

# 13 Fernhill Street

HURLSTONE PARK

Alterations and additions  
to an existing dwelling house

## Statement of Environmental Effects

March 2024

**Prepared For** Michael Mileski Design Studio

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**Project:** Alterations and additions to an existing dwelling house at 13 Fernhill Street, Hurlstone Park

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**Document:** Statement of Environmental Effects

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# Appendices

Appendix A Canterbury-Bankstown Development Control Plan 2023, Chapter 5 Residential Accommodation,  
5.2 Former Canterbury LGA

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by OTM Planning to support a development application (DA) relating to 13 Fernhill Street, Hurlstone Park (Lot 1 DP958497). The site has an area of 381.21m<sup>2</sup> with a single street frontage of 7.215 metres to Fernhill Street in the Canterbury-Bankstown Council (CBC) Local Government Area (LGA). As detailed in architectural plans prepared by Michael Mileski Design Studio, the proposed works relate to alterations and additions to the existing dwelling house.

Dwelling houses, and alterations and additions to them, are permitted with consent in Zone R3 Medium Density Residential applying to the site under clause 2.3 of the *Canterbury-Bankstown Local Environmental Plan 2023* (the CBLEP 2023) whilst proposed demolition is permitted with consent under clause 2.6.

Other provisions applying to the site under the CBLEP 2023 include a maximum height of 8.5 metres and a maximum floor space ratio (FSR) of 0.55:1. The site also adjoins Heritage Conservation Area (HCA) C3 *Duntroon Street Heritage Conservation Area* and is located near HCA C5 *Melford Street Heritage Conservation Area*.

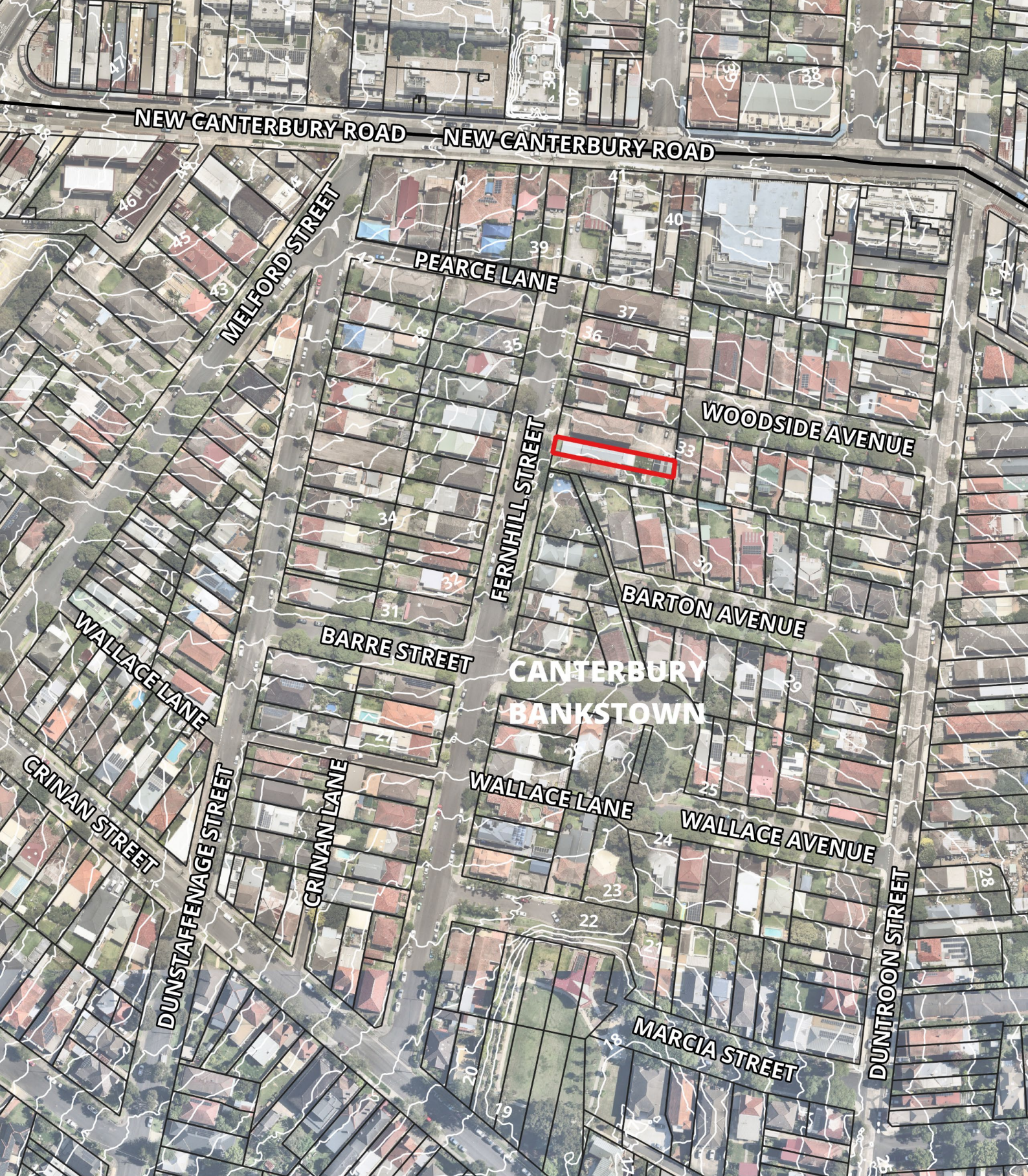
This SEE is to be read in conjunction with:

- Survey prepared by Baissline Surveying, Dwg No. 1, dated 21 January 2024;
- Architectural plans prepared by Michael Mileski Design Studio, including:
  - Site Plan/Analysis, Dwg No. DA02, Rev. A, dated 6 March 2024;
  - Floor Plans – Existing, Dwg. Nos DA03 and DA04, Rev. A, dated 6 March 2024;
  - Roof Plan – Existing, Dwg No. DA06, Rev. A, dated 6 March 2024;
  - Elevations – Existing, Dwg Nos. DA07 and DA08, Rev. A, dated 6 March 2024;
  - Floor Plans – Proposed, Dwg Nos. DA11, DA12 and DA13, Rev. A, dated 6 March 2024;
  - Elevations – Proposed, Dwg Nos. DA16 and DA17, Rev. A, dated 6 March 2024;
  - Sections – Proposed, Dwg No. DA20, Rev. A, dated 6 March 2024;
  - Calculations, Dwg No. DA22, Rev. A, dated 6 March 2024;
  - Erosion/Sediment Control, Dwg No. DA25, Rev. N/A, undated;
  - Materials and Finishes, Dwg No. DA26, Rev. A, undated;
  - Perspectives, Dwg No. DA23, Rev. A, dated 6 March 2024;
  - Shadows Study 9am, Dwg No. SD01, Rev. A, dated 6 March 2024;
  - Shadows Study 10am, Dwg No. SD02, Rev. A, dated 6 March 2024;
  - Shadows Study 11am, Dwg No. SD03, Rev. A, dated 6 March 2024;
  - Shadows Study 12am, Dwg No. SD04, Rev. A, dated 6 March 2024;
  - Shadows Study 1pm, Dwg No. SD05, Rev. A, dated 6 March 2024;
  - Shadows Study 2pm, Dwg No. SD06, Rev. A, dated 6 March 2024;
  - Shadows Study 3pm, Dwg No. SD07, Rev. A, dated 6 March 2024; and
  - Shadow Study – Equinox, Dwg No. SD08, Rev. A, dated 6 March 2024.





This SEE has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (the E&A Regulation). It is structured as follows:

- **Section 1:** Provides the introduction to the SEE.
- **Section 2:** Provides a description of the local context and site.
- **Section 3:** Provides a description of the proposed works.
- **Section 4:** Provides an assessment of the proposed works, structured in accordance with Section 4.15(1) of the EP&A Act.
- **Section 5:** Provides a conclusion to the SEE.





## Legend

-  Site
-  Local Government Area Boundary
-  Cadastre
-  Contours (1 metre)





## 2 Context

### 2.1 Local Context

As shown in **Figure 1**, the site is located on the eastern side of Fernhill Street, on land sloping down from New Canterbury Road. Fernhill Street is a short, north-south street connecting to Crinan Street that leads to Hurlstone Park Railway Station to the south.

Built form within the locality is varied, ranging between one and two storey dwelling houses and semi-detached dwellings and mid to late twentieth century, two or three storey, walk-up residential flat buildings. Built form character is generally consistent, featuring exposed or rendered and painted brick external walls with pitched metal or tile roofs.

**Opportunity:** Maintain the existing streetscape character, predominated by single and two storey dwelling houses with exposed or rendered and painted external walls and pitched metal or tile roofs.



Figure 2: Examples of established and mid to late twentieth century, two storey dwelling houses along Fernhill Street

## 2.2 Site Analysis

As shown in **Figure 5**, the site has an area of 381.21m<sup>2</sup> with a single street frontage of 7.215 metres to Fernhill Street to the west. As shown in **Figure 3**, land on the western side of Fernhill Street is occupied by elevated, single storey dwelling houses of brick construction with pitched, tiled roofs.

