



**WESTERN SYDNEY PLANNING**

SPECIALIST PLANNING AND DEVELOPMENT ADVISORY CONSULTANCY

## STATEMENT OF ENVIRONMENTAL EFFECTS

# Proposed Construction of a Detached Studio and Garage

On behalf of  
Semaan and Jackie Semaan

June 2024

**Western Sydney Planning**

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# 1 Introduction

## 1.1 Background

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Semaan and Jackie Semaan (client) to support a Development Application (DA) to the Canterbury Bankstown Council (Council) for Construction of a Detached Studio and Garage at 15 Windsor Avenue, Croydon Park (the site).

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

The subject site historically has obtained vehicular access across 17 Windsor Avenue via an easement to an existing garage. A boundary adjustment with No. 17 was undertaken in 2017 which excised a portion of land from the rear of No. 17 and included it within No. 15. In doing this, improved vehicular access can be obtained across the development site without relying on an easement.

## 1.2 Structure of the SEE

This SEE includes an assessment of the proposed works in terms of the matters for consideration listed at Section 4.15 of the EP&A Act. It should be read in conjunction with the following information:

Appendix 1 Architectural Plans

Appendix 2 Site Survey

Appendix 3 Stormwater Plan

Specifically, the SEE:

- Describes the site in its local context,
- Describes the proposed works,
- Identifies and addresses relevant Council and State controls, policies, and guidelines,
- Identifies and addresses the potential environmental considerations of the proposal, and
- Provides potential measures for minimising or managing the potential environmental considerations.

1.3 Proponent and Project Team

The DA and SEE have been prepared on behalf of Semaan and Jackie Semaan. The project team is listed in Table 1.

Table 1. Project Team	
Discipline	Consultant
Urban Planning	Western Sydney Planning
Architectural Plans	Advanced Architecture & Construction
Site Survey	New South Surveys Pty Ltd
Stormwater	United Consulting Engineers

2 The Site

2.1 Site Background

The site is located on land known as 15 Windsor Avenue, legally referred to as Lot 1 DP1243874. It is within the Canterbury Bankstown Local Government Area (LGA).

The site is located to the north of Balmoral Park, approximately 760m south-west of Croydon Park Public School, 460m north of Cooks River, and 500m south-west of the Croydon Park commercial centre.

The site comprises a single, irregular shaped allotment with a primary frontage to Windsor Avenue of 10.06m to the east, a secondary south facing frontage to President Street of 6.665m.

The site is zoned R2 Low Density Residential. As indicated in Figure 1, the surrounding area is characterised by predominately single dwellings, semi-detached dwellings, and townhouses.

A Survey Plan for the site has been provided in Appendix 2 which identifies the existing conditions, including structures on site.

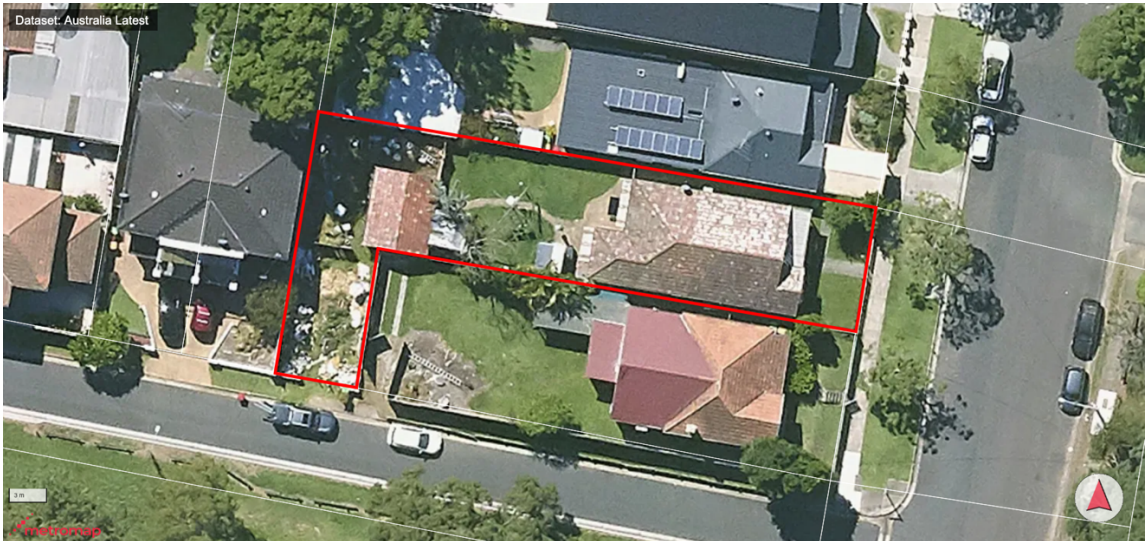


Figure 1 Subject Site. Source: MetroMap

2.3 Site Description

Table 2 provides the legal description, and a brief summary of the site and surrounding context.

