

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

*Demolition of existing structure,  
Construction of a detached Dual Occupancy  
and Torrens Title Subdivision  
at  
1070 Canterbury Road, Roselands  
Lot 1, D.P 35202*



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## **1. INTRODUCTION**

### **1.1 Overview**

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Canterbury-Bankstown Council on behalf of the owners of the subject site. The DA proposes the demolition of existing structures, the construction of a detached dual occupancy and subdivision into two Torrens Title Lots.

The SEE provides a detailed explanation of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP& A Act). This assessment has established that the proposal is:

- Compliant with the current objectives of the Environmental Planning Instrument
- Will not result in negative impacts on the surrounding environment
- Is responsive to the site and displays a positive relationship with the site
- Is within the public interest.
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### **1.2 Supporting Documents**

This Statement of Environmental Effects is to be read and assessment in conjunction with the other documents lodged in support of the application:

- Architectural Plans by N-Tech Design
- BASIX Certificates by Sustainability Z Pty Ltd
- Estimated Development Cost Report prepared by Building Design & Cost Consultant
- NaTHERS Certificate prepared by Sustainability Z Pty Ltd
- Owners Consent
- Survey Report prepared by Radon Associates
- Title Search prepared by Land Registry Service
- Waste Management Plan prepared by N-Tech Design
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### **1.3 Policy Documents**

The following legislative documents have been reviewed and are deemed of significance for the proposed development application:

- State Environmental Planning Policy (Resilience and Hazard) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Canterbury-Bankstown Local Environmental Plan 2023
- Canterbury-Bankstown Development Control Plan 2023

### **1.4 Type of Development**

The proposal is local development that can be determined by Canterbury-Bankstown Council.



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## 2.3 Existing Site Conditions

<b>Landform</b>	The subject site has a gentle slopes from the rear of the site to Canterbury Road.
<b>Existing Structures</b>	The current improvements on site include a dwelling house, a detached garage and multiple driveways.
<b>Access</b>	Vehicular access to the site is currently both from Canterbury Road and also Dunlop Lane, This arrangement will remain within the proposed development, however they will be replaced and improved upon.
<b>Vegetation</b>	The site is devoid of any significant vegetation and has modified gardens typical of a residential property.

## 2.4 History of the Site

The site has historically been used for residential purposes, this use will continue, albeit in a new and intensified manner.

## 3. PROPOSED DEVELOPMENT

The proposal is for the demolition of existing structures on site, the construction of a detached two storey dual occupancy and subdivision of the site into two Torrens Title Lots.

Refer to the architectural plans for details of the proposal.

## 4. HEADS OF CONSIDERATION

The proposal has been assessed against the relevant legislative heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

### 4.1 Statutory Planning Framework and Compliance

#### 4.1.1 Environmental Planning Instrument

The following Environmental Planning Instruments are deemed relevant for the development application.

##### **State Environmental Planning Policy (Resilience and Hazard) 2021**

The intent of this Environmental Planning Instrument is to allow for a state-wide approach to Environmental Hazards. Chapter 4 specifically is applicable to the development and relates to the identification and remediation of contaminated land.

It is noted that the site has historically been used for residential purposes, with no evidence of contamination on site. The site will continue to be used for residential purposes and therefore the land is considered to be suitable for the proposed use.

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## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The intent of this Environmental Planning Policy is to allow for consistent measures and controls to be applied to land of biodiversity significance and areas within critical water catchment areas. Specifically, this site is subject to Chapter 6, which sets controls for the Sydney Harbour Catchment to ensure water quality and the health of the river system. The site lies within the Sydney Harbour catchment and as such future land uses are to be considered in a regional context.

The proposed development incorporates appropriate stormwater measures (during construction and ongoing occupation of the dual occupancy). The construction measures include installation and maintenance of silt fencing during construction, temporary driveway constructed of crushed rock to contain sediment to the site. Occupational measures include roof water capture and reuse on site and overflow being connect to the existing stormwater system present in the road verge ensuring that stormwater that enters the the Sydney Harbour Catchment system will not affect its health.