The site's northern side boundary has a length of 52.68 metres and is shared with 11 Fernhill Street. As shown in **Figure 4**, 11 Fernhill Street is occupied by a late twentieth century, two storey, walk-up residential flat building of ten apartments.

The site's southern side boundary has a length of 53.385 metres and is shared with 15 Fernhill Street. As shown in **Figure 6**, 15 Fernhill Street is occupied by a two storey dwelling house with a setback upper floor.

The site's rear boundary to the east has a length of 7.155 metres and is shared with the western side boundary of 12 Woodside Avenue. As shown in **Figure 7**, 12 Woodside Avenue is occupied by a single storey dwelling house.

The site is generally level. As shown in **Figure 8**, it is currently occupied by a two storey dwelling house with family/living, kitchen, dining, a single bathroom and bedroom, study and separate laundry at ground floor and three bedrooms a single, shared bathroom within a setback second storey that was converted from an attic in accordance with DA-3/2015.

The removal of the street tree within the adjoining road reserve the site was approved under WP-PTD-2175/2021 on 8 November. A driveway providing access to a hardstand parking area within the front setback of the dwelling house was approved under WP-VFCONL-2026/2023 on 14 November 2023.

**Opportunity:** Convert the ground floor bedroom and study to a garage to provide covered, on-site parking, transferring lost floor space to a forward extension of the second storey to the building line.



Figure 3: Elevated single storey dwelling houses on the western side of Fernhill Street



Figure 4: Two storey residential flat building at 11 Fernhill Street



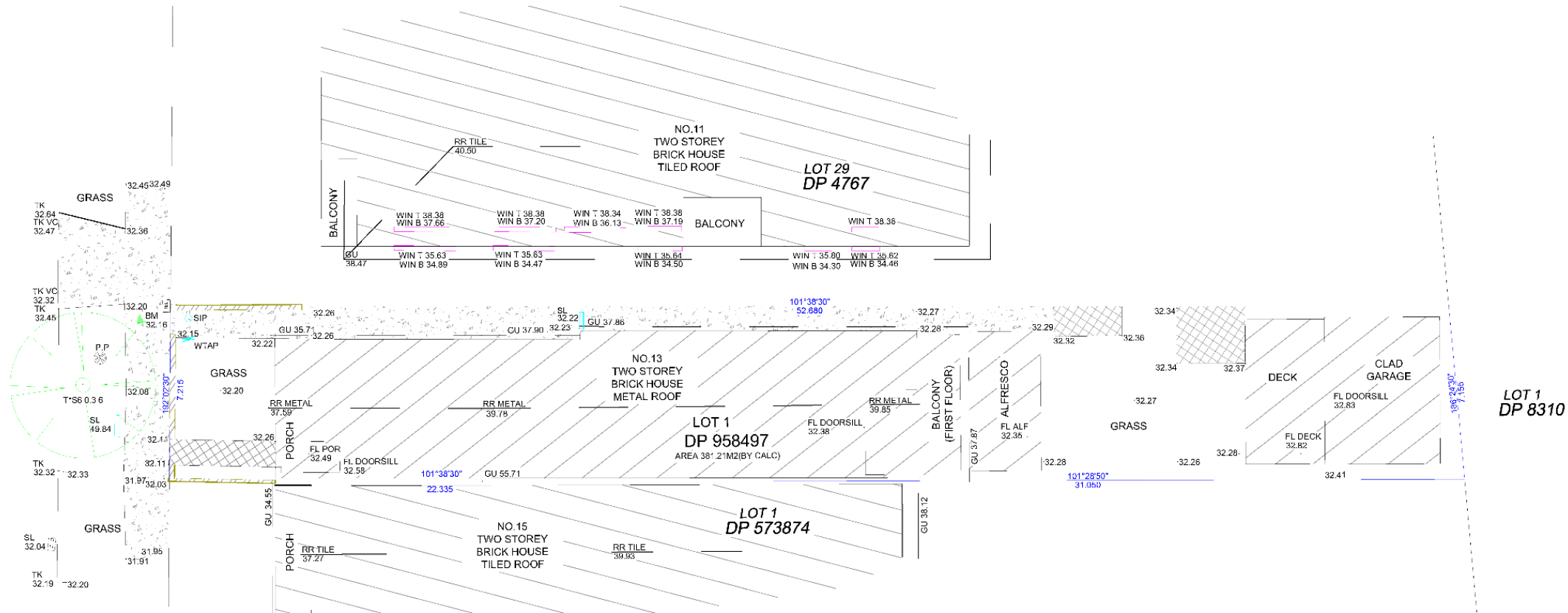


Figure 5: Site analysis (Baissline Surveying 2024)



Figure 6: Part one, part two storey dwelling house at 15 Fernhill Street



Figure 7: Single storey dwelling house at 12 Woodside Avenue, with the second storey of the existing dwelling house at 13 Fernhill Street visible in the background



Figure 8: Part one, part two storey dwelling house at 13 Fernhill Street



### 3 Proposed Alterations and Additions

As detailed in the architectural plans prepared by Michael Mileski, the proposed alterations and additions involve demolition of the ground floor front porch, bedroom and part of the study, as well as the roof over the ground floor.

The demolition enables the construction of a garage within the space formerly occupied by the bedroom and study, accessible via the driveway approved under WP-VFCONL-2026/2023. It also enables the forward extension of the existing second storey to the front building line, accessible via a new stairway from behind the new garage. The forward extension of the second storey is to accommodate a self-contained study/home office with a balcony facing Fernhill Street.



Figure 9: Proposed alterations and additions (Michael Mileski Design Studio 2024, Dwg No. DA22, Rev. A)

## 4 Assessment

In accordance with the matters for consideration under Section 4.15(1) of the Act, the following is addressed in this SEE:

- Applicable environmental planning instruments:
  - *Canterbury-Bankstown Local Environmental Plan 2023* (the CBLEP 2023): Refer to **Section 4.1.1**.
  - *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity SEPP): Refer to **Section 4.1.2**.
  - *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Hazards SEPP): Refer to **Section 4.1.3**.
  - *State Environmental Planning Policy (Sustainable Buildings) 2021* (the Sustainable Buildings SEPP): Refer to **Section 4.1.4**.
  - *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP): Refer to **Section 4.1.5**.
- Applicable development control plans: Refer to **Section 4.2**.
- The likely impacts of the development: Refer to **Section 4.3**.
- The suitability of the site for the development: Refer to **Section 4.4**.
- The public interest: Refer to **Section 4.5**.

For the purposes of Section 4.15(1)(a)(ii), there are no draft environmental planning instruments relevant to the site or proposed development.

Any submissions received during the public notification of the proposed development in accordance with Section 4.15(1)(d) can be addressed by the applicant post-notification.

### 4.1 Environmental Planning Instruments

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

The following provisions of the CBLEP 2023 are relevant to the site and proposed development:

- Clause 2.3 Zone Objectives and Land Use Table – Zone R3 Medium Density Residential: Refer to **Section 4.1.1.1**
- Clause 2.7 Demolition requires development consent: Consent for partial demolition of the existing dwelling house is sought as part of this DA.
- Clause 4.3 Height of buildings: Refer to **Section 4.1.1.2**.
- Clause 4.4 Floor space ratio: Refer to **Section 4.1.1.3**.
- Clause 5.10 Heritage conservation: Refer to **Section 4.1.1.4**.
- Clause 6.2 Earthworks: Refer to **Section 4.1.1.5**.
- Clause 6.3 Stormwater management and water sensitive urban design: Refer to **Section 4.1.1.6**.
- Clause 6.9 Essential services: Refer to **Section 4.1.1.7**.

##### 4.1.1.1 Clause 2.3 Zone Objectives and Land Use Table – Zone R3 Medium Density Residential

Subclause 2.3(1) of the CBLEP 2023 provides that the Land Use Table of Part 2 of the CBLEP 2023 specifies the objectives for development, development that may be carried out without consent, development that may be carried out with consent and development that is prohibited for each zone. Subclause 2.3(2) requires the consent authority to have regard to the objectives for development in a zone when determining a DA in respect of land within the zone.



**Comment:** Development for the purposes of dwelling houses and alterations and additions to them is permitted with consent in Zone R3 Medium Density Residential applying to the site under clause 2.3 of the CBLEP 2023. The proposed development is consistent with objectives of the land use zone as demonstrated in **Table 1**.