Table 2. Site Description	
Item	Description
Legal Description:	Lot 1 within Deposited Plan 1243874
Total Area	534.2m <sup>2</sup>
Location	<p>The site has an east facing primary frontage of approximately 10.06m to Windsor Avenue and a south facing, secondary frontage of 6.665m to President Street.</p> <p>The site is zoned R2 Low Density Residential. As indicated in <b>Figure 1</b>, the surrounding area is characterised by predominately single dwellings, semi-detached dwellings, and townhouses.</p>
Street Frontage	The site has an east facing primary frontage of approximately 10.06m to Windsor Avenue and a south facing, secondary frontage of 6.665m to President Street.
Site Description	The site comprises an irregular shaped lot and has been developed with a dwelling house to the eastern end of the site and an existing garage to the west.
Previous Uses	The site has historically been used for the purposes of residential.
Surrounding Context	The adjoining properties are occupied by low and medium density residential dwellings, including semi-detached dwellings and townhouses.

The site’s surrounding development context is presented in the following figures.



**Figure 2** View of the subject site from the Windsor Avenue frontage. Source: Western Sydney Planning



**Figure 3** View of President Street looking west. Source: Western Sydney Planning



**Figure 4** View of subject site from President Street. Source: Western Sydney Planning



**Figure 5** View of the adjoining site to the west. Source: Western Sydney Planning



**Figure 6** View of the adjoining site to the west. Source: Western Sydney Planning



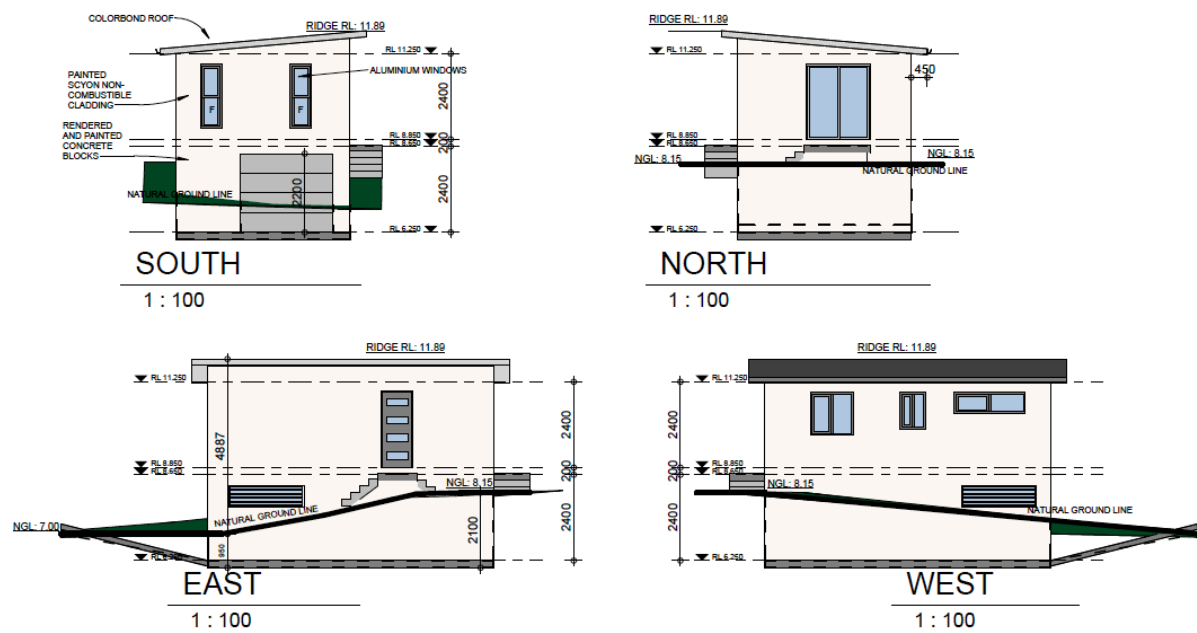


Figure 9 Elevations. Source: Advanced Architecture & Construction

## 4 Planning Assessment

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

The Building Sustainability Index (BASIX) was introduced to deliver equitable water and greenhouse gas reductions across the state. It sets water and energy reduction targets for new houses and units and ensures a consistent and successful implementation of targets by overriding competing provisions in other environmental planning instruments and development controls. A BASIX assessment is required for renovations of \$50,000 or more to an existing dwelling. As such, a BASIX Certificate is required for the proposal.