## **State Environmental Planning Policy (Sustainable Buildings) 2022**

The intent of this Environmental Planning Policy is to provide a statewide consistent approach to the implementation of the BASIX scheme to increase the thermal efficiency, reduce water and energy consumption of dwellings.

BASIX Certificates have been provided, with all commitments to be implemented during the construction of the development, complying with Chapter 2 of the SEPP.

## **Canterbury-Bankstown Local Environmental Plan 2023**

The Canterbury-Bankstown Local Environmental Plan 2023 is the prevalent Local Environmental Plan for the site, with the Clauses of relevance for this development application addressed below

### **1.3 - Land to which Plan applies**

A review of the Land Application Map has determined that the subject site is within the boundaries of the Canterbury-Bankstown Local Government Area and falls within the Canterbury-Bankstown Local Environmental Plan 2023.

### **1.6 - Consent Authority**

It is noted that the consent authority for this development application is Canterbury-Bankstown Council.

## **Clause 2.3 – Land Zoning and Land Use**

*Permissibility*

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The site is zoned as R3 Medium Density Residential pursuant to the Canterbury-Bankstown Local Environmental Plan 2023. The proposal is classified as a dual occupancy. Dual Occupancies are prohibited within the R3 Medium Density Residential Zone. Please refer to Clause 2.5 below for additional uses and an alternate pathway for Dual Occupancy permissibility.

### *Zone Objectives*

The objectives of the R3 Medium Density Residential Zone are;

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.
- To ensure suitable landscaping in the medium density residential environment.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.

The proposed Dual Occupancy is consistent with the above-mentioned zoned objectives in that the residential character of the land of the land is maintained. The proposed Dual Occupancy will contribute to the variety of housing types within the area and contribute to the housing needs of the area. As the site has proximity to an arterial road and constant public transport options, this increased density is considered to be appropriately sited and encourages the use of public transport.

### **Clause 2.5 Additional Permitted uses for Particular Land**

Clause 26 (Use of land in Zone R3 in Area 2) of Schedule 1 Additional Permitted Uses relates to this site as the site is zoned R3 Medium Density Residential and is within Area 2. The additional use reads as;

- “(2) Development for the following purposes is permitted with development consent—*
- (a) semi-detached dwellings,*
  - (b) dual occupancies, if the floor space ratio of a resulting building does not exceed 0.5:1.”*

Therefore, the proposal, being a dual occupancy, is permissible on the site. It is noted that the Floor Space Ratio does not exceed 0.5:1.

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#### **Clause 4.1A – Minimum lot sizes and special provisions for Dual Occupancies**

This clause provides special provisions for Dual Occupancies, the applicable subclauses are;

*(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 600m<sup>2</sup>, 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 300m<sup>2</sup>, and*

*(b) there will be 1 dwelling on each lot created.”*

Development Consent can be granted to this Dual Occupancy as, the parent lot has an area that exceeds 600m<sup>2</sup>, the width of the lot at the building line exceeds 15m and both dwellings have frontage to a road.

Further, development consent can be granted to the subdivision of the Dual Occupancy as each proposed lot has an area of 300m<sup>2</sup> or more and there will only be one dwelling on each lot created.

#### **Clause 4.3 – Height of Buildings**

The height of building map shows that the subject site is limited to a maximum height of 8.5m. The proposal has a building height of 7.5 m and is compliant.

#### **Clause 4.4 – Floor Space Ratio**

The Floor Space Ratio Map shows that the subject site is limited to a maximum Floor Space Ratio of 0.5:1. The proposal has a Gross Floor Area of 334.2m<sup>2</sup> and a site area of 700.9m<sup>2</sup>, resulting in a Floor Space Ratio of 0.48:1, which is compliant.

#### **Clause 4.6 – Variations to Development Standards**

No variations to Development Standards are proposed.

#### **Dictionary**

*road* means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

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#### 4.1.2 Proposed Environmental Planning Instrument

There are no current proposed Environmental Planning instruments that are applicable to the site or the proposed development.