Table 1: Zone R3 Medium Density Residential Objectives

Objectives:	Comment:
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment.</li> </ul>	<p>The proposed alterations and additions provide for the housing needs of the existing residents by replacing an existing ground floor bedroom and study to provide secure, covered parking, transferring the study to a forward extension of the second storey. This is achieved without unacceptable impact on the local context (refer to <b>Section 4.3.1</b>).</p> <p>✓</p>
<ul style="list-style-type: none"> <li>To provide a variety of housing types within a medium density residential environment.</li> </ul>	<p>The proposed alterations and additions provide for a variety of housing types by incorporating a garage into the existing dwelling house.</p> <p>✓</p>
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	<p>The proposed alterations and additions are to an existing dwelling house.</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>As above.</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.</li> </ul>	<p>The site adjoins land in Zone R2 Low Density Residential to the east. The proposed alterations and additions are to occur on the western side of the dwelling house, ensuring they will not be visible from, and therefore not have any impact on, uses in the adjoining zone.</p> <p>✓</p>
<ul style="list-style-type: none"> <li>To ensure suitable landscaping in the medium density residential environment.</li> </ul>	<p>The proposed alterations and additions retain 108.1m<sup>2</sup> (28.4% of site area) of landscaped area, compliant with the minimum 57.18m<sup>2</sup> (15% of site area) of landscaped area required under Chapter 5.2, Section 2.3, C1 of the <i>Canterbury-Bankstown Development Control Plan 2023</i> (the CBDCP 2023).</p> <p>✓</p>
<ul style="list-style-type: none"> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>	<p>The site adjoins land in Zone R2 Low Density Residential to the east. The proposed alterations and additions are to occur on the western side of the dwelling house, ensuring they will not be visible from, and therefore not have any impact on, uses in the adjoining zone.</p> <p>✓</p>
<ul style="list-style-type: none"> <li>To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.</li> </ul>	<p>The site benefits from a high level of public transport accessibility, derived from being located approximately 350 metres from bus stops on New Canterbury Road and Crinan Street, 550 metres from Hurlstone Park Railway Station and 1.1 kilometres from Dulwich Grove Light Rail Station.</p> <p>✓</p>
<ul style="list-style-type: none"> <li>To promote a high standard of urban design and local amenity.</li> </ul>	<p>The proposed alterations and additions achieve a high standard of urban design and local amenity through a built form outcome that is consistent with the streetscape in terms of</p> <p>✓</p>

Objectives:	Comment:
	landscape, materials and finishes and proportions.

#### 4.1.1.2 Clause 4.3 Height of buildings

Under subclause 4.3(2) of the CBLEP 2023, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

**Comment:** The proposed alterations and additions will not exceed the height limit shown for the site on the Height of Buildings Map, being 8.5 metres.

#### 4.1.1.3 Clause 4.4 Floor space ratio

Under subclause 4.4(2B)(b) of the CBLEP 2023, the FSR for a building used for the purposes of a dwelling house or semi-attached dwelling on land in Area 2 is not to exceed 0.55:1 where it has an area of greater than 200m<sup>2</sup> but less than 600m<sup>2</sup>.

**Comment:** The proposed alterations and additions result in a minor increase in FSR from 0.54:1 to 0.55:1, based on an increase in gross floor area (GFA) from 207.6m<sup>2</sup> to 209.6m<sup>2</sup>.

#### 4.1.1.4 Clause 5.10 Heritage conservation

Subclause 5.10(2) of the CBLEP 2023 provides that development consent is required for specified works to heritage items, Aboriginal objectives, buildings, works, relics or trees within heritage conservation areas, archaeological sites and Aboriginal places of heritage significance. Where consent is required, subclauses 5.10(4) and 5.10(8) prevent the consent authority from granting development consent unless it has considered effect of the proposed development on the heritage significance of the item or area or Aboriginal places of heritage significance.

**Comment:** Development consent is not required as the site is not identified as a Heritage Item or as being within a HCA on the Heritage Map. However, it adjoins HCA C3 *Duntroon Street Heritage Conservation Area* to the east and is located near HCA C5 *Melford Street Heritage Conservation Area* to the west and south.

The proposed alterations and additions will:

- Not be visible from the Duntroon Street HCA and therefore will not have any impact on the Duntroon Street HCA as they are to occur on the western side of the existing dwelling house; and
- Have minimal impact on the Melford Street HCA as the dwelling house will remain consistent with existing development in the streetscape (refer to **Section 4.3.1**), which includes dwelling houses within the HCA.

#### 4.1.1.5 Clause 6.2 Earthworks

Under subclause 6.2(2) of the CBLEP 2023, development consent is required for earthworks unless the earthworks are exempt under an environmental planning instrument or ancillary to development for which consent has been given. Where development consent is required, the consent authority is required to consider the matters set out in subclause 6.2(3) before granting development consent.

**Comment:** The proposed alterations and additions require minimal earthworks. Nevertheless, consent for proposed earthworks is required as they are neither exempt nor ancillary to development for which consent has been given. Accordingly, they are considered against the matters for consideration in subclause 6.2(3) in **Table 3**.



Table 2: Earthworks Considerations

Matters for Consideration:	Comment:
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	The proposed alterations and additions are to occur entirely within the existing building footprint, ensuring they will not have a detrimental effect on existing drainage patterns and soil stability in the locality. ✓
(b) the effect of the development on the likely future use or redevelopment of the land,	The proposed earthworks enable alterations and additions to the existing dwelling house. The redevelopment of the site for any other purpose is unlikely in the short, medium or long term. ✓
(c) the quality of the fill or the soil to be excavated, or both,	The quality of the fill or the soil to be excavated is to comply with CBC requirements. ✓
(d) the effect of the development on the existing and likely amenity of adjoining properties,	The proposed earthworks will not result in any amenity impacts to neighbouring properties due to existing natural ground levels being generally retained at the property boundaries. ✓
(e) the source of any fill material and the destination of any excavated material,	The source of any fill material and the destination of any excavated material is to comply with CBC requirements. ✓
(f) the likelihood of disturbing relics,	The proposed alterations and additions are unlikely to disturb relics as they are to occur entirely within the existing building footprint. ✓
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,	The site is not located within a mapped drinking water catchment or environmentally sensitive area. The proposed alterations and additions will not have any impact on watercourses as it is to occur entirely within the existing building footprint. ✓
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	No further measures to avoid, minimise or mitigate the impacts of development are considered necessary. N/A

#### 4.1.1.6 Clause 6.3 Stormwater management and water sensitive urban design

Subclause 6.3(2) of the CBLEP 2023 provides that the clause applies to Zones R2, R3, R4, B1, B2, B4, B5, B6, B7, IN1, IN2, SP1, SP2, RE1 and RE2. Where the clause applies, the consent authority is required to be satisfied of the matters in subclause 6.3(3) before granting consent.

**Comment:** The clause applies as the site is located within Zone R3 Medium Density Residential. CBC may be satisfied of the matters in subclause 6.3(3) as the works are to occur entirely within the existing building footprint.

#### 4.1.1.7 Clause 6.9 Essential services

Clause 6.9 of the CBLEP 2023 requires the consent authority to be satisfied that, prior to granting development consent, the supply of water and electricity, the disposal and management of sewage, stormwater drainage or on-site conservation and suitable road access are available or that adequate arrangements have been made to make them available when required.

**Comment:** The site has suitable road access from Fernhill Street, approved under WP-VFCONL-2026/2023. It is anticipated that the proposed alterations and additions will not result in any change in demand on existing connections to:

- Stormwater as the proposed alterations and additions are to occur within the existing building footprint; or

- Water, electricity or sewage as the proposed alterations and additions result in a reduction in the number of bedrooms.

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

Subsection 2.3(1) of the Biodiversity SEPP provides that Chapter 2 relates to all land in “non-rural areas”, defined by reference to specified LGAs and/or land use zones. Where Chapter 2 applies, Section 2.6 prevents a person from clearing:

- (1) Vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by Council under that Part; and
- (2) Native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

**Comment:** Chapter 2 applies as the site is located within the CBC LGA, forming part of the “non-rural area” as defined in subsection 2.3(1). However, the proposed alterations and additions to the existing dwelling house do not result in the loss of any vegetation, ensuring that they will not exceed the biodiversity offsets scheme threshold or require a permit from Council under Part 2.3 of the Biodiversity SEPP. Removal of the street tree in the road reserve of Fernhill Street adjoining the site is approved under WP-PTD-2175/2021.

#### **4.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

Section 4.4 of the Hazards SEPP provides that Chapter 4 of the SEPP applies to the State. Subsection 4.6(1) of the SEPP prevents the consent authority granting consent unless it has considered whether the land is contaminated and, if contaminated, whether the land is suitable in its contaminated or will be suitable after remediation for the purpose for which the development is proposed to be carried out. If the land is contaminated, the consent authority is prevented from granting consent unless it is satisfied that the land will be remediated before the land is used for the purpose of the development.

**Comment:** Chapter 4 applies as the site is located within the State. CBC may be satisfied of the matters in subsection 4.6(1) on the basis that the proposed alterations and additions are to occur entirely within the existing building footprint and require minimal excavation, ensuring that the likelihood of disturbance of contaminated soils is low.

