptions to development standards.	N/A



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023				
CL	REQUIREMENT		PROPOSED	✓/✗
PART 5 - MISCELLANEOUS PROVISIONS				
5.1	Relevant authority	acquisition	The site is not mapped as reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> .	N/A
5.3	Development near zone boundaries		The development is permissible with consent and does not rely on the provisions of this Clause.	N/A
5.4	Controls relating to miscellaneous permissible uses		Not applicable as the development is not for any of the uses mentioned under this clause.	N/A
5.6	Architectural roof features		The Section 8.2 Review does not seek consent for architectural roof features above the maximum building height.	N/A
5.7	Development Below Mean High Water Mark		The site is not situated below the mean high-water mark.	N/A
5.10	Heritage Conservation		The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area.	N/A
	Heritage Item:	✗		
	Conservation Area:	✗		
	In vicinity of item or area:	✗	The site is not identified as an archaeological site.	N/A
	Archaeological Site:	✗		
	Aboriginal Heritage:	✗	There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site.	
5.11	Bush fire hazard reduction		The subject site is not identified as a bushfire prone land.	N/A
5.21	Flood Planning		The subject site is not mapped as being in a <i>Flood Planning Area</i> or <i>Flood Prone Land</i> on the <i>Flood Planning Area Map</i> .	N/A
PART 6 - ADDITIONAL LOCAL PROVISIONS				
6.1	Acid sulfate soils		The site is not mapped as 'Acid sulfate 'affected in LEP maps.	N/A
6.2	Earthworks		<p>The application proposes earthworks ancillary to the development as part of the construction works associated with the basement car parking level and the swimming pool. The earthworks:</p> <p>(a) Will not disrupt or have any detrimental effect on drainage patterns and soil stability in the locality of the development as demonstrated by the stormwater, Engineering plans and Architectural Plans accompanying this 8.2 Review; and</p> <p>(b) Will not affect the future use or redevelopment of the land which can continue to be used for residential purposes and can be re-filled if necessary; and</p> <p>(c) Include soil excavation which is not required to be assessed within residential zone as the site remains for residential purposes; and</p> <p>(d) Will not pose any significant impacts on the existing and future amenity of adjoining properties; and</p> <p>(e) Include excavation of soils and the destination of any excavated material will be to the nearest</p>	✓

LEGEND:
 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023			
CL	REQUIREMENT	PROPOSED	✓/✗
		<p>facility to the site capable of taking the excavated material; and</p> <p>(f) Are unlikely to disturb any relics as none are known to exist on or around the site; and</p> <p>(g) Are unlikely to have any impact on any nearby waterbody; and</p> <p>(h) Will implement appropriate measures to avoid, minimise and mitigate any impacts of the development, subject to appropriate conditions being imposed on any consent granted by Council.</p> <p>Appropriate measures will be undertaken during the construction stage to protect the surrounding land uses and the immediate environment in accordance with any conditions imposed on any consent granted by Council.</p>	
6.3	Stormwater Management and water sensitive urban design	Appropriate stormwater detention and management is achieved that will minimise stormwater runoff from the site. Refer to concept stormwater plan accompanying the application.	✓
6.4	Biodiversity	The subject site is not located within biodiversity zone land.	
6.9	Essential Services	The augmentation and provision of new and additional water, electricity, sewage and stormwater drainage utilities and infrastructure will be necessary as a result of the proposed development. However, these services are already existing and available to the subject site.	✓

TABLE 4: CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 COMPLIANCE TABLE

(ii) SECTION 4.15(1)(A)(II)

THE PROVISIONS OF ANY PUBLICLY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

At the time of preparing this Statement, there were no draft environmental planning instruments that applied to the land or development. Accordingly, the proposal is considered acceptable having regard to the provisions of the Draft EPI's under Section 4.15(1)(a)(ii) of the Act.

(iii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Canterbury-Bankstown Development Control Plan 2023 (the DCP) contains objectives and development controls for development on land within the boundaries of the former Canterbury Local Government Area. An assessment against the applicable sections of the DCP is provided below.