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

#### 4.2.1 Chapter 4 Remediation of land

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(1)(a) states that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) is the primary local planning instrument applying to the site. An assessment against the relevant development standards applying to the site has been provided below.

Table 3. Canterbury-Bankstown Local Environmental Plan 2023


Item	Description	Compliance
Zoning	<p>The site is zoned <b>R2 Low Density Residential</b>.</p>  <p><b>Figure 10</b> Land zone map. Source: NSW Spatial Viewer</p> <p>Objectives of the R2 zone are as follows:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <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> <li>To ensure suitable landscaping in the low-density residential environment.</li> <li>To minimise and manage traffic and parking impacts.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>	<p><b>Complies</b></p> <p>The proposed ancillary works retain the existing residential use which is permissible in the zone. The proposed works provide for a consistent, low-impact residential development that retains the values of the land. In particular, the proposal minimises and manages traffic and parking impacts. Now the boundary adjustment has occurred between 15 and 17 Windsor Avenue, there is no need to provide an easement for access. The existing parking arrangement is considered inadequate in the context of the site and an improved, formal parking is required. The proposed garage and access from President Street is a significant improvement on existing access, improving the vehicle and pedestrian safety.</p> <p>The proposed works provide a compatible and consistent development that will not detract from the provision of infrastructure beyond the existing development. The works are minor and seek to improve the function and operation of the existing residential land use.</p>

Table 3. Canterbury-Bankstown Local Environmental Plan 2023



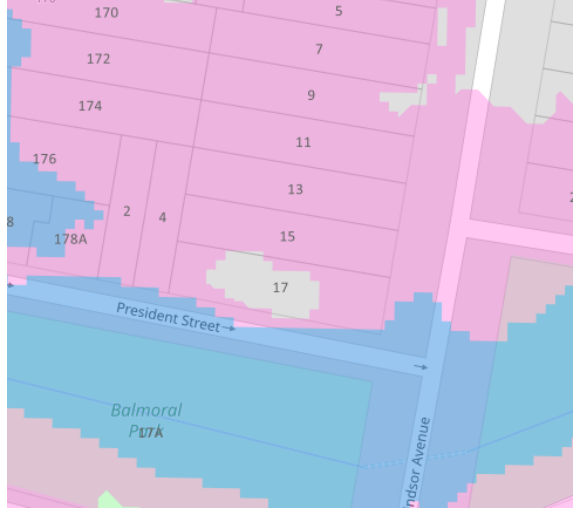
Item	Description	Compliance
	<ul style="list-style-type: none"> <li>To promote a high standard of urban design and local amenity.</li> </ul>	
4.3 Height of buildings	<p>The site is subject to an 8.5m building height control.</p>  <p><b>Figure 11</b> Height of buildings map. Source: NSW Spatial Viewer</p>	<p><b>Complies</b></p> <p>The proposed studio will measure 4.887m from existing ground level, therefore readily complying with the maximum building height control.</p>
4.4 Floor Space Ratio	<p>The site is subject to a maximum FSR control of 0.5:1.</p>  <p><b>Figure 12</b> Floor Space Ratio map. Source: NSW Spatial Viewer</p>	<p><b>Complies</b></p> <p>The proposed studio measures 36m<sup>2</sup>. The total GFA on the site is 182m<sup>2</sup>, resulting in an FSR of 0.32:1.</p>
5.10 Heritage Conservation	<p>The site is not classified as a heritage item or as being within a heritage conservation area. The site is not within the vicinity of a heritage item or heritage conservation area.</p>	N/A

Table 3. Canterbury-Bankstown Local Environmental Plan 2023

Item	Description	Compliance
5.21 Flood Planning	<p>The site is identified as being a PMF flood affected lot.</p>  <p><b>Figure 13 Flood Map.</b> Source: Canterbury-Bankstown Council</p>	<p><b>Complies</b></p> <p>The subject site is identified within the probable maximum flood extent; therefore, no flood controls are applicable to the proposal.</p> <p>Notwithstanding, the proposal is supported by a Stormwater System Report, and the proposed driveway crest is 100mm above the flood level.</p>
6.2 Earthworks	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p><b>Complies</b></p> <p>The proposal involves minor earthworks to accommodate for the proposed driveway and garage. The earthworks will not adversely impact on the environmental functions or process of the land, nor impact on the amenity of neighbouring land.</p>
6.11 Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> </ul> <p>suitable vehicular access.</p>	<p><b>Complies</b></p> <p>The existing site is connected to essential services.</p>