#### **4.1.4 State Environmental Planning Policy (Sustainable Buildings) 2021**

Section 2.1 of the Sustainable Buildings SEPP provides that, with the exception of BASIX excluded development (garage, storeroom, carport, gazebo, verandah, awning, alteration of a building listed on the State Heritage Register and spaces that cannot be fully enclosed):

- The erection, but not relocation, of a BASIX building (a building that contains at least one dwelling but does not include hotel or motel accommodation or a boarding house, hostel or co-living housing that accommodates more than 12 residents or has a gross floor area exceeding 300m<sup>2</sup>) and change of building use by which a building becomes a BASIX building are to comply with the standards set out in Schedule 1 of the SEPP; and
- Alteration of a BASIX building (refer above) with an estimated construction cost of \$50,000 or more and development for the purposes of a swimming pool or spa (or a combination of both) that services only one dwelling and has a capacity (or combined capacity) of 40,000 litres or more is to comply with the standards set out in Schedule 2 of the SEPP.

Section 27 of the EP&A Regulation provides that a DA for BASIX development must be accompanied by a BASIX certificate issued no earlier than three months before the day on which the DA is submitted.



**Comment:** The proposed alterations and additions are to a dwelling house (a BASIX building), having an estimated construction cost of more than \$50,000. Accordingly, it is required to comply with the requirements set out in Schedule 2 of the SEPP and the DA is required to be accompanied by a BASIX certificate issued no earlier than three months before the day on which the DA is submitted.

#### 4.1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Subsection 2.48(1) of the Infrastructure SEPP requires the consent authority to notify the electricity supply authority and take into consideration any response provided within 21 days where the development involves:

- Penetration of ground within two metres of an underground electricity power line or distribution pole or within ten metres of an electricity tower;
- Development within or adjacent to an electrical easement, adjacent to an electrical substation or within five metres of an exposed overhead electricity power line;
- Installation of a swimming pool within 30 metres of a structure supporting an overhead electricity transmission line or within five metres of an overhead electricity power line; or
- Placement of powerlines underground.

**Comment:** It is anticipated that notification of Ausgrid (the electricity supply authority in the area) will be required on the basis that works are proposed within five metres of an exposed overhead electricity power line running in Fernhill Street. Any recommendations provided by Ausgrid can likely be complied with by way of conditions of consent.

## 4.2 Canterbury-Bankstown Development Control Plan 2023

As demonstrated in the assessment provided in **Appendix A**, the proposed alterations and additions are compliant with all relevant development controls under the *Canterbury-Bankstown Development Control Plan 2023* (the CBDCP 2023), with the exception of controls relating to the first floor front setback, first floor side setback, pavilion form and overshadowing of solar panels. Justification for each of the non-compliances is provided in the subsequent sections.

### 4.2.1 First Floor Front and Southern Side Setback

The proposed alterations and additions are to have a first floor:

- Front setback of 4.32 metres, non-compliant with the minimum 5.5 metres requires under Section 2.6, C2 of the CBDCP 2023; and
- Side setback of 0.225 metres, non-compliant with the minimum 0.9 metres required under Section 2.6, C2 and C3 of the CBDCP 2023.

The non-compliance is acceptable as, as demonstrated in **Table 3**, the proposed alterations and additions remain consistent with the objectives of the control.

Table 3: CBDCP 2023 Setbacks Objectives

Objectives:	Comment:
O1 To establish the desired spatial proportions of the street and define the street edge.	The first floor setbacks of the proposed alterations and additions are to match that of the ground floor of the existing dwelling house. The first floor front setback of the proposed alterations and additions would also match the ground floor of the existing dwelling house at 15 Fernhill Street. ✓

Objectives:	Comment:
	Enforcing compliance with the southern side setback requirement at the first floor would not result in improved spatial proportions of the street or definition of the street edge.
O2 To limit the scale and bulk of development by retaining landscaped open space around.	The non-compliance with the front and southern side setback requirement at the first floor will not compromise landscaped open space provision. Notwithstanding non-compliance, the proposed alterations and additions are to retain 108.1m <sup>2</sup> of landscaped area (28.4% of site area), well in excess of the minimum 57m <sup>2</sup> (15% of site area) required under Section 2.3, C1 of the CBDP 2023. ✓
O3 To contribute to the natural landscape by retaining adequate space for new trees and conserving existing visually prominent trees.	There are no existing trees within the site or neighbouring property that would be impacted by the non-compliant portion proposed alterations and additions. N/A
O4 To provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely potential amenity impacts of new development.	<p>The non-compliant portion of the proposed alterations and additions will not result in:</p> <ul style="list-style-type: none"> <li>▪ Environmental impacts as they are to occur entirely within the existing building footprint;</li> <li>▪ Visual impacts as they would result in the dwelling house having compatible scale with the adjoining residential flat building at 11 Fernhill Street, as well as other two storey development in the streetscape (refer to <b>Section 4.3.1</b>); or</li> <li>▪ Amenity impacts to neighbouring properties, including in terms of: <ul style="list-style-type: none"> <li>– Solar access as: <ul style="list-style-type: none"> <li>– The existing dwelling house at 15 Fernhill Street does not have north-facing windows; and ✓</li> <li>– The proposed alterations and additions are to occur on the western side of the existing dwelling house where they will not have any impact on the principal private open space at 15 Fernhill Street.</li> </ul> </li> <li>– Privacy as blade walls are to be provided along the northern and southern edges of the balcony, being the portion of the first floor that would be non-compliant with the front setback requirement.</li> </ul> </li> </ul>

## 4.2.2 Pavilion Form

The proposed alterations and additions do not have a pavilion form at the first floor, non-compliant with Section 2.7, C1 and Section 2.8, C25 and C26 of the CBDP 2023. The non-compliance is acceptable as, as demonstrated in **Table 4**, the proposed alterations and additions remain consistent with the objectives of the control.



Table 4: CBDP 2023 Building Separation and General Design Objectives

Objectives:		Comment:
<b>2.7 Building separation</b>		
O1	To promote improved levels of residential amenity for new and existing development, including to preserve sunlight, privacy and general amenity for existing buildings.	<p>Enforcing compliance by requiring a pavilion form at the second storey will not result in improved:</p> <ul style="list-style-type: none"> <li>▪ Solar access as: <ul style="list-style-type: none"> <li>– The existing dwelling house at 15 Fernhill Street does not have north-facing windows; and</li> <li>– The proposed alterations and additions are to occur on the western side of the existing dwelling house where they will not have any impact on the principal private open space at 15 Fernhill Street.</li> </ul> </li> <li>▪ Privacy as the single new window forming part of the proposed alterations and additions will have minimal impact due to its high sill height; and</li> <li>▪ General amenity (refer to <b>Section 4.3.2</b>).</li> </ul>
O2	To ensure that development is of a scale that is visually compatible with adjacent buildings, character of the area, and the objectives of the zone.	The proposed alterations and additions result in the dwelling house having a scale that is visually compatible with the adjoining residential flat building at 11 Fernhill Street, as well as other two storey development in the streetscape (refer to <b>Section 4.3.1</b> ).
<b>2.8 General design</b>		
O1	To ensure that development is coordinated with, and complements, the public domain to enhance the character and the image of the streetscape.	As above. A pavilion form at the second storey would not be discernible when viewed front-on from the street. It would not be discernible when viewed at an angle due to screening provided by street trees and existing development in neighbouring properties.
O2	To ensure that development provides good amenity for occupants of new and existing development, including reasonable solar access, privacy, and natural ventilation.	<p>With respect to solar access and privacy, refer to response to Section 2.7, O1. Enforcing compliance by requiring a pavilion form at the second storey would not result in improved natural ventilation to:</p> <ul style="list-style-type: none"> <li>▪ The existing residential flat building at 11 Fernhill Street as the approximately 4.7 metre separation between the two buildings will be retained; and</li> <li>▪ The existing dwelling house at 15 Fernhill Street as it does not have any north-facing windows.</li> </ul>
O3	To ensure alterations and additions complement the architectural character of the existing building or is of a contemporary design that is appropriate in its context.	The proposed alterations and additions will complement the architectural character of the existing dwelling house by retaining and extending the existing roof form. Requiring a pavilion form at the second storey would be inconsistent with the architectural character.
O4	To facilitate positive interaction between the private and public domain.	Enforcing compliance by requiring a pavilion form at the second storey would not result in any change in interaction between the private

Objectives:	Comment:
	and public domain as the pavilion form would not be visible when viewed front-on or at an angle from the street (refer to response to Section 2.8, O1)
O5 To maximise passive surveillance to promote safety and security.	Enforcing compliance by requiring a pavilion form at the second storey would not result in an improved safety or security outcome. N/A
O6 To encourage effective articulation of building design to reduce the appearance of scale, enhance visual interest and ensure a diversity of built form.	Refer to response to Section 2.7, O1. ✓
O7 To ensure all elements of the facade and roof are integrated into the architectural form and detail of the building, and enhance streetscape appearance.	Refer to response to Section 2.8, O3. ✓
O8 To encourage high standards of amenity through appropriate dimensions and configurations of habitable rooms.	Enforcing compliance by requiring a pavilion form at the second storey would not result in any change in room dimensions. N/A

### 4.2.3 Solar Panel Overshadowing

The proposed alterations and additions will result in part of the photovoltaic system over the existing dwelling house at 15 Fernhill Street receiving less than three hours of solar access between 8am and 4pm on 21 June, non-compliant with Section 2.10, C6 of the CBDCP 2023. The non-compliance is acceptable, as demonstrated in **Table 5**, the proposed alterations and additions remain consistent with the only relevant objective of the control, being O2.