#### 4.1.3 Development Control Plan

The applicable Development Control Plan is the Canterbury Bankstown Development Control Plan 2023, relevant Chapters have been assessed below;

##### **Canterbury-Bankstown Council – Chapter 1.1 Introduction and Administration**

Relevant definitions reproduced below;

**lane** means a narrow roadway that measures 6m or less in width between the made or unmade kerb alignments.

**primary street** means in the opinion of Council, the principal public road that provides access to the major entry (front door) to the dwelling or building.

**primary street frontage** means:

- (a) the single frontage where a site has a single frontage to the street; or
- (b) the shortest frontage where a corner site has two or more frontages to the street; or
- (c) the two frontages where a site (not including a corner site) runs between two streets.

**secondary street** means in the case of a site that has access from more than one public road (not including a lane), a road that is not the primary street.

**secondary street frontage** means:

- (a) the longer frontages where a corner site has two or more frontages to the street; and
- (b) any frontage of a site that adjoins a lane.

The definition of a road as found within the LEP is reproduced in Section 4.1.1 above, it is noted that when an inconsistency exists between a LEP and a DCP that the LEP prevails to the extent of the inconsistency.

Given the above definitions, this site is considered to be a corner block, as Dunlop Lane is a public roadway, that is managed and maintained by Council. Further, the secondary street frontage definition refers to adjoining a laneway (b of the relevant definition). It is noted that the secondary street definition explicitly rules out a “laneway”, however as discussed above, the LEP includes a laneway as a road, therefore it is considered a road.

## Canterbury-Bankstown Council – Chapter 5.2 Former Canterbury LGA

### Section 3 – Dual Occupancies and Semi-Detached Dwellings

3.1 Minimum Lot Size and Frontage		
CONTROL	PROPOSAL	COMPLIANCE
C1. Dual occupancy and semi-detached dwellings must have a street frontage.	This site has frontage to Canterbury Road.	<b>Yes</b>
C2. Minimum 15m width, measured at the street boundary. On corner lots, this means the short boundary.	The site has a width of 15m at the building line.	<b>Yes</b>
C3. Each dwelling is required to have a minimum frontage width of 7.5m.	Each dwelling has a frontage of 7.5m.	<b>Yes</b>
C4. On irregular blocks, the site width is measured at the required front setback.	All measurements have been taken from the building line.	<b>Yes</b>
C5. Dual occupancy (detached) is acceptable only where each dwelling can face and have frontage to the street, such as on a corner site.	Each dwelling has a frontage to Canterbury Road, with Unit A also having a dual frontage to Dunlop Lane,.	<b>Yes</b>

3.2 Private Open Space		
CONTROL	PROPOSAL	COMPLIANCE
C1. Semi-detached dwellings with a frontage of less than 7.5m must provide a minimum of 40m <sup>2</sup> of private open space.	Not a semi-detached dwelling	<b>N/A</b>
C2. Dual occupancy and semi-detached dwellings with a frontage of 7.5m or greater must provide a minimum of 50m <sup>2</sup> of private open space.	Both units have a POS of 50m <sup>2</sup>	<b>Yes</b>
C3. Dual occupancy and semi-detached dwellings must provide one area of private open space with a minimum dimension in any direction of 4m.	Both units have Private Open Space with a dimension of 4m in all directions.	<b>Yes</b>
C4. Dual occupancy and semi-detached dwellings must provide one area at least 2.5m x 2.5m suitable for outdoor dining facilities.	Both units have an alfresco with dimensions of 2.5m deep by 3.6m wide	<b>Yes</b>
C5. The design of private open space must satisfy the following criteria: (a) Be located at ground level to the rear of an allotment behind the dual occupancy. (b) Be located adjacent to the main living areas, such as a living room. (c) Have a maximum gradient of 1:50. (d) The principal area of open space for each dwelling may comprise a combination of privacy screens, sun-shading devices and landscaped areas. (e) Be designed to prevent direct overlooking from a public place or from neighbouring buildings. (f) Be designed to accommodate both recreation and service activities. (g) Include a suitably screened area for clothes drying facilities. (h) Be oriented to provide maximum exposure to midwinter sunlight whilst optimising privacy.	The POS satisfies the criteria as; a. both POS are located at the ground level. b. Both POS are located adjacent to the Family and Alfrescos, providing a natural extension from the main living areas. c. The gradient is usable. d. Noted e. Direct overlooking of neighbouring properties is minimised. f. The POS are suitably sized to accommodate recreation and service activities. g. A sufficient area for clothes drying can be provided. h. Satisfactory	<b>Yes</b>
C6. Ensure that balconies, verandas or pergolas do not encroach upon any required deep soil area.	Deep soil areas have been maximised on site.	<b>Yes</b>