## 4.5 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan 2023 (CBDPC 2023) is the primary Development Control Plan that applies to the site and sets out the core controls for the site. An assessment against the relevant development controls applying to the site has been completed below.

Table 4. Canterbury-Bankstown Development Control Plan 2023

Control	Provision	Compliance
<b>Chapter 2.2 – Flood Risk Management</b>		
Section 2.2 Flood risk precincts	<b>Low flood risk precinct</b> Low Flood Risk Precinct is defined as all other land within the floodplain (within the extent of the probable maximum flood) but not identified within either the High Flood Risk or the Medium Flood Risk Precinct. The risk of damages due to flood event in low flood risk precinct is low for most of the land uses.	<b>Complies</b> The subject site is identified within the probable maximum flood extent (refer to clause 5.21 of LEP above), therefore in the low flood risk precinct within the low flood risk precinct. There are no applicable controls for the proposed development. Notwithstanding, the proposal is supported by a Stormwater System Report, and the proposed driveway crest is 100mm above the flood level.
<b>Chapter 3 General Requirements</b>		
<b>Chapter 3.2 - Parking</b>		
Section 2 Off-Street Parking Rates	Dwelling houses: 2 Spaces	<b>Capable of compliance, on merit</b> The proposal provides one (1) off-street car space. Due to the constraints of the site including the existing dwelling to Windsor Avenue frontage, and the narrow secondary frontage to President Street, it is not practicable to provide two (2) car spaces. Notwithstanding, the proposal is considered acceptable on merit and worthy of Council's support.
Section 3 Design and Layout	<u>Access driveway width and design</u> The location of driveways to properties should allow the shortest, most direct access over the nature strip from the	<b>Complies</b> The proposed driveway is a minimum width of 3m, in

Table 4. Canterbury-Bankstown Development Control Plan 2023

Control	Provision	Compliance
	road.  The appropriate driveway width is dependent on the type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility.	accordance with the control. While the location of the driveway is appropriate in the context of the site, providing an efficient and safe
<b>Chapter 5 Residential Accommodation</b>		
<b>5.2 Former Canterbury LGA</b>		
Section 2 – Dwelling Houses and Outbuildings	<u>Objectives</u> <ol style="list-style-type: none"> <li>1. To ensure all neighbourhoods are safe and comfortable.</li> <li>2. To ensure a diversity of well-designed dwellings that are sympathetic to the density and function of each neighbourhood.</li> <li>3. To ensure residential streets and yards are green and leafy, with substantial tree canopy.</li> <li>4. To ensure buildings are adequately setback from existing structures to facilitate household activities and landscaping.</li> <li>5. To ensure that development provides good amenity, solar access and privacy for occupiers of new and existing buildings.</li> <li>6. To ensure that development is of a high quality design, appearance and performance.</li> </ol>	
2.2 Site Coverage	Maximum floor area of all outbuildings: 45m <sup>2</sup>  Maximum site coverage of all structure on a site: 50%	<b>Complies</b>  The proposal results in a maximum site coverage of 38% or 208m <sup>2</sup> .
2.3 Landscaping	Minimum deep soil area (% of site area): 20%	<b>Complies</b>  The proposal results in a minimum 40% or 216m <sup>2</sup> of deep soil area with a minimum width of 2.5m.
2.4 Layout and Orientation	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	<b>Complies</b>  The proposal including studio is orientated to the north to maximise solar access.
	Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.	<b>Complies</b>  Due to the northerly aspect, the proposal will not result in adverse impact on the adjoining properties to the east and west.