Table 5: CBDCP 2023 Solar Access and Overshadowing Objectives

Objectives:	Comment:
O2 To minimise overshadowing of primary living areas , private open space and solar roof top systems.	<p>The overshadowing of the panels over the rooftop of ground floor the existing dwelling house at 15 Fernhill Street is acceptable as:</p> <ul style="list-style-type: none"> <li>▪ Overshadowing impacts are greatest in mid-winter, when potential energy generation from the solar panels is at its lowest. As potential energy generation improves through the spring equinox to the summer solstice, overshadowing will reduce;</li> <li>▪ Solar access to the solar panels over the rooftop of the first floor of the existing dwelling house at 15 Fernhill Street is to be unaffected by the proposed alterations and additions; ✓</li> <li>▪ There is nothing to prevent the owners of the existing dwelling house at 15 Fernhill Street from seeking consent to undertake a similar extension of the first floor towards the front building line and relocating the solar panels to the rooftop of the extended first floor; and</li> <li>▪ It is not appropriate to protect solar access to solar panels over the rooftop of a single storey element of an existing dwelling</li> </ul>

Objectives:	Comment:
	house within Zone R3 Medium Density Residential, in which development to a height of 8.5 metres is permitted under clause 4.3 of the CBLEP 2023.

## 4.3 Likely Impacts of the Development

### 4.3.1 Context

The proposed alterations and additions realise the opportunity identified in **Section 2.2** by converting the ground floor bedroom and study to a garage to provide covered, on-site parking. The lost internal floor space is to be transferred to an extension of the second storey to the building line.

This is to be achieved without any impact on the streetscape character identified in **Section 2.1**. The proposed alterations and additions result in the dwelling house having a two storey scale that is visually compatible with the adjoining residential flat building at 11 Fernhill Street, as well as other two storey development in the streetscape. Further contributing to the proposed alterations and additions' consistency with the local context is through the extension of the existing pitched roof form, as well as rendered finish of street-facing external walls.

### 4.3.2 Amenity

Assessment of amenity impact is derived from an understanding of bulk and scale, overshadowing, visual and acoustic privacy and view impact. The proposed alterations and additions will not result in any view impacts. An assessment of the proposed alterations and additions' bulk and scale, overshadowing and visual and acoustic privacy impacts is provided below. Overall, the proposed alterations and additions will have, at most, acceptable amenity impacts to neighbouring dwellings.

#### 4.3.2.1 Bulk and Scale

The proposed alterations and additions will have minimal bulk and scale impacts to the:

- Residential flat building at 11 Fernhill Street due to the retention of the 4.7 metre building separation between buildings; and
- Dwelling house at 15 Fernhill Street as the latter does not have any north-facing windows and the proposed alterations and additions are to occur on the western side of the existing dwelling house. As such, they will not be visible from inside the dwelling house at 15 Fernhill Street or from the rear private open space.

#### 4.3.2.2 Overshadowing

The proposed alterations and additions will not result in any overshadowing of:

- Living room windows associated with the dwelling house at 15 Fernhill Street as the latter does not have any north-facing windows; or
- The principal private open space associated with the existing dwelling house at 15 Fernhill Street as the proposed alterations and additions are to occur on the western side of the existing dwelling house.

The proposed alterations and additions will result in overshadowing of solar panels over the rooftop of the ground floor of the existing dwelling house at 15 Fernhill Street. This is an acceptable outcome for the reasons outlined in **Section 4.2.3**.



### **4.3.2.3 Visual and Acoustic Privacy**

The proposed alterations and additions include a single:

- North-facing window which will have negligible visual privacy impacts due to its high sill; and
- West-facing balcony which will not have any visual privacy impacts as it is to face the street and have blade walls along its northern and southern edges.

Both the north-facing window and west-facing balcony will have negligible acoustic privacy impact due to being associated with a study.

## **4.4 Suitability of the Site for the Development**

The site is suitable for the proposed alterations and additions as it is generally level and already occupied by an existing dwelling house.

The site is suitable for the proposed alterations and additions as it is unlikely to be contaminated due to continuous residential use since at least 1943 (earliest available aerial imagery). It is not mapped as containing Acid Sulfate Soils under clause 6.1 of the CBLEP 2023.

The site is suitable for the proposed alterations and additions as it does not contain, nor is it located in proximity to, land identified as Watercourse or Riparian Land under clause 6.5 of the CBLEP 2023 or land identified as Foreshore Area under clause 6.6 of the CBLEP 2023.

The site is suitable for the proposed alterations and additions as it is not identified as being impacted in all events up to and including the probable maximum flood (PMF) under the Cooks River Mainstream Flood Study (MWH+PB 2009) and the 1% annual exceedance probability (AEP) event under the Cooks River Overland Flood Study (Cardno 2016). Whilst the rear of the site is impacted to a depth of between 0.15 metres and 0.3 metres in the PMF under the Cooks River Overland Flood Study (Cardno 2016), the proposed alterations and additions convert habitable space within the existing building footprint to non-habitable and provide new habitable floor space at the first floor. As such, it is anticipated that they will not result in increased risk or impacts on or off-site.

The site is not identified as being or adjoining a Heritage Item or within a Heritage Conservation Area under clause 5.10 of the CBLEP 2023. It is unlikely to contain Aboriginal sites or places due to being located within a significantly disturbed, urbanised area.

The site is suitable for the proposed alterations and additions as it is not identified as Biodiversity under clause 6.4 of the CBLEP 2023. It does not contain any land identified as Vegetation Category Buffer, 1, 2 or 3 on the Bush Fire Prone Land Map.

The site is suitable for the proposed alterations and additions as it is not identified as being within Australian Noise Exposure Forecast (ANEF) 20 Contour on the Noise Exposure Forecast Contour Map for the Bankstown Airport.

The site is suitable for the proposed alterations and additions as it is expected to have existing connections to essential services. It is anticipated that the proposed alterations and additions will not exceed the capacity of the existing connections.

## **4.5 Public Interest**

Consistency with the public interest is derived from compliance and consistency with the environmental planning framework and acceptability of impacts.

The proposed alterations and additions to the existing dwelling house are in the public interest as they are consistent with the environmental planning framework, including the CBLEP 2023, relevant SEPPs and the CBDP



2023. With respect to the former, they are permitted with consent and consistent with the objectives of Zone R3 Medium Density Residential, as well as compliant with all applicable development standards and consistent with all relevant provisions of the CBLEP 2023. With respect to the latter, they are compliant with all relevant controls under the CBDP 2023, with the exception of those relating to first floor front and southern side setback, pavilion form and solar panel overshadowing. The non-compliances are acceptable as the proposed alterations and additions, in all instances, remain consistent with the objectives of the control.

The proposed alterations and additions are in the public interest as they will have, at most, acceptable impacts. The dwelling house, as altered, will remain consistent with the local context, will have minimal bulk and scale impacts, will not have any overshadowing impacts to living room windows or principal private open space associated with dwelling houses in neighbouring property, will have acceptable impacts on solar access to solar panels on the rooftop over the ground floor of the existing dwelling house at 15 Fernhill Street and will have negligible visual or acoustic privacy impacts.

## 5 Conclusion

This SEE has been prepared on behalf of the landowner to support a DA seeking development consent for alterations and additions to an existing dwelling house at 13 Fernhill Street, Hurlstone Park.

The SEE has been prepared in accordance with the framework provided by Section 4.15(1) of the EP&A Act. In summary, the proposed alterations and additions are firstly consistent with environmental planning instruments including the CBLEP 2023 and the relevant SEPPs. With regard to the former, the proposed alterations and additions are permitted with consent and consistent with the objectives of Zone R3 Medium Density Residential, as well as compliant with all applicable development standards and consistent with all relevant provisions of the CBLEP 2023.

Secondly, the proposed alterations and additions are compliant with all relevant controls in the CBDP 2023, with the exception of those relating to first floor front and southern side setback, pavilion form and solar panel overshadowing. The non-compliances are acceptable as the proposed alterations and additions, in all instances, remain consistent with the objectives of the control.

Thirdly, the proposed alterations and additions are consistent with the local context, will have minimal bulk and scale impacts, will not have any overshadowing impacts to living room windows or principal private open space associated with dwelling houses in neighbouring property, will have acceptable impacts on solar access to solar panels on the rooftop over the ground floor of the existing dwelling house at 15 Fernhill Street and will have negligible visual or acoustic privacy impacts.