3.3 Layout and Orientation		
CONTROL	PROPOSAL	COMPLIANCE
C1. Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Solar access is maximised for this development given the buildings siting and window locations.	Yes
C2. Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	Overshadowing of adjoining properties is minimised.	Yes
C3. Coordinate design for natural ventilation with passive solar design techniques.	Ventilation and solar design have been incorporated into the design.	Yes
C4. Site new development and private open space to avoid existing shadows cast from nearby buildings.	The POS of both units are able to achieve 3 hours solar access and avoid neighbouring shadow.	Yes
C5. Site a building to take maximum benefit from cross-breezes and prevailing winds.	The building has been designed to maximise cross breezes with a detached dual occ design used to maximise ventilation between and within buildings.	Yes
C6. Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Both streets are sufficiently overlooked by these dwellings.	Yes

3.4 Building Envelope		
CONTROL	PROPOSAL	COMPLIANCE
<b>Height</b>		
C1. Development for the purposes of dual occupancy and semi-detached dwellings must not exceed the following numerical requirements: (a) A maximum two storey built form. (b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m. (c) A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m. (d) Finished ground floor level is not to exceed 1m above the natural ground level.	The following standards are complied with; a. Both units are two storey. b. An external wall height of 7m is proposed. c. N/A d. The finished ground level is within 1m of the natural ground level.	Yes
<b>Attic and Roof Terraces</b>		
C2. Attics and mezzanine floors do not comprise a storey.	No attics or mezzanine floors are proposed.	N/A
C3. Roof top terraces are not acceptable on any building or outbuilding in any residential zone.	No roof top terrace is proposed.	N/A
<b>Retaining Walls</b>		
C4. Walls that would enclose a sub-floor area: (a) Maximum 2m for steeply sloping land; and (b) Maximum 1m for all other land.	No retaining wall is proposed.	N/A
C5. Retaining walls that would be located along, or immediately adjacent to, any boundary: (a) Maximum 3m for steeply sloping land, but only to accommodate a garage that would be located at street level; and (b) Maximum 1m for all other land.	No retaining wall is proposed.	N/A
<b>Cut and Fill</b>		
C6. Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.	300mm cut proposed.	Yes
C7. No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area	Noted	N/A

is not to accommodate any habitable room that would be located substantially below ground level.		
C8. Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.	200mm fill	<b>Yes</b>
C9. If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.	Noted.	<b>N/A</b>

<b>3.5 Setbacks</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>Front, Side and Rear Setbacks</b>		
C1. Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.	A setback of 9m has been provided to Canterbury Road.	<b>Yes</b>
C2. Development must comply with the minimum front, side and rear setbacks in the following tables:	<p>A front setback of 9m has been provided in accordance with C1 above.</p> <p>A 1.2m setback has been provided to the eastern boundary (a 0.9m setback for the garage is provided, however this is considered acceptable as it is a non habitable structure, with no windows or privacy impacts)</p> <p>A setback of 3.5m has been provided to Dunlop Lane.</p> <p>A 6m rear setback has been provided for the main portion of the dwellings.</p> <p>A reduced setback has been provided for the detached garage, however, this is a rear boundary that adjoins a laneway and a parking space on the adjoining property, and actually improves the privacy on site as it blocks views from the front yard of the adjoining property.</p>	<b>Yes</b>
C3. Front and rear setbacks are to be provided as deep soil areas. Driveways and footpaths may cross deep soil areas.	The front and rear yard are provided as deep soil areas with over 30% provided.	<b>Yes</b>
<b>Exceptions and Other Requirements</b>		
C4. Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	No swimming pool proposed.	<b>N/A</b>
C5. Swimming pools must not be located within any front setback.	No swimming pool proposed.	<b>N/A</b>
C6. One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.	The garage has a 340mm setback to the laneway and it has a 6m width.	<b>Yes</b>
C7. Car parking structures must satisfy the Building Code of Australia requirements.	Noted.	<b>Yes</b>
C8. For existing dwellings one single space carport may encroach beyond the minimum front setback, where it can be demonstrated that vehicular access cannot be provided behind the building line given that side driveway access is less than 2.7m. Carports must not be wider than 3m.	No carport proposed.	<b>N/A</b>
C9. On land identified as having a height of 9.5m on the Map, the following parking structures may encroach beyond the	The site has a HOB of 8.5m.	<b>N/A</b>