Table 4. Canterbury-Bankstown Development Control Plan 2023

Control	Provision	Compliance
	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	<b>Complies</b>  The design and orientation of the studio and south facing windows orientated to the street will ensure casual surveillance is provided.
2.5 Height	A maximum two storey-built form.	<b>Complies</b>  The proposal is single storey with the proposed garage predominately below natural ground level, minimising the bulk and scale of the built form.
	A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.	<b>Complies</b>  The external wall height is less than 7m.
	A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.	<b>Not applicable</b>
	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.	<b>Complies</b>  The finished ground floor level does not exceed 1m above the natural ground level. The proposed skillion roof is appropriate and will not detract from the amenity of the streetscape and wider locality. Skillion roofs are not uncommon in the wider locality with evidence of such roofs across the LGA.
2.6 Setbacks	<u>Front Setback:</u>  Minimum 5.5 from the front boundary  <u>Exceptions and other requirements</u>  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.	<b>Capable of compliance, on merit</b>  The proposed studio and garage are setback 4m from the President Street frontage. The proposed setback is more than the 3.8m average of the two (2) adjoining properties, as per the supporting architectural plans.  The DCP permits variations to

Table 4. Canterbury-Bankstown Development Control Plan 2023

Control	Provision	Compliance
		<p>the front setback control in the case of a single garage or carport which may be constructed with a nil setback to a rear laneway, subject to not comprising more than 50% of the rear boundary frontage and not be wider than 6m.</p> <p>Although not technically a laneway, for the purposes of considering this development, President Street, may be considered on merit a laneway. Due to the narrow secondary frontage to President Street, it is not possible to comply with the maximum 50% frontage control; however, the garage does not exceed 6m in width.</p> <p>Further, the location of the existing shed prevents the studio and garage from being setback further and complying with the control. A merit assessment of the setback control is warranted in the context of the site which is highly irregular. Sufficient separation is maintained with deep soil landscaping provided within the setback to President Street.</p>
	<p><u>Side Setbacks:</u></p> <p>Minimum setback of 900mm from side boundaries.</p>	<p><b>Complies</b></p> <p>The garage and studio are setback 900m to the eastern and western side boundaries.</p>
2.10 Solar access and overshadowing	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><b>Complies</b></p> <p>Due to the siting of the proposal and orientation of the site, the proposal will not adversely impact on solar access to the dwelling on the subject site or to adjoining dwellings on neighbouring</p>

Table 4. Canterbury-Bankstown Development Control Plan 2023

Control	Provision	Compliance
		sites.
	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.	<b>Complies</b> Primary living areas of nearby adjoining dwellings will not be adversely impacted.
	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.	<b>Complies</b> Adjoining areas of private open space will not be impacted by the proposal.
2.11 Visual privacy	Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	<b>Complies</b> New window openings on the western elevation have been limited with suitable sill heights to minimise overlooking. The studio is located forward of the adjacent dwelling to the west ensuring the new windows are offset from windows on the eastern elevation of the adjacent dwelling.

## 5 Environmental Assessment

Western Sydney Planning has undertaken an assessment of the proposal against potential environmental impacts, site suitability and the public interest in accordance with Section 4.15 of the EP&A Act. The potential environmental impacts and their mitigation measures are discussed below.

### 5.1 Built Form

The proposed built form of the garage and studio includes a single storey form with a basement garage. Due to the slope of the land a basement garage is considered appropriate to achieve suitable access from President Street and within the site. The built form will present as a compatible single storey form from President Street.

The proposal will sit comfortably within the prescribed maximum building height control. The resulting built form remains consistent with the existing built form character of other dwellings and ancillary structures in the neighbourhood, which include one and two storey buildings. The overall building height is not inconsistent with the surrounding character. Furthermore, it is also established that there will be minimal impacts on overshadowing and visual privacy given the mitigation measures implemented, including through landscaping and building separation as discussed in this report.

The materials and colours of the development will maintain consistency with that of the character of the locality, incorporating neutral and earthy tones with cladding and blockwork materials as detailed in the Architectural Plans prepared by Advanced Architecture & Construction Pty Ltd.

As demonstrated in these Plans, careful consideration has been given to the architectural design of the building to ensure that a desirable development outcome is able to be achieved at the subject site. Extensive work has been undertaken to ensure that the proposed development achieves appropriate visual, acoustic and privacy outcomes and is consistent with the streetscape when viewed from President Street and neighbouring properties.

Overall, it is considered that the proposed development provides a highly desirable development outcome at the subject site that responds to the environmental sensitivities of the land.

### 5.2 Overshadowing and Amenity

The site's north-south orientation results in minimal overshadowing of the eastern and western adjoining properties. The overall solar access provided to the development site and adjoining sites is excellent given the favourable orientation of the site and high-quality design of the proposal having regard for the planning controls.

Overall, the development retains reasonable solar access to principal living areas and private open space within the development site and to adjoining sites.