Fourthly, the site is suitable for the proposed alterations and additions as it is generally level and is already occupied by an existing dwelling house. It is unlikely to be contaminated and is not mapped as containing Acid Sulfate Soils. It does not contain, nor is it located in proximity to, land identified as Watercourse, Riparian Land or Foreshore Area. Known flooding is limited to low level flooding in the rear of the site in the PMF. It is not identified as being or adjoining a Heritage Item or as adjoining a Heritage Conservation Area, nor is it likely to contain Aboriginal sites or places. It is not identified as Biodiversity or Bush Fire Prone Land. It is not located within the ANEF 20 Contour and is expected to have suitable connections to essential services, capable of accommodating any increase in demand generated by the proposed alterations and additions.

Finally, the proposed alterations and additions is in the public interest as it is compliant and consistent with the environmental planning framework and will have minimal impacts.

For the reasons outlined above, the proposed alterations and additions to the existing dwelling house at 13 Fernhill Street, Hurlstone Park are recommended for approval subject to CBC's standard conditions of consent.



## Appendix A Canterbury-Bankstown Development Control Plan 2023, Chapter 5 Residential Accommodation, 5.2 Former Canterbury LGA

Controls:		Comment:
<b>Section 1 – Introduction</b>		
C1	Low density residential environment To have a low density residential environment in Zone R2 where the typical features are dwelling houses and dual occupancies within a generous landscaped setting. The site cover and building form of development must be compatible with the prevailing suburban character and amenity of this zone. This zone is also the most restrictive in terms of other permitted uses that are considered suitable. These are generally restricted to facilities and services that meet the day-to-day needs of residents.	The site is located within Zone R3 Medium Density Residential.  N/A
C2	Medium density residential environment To have a medium density residential environment in Zone R3 that generally acts as a transition between the high and low density residential environments. This transition area will enable a variety of medium density accommodation within a generous landscaped setting.	The proposed alterations and additions are to occur on the western side of the existing dwelling house where they will not be visible from, and therefore not have any impact on, land in Zone R2 Low Density Residential adjoining the site to the east.  ✓
C3	High density residential environment To have a high density residential environment in Zone R4 that provides high density housing (in the form of contemporary designed residential flat buildings) within a landscaped setting. Development should provide appropriate spaces between buildings, communal open spaces and deep soil zones to provide adequate amenity for residents.	The site is located within Zone R3 Medium Density Residential.  N/A
<b>Section 2 – Dwelling Houses and Outbuildings</b>		
<b>Site Planning</b>		
<b>2.1 Minimum lot size and frontage</b>		
C1	The minimum primary street frontage width for dwelling houses is 15m.	The site has an existing frontage of 7.215 metres. Existing non-compliance
C2	Lots must be generally rectangular.	The site has rectangular shape. ✓
C3	Internal and battle-axe blocks and lots with irregular dimensions or shallow depths must satisfy the objectives of the DCP.	As above. N/A
C4	Nothing in this section prevents Council giving consideration to the erection of a dwelling house on an allotment of land which existed as of 1 January 2013.	The existing dwelling house is located within a lot created earlier than 1 July 2013. ✓
<b>2.2 Site coverage</b>		

C1	All development must comply with the numerical requirements contained in the table below:				Building footprint: <ul style="list-style-type: none"><li>Maximum: 300m<sup>2</sup></li><li>Existing: 145.4m<sup>2</sup></li><li>Proposed: No change</li></ul>	✓
	Site Area	Maximum area of building footprint	Maximum floor area of all outbuildings	Maximum site coverage of all structures on a site	Outbuildings: <ul style="list-style-type: none"><li>Maximum: 30m<sup>2</sup></li><li>Existing: 28.4m<sup>2</sup></li><li>Proposed: No change</li></ul>	
	Up to 449m <sup>2</sup>	300m <sup>2</sup>	30m <sup>2</sup>	60%	Site coverage: <ul style="list-style-type: none"><li>Maximum: 228.72m<sup>2</sup> (60% of site area)</li><li>Existing: 173.2m<sup>2</sup> (45.3% of site area)</li><li>Proposed: No change</li></ul>	
	450m <sup>2</sup> to 599m <sup>2</sup>	330m <sup>2</sup>	45m <sup>2</sup>	50%		
	600m <sup>2</sup> to 899m <sup>2</sup>	380m <sup>2</sup>	60m <sup>2</sup>	40%		
	900m <sup>2</sup> or above	430m <sup>2</sup>	60m <sup>2</sup>	40%		
2.3 Landscaping						
C1	Deep soil permeable areas must be provided in accordance with the table below:				Minimum: 57m <sup>2</sup> (15% of site area) Retained: 108.1m <sup>2</sup> (28.4% of site area)	✓
	Site area		Minimum deep soil area (% of site area)			
	Up to 449m <sup>2</sup>		15%			
	450m <sup>2</sup> to 599m <sup>2</sup>		20%			
	600m <sup>2</sup> or above		25%			
C2	Deep soil areas must have a minimum dimension of 2.5m.				Deep soil areas with a dimension of less than 2.5 metres are excluded from the deep soil area calculation.	✓
2.4 Layout and orientation						
C1	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.				Solar access and natural lighting is to be achieved through retention of at least one window to all habitable rooms.	✓
C2	Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.				The proposed alterations and additions will not result in any overshadowing of primary living areas or private open space associated with neighbouring property.	✓
C3	Coordinate design for natural ventilation with passive solar design techniques.				Natural ventilation is to be achieved through retention of at least one window to all habitable rooms.	✓
C4	Site new development and private open space to avoid existing shadows cast from nearby buildings.				The existing private open space benefits from morning to midday sun in mid-winter.	✓
C5	Site a building to take maximum benefit from cross-breezes and prevailing winds.				The existing dwelling house benefits from prevailing north-easterly winds.	✓
C6	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.				The proposed alterations and additions create opportunities for casual surveillance through a street-facing first floor balcony.	✓

## Building Envelope

### 2.5 Height

C1	Development for the purposes of dwelling houses must not exceed the following numerical requirements:		
(a)	A maximum two storey built form.	The proposed alterations and additions are to maintain the two storey height of the existing dwelling house.	✓
(b)	A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.	Maximum: 7 metres Proposed: 5.385 metres	✓
(c)	A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.	A maximum height of buildings of 8.5 metres applies under clause 4.3 of the CBLEP 2023.	N/A
(d)	Finished ground floor level is not to exceed 1m above the natural ground level. Note: Skillion and flat roof forms will be considered on merit.	The ground floor finished floor level of the proposed alterations and additions are not to exceed one metre above existing ground level.	✓
<b>Basement and sub-floor projection</b>			
C2	Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.	The proposed alterations and additions do not include a basement.	N/A
<b>Attics and roof terraces</b>			
C3	Attics and mezzanine floors do not comprise a storey.	The proposed alterations and additions do not include an attic or mezzanine floor.	N/A
C4	Roof top terraces are not acceptable on any building or outbuilding in any residential zone.	A rooftop terrace is not proposed.	✓
<b>Basement and sub-floor</b>			
C5	Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.	The proposed alterations and additions do not include a basement or sub-floor.	N/A
C6	Basement and sub-floor parking is only suitable where compliance with Chapter 3.2 of this DCP can be demonstrated.	As above.	N/A
<b>Retaining walls – Development without basement parking</b>			
C7	Walls that would enclose a sub-floor area: (a) Maximum 2m for steeply sloping land; and (b) Maximum 1m for all other land.	The proposed alterations and additions do not include a sub-floor.	N/A
C8	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.	The proposed alterations and additions do not include retaining walls.	N/A
<b>Cut and fill – Development without basement parking</b>			



C9	Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.	The proposed alterations and additions do not include excavation exceeding one metre below existing ground level.	✓
C10	No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level.	Noted. The proposed alterations and additions will require minimal disturbance at existing ground level.	✓
C11	Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.	The proposed alterations and additions do not require more than 600mm of fill above existing ground level.	✓
C12	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.	The proposed alterations and additions do not include cut or fill or a retaining wall exceeding one metre.	N/A

## 2.6 Setbacks

### Front, side and rear setbacks

C1	Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.	The proposed alterations and additions do not include a basement or sub-floor areas.	N/A
C2	Development must comply with the minimum front, side and rear setbacks as detailed in the following tables: <b>Table 3: Dwelling houses with frontage of 12.5m or less</b>	Front setback: <ul style="list-style-type: none"> <li>Minimum: 5.5 metres</li> <li>Existing: <ul style="list-style-type: none"> <li>Ground floor: 4.32 metres</li> <li>First floor: 13.31 metres</li> </ul> </li> <li>Proposed: <ul style="list-style-type: none"> <li>Ground floor: No change</li> <li>First floor: 4.32 metres</li> </ul> </li> </ul> Justification for the first floor front setback non-compliance is provided in <b>Section 4.2.1</b> .  Side setback: <ul style="list-style-type: none"> <li>Minimum: 0.9 metres</li> <li>Existing: <ul style="list-style-type: none"> <li>Northern boundary: 1.285 metres</li> <li>Southern boundary: 0.225 metres</li> </ul> </li> <li>Proposed: <ul style="list-style-type: none"> <li>Northern boundary: No change</li> <li>Southern boundary: No change</li> </ul> </li> </ul> Justification for the first floor southern side setback non-compliance is provided in <b>Section 4.2.1</b> .  Rear setback: <ul style="list-style-type: none"> <li>Minimum: 6 metres</li> <li>Existing: 21.885 metres</li> <li>Proposed: No change</li> </ul>	Acceptable on merit