minimum front or side setback: One carport that is not wider than 6m. On sites that rise from the street frontage, one garage that is not wider than 6m and no higher than 3m above street level.		
C10. The following minor building elements may project up to 1m into the minimum side setback area: (a) Roof eaves, awnings, pergolas and patios; (b) Stair or ramp access to the ground floor; (c) Rainwater tanks.	The rain water tank and A.C Unit encroach in this setback and are less than a metre.	<b>Yes</b>

Setback	Controls
Front Setback	<ul style="list-style-type: none"> <li>• Minimum setback of 6m from the front boundary.</li> <li>• Maximum 2m recess for the main entrance from the front building line.</li> </ul>
Side Setbacks	<ul style="list-style-type: none"> <li>• Minimum setback of 1.2m from side boundaries.</li> <li>• Corner lots: minimum setback of 3.5m from the secondary street frontage (the longer street boundary).</li> </ul>
Rear Setbacks	<ul style="list-style-type: none"> <li>• Minimum setback of 6m from the rear boundary.</li> </ul>

Table 8: Dual Occupancy and Semi-detached 12.5m or greater

3.6 Building Depth		
CONTROL	PROPOSAL	COMPLIANCE
C1. Dual occupancy housing and semi-detached dwellings must not exceed a building depth of 25m.	The depth of both units is 23m.	<b>Yes</b>
C2. An exception to C1 above applies where a dual occupancy (attached) is proposed on a corner site and where one of the dwellings face the secondary (longest) street frontage. In that circumstance, a building depth requirement of 35m from the primary street frontage must not be exceeded.	Noted, exception not relied upon.	<b>N/A</b>

3.7 Building Separation		
CONTROL	PROPOSAL	COMPLIANCE
C1. Where a detached dual occupancy is proposed and with each dwelling having a primary street frontage, a minimum building separation of 2.4m must be provided between the two dwellings (measured from the outer faces of the exterior wall of each dwelling). The 2.4m building separation must be shared equally in distance (i.e. 1.2m for each dwelling) between the two dwellings.	A 2.4m separation has been provided between each unit, which is 1.2m to the new boundary.	<b>Yes</b>
C2. Garages or carports may be located in the separation area.	Noted.	<b>Yes</b>

3.8 General Design		
CONTROL	PROPOSAL	COMPLIANCE
<b>Contemporary Built Form</b>		
C1. Contemporary architectural designs may be acceptable if: (a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours. (b) The proposed addition is not visually	No heritage items are within the vicinity of the site.	<b>Yes</b>