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗

CHAPTER 2 - SITE CONSIDERATIONS

2.1	Chapter 2.1 - Site Analysis	A Site Analysis Plan accompanies this DA in a separate cover.	✓
2.2-2.4	Chapter 2.2 - Flood Risk Management Chapter 2.3 - Tree Management Chapter 2.4 - Pipeline Corridors	<p>The subject site integrates and acknowledges the principles of the subject site's constraints; however, deemed unnecessary considering the nature of works for:</p> <ul style="list-style-type: none"> ✗ Flood risk management plan ✗ Tree management plan ✗ Pipeline corridors 	

This Statement further assess these considerations and their application to the proposed development.

CHAPTER 3 - GENERAL REQUIREMENTS

CHAPTER 3.1 - DEVELOPMENT ENGINEERING STANDARDS

2	Civil Engineering Requirements	Civil engineering specifications and structure will be conditioned in OC/CC stages. Concept Stormwater Engineer Plans are attached in separate cover.	✓
3	Stormwater Drainage System	<p>The stormwater plans accompanying the application indicate the stormwater works required as part of the proposed development.</p> <p>The application proposed a typical below rainwater tank to support water management and absorption trench for effluent flows after it leaves the tank.</p> <p>Overall, the proposed development includes an appropriate stormwater system that will not create any adverse impacts to the existing stormwater system in the locality.</p> <p>Refer to Concept Stormwater Drainage Plans detailing this control.</p>	✓
4	On-site Detention Systems	The application does not seek on-site detention system.	N/A

CHAPTER 3.2 - PARKING

1-2	Various controls	2 car park basement is proposed in accordance with off-street car parking provisions. No mechanical parking devices are proposed as part of this 8.2 Review. Refer to Basement plans and FF Ramp Section plans outlining design and layout of the driveway/basement proposed.	✓
Section 3	Various controls	No mechanical parking devices are proposed as part of this 8.2 Review. The basement level garage achieves over 3 widths for one and 2.4 m in garage headroom dimension clearance. The application proposes clearly, defined pedestrian access points from Russell Street separate to driveway access.	



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
-----	---------	----------	-----

Basement Parking:

- ✗ The proposed basement level parking arrangements provide for adequate ventilation;
- ✗ The design of basement level is well integrated and concealed within the building envelope to mitigate bulk and scale of overall development or detract from streetscape or front setback characteristics.

CHAPTER 3.3 - WASTE MANAGEMENT

2	Standard services specifications for residential development	In accordance with Guide A - Single Dwellings, the Waste Management Plan proposed details the waste storage, separation, and disposal arrangements during and after construction which is attached in a separate cover.	✓
---	---	---	---

CHAPTER 3.4 SUSTAINABLE DEVELOPMENT

2	Water conservation	A <i>BASIX Certificate</i> accompanies the application. The <i>BASIX Certificate</i> details full compliance with the BASIX requirements by achieving or surpassing the minimum water, energy and thermal comfort scores and these commitments have been indicated on the accompanying plans.	✓
3	Energy Minimisation	A <i>BASIX Certificate</i> accompanies the application. The <i>BASIX Certificate</i> details full compliance with the BASIX requirements by achieving or surpassing the minimum water, energy and thermal comfort scores and these commitments have been indicated on the accompanying plans.	✓

CHAPTER 3.7 LANDSCAPE

2	Landscaping Design	Refer to Landscape Plan prepared by RM Designers outlining the landscaping design, tree/planting schedule, deep soil planting and other considerations related to this control.	✓
3	Biodiversity	The proposed development seeks first storey addition that will have minimal adverse impacts of biodiversity of the area.	✓

CHAPTER 5 - RESIDENTIAL ACCOMODATION

CHAPTER 5.1 – FORMER BANKSTOWN LGA

SECTION 2 – DWELLING HOSUES

Storey limit (not including basements)