### 5.3 Privacy and Views

The proposal maintains appropriate separation to adjoining residential properties. The proposal will provide generous, compliant setbacks and separation to adjacent dwellings. Coupled with this, the site will provide suitable deep soil areas capable of high-quality landscaping, ensuring privacy impacts within the development site and to adjoining sites are minimised. Further, the design of the studio has purposely ensured window placement and sill heights are appropriate to ensure maximum privacy for all surrounding sites.

It is not anticipated that existing views or vistas will be adversely affected with existing views to the east being retained for the enjoyment of occupants of the subject site and surrounding sites.

## 5.4 Waste Management

A Waste Management Plan (WMP) has been provided and accompanies this DA submission. This Plan sets out waste management policies and processes for the demolition and construction phases of the proposed development. The WMP demonstrates compliance with the CBDP 2023 in relation to the provision of waste facilities required for residential developments.

## 6 Site Suitability and Public Interest

### 6.1 Site Suitability

The proposed development is considered to be suitable for the site for the following reasons:

- The proposal is consistent with the objectives of the subject zone;
- The proposal improves the quality of the existing use of the site for residential purposes;
- The proposal provides a high quality architecturally designed landscape.
- The proposal is largely consistent with the key planning controls applicable to the site;
- The proposal will not result in any adverse impacts on the environment; and
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

### 6.2 Public Interest

The proposed development is considered to be within the public interest for the following reasons:

- The proposal is consistent with the zone objectives and controls within the LEP;
- The proposal is overly consistent with the DCP provisions;
- The proposal will not create any significant amenity impacts with regard to overshadowing, privacy and view loss;
- The proposal maintains appropriate deep soil landscaping on site;
- The proposed materials will be sympathetic to the existing character of the streetscape; and
- The proposal will improve the amenity of the site.

## 7 Section 4.15 Compliance Summary

The table below provides an assessment of the matters referred to in S.4.15 (1) of the EP&A Act 1979.

Table 5. Section 4.15 Assessment Summary

Clause No.	Clause	Assessment
(1)	Matters for consideration—general  In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of:  Any environmental planning instrument, and	The development has been considered in line with the Canterbury-Bankstown <i>Local Environmental Plan 2023</i> and other relevant EPIs and has been shown to be consistent with the relevant provisions.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not Applicable
(iii)	Any development control plan, and	The development has been considered against the provision of the <i>Canterbury-Bankstown Development Control Plan 2023</i> and is largely compliant with its controls – See Section 4.5 of the SEE.
(iiia)	Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	Not Applicable
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not Applicable
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not Applicable
(b)	The likely impacts of that development, including environmental impacts on both the natural and built	The proposed works are well-located, ensuring the impact on the natural environment is minimised, while the garage and studio will not result in adverse

Table 5. Section 4.15 Assessment Summary

Clause No.	Clause	Assessment
	environments, and social and economic impacts in the locality,	impact on the surrounding built environment. The proposal remains sympathetic to the streetscape and to the existing character of the locality. The proposal provides a high-quality design with materials complimenting the surrounding area.
(c)	The suitability of the site for the development,	The site is considered suitable for the development given its existing residential use, its zoning, and location.
(d)	Any submissions made in accordance with this Act or the regulations,	To be considered following exhibition.
(e)	The public interest.	The development is considered to be in the public interest and serves to be sympathetic to the existing character of the locality.

## 8 Conclusion

This SEE has been prepared on behalf of Semaan and Jackie Semaan to support a development application to the Canterbury-Bankstown Council for the proposed garage, studio and driveway.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (**the Act**).

The proposed garage, studio and driveway will not have any significant environmental impacts, will not change the use or nature of the site, and will be sympathetic to the existing character of the locality.

The proposal will comply with the relevant CBDP 2023 controls applying to the site and are largely compliant with the relevant DCP controls.

A Planning and Environmental Assessment has been undertaken in Section 4 of this report, supported by additional consultant studies as per the requirements of Council. The environmental assessment found the associated impacts of the proposal are considered to be minimal and manageable. Hence, the outcomes of the proposal:

- Is a suitable development for the subject site;
- Responds to the street alignment and surrounding scale;
- Is sympathetic to the existing character of the locality.
- Provides sufficient landscaping;
- Provides visual privacy;
- Generates no adverse overshadowing to adjoining properties;
- Has obtained BASIX certification; and
- Is in the public interest

Therefore, we request that Council recommend that the proposed development be granted development approval.