prominent from the street or from a public space. (c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.		
C2. New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	The dwelling is contemporary in design, with parapet walls, skillions roof and rendered facades.	<b>Yes</b>
C3. Access to upper storeys must not be via external stairs.	All access to upper storeys are via internal stairs.	<b>Yes</b>
C4. All dwellings must contain one kitchen and laundry facility.	Both units have a kitchen and laundry.	<b>Yes</b>
C5. Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	Not applicable.	<b>N/A</b>
C6. Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space.	The roof is hidden within the design.	<b>Yes</b>
<b>Building Entries</b>		
C7. Entries to residential buildings must be clearly identifiable.	Both dwelling entries are easily identified through vertical elements and contrasting colours.	<b>Yes</b>
C8. A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	Unit A has the formal living addressing Canterbury Road, while Unit B has the sitting room addressing the street.	<b>Yes</b>
C9. Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.	No sight lines are obscured.	<b>Yes</b>
<b>Internal Dwelling Layout</b>		
C10. Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.	The rooms have sufficient internal widths to be usable and accommodate furniture.	<b>Yes</b>
C11. The primary living area and principal bedroom must have a minimum width of 3.5m.	Both these rooms in both units meet these dimensions.	<b>Yes</b>
C12. Secondary bedrooms must have a minimum width of 3m.	All bedrooms have a width of 3m.	<b>Yes</b>
C13. Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	Provided.	<b>Yes</b>
<b>Façade Treatment</b>		
C14. Development on corner lots must address both street frontages through facade treatment and articulation of elevations.	Unit A addresses both Dunlop Lane and Canterbury Road.	<b>Yes</b>
C15. Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	Non reflective materials have been avoided through this design.	<b>Yes</b>
C16. Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	This has been provided for within the dwelling design.	<b>Yes</b>
C17. Facades visible from the street should be designed as a series of articulating panels or elements.	The facades have been segmented through vertical and horizontal elements which provide visual interest.	<b>Yes</b>
C18. The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	The panels/elements are evenly sized to create harmony and consistency in the design.	<b>Yes</b>
C19. The width of articulating panels shall be in accordance with the numerical requirements below:	Provided.	<b>Yes</b>

C20. Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall or other protruding feature) of at least 0.5m for residential buildings.	No flat wall faces either street.	<b>Yes</b>
C21. Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.	Noted.	<b>Yes</b>
C22. Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	A variety of building materials and finishes have been provided for within the facades.	<b>Yes</b>
C23. Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	Noted.	<b>Yes</b>
<b>Pavilions</b>		
C24. The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	No pavilion provided.	<b>N/A</b>
C25. Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	No pavilion provided.	<b>N/A</b>
C26. Pavilion elements shall have a depth between 10-15m.	No pavilion provided.	<b>N/A</b>
C27. Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	No pavilion provided.	<b>N/A</b>
<b>Windows</b>		
C28. Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	Large windows are located on corners to emphasis these elements.	<b>Yes</b>
C29. Large windows should be screened with blinds, louvres, awnings or pergolas.	Noted.	<b>Yes</b>
C30. Windows must be rectangular.	All windows are rectangular in shape.	<b>Yes</b>
C31. Square, circle and semi-circle windows are acceptable in moderation.	Noted.	<b>N/A</b>
C32. Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	Noted.	<b>Yes</b>
C33. Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Windows and shading devices have been thoughtfully considered to consider thermal efficiency.	<b>Yes</b>
C34. Dormer windows on buildings in the residential zone must comply with the following design requirements: Should not appear as an additional storey; Are no wider than 1.5m in width; Provide a minimum 2.5m separation between dormers; and Do not extend above the ridgeline of the building.	No dormer windows proposed.	<b>N/A</b>
<b>Ventilation</b>		
C35. Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).	Windows are the primary source of natural ventilation for these dwellings and given the minimal dwelling width are appropriate.	<b>Yes</b>
C36. Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.	Natural ventilation is appropriate for this site	<b>Yes</b>

<b>3.9 Roof Design and Features</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
C1. Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.	A skillion roof, hidden from view is proposed and suits the architectural design of the dwelling.	<b>Yes</b>
C2. Avoid complex roof forms with multiple gables, hips and valleys, or turrets.	The roof is a simple form.	<b>Yes</b>
C3. Roof pitches are to be compatible and sympathetic to nearby buildings.	Noted.	<b>Yes</b>
C4. Parapet roofs that increase the height of exterior walls are to be minimised.	The parapet wall does not unduly increase the wall heights.	<b>Yes</b>
C5. Use minor gables only to emphasise rooms or balconies that project from the body of a building.	No gables proposed.	<b>N/A</b>
C6. Mansard roofs (or similar) are not permitted.	No Mansard Roof is proposed.	<b>N/A</b>
C7. Pitched roofs should not exceed a pitch of 30 degrees.	The roof pitch does not exceed 30 degrees.	<b>Yes</b>
C8. Relate roof design to the desired built form and context.	The roof pitch is appropriate for the desired built form.	<b>Yes</b>
C9. Roofs with greater pitches will be considered on merit taking into account matters such as streetscape, heritage value and design integrity.	Noted.	<b>N/A</b>
C10. Relate roof design to the desired built form and context.	The roof pitch is appropriate for the desired built form.	<b>Yes</b>