Setback	Controls
Front Setback	<ul style="list-style-type: none"> <li>Minimum setback of 5.5m from the front boundary.</li> <li>Maximum 2m recess for the main entrance from the front building line.</li> <li>Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.</li> </ul>
Side Setbacks	<ul style="list-style-type: none"> <li>Minimum setback of 900mm from side boundaries.</li> <li>Alterations and additions may be in line with the existing ground level walls.</li> </ul>
Rear Setbacks	<ul style="list-style-type: none"> <li>Minimum setback of 6m from the rear boundary.</li> </ul>

**Table 4: Dwelling houses with frontages widths of 12.5m or greater**

Setback	Controls
Front Setback	<ul style="list-style-type: none"> <li>Minimum setback of 6m or the average of the existing setback of the nearest dwelling house to either side of the site.</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 minimum setback of 1m from side boundaries.</li> <li>Corner lots: minimum setback of 2m from the secondary street frontage (the longer street boundary).</li> </ul>
Rear Setbacks	Minimum setback of 6m from the rear boundary.

**Table 5: Outbuildings (including alterations and additions)**

Setback	Controls
Side Setbacks	<ul style="list-style-type: none"> <li>External wall height over 2.7m a minimum setback of 450mm from the side boundary.</li> <li>External wall height not exceeding 2.7m may encroach into the minimum setback area.</li> </ul>

**Exceptions and other requirements**

C3	External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.	The proposed alterations and additions include first floor encroachments on both the front and side setbacks. However, the first floor front setback encroachment does not include enclosed rooms as it is limited to a balcony. Justification for the first floor side setback non-compliance, that includes enclosed rooms, is provided in <b>Section 4.2.1</b> .	Acceptable on merit
C4	For first floor additions, front and side setbacks may match the ground floor wall	Maximum: 12.05 metres (50% of 24.1 metre-long façade)	✓

	alignment of the existing dwelling for a depth of 10m or 50% of the length of the facade, whichever is the greater.	Proposed: 8.99 metres	
C5	Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	A swimming pool is not proposed.	N/A
C6	Swimming pools must not be located within any front setback.	As above.	N/A
C7	One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.	The site does not have frontage to a laneway.	N/A
C8	For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback.	A carport is not proposed.	N/A
C9	Car parking structures must satisfy the Building Code of Australia requirements.	The proposed garage is to comply with BCA requirements.	✓
C10	For existing dwelling houses, a single space carport may encroach beyond the minimum front setback, where it can be demonstrated that: <ul style="list-style-type: none"> <li>(a) there is no existing garage on the site;</li> <li>(b) there is no side or rear vehicle access to the site;</li> <li>(c) the site does not contain a heritage item or is not within a heritage conservation area or local character area;</li> <li>(d) the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line;</li> <li>(e) the maximum width of the single carport is 3m;</li> <li>(f) it is of a simple posted design, with no side panel infill;</li> <li>(g) there is no solid panel lift or roller shutter door proposed;</li> <li>(h) the carport is setback a minimum 1m from the primary and secondary street frontages;</li> <li>(i) the carport achieves a high quality design and has a roof design that is compatible with the dwelling house.</li> </ul>	A carport is not proposed.	N/A
C11	On land identified as having a height of 9.5m on the Map, the following parking structures may encroach beyond the minimum front or side setback: <ul style="list-style-type: none"> <li>(a) One carport that is not wider than 6m.</li> </ul>	A maximum height of buildings of 8.5 metres applies under clause 4.3 of the CBLEP 2023.	N/A



	(b) On sites that rise from the street frontage, one garage that is not wider than 6m and no higher than 3m above street level.	
C12	<p>The following minor building elements may project up to 1m into the minimum side setback area:</p> <p>(a) Roof eaves, awnings, pergolas and patios;</p> <p>(b) Stair or ramp access to the ground floor;</p> <p>(c) Rainwater tanks; and</p> <p>(d) Terraces above basement parking that are no higher than 1m above ground level (except dwelling houses, semi-detached dwellings and dual occupancy).</p>	<p>The proposed alterations and additions include roof eaves within the minimum side setback area.</p> <p>✓</p>
C13	Elements that articulate a front elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the required front setback articulation zone.	<p>A 1.5 metre articulation zone is not relevant to the proposed alterations and additions as the existing dwelling house has a 4.32 metre street setback, non-compliant with the 5.5 metre requirement under C2.</p> <p>N/A</p>
C14	<p>On steeply sloping land basements and basement parking are acceptable only if they:</p> <p>(a) Do not extend beyond the exterior walls or ground floor patios of the dwelling.</p> <p>(b) Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room.</p> <p>(c) Are not capable of future alteration to accommodate any habitable room.</p>	<p>The site is not steeply sloping.</p> <p>N/A</p>
<b>2.7 Building separation</b>		
C1	<p>The following controls apply to alterations and additions to dwelling houses:</p> <p>(a) The top storey of any two-storey building should be designed, as a series of connected pavilion elements.</p> <p>(b) Pavilion elements shall have a depth between 10m to 15m.</p> <p>(c) Articulate pavilion elements by an additional side boundary setback, and identified by separate roofs.</p>	<p>The proposed alterations and additions do not have a pavilion form. Justification for non-compliance is provided in <b>Section 4.2.2</b>.</p> <p>Acceptable on merit</p>
<b>Building Design</b>		
<b>2.8 General design</b>		
<b>Contemporary built form</b>		
C1	<p>Contemporary architectural designs may be acceptable if:</p> <p>(a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours.</p>	<p>The site is not identified as being or adjoining a Heritage Item or as being within an HCA under clause 5.10 of the CBLEP 2023.</p> <p>✓</p>

(b)	The proposed addition is not visually prominent from the street or from a public space.	The proposed alterations and additions: <ul style="list-style-type: none"> <li>Are not visually prominent from the street or from a public space; and</li> <li>Include extensive remodelling of the street-facing façade, compliant with controls under the CBDP 2023.</li> </ul>	
(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 proposed alterations and additions reflect the traditional features of existing dwelling houses along the street through the pitched room form.	✓
C3	Access to upper storeys must not be via external stairs.	The proposed alterations and additions do not include external stairs.	✓
C4	All dwellings must contain one kitchen and laundry facility.	The existing kitchen and laundry are to be retained.	✓
C5	Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	The ridges and hips of the roof of the existing dwelling house are to be retained and extended.	✓
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.	A contemporary room form is not proposed.	N/A
<b>Building entries</b>			
C7	Entries to residential buildings must be clearly identifiable.	The existing entry to the existing dwelling house, clearly identifiable from Fernhill Street, is to be retained.	✓
C8	The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.	As above.	N/A
C9	A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	The proposed alterations and additions include a first floor study and balcony oriented towards the street.	✓
C10	Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.	No ancillary structures are to obscure sightlines between the first floor study and balcony and the street.	✓
<b>Internal dwelling layout</b>			
C11	Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.	The proposed alterations and additions include a new study and balcony with sufficient dimensions to accommodate a range of furniture suitable for the use of both spaces.	✓
C12	The primary living area and principal bedroom must have a minimum dimension of 3.5m.	The existing primary living area and principal bedroom are to be retained.	N/A
C13	Secondary bedrooms must have a minimum dimension of 3m.	The existing secondary bedrooms are to be retained.	N/A
C14	Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	The proposed alterations and additions provide opportunities for	✓

		additional storage in the garage and study.							
Facade treatment									
C15	Development on corner lots must address both street frontages through facade treatment and articulation of elevations.	The site has a single street frontage.	N/A						
C16	Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	The proposed alterations and additions are to be finished with non-reflective materials.	✓						
C17	Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	The proposed alterations and additions respond to the site orientation through the first floor balcony having a roof above and blade walls along the northern and southern edges, minimising afternoon sun penetration into the study.	✓						
C18	Facades visible from the street should be designed as a series of articulating panels or elements.	The street-facing façade is to be articulated through a new, recessed garage at the ground floor, overhung by a balcony at the first floor with blade walls along the northern and southern edges, pitched roof above and sliding, glass doors behind.	✓						
C19	The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	The proposed alterations and additions do not include articulating panels.	N/A						
C20	The width of articulating panels shall be in accordance with the numerical requirements below: <b>Table 6: Width of articulating panels</b> <table><tr><td>Facade</td><td>Street elevation</td><td>Side elevation</td></tr><tr><td>Width of articulating panels</td><td>4m to 6m</td><td>10m to 15m</td></tr></table>	Facade	Street elevation	Side elevation	Width of articulating panels	4m to 6m	10m to 15m	As above.	N/A
Facade	Street elevation	Side elevation							
Width of articulating panels	4m to 6m	10m to 15m							
C21	Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall of other protruding feature) of at least 0.5m for residential buildings.	The proposed alterations and additions do not include long flat walls along the street frontage.	✓						
C22	Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.	The proposed alterations and additions are to a two storey dwelling house.	N/A						
C23	Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	The proposed alterations and additions are to be finished with high quality materials that match that of the existing dwelling house.	✓						
C24	Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	The site has a single street frontage.	N/A						
Pavilions									
C25	The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	The proposed alterations and additions will not result in a pavilion form at the second storey.	Acceptable on merit						