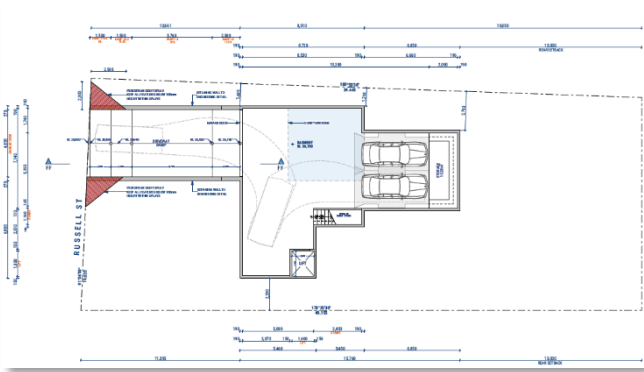
2.1	Storey limit	The application proposes 2 storey development.	✓
2.2	Dwelling sitting	The proposed development responds to the natural landform and topography of the site as indicated on survey plan and reflected on the Architectural Plans.	✓
2.3	Ground level on the site must not exceed a height of 600mm above the ground level (existing)	Refer to the Architectural Plans demonstrating compliance with this control.	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
Setbacks restrictions			
2.4	Animal boarding	The development is not within 9 m of nearby animal boarding or training establishment.	✓
2.5	Street Setbacks (Primary)	PROPOSED GROUND FLOOR: 8.577 metres PROPOSED FIRST FLOOR: 8.915 metres	✓
2.7-2.8	Side Setbacks & wall height	GROUND FLOOR EASTERN: 1.651 m GROUND FLOOR WESTERN: 900 mm FIRST FLOOR EASTERN: 1.568 m FIRST FLOOR WESTERN: 900 mm	✓
2.9	Basement	The proposed development basement design exceeds beyond ground floor perimeter as shown in Figure 7 below:	
	<p>Control: The basement level must not project beyond the ground floor perimeter of the dwelling house.</p> <p>Objectives:</p> <p>O1 To ensure the building form, building design and landscape of dwelling houses are compatible with the prevailing suburban character of the residential areas.</p> <p>O2 To ensure the building form and building design of dwelling houses provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p>O3 To ensure the building form and building design of dwelling houses do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and</p>	 <p>FIGURE 7: BASEMENT LEVEL OVERLAY WITH GROUND FLOOR LEVEL</p> <p>Whilst the non-compliances are evident, the conceptual design proposed achieves an overall holistic and comprehensive application of planning principles by remaining consistent with Objective of the development. Notwithstanding, an objective assessment seeking variation to this control is sought.</p> <p>OBJECTIVE ASSESSMENT:</p> <p>O1 The proposed development in relation to building form and design presents a unified frontage with basement level being well integrated and concealed which retains the streetscape characteristics and car parking schedule. The basement level has footprint of approximately 108.36 sqm excluding driveway access, lift, storage area and staircase as defined in LEP. To mitigate the visual bulk and scale of basement level, an extended basement levels allows for compatible building stock and adopts architectural language and design of the surrounding context without creating disproportionate building envelope that's heavily dense with building elements. The proposed building-built form and design is appropriately articulated and modulated to unify the</p>	



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
	privacy.	streetscape frontages, with the basement level being integrated and concealed within building footprint to mitigate any visual bulk or scale. Re-designing the basement level achieves no beneficial built environment nor planning consideration that would impact the overall building form or design.	
	O4 To ensure the building form of dwelling houses in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.	O2 The proposed development, as assessed in this Statement, ensures adequate amenity to residents in terms of Private Open Space (POS), solar access and privacy. As noted, the development remains wholly beneath the building footprint and does not extend unreasonably to impact any neighbouring amenities or services. Furthermore, the basement level is integrated and concealed with the overall building framework, and does not interrupt the POS, access to sunlight or privacy in relation to acoustic or visual. Refer to Shadow Diagrams indicating the anticipated casts associated with the proposed dwelling.	
	O5 To minimise the visual impact of off-street parking on the streetscape.	O3) As noted above, the development remains beneath building footprint, and does not impact neighbouring dwellings amenity in terms of visual bulk, access to sunlight and privacy. The modified architectural plans further confines the lift within basement footprint to mitigate any excessive earthworks or impacts on adjoining properties. Furthermore, the courtyard addition allows for visual break in bulk to accommodate appropriate sunlight access, reduces bulk and scale and minimise overshadowing. Whilst the courtyard addition consequently has expanded the ground floor footprint creating the non-compliance, the courtyard achieves a greater design and planning outcome for the overall development. The courtyard acts as a break between the building components and is well articulated to achieve mitigate overshadowing and improve access to sunlight. Whilst the removal of courtyard would minimise basement projection beyond building footprint, this approach is considered problematic as a practical application of courtyard incentives planning benefits that should not be penalized by well concealed underground basement level that responds to building characteristics. This design approach would ultimately lead to a worse planning outcome. Q4) The subject site is not identified as located within or nearby Foreshore Protection Areas on Council's maps, as such, this objective is not applicable to this development. Q5) The proposed basement level design takes account consideration in relation to overall compatibility, characteristics and practicality that's sympathetic with the off-street parking arrangements when viewed from the street. The basement level is designed to be integrated and concealed within building footprint to mitigate scale or bulk of the building. The proposed basement has been re-designed	