<b>3.10 Fencing</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
C1. Provide boundary definition by construction of an open fence or low hedge to the front street boundary.	Hedging is proposed to define the front boundary.	<b>Yes</b>
C2. Front fences within the front boundary setback are to be no higher than 1.2m.	No front fence proposed..	<b>N/A</b>
C3. Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m.	Noted.	<b>Yes</b>
C4. On corner sites where the facade of a building presents to two street frontages, fences are to be no higher than 1.2m.	The fence on Dunlop Lane won't exceed 1.2m for the portion that is in front of the building line.	<b>Yes</b>
C5. Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	Noted.	<b>Yes</b>

<b>3.11 Building Services</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
C1. All letterboxes be installed to meet Australia Post standards.	Letter boxes will meet Aus Post standards.	<b>Yes</b>
C2. Design and provide discretely located mailboxes at the front of the property.	Letterboxes are provided adjacent to driveways.	<b>Yes</b>
C3. Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.	Satisfactory	<b>Yes</b>
C4. Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.	All services are located and hidden within the side setback areas, presenting an attractive façade to the street.	<b>Yes</b>
C5. Appliances that are fitted to the exterior	Services do not detract from the streetscape.	<b>N/A</b>

of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes.		
C6. Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site: (a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface - mounting them on exterior walls; and (c) Locate meters in service cabinets.	There are no unscreened appliances	<b>N/A</b>
C7. Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation.	None of these services are visible from the street.	<b>Yes</b>
C8. Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	Satisfactory	<b>Yes</b>
C9. Location and design of service areas should include: (a) Screening of clothes drying areas from public places; and (b) Space for storage that is screened or integrated with the building design.	All of these services are located in the rear yard.	<b>Yes</b>
C10. Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).	No solar hot water system.	<b>N/A</b>

<b>3.12 Solar Access and overshadowing</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>Solar Access to Proposed Development</b>		
C1. Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June.	A primary living area receives 3 hours of solar access.	<b>Yes</b>
C2. Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area.	The POS receive 3 hours of solar access on the winter solstice.	<b>Yes</b>
C3. Dwellings in or adjoining industrial zones must comply with the following: (a) At least one living room window and at least 50% or 35m <sup>2</sup> with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space. (b) Receives a minimum of 3 hours sunlight between 8.00am and 4.00pm on 21 June. (c) Where existing overshadowing by	Does not adjoin an industrial area.	<b>N/A</b>

buildings and fences is already greater than this, sunlight is not to be reduced by more than 20%.		
<b>Solar Access to Neighbouring Development</b>		
C4. Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	All adjoining developments receive 3 hours of solar access and are not overshadowed by this development.	<b>N/A</b>
C5. If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	Noted.	<b>N/A</b>
C6. Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.	Noted.	<b>Yes</b>
C7. Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	Provided for.	<b>Yes</b>
<b>Shading Devices</b>		
C8. Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C9. Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Devices include eaves, awnings, shutters, louvres, pergolas, balconies, colonnades or external planting.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C10. Provide horizontal shading to north-facing windows and vertical shading to east or west windows.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C11. Use moveable shading devices on large windows facing east and west that are capable of covering 100% of glazed areas. Eaves shall be a minimum of 350mm wide and allow for an overhang of approximately 65 degrees above the horizontal.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C12. Avoid reducing internal natural daylight or interrupting views with shading devices.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C13. Use double-glazing, solar coated windows, curtains, or internal shutters to prevent heat loss and provide extra summer protection.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C14. Use high performance glass with a reflectivity below 20%.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>
C15. Minimise external glare by avoiding reflective films and use of tint glass.	No shading devices have been provided as they are not required to cool the dwelling down.	<b>N/A</b>