		Justification for the non-compliance is provided in <b>Section 4.2.2</b> .	
C26	Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	As above.	Acceptable on merit
C27	Pavilion elements shall have a depth between 10-15m.	The proposed alterations and additions do not include or result in pavilion elements.	N/A
C28	Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	As above.	N/A
<b>Windows</b>			
C29	Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	The proposed alterations and additions include only one window with limited dimensions to minimise visual privacy impacts.	N/A
C30	Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated.	As above.	N/A
C31	Windows must be rectangular.	The proposed alterations and additions include a single window in the northern elevation. It is to have rectangular shape.	✓
C32	Square, circle and semi-circle windows are acceptable in moderation.	As above.	N/A
C33	Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	The proposed alterations and additions do not include vertical proportioned windows.	N/A
C34	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	The single window in the northern elevation will be appropriately shaded by the roof eave above.	✓
C35	Dormer windows on buildings in the residential zone do not appear as additional storey must comply with the following design requirements: (a) Individual dormers are no wider than 1.5m in width; (b) Provide a minimum 2.5m separation between dormers; and (c) Dormers do not extend encroach above the ridgeline of the building.	Dormer windows are not proposed.	N/A
<b>Ventilation</b>			
C36	Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).	The proposed alterations and additions are to facilitate natural ventilation through a new window in the northern elevation, sliding, glass doors to a west-facing balcony and a void over the ground floor entry corridor.	✓
C37	Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.	Ceiling fans are to be considered following DA approval.	✓



## 2.9 Roof design and features

C1	Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.	The proposed alterations and additions include an extension of the existing roof, matching its form and pitch.	✓
C2	Avoid complex roof forms such as multiple gables, hips and valleys, or turrets.	As above.	✓
C3	Roof pitches are to be compatible and sympathetic to nearby buildings.	As above.	✓
C4	Parapet roofs that increase the height of exterior walls are to be minimised.	The proposed alterations and additions do not include a parapet roof.	N/A
C5	Use minor gables only to emphasise rooms or balconies that project from the body of a building.	The proposed alterations and additions do not include gables.	N/A
C6	Mansard roofs (or similar) are not permitted.	The proposed alterations and additions do not include a mansard roof.	✓
C7	Pitched roofs should not exceed a pitch of 30 degrees.	Maximum: 30° Proposed: 34°	Refer C9
C8	Relate roof design to the desired built form and context.	The proposed alterations and additions include an extension of the existing roof, matching its form and pitch.	✓
C9	Roofs with greater pitches will only be considered on merit taking into account matters such as streetscape, heritage value and design integrity.	As above.	✓

## Amenity

### 2.10 Solar access and overshadowing

#### Solar access to proposed development

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.	The proposed alterations and additions will not result in any change in solar access to the existing, retained primary living area.	Existing non-compliance
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 proposed alterations and additions will not result in any change in solar access to the existing, retained principle private open space.	✓
C3	Dwellings must comply with the following: (a) At least one living room window and at least 50% or 35m <sup>2</sup> with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space. (b) Receive a minimum of 3 hours sunlight between 8.00am and 4.00pm on 21 June. (c) Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	The proposed alterations and additions will not result in any change in solar access to the existing, retained primary living area or principle private open space.	Existing non-compliance

#### Solar access to neighbouring development

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.	<p>The proposed alterations and additions will not result in any loss of solar access to:</p> <ul style="list-style-type: none"> <li>Primary living areas as the existing dwelling house at 15 Fernhill Street does not have any north-facing windows; or</li> <li>Principal private open space as the proposed alterations and additions are to occur on the western side of the existing dwelling house.</li> </ul>	✓
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.	As above.	✓
C6	<p>Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:</p> <p>(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</p> <p>(b) If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight.</p>	<p>The proposed alterations and additions will result in part of the photovoltaic system over the existing dwelling house at 15 Fernhill Street receiving less than three hours of solar access between 8am and 4pm on 21 June. Justification for the non-compliance is provided in <b>Section 4.2.3</b>.</p>	Acceptable on merit
C7	Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	<p>The proposed alterations and additions will not result in any loss of solar access to clothes drying areas at the rear of the existing dwelling house at 15 Fernhill Street as they are to occur on the western side of the existing dwelling house.</p>	✓
<b>Shading devices</b>			
C8	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	<p>The proposed alterations and additions include a single window in the northern elevation, to be shaded in the summer months by the roof eave above. The limited depth of the roof eave ensures that it will not prevent solar access in the winter months.</p>	✓
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.	As above.	✓
C10	Provide horizontal shading to north-facing windows and vertical shading to east or west windows.	<p>As above. The roof eave provides horizontal shading. The proposed alterations and additions do not include east or west-facing windows.</p>	✓
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	As above.	N/A

	and allow for an overhang of approximately 65 degrees above the horizontal.		
C12	Avoid reducing internal natural daylight or interrupting views with shading devices.	As above. The roof eave will not interrupt views.	✓
C13	Use double-glazing, solar coated windows, curtains, or internal shutters to prevent heat loss and provide extra summer protection.	Heat loss from, and protection of, the single window in the proposed alterations and additions is to be provided by curtains or internal shutters.	✓
C14	Use high performance glass with a reflectivity below 20%.	Glass selection is to be detailed following DA approval.	✓
C15	Minimise external glare by avoiding reflective films and use of tint glass.	The proposed alterations and additions do not include reflective films or tint glass.	✓
C16	Use of draft insulation around windows and doors.	Insulation is to be detailed following DA approval.	✓
<b>2.11 Visual privacy</b>			
C1	Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	The proposed alterations and additions will result in minimal visual private impacts (refer to <b>Section 4.3.2.3</b> ).	✓
C2	Minimise direct overlooking of rooms and private open space through the following:		
	(a) Provide adequate building separation, and rear and side setbacks; and	The proposed alterations and additions include: <ul style="list-style-type: none"> <li>A single window in the north elevation, separated from the residential flat building at 11 Fernhill Street by approximately 4.7 metres; and</li> <li>A street-facing balcony that will not result in overlooking of adjoining properties due to blade walls along both the northern and southern edges of the balcony.</li> </ul>	✓
	(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.	The proposed alterations and additions include a balcony oriented towards the street.	✓
C3	If living room windows or private open spaces would directly overlook a neighbouring dwelling: <ul style="list-style-type: none"> <li>(a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or</li> <li>(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.</li> </ul>	The proposed alterations and additions do not result in living room windows or private open space overlooking a neighbouring dwelling.	N/A
C4	Screening of bedroom windows is optional and dimensions are not restricted.	The proposed alterations and additions do not include new bedrooms.	N/A
<b>2.12 Acoustic privacy</b>			

C1	Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.	As above.	N/A
C2	Bedroom windows in new dwellings that would be located at or close to ground level are to be raised above, or screened from, any shared pedestrian pathway.	As above.	N/A
C3	Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.	The proposed alterations and additions do not include living rooms or bedrooms.	N/A
C4	Address all requirements in 'Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)' published by the NSW Department of Planning.	The site is not located near a rail corridor or busy road.	N/A
<b>Fences and Ancillary Development</b>			
<b>2.13 Fences</b>			
C1	Provide boundary definition by construction of an open fence or hedge to the front street boundary.	The proposed alterations and additions include a new fence along the street boundary.	✓
C2	Front fences within the front boundary setback are to be no higher than 1.2m.	The proposed alterations and additions do not include fences within the front setback.	N/A
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.	Existing side and rear fences are to be retained.	N/A
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 site has a single street frontage.	N/A
C5	Front fences shall not be taller than 1.2m.	Maximum: 1.2 metres Proposed: 1.2 metres	✓
C6	Screens with a minimum of 50% transparency may be up to 1.8m high along the front boundary.	As above.	N/A
C7	Landscaping should not include visually solid hedges that may conceal intruders.	The proposed alterations and additions do not include landscaping.	N/A
<b>2.14 Outbuildings and swimming pools</b>			
		There is no existing swimming pool within the site. The existing shed is to be retained. The proposed alterations and additions do not include new outbuildings or swimming pools.	N/A
<b>2.15 Building services</b>			
		The proposed alterations and additions do not include or require any new building services.	N/A