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
		<p>to minimise the extent of lift, designing it further within building footprint to mitigate any excessive earthworks required. The basement level is equipped with storage area, lift, staircase as only ancillary structures.</p> <p>Furthermore, as detailed in Traffic Impact Statement, appropriate swept paths are provided in accordance with AS2890, Part 1, 3 and 6 which demonstrate no visual impacts on car parking arrangements or car manoeuvring. Alternative design approaches will have no reasonable or practical application of basement level, as basement will require to extend beyond ground floor footprint to accommodate a complete access to essential utilities whilst maintaining appropriate swept paths.</p> <p>This application proposes a similar basement level design as development consent DA-1053/2021 determined on 25 March 2021 at subject site 6 Bowden Boulevard, Yagoona NSW which was approved. The design adopts similar design characteristics to ensure consistency within LGA.</p> <p>Thus, compliance with the development standard is deemed unnecessary and unreasonable considering as the basement level has no environmental or social implications but rather proposes contemporary design outlook compatible with the building stock.</p> <p>Pursuant to Section 4.15(3A)(b) of the Act and based on this assessment above, Council is required to adopt a flexible approach in applying the provisions and allow the reasonable alternative solutions that achieve the objects of the control in dealing with this aspect of the development.</p>	
Private Open Space			
2.10	POS	<p>STANDARD: 80 sqm</p> <p>PROPOSED: 80.51 sqm of POS is proposed is shown on Architectural Plans including swimming pool, alfresco and landscaped area.</p>	✓
Access to sunlight			
2.11-2.14	Solar Access and Overshadowing	<p>The development proposes 2 storey dwelling house with ancillary structure.</p> <p>The living area will receive more than 3 hours of sunlight between 8.00am and 4.00pm on 21 June given it has a direct north orientation as shown on shadow diagrams.</p> <p>The proposed private open space will 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 given. Furthermore, the adjoining properties achieve 50% of sunlight access between 8 am to 12 pm at the equinox.</p>	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

REF	CONTROL	PROPOSED	✓/✗
		Skylights are proposed to supplement sunlight access however remain ancillary source of sunlight.	
Visual Privacy			
2.15- 2.17	Window positioning	<p>The proposed development will maximum visual privacy between the buildings on and adjacent to the site. The development by virtue of separate and articulation mitigate overlooking opportunities. Furthermore, the overall development design achieves:</p> <ul style="list-style-type: none"> ➤ Sill height of 1.5 m and over as shown on elevation plans; and ➤ Offset windows between dwellings to minimise overlooking; <p>The proposed window schedule anticipates minor overlooking opportunities to neighbouring POS. The windows are generally associated with Bedroom 2 (W-16) and 3 (W-14). The windows for each bedroom are appropriately sill heighted by 1.5 m that mitigates overlooking opportunities. All other windows are associated with bathrooms, laundry and hallways which are designed to maximise sunlight access in non-habitable spaces. Only the guest living space on ground floor proposes Window (W0-1) which is well concealed and integrated with the overall building to ensure appropriate wall height in accordance with LEP. A front and back first floor balcony is proposed with confined footprint to ensure no overlooking opportunity occur to the east and west. The back balcony has width of 1.4 m in accordance with relevant standards outlined in this control.</p> <p>A roof top balcony is not proposed as part of this application.</p>	✓
Building design			
2.19- 2.22	Various Controls	<p>The development does not propose:</p> <ul style="list-style-type: none"> ➤ Dormer windows; ➤ Attic. ➤ Pitched roof over 35 degrees (refer to Roof Plans accompanied in separate cover); and ➤ Not in a foreshore protection area. 	✓
Building design (car parking)			
2.23- 2.27	Car spaces design	<p>The proposed car parking arrangements accommodates for 2 basement car parking spaces behind the building line compliant with car parking provisions outlined in Chapter 3.2 of the DCP. The development does not propose:</p> <ul style="list-style-type: none"> ➤ Car parking space front of the building line; ➤ Single Carport; and ➤ Garage with more than two car parking space facing the street only concealed basement level parking. 	✓



CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023			
REF	CONTROL	PROPOSED	✓/✗
Landscape			
2.28-2.29	Landscape Design	Refer to Landscape Plan prepared by RM Designers detailing scope of landscaping characteristics and design adopted as part of this application.	✓
SECTION 13 – ANCILLARY DEVELOPMENT (OUTDOOR STRUCTURES)			
13.3	Front fence	The application proposes 900 mm high Mansory front fence retaining open style construction.	✓
13.1 2-13.1 3	Swimming pool and spas	The proposed swimming pool is located wholly behind the front building line. Furthermore, the swimming pool is setback 1.056 m of side boundary.	✓

TABLE 5: CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023 COMPLIANCE TABLE

(iii) SECTION 4.15(1)(A)(IIIA)

THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER S7.4

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposed development.

(iv) SECTION 4.15(1)(A)(IV)

THE PROVISIONS OF THE REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2021

Pursuant to Section 4.15(1)(A)(iv) of the Act, the following additional matters are required to be taken into consideration (where relevant) for a DA:

CL	MATTER FOR CONSIDERATION	✓/✗
61(1)	<i>In the case of a DA for the demolition of a building, the provisions of AS 2601</i>	✓
61(2)	<i>Any subdivision order made under Schedule 7 to the Act</i>	✗
61(3)	<i>The Dark Sky Planning Guideline</i>	✗
61(4)	<i>Low Rise Housing Diversity Design Guide for DA for manor house or multi dwelling housing (terraces)</i>	✗
62	<i>Fire safety and other considerations</i>	✗
63	<i>Fire safety and other considerations applying to erection of temporary structures</i>	✗
64	<i>Consent authority may require buildings to be upgraded</i>	✗

TABLE 6: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

SECTION 61(1): DEMOLITION

Section 61(1) of the *Environmental Planning and Assessment Regulation, 2021* (the Regulations) prescribes that the provisions of *Australian Standard AS2601:2001 - The Demolition of Structures* are to be taken into consideration, pursuant to Section 4.15(1)(a)(iv) of the Act, in the case of a development application for the demolition of a building.

The application seeks consent for some demolition to facilitate the proposed works. Council may



impose suitable conditions on any consent granted for the proposal to ensure compliance with the provisions of *Australian Standard AS2601:2001 - The Demolition of Structures*.

5.2 SECTION 4.15(1)(B) OF THE EP&A ACT, 1979

THE LIKELY IMPACTS OF THE DEVELOPMENT

INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

The subject application seeks consent for Division 8.2 of the Environmental Planning and Assessment (the Act), 1979 for a review of the Refusal Determination of DA-1498/2023 that sought consent for the demolition of existing structures and construction of a two-storey dwelling-house, with basement parking and inground swimming pool alterations at 33 Russell Street, Greenacre NSW 2190.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided as follows:

5.2.1 SITING, DESIGN AND THE BUILT FORM

The assessment contained within this Statement indicates that the siting, design and overall built form of the proposed development are an acceptable response to the development standards and controls for the proposed development and the subject site.

The development is appropriately sited having regard to adjoining buildings, observes a high degree of architectural merit and proposes a built form that is compatible with the bulk and scale of adjoining and surrounding developments.