<b>3.13 Visual Privacy</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
C1. Locate and orient new development to maximise visual privacy between buildings,	Privacy is maintained as high sill heights or obscure glazing are provided to all sensitive	<b>Yes</b>

on and adjacent to the site.	windows.	
C2. Minimise direct overlooking of rooms and private open space through the following: (a) Provide adequate building separation, and rear and side setbacks; and (b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.	These measures have been provided for within the dwellings design.	<b>Yes</b>
C3. If living room windows or private open spaces would directly overlook a neighbouring dwelling: (a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or (b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	Noted, these measures have been provided.	<b>Yes</b>
C4. If living room windows or private open spaces would directly overlook a neighbouring dwelling: (c) Provide effective screening with louvres, shutters, blinds or pergolas; and/or (d) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	Noted.	<b>Yes</b>
C5. Screening of bedroom windows is optional and dimensions are not restricted.	Noted.	<b>Yes</b>

<b>3.14 Acoustic Privacy</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
C1. Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring living areas.	Bedrooms are located towards the rear of the dwellings.	<b>Yes</b>
C2. Bedroom windows in new dwellings that would be located at or close to ground level are to be raised above, or screened from, any shared pedestrian pathway.	No pedestrian paths near bedroom windows.	<b>N/A</b>
C3. Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.	No windows face a driveway or ramp.	<b>N/A</b>
C4. Address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline (2008)' published by the NSW Department of Planning.	Satisfactory.	<b>Yes</b>

#### 4.1.4 Planning Agreement

There are no current planning agreements that are applicable to the site.

#### 4.1.5 The Regulations

The proposed development is consistent with the Environmental Planning and Assessment Regulation 2021, as;

- It has been assessed against the applicable Environmental Planning Instruments and Development Control Plans requirements.
- The development application has been prepared and lodged in accordance with the Regulations and the approved form.

- The proposed development is considered a local development, as it does not meet the requirements for State Significant Development or Designate Development.

## 4.2 Environmental, Social and Economic impacts

The proposal is not likely to cause any unacceptable environmental impacts.

The proposal will have a positive impact to the social and economic environment of the area, by providing employment and income to the local economy during construction of the proposal and then by contributing to the housing stock in the area.

## 4.3 Suitability of the Site

The proposed development is a permitted form of development within the locality, it will contribute and not detract from the residential environment. Sufficient measures will be implemented during construction to protect the environment. No significant constraints arise from the site itself or from adjoining properties which would inhibit the carrying out of the development.

## 4.4 Submissions

It is expected that any submissions will either be provided to the applicant to allow for the submission to be addressed or Council will act as a mediator in the matter.

## 4.5 The Public Interest

It is considered that the proposed development is within the public interest as;

- The proposal is consistent with the relevant objectives of the applicable Environmental Planning Instruments and Development Control Plans.
- The proposal will allow for the orderly development of the site, such that is expected and consistent of a residential zone.
- The proposal will allow for housing to occur within the local area.

# 5. OTHER APPROVALS

## 5.1 Integrated Development

Integrated Development is development that requires additional approval in addition to development consent. Section 4.46(1) of the Act provides a list of these approvals, as detailed below;

ACT	PROVISION	APPROVAL	REQUIRED
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	<b>No</b>
Fisheries Management Act 1994	s 144	aquaculture permit	<b>No</b>
	s 201	permit to carry out dredging or reclamation work	<b>No</b>
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture	<b>No</b>

		lease, or on the foreshore of any such land or lease	
	s 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	<b>No</b>
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	<b>No</b>
Mining Act 1992	ss 63, 64	grant of mining lease	<b>No</b>
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	<b>No</b>
Petroleum (Onshore) Act 1991	s 16	grant of production lease	<b>No</b>
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	<b>No</b>
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	<b>No</b>
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	<b>No</b>
Roads Act 1993	s 138	consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	<b>No</b>
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	<b>No</b>
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	<b>No, not within 40m of a water course</b>

As detailed above, the subject development is not integrated development.

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## **6. CONCLUSION**

The proposal seeks consent for the demolition of existing structures on site, the construction of a detached two storey dual occupancy and subdivision of the site into two Torrens Title Lots.

The proposal is consistent with the relevant Environmental Planning Instruments including the Canterbury-Bankstown Local Environmental Plan 2023, the applicable Development Control Plan and is considered to be an acceptable form of development.

Accordingly, it is recommended that the application be approved.