The overall built form is consistent with the building envelope controls for development on the site with no variations sought to the building envelope controls prescribed in the *Canterbury-Bankstown Local Environmental Plan 2023* and the *Canterbury-Bankstown Development Control Plan 2023*.

5.2.2 PRIVACY

The development will not create any adverse privacy impacts for surrounding residential properties. The assessment provided in Section 4 of this Statement outlines why the proposal is acceptable and would have an acceptable level of impact on adjoining properties.

In general, the siting of the proposed development provides ample separation from adjoining properties to ensure minimal acoustic and visual privacy impacts for adjoining properties, while also ensuring residents of the proposed first floor addition will be provided with suitable acoustic and visual privacy.

5.2.3 SOLAR ACCESS AND OVERSHADOWING

As detailed in this Statement, the proposed development has been designed to ensure suitable levels of solar access are achieved for the proposed development as well as suitable levels of solar access being maintained for adjoining properties. The levels of



additional overshadowing anticipated as a result of the proposed development are not significant or detrimental to adjoining properties which will be able to continue to receive adequate levels of solar access.

5.2.4 LANDSCAPING, TREE REMOVAL, FLORA & FAUNA

The site does not contain any existing vegetation of significance or native vegetation. The development does not propose alterations to the existing landscaping area and private open space area of the site.

5.2.5 TRAFFIC & PARKING

The application proposes basement level parking to accommodate 2 car spaces and various service facilities.

5.2.6 UTILITIES/INFRASTRUCTURE

The augmentation and provision of new and additional utilities and infrastructure will be necessary as a result of the proposal and will be borne by the person acting on any consent granted.

5.2.7 NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

The design of the development has had regard to achieving compliance with the National Construction Code (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be addressed in detail at the Construction Certificate stage. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

5.2.8 HERITAGE IMPACTS

The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. There are no known Aboriginal sites in or near the subject site and no known Aboriginal places declared in or near the site. The site is not identified as an archaeological site.

5.2.9 SOCIAL IMPACTS

The proposed development is considered to provide a positive social impact for the local and wider community. The following discussion provides an assessment of the potential social impacts the proposed development is anticipated to have on the local community:

COMMUNITY STRUCTURE:	The proposed development is considered to provide a positive benefit for the local community by providing housing to accommodate the increased growth and density within the Local Government Area.
INFRASTRUCTURE:	Having regard to the scale of the proposed development, the proposal development will not pose any significant impacts or strain on the capacity of existing infrastructure.
RESIDENTIAL AMENITY:	The proposed development will have an acceptable level of acoustic and visual privacy impacts on adjoining properties.
SAFETY AND SECURITY:	The built form of the dwelling has been designed having regard to the Crime Prevention Through Environmental



Design principles.

5.2.1 ECONOMIC IMPACTS

The proposed development will generate some short-term economic benefits for the local and wider community via the creation of construction related employment opportunities. The proposed development will not result in long term negative economic impacts on the local and wider community.

5.2.2 STORMWATER MANAGEMENT

The stormwater plans accompanying the application indicate the stormwater works required as part of the proposed development. Overall, the proposed development includes an appropriate stormwater system that will not create any adverse impacts to the existing stormwater system in the locality.

5.2.3 SOIL MANAGEMENT

The application does proposes any minor earthworks ancillary to the development.

5.2.4 CONTAMINATION

The site is not identified as being contaminated and there is no evidence to suggest that the site has previously been used for any potentially contaminating activity. The proposal will not involve any disturbance of existing ground surfaces.

5.2.5 WASTE MINIMISATION/MANAGEMENT

The Waste Management Plan accompanying the application details the waste minimisation and avoidance measures for the development.

5.2.6 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The proposed development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. An assessment of the proposed development having regard to the CPTED principles has been undertaken below:

SURVEILLANCE:	Increased surveillance of the street will be provided by proposing a habitable room within the front of the dwelling house with windows on all sides overlook the public domain which provide opportunity for surveillance and increased security.
----------------------	--

ACCESS CONTROL:	The development includes clearly defined boundaries and fencing that will ensure unintended access is avoided and controlled access to the property is achieved.
------------------------	--

TERRITORIAL REINFORCEMENT:	The natural topography of the site being a gentle slope, built form and boundary fencing provide clear boundary delineation between the public and private domains creating territorial reinforcement.
-----------------------------------	--

SPACE MANAGEMENT AND MAINTENANCE:	The front, side and rear boundary fences proposed will to ensure the development continues to appear cared for and
--	--



managed with defined boundaries.

5.2.7 CONSTRUCTION IMPACTS

Whilst there is expected to be some impacts during construction of the proposed development, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any consent granted for the proposal.

5.2.8 ESD & THE CUMULATIVE IMPACT

The proposal is not expected to have any cumulative impacts and is not considered to inhibit the ability of future generations to further use or develop the subject site.

5.3 SECTION 4.15(1)(C) OF THE EP&A ACT, 1979

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

The subject application seeks consent for Division 8.2 of the Environmental Planning and Assessment (the Act), 1979 for a review of the Refusal Determination of DA-1498/2023 that sought consent for the demolition of existing structures and construction of a two-storey dwelling-house, with basement parking and inground swimming pool alterations at 33 Russell Street, Greenacre NSW 2190.

The proposed development is defined as “*dwelling houses*” which is permitted within the R2 Low Density Residential zone of the *Canterbury-Bankstown Local Environmental Plan 2023* with the proposed development appropriately achieving the objectives of the zone.

The subject site is situated in an area surrounded by residential development and the site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development.

The site is ideally positioned for the proposed development which will have minimal impact on the locality and amenity of surrounding residents and generally integrate with the character of existing developments on the site and on adjoining sites.

The assessment of the proposal contained within this Statement outlines how the proposal achieves a satisfactory level of compliance with Council's LEP and DCP requirements for the siting, location and design of the proposed development. During construction and upon completion, the proposed development will have minimal impact on the locality and amenity of surrounding properties and will provide an appropriate catalyst for similar developments that will shape the future character of the area.

It is evident from the above and the assessment provided within this Statement that the subject site is suitable for the development.

5.4 SECTION 4.15(1)(D) OF THE EP&A ACT, 1979

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS.

The consideration of submissions cannot be made at the time of preparing this Statement.

5.5 SECTION 4.15(1)(E) OF THE EP&A ACT, 1979



THE PUBLIC INTEREST.

The proposed development is defined as “dwelling houses” which is permitted within the R2 Low Density Residential zone of the *Canterbury-Bankstown Local Environmental Plan 2023* with the proposed development appropriately achieving the objectives of the zone.

The subject site is situated in an area surrounded by residential development and the site is not impacted by any easements or other site constraints that would restrict the proposed development or otherwise render the site unsuitable for the proposed development.

The development will allow for the orderly and economic use and development of land and is acceptable having regard to the applicable State and Council planning controls.

The proposed development satisfies the client’s requirements, is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality.

When completed, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will complement the character of existing developments in the streetscape and will provide a need for the local and wider community.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.

6 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as “*integrated development*”. An assessment of the proposal has indicated that the DA has not triggered any requirements to be categorised as integrated development.

EPI OR ACT	✓/✗	EPI OR ACT	✓/✗
<i>Fisheries Management Act 1994</i>	N/A	<i>Protection of the Environment Operations Act 1997</i>	N/A
<i>Heritage Act 1977</i>	N/A	<i>Roads Act 1993</i>	N/A
<i>Mines Subsidence Compensation Act 1961</i>	N/A	<i>Rural Fires Act 1997</i>	N/A
<i>Mining Act 1992</i>	N/A	<i>Water Management Act 1912</i>	N/A
<i>National Parks & Wildlife Act 1974</i>	N/A	<i>Water Management Act 2000</i>	N/A
<i>Petroleum (Onshore Act) 1991</i>	N/A		

TABLE 7: INTEGRATED DEVELOPMENT TRIGGERS

7 DIVISION 8.2 EP&A ACT, 1979

When considering an application under Division 8.2 of the Act, the consent authority must be satisfied as to the following matters as tabled below:

PROVISION	COMMENT
8.2 DETERMINATIONS AND DECISIONS SUBJECT TO REVIEW	
(1) <i>The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division:</i>	The application seeks a review of a determination of application DA-1498/2023 for development consent sought from Canterbury-Bankstown City

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PROVISION	COMMENT
(a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),	Council.
(b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),	N/A
(c) the decision of a council to reject and not determine an application for development consent.	N/A
(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division: (a) a complying development certificate, (b) designated development, (c) Crown development (referred to in Division 4.6).	The application is not a Complying Development, Designated Development or a Crown Development.
(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	This application is the first review request of the Notice of Determination of DA-1498/2023 by Canterbury-Bankstown City Council.
8.3 APPLICATION FOR AND CONDUCT OF REVIEW	
(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	The subject application requests that Council review its determination.
(2) A determination or decision cannot be reviewed under this Division: (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or (b) after the Court has disposed of an appeal against the determination or decision.	The refused application is subject to a review period until 19 June 2024.
(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	The subject Review Application includes an amended proposal taking into consideration the reasons for the refusal of the original application. The amendments do not substantially alter the development in any quantitative or qualitative way (<i>Moto Projects (No 2) Pty Ltd v North Sydney Council</i> (1999) 106 LGERA 298) and the amended application does not radically transform the originally development as proposed (<i>Tipalea Watson Pty Ltd v Ku-ring-gai Council</i> (2003) 129 LGERA 351). The development, as amended, remains characterised as a “dwelling house”

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PROVISION	COMMENT
	development, remains orientated the same as proposed in the refused DA and contains all the defining aspects and features of the originally proposed development.
(4) <i>The review of a determination or decision made by a delegate of a council is to be conducted:</i> (a) <i>by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or</i> (b) <i>by another delegate of the council who is not subordinate to the delegate who made the determination or decision.</i>	It is noted that the review of the subject application will be required to be undertaken by another delegate of the Council who is not subordinate to the delegate who made the determination or decision on the original application.
(5) <i>The review of a determination or decision made by a local planning panel is also to be conducted by the panel.</i>	N/A
(6) <i>The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.</i>	N/A
(7) <i>The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.</i>	N/A
(8) <i>The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.</i>	N/A
(9) <i>The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.</i>	N/A

TABLE 8: DIVISION 8.2 MATTERS FOR CONSIDERATION

8 CONCLUSION

The subject application seeks consent for Division 8.2 of the Environmental Planning and Assessment (the Act), 1979 for a review of the Refusal Determination of DA-1498/2023 that sought consent for the demolition of existing structures and construction of a two-storey dwelling-house, with basement parking and inground swimming pool alterations at 33 Russell Street, Greenacre NSW 2190. The development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15, 4.46 and 4.55 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*. The proposed development is not Designated Development or Integrated Development and can be processed in the usual manner.

This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;

LEGEND:
 ✓ COMPLIES
 ✗ DOES NOT COMPLY
 S SATISFACTORY



- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Canterbury-Bankstown Local Environmental Plan 2023 and;
- Canterbury-Bankstown Development Control Plan 2023

The proposed development is defined as “*dwelling houses*” which is permitted within the R2 Low Density Residential zone of the *Canterbury-Bankstown Local Environmental Plan 2023* with the proposed development appropriately achieving the objectives of the zone.

The assessment of the proposal contained within this Statement outlines how the proposal complies with Council’s requirements for the siting, location and design of the proposed development. The built form of the proposed development achieves a high level of compliance with the requirements prescribed in the applicable State Environmental Planning Policies, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023*.

The proposed development will positively contribute to the future housing that will meet the housing targets and desired future character of the area. The subject site is situated in a residential area surrounded by similar scale buildings and uses, making the location ideal for the development. Overall, when completed, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will integrate within the character of existing developments in the streetscape.

This Statement demonstrates that the development will allow for the orderly and economic use and development of the land, that the subject site is suitable for the proposed development and that the proposed development will be in the local and wider public interest.

In view of the above and having regard to the assessment provided throughout this Statement, the development is considered worthy of Council’s approval.